

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

ALFRED JONES,	)	No. ED98065
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Michael P. David
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: December 26, 2012

Alfred Jones (“Jones”) appeals from the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief without an evidentiary hearing. On appeal, Jones claims first that trial counsel was constitutionally ineffective for failing to object, request a curative instruction, or request a mistrial after the State characterized Jones as a “predator” and his victims as the “perfect prey” during closing argument. Jones alleges such argument was improper personalization and a comment on his future dangerousness. In his second point on appeal, Jones claims that trial counsel was constitutionally ineffective for failing to request a curative instruction or a mistrial when the prosecutor called Jones’s defense “a load of crap” and “smoke and mirrors” during closing argument.

AFFIRMED.

Division Four holds: With regard to Jones’s first point, the record refutes his claim that trial counsel was ineffective for failing to object to the State’s closing argument or request a curative instruction or mistrial. The State’s characterization of Jones as a “predator” and his victims as the “perfect prey” did not constitute improper personalization or a comment on Jones’s future dangerousness. Trial counsel also was not ineffective for failing to request a curative instruction or mistrial when the State called Jones’s defense “a load of crap” and “smoke and mirrors.” Given the evidence of guilt presented at trial, Jones was not prejudiced by trial counsel’s failure to request a curative instruction or mistrial. Accordingly, we affirm the motion court’s judgment denying Jones’s motion for post-conviction relief without an evidentiary hearing.

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

Attorney for Appellants: Timothy J. Forneris

Attorney for Respondent: Chris Koster and Dora Fichter

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