OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

HENRY FRAZIER, Appellant,	)	No. ED99517
	)	Appeal from the Circuit Court of
vs.	)	the City of St. Louis
	)	Honorable David C. Mason
STATE OF MISSOURI, Respondent.	)	Filed: March 11, 2014

Henry Frazier (Movant) appeals the judgment of the Circuit Court of the City of St. Louis denying his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Movant claims that the motion court erred in denying his claims that: (1) trial counsel and appellate counsel were ineffective because they failed to withdraw due to a conflict of interest; (2) the prosecutor committed a Brady violation; and (3) trial counsel failed to investigate and impeach the victim.

AFFIRMED.

Division Four Holds: The motion court did not clearly err in denying Movant's Rule 29.15 motion for post-conviction relief because although the Missouri State Public Defender System concurrently represented Movant and his victim on unrelated matters, Movant failed to demonstrate an actual conflict of interest existed. The prosecutor's nondisclosure of the victim's prior convictions and pending cases did not constitute a Brady violation because the nondisclosure did not prejudice Movant in that trial counsel impeached the victim with two of his prior convictions and argued he lacked credibility during closing argument. Trial counsels' failure to investigate and impeach the victim using his prior convictions and pending cases did not constitute ineffective assistance of counsel because Movant was not prejudiced.

Opinion by: Patricia L. Cohen, J.
Lisa S. Van Amburg, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Kim C. Freter

Attorney for Respondent: Mary H. Moore

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.