

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

CORNELIUS D. MOORE.

Appellant

DOCKET NUMBER WD75492

DATE: OCTOBER 1, 2013

Appeal From:

Circuit Court of Platte County, MO
The Honorable Owens Lee Hull JR, Judge

Appellate Judges:

Division One
Victor C. Howard, P.J., Joseph M. Ellis, and Anthony Rex Gabbert, JJ.

Attorneys:

Shaun Mackelprang, Jefferson City, MO, Counsel for Respondent,

Attorneys:

Damien Sepher Bhakti De Loyola, Kansas City, MO, Counsel for Appellant

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.
CORNELIUS D. MOORE, Appellant**

WD75492

Platte County

Before Division One Judges: Victor C. Howard, P.J., Joseph M. Ellis, and Anthony Rex Gabbert, JJ.

Cornelius D. Moore appeals the circuit court’s judgment finding him guilty of assault in the first degree. Moore argues that (1) the court failed to assent to his waiver of a jury trial and manifest injustice resulted; and (2) he did not knowingly, voluntarily, and intelligently waive his right to a jury trial.

AFFIRM.

Division One holds:

The circuit court did not plainly err when it conducted a bench trial because Moore’s signed written waiver and the court’s procedure, pursuant to Rule 27.01(b), was sufficient to demonstrate that his waiver was knowingly, voluntarily, and intelligently made and, as a result, the court assented to the waiver. Furthermore, Moore has failed to demonstrate that manifest injustice occurred when the court assented to his waiver and conducted a bench trial.

Opinion by Anthony Rex Gabbert, Judge

Date: October 1, 2013

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