OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

QUINTIN C. GRAY, SR.,	)	No. ED97667
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Robert H. Dierker, Jr.
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: September 11, 2012

Quintin C. Gray (Gray) appeals from the motion court's denial, without an evidentiary hearing, of his motion for post-conviction relief. Gray's motion for post-conviction relief alleged, first, that trial counsel was ineffective for failing to preserve for appellate review the issue of whether his Fourth Amendment right to be free from unreasonable searches and seizures was violated. Gray's second point claimed trial counsel was ineffective for opening the door to damaging testimony regarding the drug possession and charges made against the person accompanying Gray at the time of his arrest. On appeal, Gray claims that the motion court erred in denying his motion for post-conviction relief and for failing to issue findings of fact and conclusions of law on the second point.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division IV holds: Finding no error, we affirm the judgment of the motion court with regard to Gray's allegation that trial counsel was ineffective for failing preserve an issue for appellate review. However, we hold the motion court clearly erred in failing to issue findings of fact and conclusions of law on Gray's second point. We remand to the motion court to enter findings of fact and conclusions of law in accordance with Rule 29.15(j) regarding Gray's claim that counsel was ineffective for opening the door to testimony regarding the drug possession and charges made against the person accompanying Gray at the time of his arrest.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Lisa M. Stroup

Attorney for Respondent: Chris Koster and John M. Reeves

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.