

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,) No. ED96771
)
 Respondent,) Appeal from the Circuit Court
) of the City of St. Louis
 v.) 0922-CR03926-01
)
 BRANDON WHITBY,) Honorable David C. Mason
)
 Appellant.) Filed: April 24, 2012

Brandon Whitby (Appellant) appeals the trial court’s judgment of murder in the second degree and felony abuse of a child. Appellant challenges the propriety of the State’s closing argument and the sufficiency of the evidence for conviction.

AFFIRMED.

Division One Holds: The trial court did not abuse its discretion or plainly err in allowing the State’s closing argument, including statements that Victim was running away from Appellant, that Appellant hunted him like an animal, and that the one who injured and killed Victim was a monster. There was sufficient evidence by which a reasonable trier of fact could have found that Appellant and no one else caused Victim’s injuries and his death.

Opinion by: Gary M. Gaertner, Jr., J.
 Clifford H. Ahrens, P.J., and Roy L. Richter, J., concur.

Attorney for Appellant: Andrew E. Zleit

Attorney for Respondent: Chris Koster
 Richard A. Starnes

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.