In the Missouri Court of Appeals
Eastern District
DIVISION ONE

JAMEL YATES,	)	No. ED109043
	)	
Movant/Appellant,	)	
	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	Cause No. 1922-CC11667
	)	
STATE OF MISSOURI,	)	Honorable Bryan L. Hettenbach
	)	
Defendant/Respondent.	)	Filed: April 20, 2021

OPINION SUMMARY

Jamel Yates ("Movant") appeals the judgment denying his Rule 29.15 motion without an evidentiary hearing. Movant argues the motion court clearly erred in denying his claim that trial counsel was ineffective for failing to properly investigate allegations of juror misconduct and abused its discretion in denying post-conviction counsel's requests to contact jurors.

REVERSED AND REMANDED WITH DIRECTIONS.

Division One holds:

The motion court abused its discretion by denying post-conviction counsel's requests to contact jurors. The record contained a credible indication of juror misconduct, and post-conviction counsel reasonably requested contact with the jurors in order to prepare Movant's ineffective assistance claim. The motion court's findings of fact and conclusions of law denying that ineffectiveness claim without an evidentiary hearing are clearly erroneous. Any pleading deficiencies in the motion were the result of the motion court's erroneous denial of the request to contact jurors, and the record does not conclusively show that Movant is not entitled to relief.

Opinion by: Colleen Dolan, P.J.

Robert M. Clayton III, J., and Kelly C. Broniec, J., concur.

Attorney for Appellant: Kristina Starke Olson

Attorney for Respondent: Garrick F D Aplin