Missouri Court of Appeals
Southern District

In Division

JAVONTA D. RAZOR,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

Filed: November 18, 2026

Case Number SD39160

Missouri Court of Appeals
Southern District

APPEAL FROM THE CIRCUIT COURT OF JASPER COUNTY

Honorable Gayle Lee Crane, Judge

AFFIRMED

Following several felony convictions for first-degree domestic assault, armed criminal action, stealing, and resisting arrest, Javonta D. Razor ("Movant") timely pursued post-conviction relief. One of Movant's claims alleged that his trial counsel was ineffective for failing to request a mistrial instead of a corrective instruction when, after the defense elicited testimony that certain blood stain evidence was never tested for DNA, the prosecutor asked the testifying Missouri Highway Patrol DNA analyst, "Did the

defense ask you to run any tests on any other blood?" The motion court denied this post-conviction relief claim, concluding that trial counsel acted "reasonably" in requesting a corrective instruction and that "there is no credible evidence that a mistrial would have been granted had it been requested." Movant appeals, challenging both conclusions in his sole point relied on. Finding no merit in Movant's point, we affirm.

This Court reviews a motion court's denial of a post-conviction relief motion to determine whether the motion court's findings and conclusions are clearly erroneous. Rule 29.15(k), Missouri Court Rules (2020). "Appellate courts presume the motion court's findings are correct and a judgment is clearly erroneous when, in light of the entire record, the court is left with the definite and firm impression that a mistake has been made." ***Flaherty v. State***, 694 S.W.3d 413, 416 (Mo. banc 2024) (internal quotation marks omitted). To be entitled to post-conviction relief for ineffective assistance of counsel, "a movant must demonstrate that: (1) his or her counsel failed to exercise the level of skill and diligence that a reasonably competent counsel would in a similar situation, and (2) he or she was prejudiced by that failure." ***Johnson v. State***, 406 S.W.3d 892, 898-99 (Mo. banc 2013).

In its written findings of fact and conclusions of law, the motion court found as follows:

> In paragraph 8(c), Movant alleged that his attorney provided ineffective assistance of counsel when he failed to request a mistrial after the State posed an improper question to its expert DNA witness during redirect examination. In support of this claim, Movant called [trial counsel] who

> testified that he objected to the question, his objection was sustained, and he believed that the trial court would have granted a mistrial had he asked for it, but that he wanted to discuss it with his client first because his client had been adamant about having a speedy trial.
>
> The record reflects that the trial court adjourned for lunch, giving Movant and his counsel an hour to discuss how they wanted to proceed. [Trial counsel] testified that *he explained to his client what a mistrial was, and the pros and cons of requesting one, but that ultimately, his client stated that he did not want to request a mistrial*. It was a paramount concern for the Movant that his case proceed to trial quickly, so much so that his case was tried with special procedures due to the COVID protocols then in place for court and jury trials. Instead, [trial counsel] requested, and received, a corrective instruction.

(Emphasis added.) These findings, revealing that Movant knowingly and voluntarily made the decision not to pursue a mistrial, are supported by the record and are not challenged by him on appeal.

We are guided by the holding of our high court in ***State v. Thomas***, involving an ineffective assistance claim based upon a failure to call witnesses, that "[i]t is not a breach of [the ineffective assistance of counsel] standard for the attorney, after fully informing his client, to accede to his client's demands, even if the attorney feels the choice is unwise." 625 S.W.2d 115, 123 (Mo. 1981). "The failure of a strategy knowingly and voluntarily pursued by the defendant does not entitle him to another try under the guise of ineffective assistance of counsel." ***Id.*** at 124. Subsequent cases are in accord with ***Thomas***. *E.g.*, ***Guinan v. State***, 769 S.W.2d 427, 429 (Mo. banc 1989) (citing ***Thomas*** in rejecting claim that counsel was ineffective for failing to request a recess after the trial's guilt phase where counsel urged defendant to attend the sentencing

phase but the defendant chose to leave); ***Johnson v. State***, 674 S.W.3d 22, 31-33 (Mo.App. 2023) (citing ***Guinan*** in rejecting claim that counsel was ineffective for entering into a "cell phone extraction" agreement with the prosecution that was the culmination of a process initiated at defendant's request); ***State v. Kobel***, 927 S.W.2d 455, 462 (Mo.App. 1996) (citing ***Thomas*** in rejecting claim that counsel was ineffective for failing to call a witness that defendant affirmatively told counsel not to call).

None of the authorities cited by Movant in his argument stand for the proposition that the principles espoused by ***Thomas*** and its progeny do not control here where trial counsel also acceded to Movant's wish not to seek a mistrial after discussing the pros and cons of doing so. Point denied.

The motion court's denial of post-conviction relief is affirmed.

BECKY J. WEST, C.J. – OPINION AUTHOR

MATTHEW P. HAMNER, J. – CONCURS

BRYAN E. NICKELL, J. – CONCURS