

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

**DIVISION TWO**

STATE OF MISSOURI,	)	No. ED95851
	)	
Respondent,	)	Appeal from the Circuit Court of
	)	St. Louis City
v.	)	Cause No. 0922-CR-5763
	)	Honorable John J. Riley
NSENGIYUMVA PASCALE,	)	
	)	
Appellant.	)	Filed: November 8, 2011

Appellant Nsengiyumva Pascale appeals the conviction of domestic assault in the second degree and assault in the second degree.

**AFFIRMED.**

**DIVISION TWO HOLDS:** The trial court did not err in allowing evidence that Pascale had physically abused his stepdaughter on three occasions despite Pascale’s claims that these instances constituted inadmissible uncharged bad acts. As to the first occasion, the issue is procedurally barred, and Pascale is unable to demonstrate prejudice regardless. With regard to the second, defense counsel opened the door to the line of questioning. As to the third instance, the testimony was inseparable from admissible evidence.

Opinion by: Kenneth M. Romines, J.  
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Timothy Forneris

Attorneys for Respondent: Daniel M. McPherson

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