

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED99176
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
EDWARD BATTLE,)	Honorable John F. Garvey
)	
Defendant/Appellant.)	Filed: December 17, 2013

Edward Battle (Appellant) appeals from the trial court’s judgment convicting him of the class C felony of second-degree domestic assault as a prior and persistent offender.

On appeal, Appellant argues the trial court erred in admitting testimony from the arresting officer regarding the visibility of bruising on the victim and in denying his motion for judgment of acquittal at the close of all evidence because the State failed to make a submissible case by failing to prove Appellant attempted to cause physical injury to the victim.

AFFIRMED.

Division Two Holds: The trial court properly admitted the arresting officer’s testimony regarding bruising as it was the officer’s opinion and personal observations based on her law enforcement experience. The trial court also properly denied Appellant’s motion for judgment of acquittal, as the State presented sufficient evidence from which a reasonable trier of fact could have found Appellant attempted to cause physical injury to the victim by choking her.

Opinion by: Sherri B. Sullivan, J. Lawrence E. Mooney, P.J. and Robert G. Dowd, Jr., J.,
concur.

Attorney for Appellant: Maleaner Harvey
Attorneys for Respondent: Daniel N. McPherson

<p>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.</p>
