MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TRAVONE SHAW

APPELLANT,

v.

STATE OF MISSOURI

RESPONDENT.

DOCKET NUMBER WD83935

DATE: November 30, 2021

Appeal From:

Jackson County Circuit Court
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Anthony Rex Gabbert, Judge and Thomas N. Chapman, Judge

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Attorneys:

Rosemary E. Percival, Kansas City, MO, for appellant.

Shaun Mackelprang, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

TRAVONE SHAW, APPELLANT,

v.

STATE OF MISSOURI, RESPONDENT.

WD83935 Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Anthony Rex Gabbert, Judge, and Thomas N. Chapman, Judge

Travone Shaw ("Shaw") appeals from the motion court's denial of his Rule 29.15 post-conviction motion. Shaw asserts that the motion court committed clear error because his trial counsel was ineffective for failing to request that the instruction for involuntary manslaughter be amended to include a "reasonable juvenile" standard for assessing whether Shaw could have foreseen that the victim would have been killed as a result of his conduct.

AFFIRMED.

Division Four holds:

The motion court did not commit clear error in denying Shaw's claim of ineffective assistance of counsel because: (1) Shaw's amended motion failed to propose a modification to the involuntary manslaughter instruction, leaving the motion court to speculate about what Shaw claimed his trial counsel should have done; (2) the modification to the involuntary manslaughter instruction proposed by Shaw on appeal would not have accomplished the objective about which Shaw complains; (3) Shaw cited no authority for his position that the age of an accused implicates whether a jury can find that the essential elements of a crime have been committed; and (4) United States Supreme Court authority addressing whether a sentence imposed against a juvenile offender violates the Eighth Amendment's prohibition against cruel and unusual punishment, is not relevant to whether a juvenile should be held to a different standard in determining criminal responsibility when tried as an adult.

Opinion by: Cynthia L. Martin, Judge November 30, 2021

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