

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

FRANKLIN RILEY,)	No. ED100978
)	
Appellant,)	Appeal from the Circuit Court
)	of Marion County
vs.)	
)	Honorable Rachel Bringer Shepherd
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: November 12, 2014

Franklin Riley (“Riley”) appeals from the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Riley claims that the motion court clearly erred in denying his motion because a review of the record leaves a definite and firm impression that he was denied effective assistance of counsel. Specifically, Riley asserts that trial counsel rendered ineffective assistance by: 1) failing to object and seek a mistrial after the venire panel had been tainted by certain inflammatory and prejudicial remarks made by two panel members, and 2) failing to object to a portion of the testimony by Corporal Matt Wilt (“Wilt”) that constituted improper testimonial hearsay.

AFFIRMED.

Division III holds: Riley has failed to show that he was prejudiced by trial counsel’s failure to object and seek a mistrial after the remarks of panel members 13 and 48. Riley has also failed to show that he was prejudiced by trial counsel’s failure to object to Wilt’s hearsay testimony. Accordingly, we affirm the judgment of the motion court.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Mark A. Grothoff

Attorney for Respondent: Chris Koster and Karen Kramer

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