

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,)	No. ED 99422
)	
Respondent,)	Appeal from the Circuit Court of
)	Cape Girardeau County
vs.)	
)	
WALTER M. BROOKINS,)	Hon. Benjamin F. Lewis
)	
Appellant.)	FILED: October 1, 2013

Walter Brookins (Defendant) appeals the trial court’s judgment and sentence after a bench trial on charges of second-degree assault and armed criminal action. Defendant asserts that the evidence was insufficient to establish that the 10-inch butcher knife used against the victim was a deadly weapon as defined in the assault statute.

AFFIRMED.

DIVISION ONE HOLDS: Unlike “dangerous instruments,” which are ordinary objects that only become dangerous when used in a certain manner, a 10-inch butcher knife is inherently dangerous and, according to Missouri precedent, qualifies as a “dagger” within the definition of “deadly weapon” under §556.061(10).

Opinion by: Clifford H. Ahrens, J Roy L. Richter, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Samuel Buffaloe

Attorney for Respondent: Chris Koster

**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.**