OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JOEVALIS JOHNSON,	)	No. ED108539
	)	
Movant/Appellant,	)	
	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	Cause No. 1722-CC11479
	)	
STATE OF MISSOURI,	)	Honorable Steven R. Ohmer
	)	
Defendant/Respondent.	)	Filed: December 1, 2020

Joevalis Johnson ("Movant") appeals the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Movant raises two points on appeal. In his first point on appeal, Movant alleges the motion court clearly erred and abused its discretion in denying Movant's amended Rule 29.15 motion claim that Movant's trial counsel was ineffective for failing to object to the prosecutor's remarks in his opening and closing arguments regarding the rate at which alcohol metabolizes in the body because such arguments were irrelevant and improper. In his second point on appeal, Movant argues the motion court clearly erred in failing to make specific findings on Movant's *pro se* motion dated June 17, 2019 because the motion court is required to make findings of fact and conclusions of law on all issues presented, regardless of whether a hearing is held.

REVERSED AND REMANDED.

Division One Holds: The motion court's judgment is reversed and the case is remanded to the motion court to conduct an independent inquiry into whether Movant was abandoned by post-conviction counsel.

Opinion by: Colleen Dolan, P.J.

Mary K. Hoff, J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Kristina S. Olson

Attorney for Respondent: Julia E. Rives

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.