# In the Missouri Court of Appeals
# Eastern District

**DIVISION FOUR**

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| BILLY TAYLOR RABUN, | ) | No. ED108449 |
| | ) | |
| Appellant, | ) | Appeal from the Circuit Court |
| | ) | of the City of St. Louis |
| vs. | ) | |
| | ) | Honorable Annette Llewellyn |
| STATE OF MISSOURI, | ) | |
| | ) | |
| Respondent. | ) | FILED: December 15, 2020 |

Appellant Billy Taylor Rabun ("Movant") appeals from the motion court's denial of his Rule 29.15 amended motion after an evidentiary hearing. Movant contends the motion court clearly erred in denying his claim because (1) his trial counsel was ineffective in failing to object on the ground of "burden shifting" when the prosecutor asked Movant's alibi witness why she did not tell the police about his alibi, (2) his trial counsel was ineffective in failing to object to the admission of an exhibit that contained recorded phone calls on the ground that it lacked foundation, and (3) his appellate counsel was ineffective in failing to challenge the trial court's rulings with regard to the prosecutor's questioning of Movant's alibi witness as to her relationship with Movant's trial counsel.

AFFIRMED.

DIVISION FOUR HOLDS: The motion court did not clearly err in denying Movant's amended motion because (1) trial counsel was not ineffective in not objecting on the ground of "burden shifting" in response to the prosecutor's questioning of Movant's alibi witness, (2) trial counsel was not ineffective in not objecting to the exhibit containing recorded phone calls on the ground that it lacked foundation, and (3) appellate counsel was not ineffective in not challenging the trial court's rulings with regard to the prosecutor's questioning of Movant's alibi witness as to her relationship with Movant's trial counsel.

Opinion by: Michael E. Gardner, J.
Gary M. Gaertner, Jr., P.J., and Philip M. Hess, J., concur.

Attorney for Appellant: Susan A. DeGeorge

Attorney for Respondent: Garrick F.D. Aplin

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