

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

DONALD HENNINGFELD,)	No. ED100922
)	
Movant/Appellant,)	Appeal from the City of
)	St. Louis Circuit Court
vs.)	
)	Honorable Robin R. Vannoy
STATE OF MISSOURI,)	
)	Filed: December 23, 2014
Respondent.)	

Donald Henningfeld (Movant) appeals the motion court’s judgment denying his Rule 29.15 motion for post-conviction relief after an evidentiary hearing following his convictions for forcible sodomy, second-degree assault, armed criminal action, kidnapping, and attempted forcible sodomy. Movant contends that the motion court erred in denying post-conviction relief because his trial counsel was ineffective for: (1) failing to present evidence of the victim’s alleged motive to fabricate the allegations; (2) failing to include a claim in his motion for new trial regarding the State’s use of impeachment evidence; and (3) failing to object to the trial court’s alleged improper instruction of the jury. Movant also contends that appellate counsel was ineffective for failing to raise a plain error claim on direct appeal.

AFFIRMED IN PART, REVERSED AND REMANDED IN PART.

Division II Holds:

- (1) The motion court did not clearly err in denying post-conviction relief based on Movant’s claim that his trial counsel was ineffective for failing to elicit evidence regarding the victim’s animus towards Movant.
- (2) The motion court did not clearly err in denying Movant’s claim that his trial counsel was ineffective for failing to assert a claim in his motion for new trial regarding the State’s use of impeachment evidence.
- (3) The motion court erred by not entering conclusions of law with regard to Movant’s claim that trial counsel was ineffective for failing to object to an alleged instructional error regarding jury notetaking.
- (4) The motion court did not clearly err in denying Movant’s claim that appellate counsel was ineffective for failing to raise an unpreserved claim of error on direct appeal.

Opinion by: Philip M. Hess, J.
Sherri B. Sullivan, P.J. and Mary K. Hoff, J. concur.

Attorney for Appellant: Ellen H. Flottman

Attorney for Respondent: Karen L. Kramer

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.