

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI, Respondent,)	No. ED96029
)	
vs.)	Appeal from the Circuit Court
)	of the City of St. Louis
ROBERT LEE MANGUM, Appellant.)	Filed: January 8, 2013

Defendant Robert Lee Mangum appeals the judgment entered upon a jury verdict finding him guilty of one count of first-degree domestic assault, Section 565.072 RSMo 2000; one count of first-degree assault, Section 565.050 RSMo 2000; and two counts of armed criminal action, Section 571.015 RSMo 2000. Defendant challenges the sufficiency of the evidence to sustain his conviction for first-degree assault. He also challenges the self-defense instructions submitted by the trial court, alleging the trial court plainly erred in failing to *sua sponte* modify the instructions to reflect that his use of deadly force in self-defense was based upon an attack by multiple assailants.

JUDGMENT REVERSED; CAUSE REMANDED

DIVISION FOUR HOLDS: The State presented sufficient evidence to sustain defendant's conviction for first-degree assault. However, the trial court plainly erred in failing to modify the self-defense instructions, and thus we reverse the judgment of conviction and remand for a new trial before a properly instructed jury.

Opinion by: Lawrence E. Mooney, P.J. Patricia L. Cohen, J., and Kurt S. Odenwald, J. concur.

Attorney for Appellant: Timothy Forneris

Attorneys for Respondent: Chris Koster and Daniel L. McPherson

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