MISSOURI COURT OF APPEALS
WESTERN DISTRICT

HARRY J. WILLIAM,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD83859

Date: October 12, 2021

Appeal from:

Clay County Circuit Court
The Honorable Shane T. Alexander, Judge

Appellate Judges:

Division One: Alok Ahuja, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

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Attorneys:
Jeffrey C. Esparza, Kansas City for appellant.
Dora Fichter, Jefferson City for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

HARRY J. WILLIAM, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD83859 Clay County

Before Division One Judges: Alok Ahuja, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Harry William appeals from the judgment denying his Rule 29.15 motion after he was convicted of first-degree statutory rape. William contends the motion court erred in denying his claim that his appellate counsel was ineffective for failing to file a motion in the Missouri Supreme Court to transfer the case to that court after we affirmed his conviction and sentence on direct appeal.

AFFIRMED.

Division One holds:

The motion court did not clearly err in denying William's claim that his appellate counsel was ineffective for failing to file a motion in the Missouri Supreme Court to transfer the case to that court. Even if we assume that the Supreme Court would have not only granted transfer but also applied William's proposed three-factor test from *Gado v. State*, 882 N.E.2d 827, 830 (Ind. Ct. App. 2008), for determining whether an interpreter is required, he has not demonstrated a reasonable probability that the result of his appeal would have been different. When the factors from *Gado* are applied to the evidence in this case, the result is the same: a finding that the circuit court did not abuse its discretion in ruling that William readily spoke and understood English and, therefore, the appointment of an interpreter was not required to protect his constitutional rights.

Opinion by: Lisa White Hardwick, Judge October 12, 2021

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.