

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

v.

JOHN P. JONES,

Respondent,

Appellant.

DOCKET NUMBER WD71021

Date: September 21, 2010

Appeal from:
Jackson County Circuit Court
The Honorable David M. Byrn, Judge

Appellate Judges:
Division Four: Lisa White Hardwick, C.J., Presiding, James E. Welsh and Karen K. Mitchell, JJ.

Attorneys:
Susan E. Summers, Esq., Kansas City, MO, for appellant.
Shaun J. Mackelprang, Esq., Evan J. Buchheim, Esq., Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI,

Respondent,

v.

JOHN P. JONES,

Appellant.

WD71021

Jackson County

Before Division Four: Lisa White Hardwick, C.J., Presiding,
James E. Welsh and Karen K. Mitchell, JJ.

John Jones appeals his conviction for second-degree murder and armed criminal action. He contends the circuit court erred in excluding the testimony of an expert witness regarding the general effects of cocaine and alcohol intoxication. Jones asserts the evidence was relevant to prove that he acted in self defense based on the victim's conduct.

AFFIRMED.

Division Four holds: The circuit court did not abuse its discretion in excluding the expert's testimony because there was nothing in the record to establish that the victim show signs of intoxication. Under these circumstances, the expert's testimony would not have helped the jury and would only have diverted the jury's attention from the relevant issues in the case. The judgment is affirmed.

Opinion by: Lisa White Hardwick, Judge

September 21, 2010

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