

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

MICHAEL M. PENNELL, ) ED101708  
 )  
Appellant, ) Appeal from the Circuit Court  
 ) of Marion County  
v. ) Case No. 13MM-CV00190  
 )  
STATE OF MISSOURI, ) Honorable Rachel Bringer Shepherd  
 )  
Respondent. ) Filed: May 19, 2015

Michael M. Pennell (Movant) appeals from the motion court’s judgment denying his motion under Rule 29.15<sup>1</sup> for post-conviction relief after an evidentiary hearing. Movant challenges the motion court’s denial, asserting he was abandoned by his post-conviction counsel and his trial counsel was ineffective for failing to properly challenge the trial court’s jurisdiction.

**AFFIRMED.**

Division Three Holds: The motion court did not clearly err in denying Movant’s motion, because (1) his post-conviction counsel’s statement in lieu of an amended motion complied with Rule 29.15(e) and (g), and thus the motion court did not err in failing *sua sponte* to hold a hearing to inquire into the parties’ performance or in concluding post-conviction counsel did not abandon Movant; and (2) his trial counsel was not ineffective for failing to challenge Missouri’s jurisdiction, because the challenge would have been meritless.

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

Attorney for Appellant: Greg Doty

Attorneys for Respondent: Chris Koster and Shaun J. Mackelprang

**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.**

<sup>1</sup> All rule references are to Mo. R. Crim. P. 2014, unless otherwise indicated.