MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI

RESPONDENT,

v.

ROBERT F. SEATON

APPELLANT.

DOCKET NUMBER WD83787

DATE: June 29, 2021

Appeal From:

Platte County Circuit Court
The Honorable James W. Van Amburg, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge and Thomas N. Chapman, Judge

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Attorneys:

Karen L. Kramer, Jefferson City, MO, for respondent.

Damien De Loyola, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
ROBERT F. SEATON, APPELLANT.

WD83787 Platte County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Thomas N. Chapman, Judge

Robert F. Seaton appeals from a judgment denying his Rule 29.15 amended motion for postconviction relief following an evidentiary hearing. Seaton contends that the motion court clearly erred in denying his amended motion because trial counsel was ineffective by failing to object to admission of a portion of Seaton's video interview where Seaton invoked his right to remain silent, resulting in prejudice.

AFFIRMED.

Division Four holds:

1. Trial counsel is not ineffective for failing to object to admission of a portion of Seaton's video interview. Once Seaton revoked his waiver of the right to remain silent, the State was entitled to show the circumstances under which Seaton's interview terminated, so long as those circumstances did not involve a direct charge of guilt from which a reasonable inference of guilt could be drawn. Here, Seaton's assertion of his right to remain silent after first waiving the right did not directly implicate his guilt, or permit a reasonable inference of guilt.

2. Trial counsel's strategy to bolster Seaton's credibility by permitting the jury to see the video interview, including the invocation of rights after those rights had been waived, was not an unreasonable trial strategy.

> Once the defendant revokes the waiver of his right to remain silent, the state can show the circumstances under which an interrogation was terminated. Nonetheless, any evidence describing the conclusion of an interrogation must be carefully scrutinized. Evidence in regard to the conclusion of an interrogation which reveals that the defendant was failing to answer a direct charge of guilt is improper. Likewise, evidence which

reflects that the defendant "clammed up" under circumstances calling imperatively for an admission or denial should not be admitted. However, to the extent that no inference of guilt can reasonably be drawn from evidence describing the conclusion of an interrogation, it is admissible.

Opinion by: Cynthia L. Martin, Judge June 29, 2021

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