

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DEMARIO R. BELLO,  
APPELLANT  
vs.**

**STATE OF MISSOURI,  
RESPONDENT**

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DOCKET NUMBER WD77477

DATE: JUNE 30, 2015

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Appeal from:

The Circuit Court of Platte County, Missouri  
The Honorable Abe Shafer, IV, Judge

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Appellate Judges:

Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge, and Cynthia L. Martin, Judge

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Attorneys:

Gregory A. Doty, for Appellant

Shaun Mackelprang, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DEMARIO R. BELLO, APPELLANT**

**v.**

**STATE OF MISSOURI, RESPONDENT**

WD77477

Platte County, Missouri

Before Division Two Judges: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge, and Cynthia L. Martin, Judge

DeMario R. Bello pleaded guilty to felony charges of second degree assault of a law enforcement officer, resisting a lawful stop, and possession of a controlled substance, and misdemeanor driving while revoked and was sentenced by the court within the range of punishment. The court denied Bello's post-conviction motion claiming that: (1) plea counsel was ineffective for failing to object to the large number of uniformed police officers present in the courtroom at sentencing or to request that the number of uniformed police officers be limited or that off-duty officers be made to wear street clothes; and (2) Bello was abandoned by post-conviction counsel when claims from his pro se motion were not included in post-conviction counsel's amended motion. Bello appeals.

**AFFIRMED IN PART; DISMISSED IN PART.**

**Division Two Holds:**

Because (1) at sentencing, Bello's guilt had already been established, (2) the court, rather than a jury, decided Bello's sentence, and (3) trial proceedings are presumptively open; the presence of many uniformed officers at Bello's sentencing was not "inherently prejudicial" and any objection to such presence, numbers, and or uniforms would not have been meritorious. Counsel was not ineffective for failing to make a meritless objection.

Because Bello's complaint that post-conviction counsel "abandoned" potential claims by omitting pro se claims from the amended motion does not constitute abandonment, and because a post-conviction movant has no right to effective assistance of counsel, Bello's second point is not reviewable or cognizable on appeal.

**Opinion by: Victor C. Howard, Judge**

Date: June 30, 2015

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