MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ANDREW KEITH STARK

APPELLANT,

v.

STATE OF MISSOURI

RESPONDENT.

DOCKET NUMBER WD84294

DATE: April 26, 2022

Appeal From:

Jackson County Circuit Court
The Honorable Jalilah Otto, Judge

Appellate Judges:

Division Four: Cynthia L. Martin, Chief Judge, Presiding, Edward R. Ardini, Jr., Judge and Janet Sutton, Judge

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Attorneys:

Keith Patrick O'Connor, Kansas City, MO, for appellant.

Gregory L. Barnes, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

ANDREW KEITH STARK, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

WD84294 Jackson County

Before Division Four Judges: Cynthia L. Martin, Chief Judge, Presiding, Edward R. Ardini, Jr., Judge, and Janet Sutton, Judge

Andrew Keith Stark appeals from the motion court's denial of his Rule 29.15 post-conviction motion. Stark asserts that the motion court committed clear error in denying his motion for post-conviction relief because his appellate counsel was ineffective for failing to raise a claim on direct appeal that the trial court abused its discretion when it permitted the State to amend its information on the morning of trial, and because his trial counsel was ineffective for failing to adequately object that the amended information prejudiced Stark's substantial rights.

AFFIRMED.

Division Four holds:

Because the Amended Information did not violate Rule 23.08, neither trial counsel nor appellate counsel can be deemed ineffective for failing to more effectively object to, or to challenge on appeal, the State's filing of the Amended Information.

Opinion by: Cynthia L. Martin, Judge April 26, 2022

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