

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

CHRISTOPHER J. IVORY,)	No. ED99916
)	
Movant/Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1222-CC10701
)	
STATE OF MISSOURI,)	Honorable John J. Riley
)	
Respondent.)	FILED: February 11, 2014

Christopher J. Ivory appeals from the motion court’s Findings of Fact, Conclusions of Law, and Judgment denying his Rule 29.15 Amended Motion to Vacate, Set Aside, or Correct Judgment and Sentence and Request for Evidentiary Hearing, alleging ineffective assistance of appellate counsel.

AFFIRMED.

Division Three Holds: (1) the motion court did not err in denying Movant’s claim of ineffective assistance of appellate counsel because his claims were not preserved for direct appeal as they were not included in his motion for new trial and, furthermore, the alleged issues Movant claims his appellate counsel failed to raise on direct appeal would not have likely resulted in reversal of his conviction; and (2) the motion court did not err in denying Movant’s claim of prosecutorial misconduct because claims of prosecutorial misconduct are to be brought up on direct appeal and are not cognizable in a Rule 29.15 proceeding and, furthermore, the prosecutor did not engage in any misconduct as her questions and comments were appropriate responses to Movant’s testimony.

Opinion by: Mary K. Hoff, P.J.
Kurt S. Odenwald, J., and Angela T. Quigless, J., Concur.

Attorney for Appellant: Timothy J. Forneris
Attorney for Respondent: Mary H. Moore

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