

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

BOBBY WRIGHT,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD77287

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: DECEMBER 23, 2014

Appeal From:

Circuit Court of Pettis County, MO
The Honorable Robert Lawrence Koffman, Judge

Appellate Judges:

Division One
Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Attorneys:

Adam Stephen Rowley, Jefferson City, MO,
Respondent

Counsel for

Attorneys:

Daniel L. Viers, Columbia, MO, Counsel for Appellant

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

BOBBY WRIGHT,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

WD77287

Pettis County

Before Division One Judges: Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Bobby Wright appeals the circuit court's denial of his Rule 24.035 motion for post-conviction relief. Wright contends that the circuit court erred by: (1) denying his Rule 24.035 motion because he was denied due process of law and effective assistance of counsel because his defense attorney had discussions concerning employment with the Pettis County Prosecutor's Office and accepted a position as a Pettis County Assistant Prosecuting Attorney during the time Wright's criminal case was pending and prior to his sentencing, thereby creating a conflict of interest prejudicing Wright; and (2) overruling his Rule 24.035 motion because his constitutional right to be free from double jeopardy was violated when he was convicted and sentenced for both manufacture of a controlled substance and possession with intent to deliver the same controlled substance under Section 195.211, RSMo Cum. Supp. 2014.

AFFIRMED

Division One Holds:

- (1) Wright failed to preserve his conflict of interest claim.

- (2) The circuit court did not clearly err in denying Wright's claim of double jeopardy as possession of marijuana with the intent to distribute and manufacturing marijuana contain different elements.

Opinion by Anthony Rex Gabbert, Judge

Date: 12/23/14

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