

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI,	) ED94500
	)
Plaintiff/Respondent,	) Appeal from the Circuit Court
	) of the City of St. Louis
v.	)
	) Hon. Thomas C. Clark II
BRANDON McKINNEY,	)
	) Filed: March 22, 2011
Defendant/Appellant.	)

Brandon McKinney (Appellant) appeals from the trial court's judgment and sentence entered upon a jury verdict finding him guilty of second-degree domestic assault.

AFFIRMED.

Division Three Holds: The trial court did not abuse its discretion in overruling Appellant's motion to exclude and in admitting the 911 tape at trial, because the contents of the tape came under the present sense impression exception to hearsay.

Opinion by: Sherri B. Sullivan, P.J. Clifford H. Ahrens, J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant: Brocca L. Smith

Attorneys for Respondent: Shaun J. Mackelprang and Daniel K. Jacob

<b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b>
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