

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

GIORDANIO A. BLACKBURN, Appellant,) No. ED101791
) Appeal from the Circuit Court of
vs.) St. Louis County
) Honorable Carolyn C. Whittington
STATE OF MISSOURI, Respondent.) Filed: September 1, 2015

Giordanio Blackburn (Movant) appeals the judgment entered by the Circuit Court of St. Louis County denying his amended Rule 29.15 motion without an evidentiary hearing. Movant contends that trial counsel was ineffective in failing to: (1) request a mistrial or jury instruction following the prosecutor's statements during closing argument; and (2) develop a consistent theory regarding a witness's testimony.

REVERSED AND REMANDED.

Division Four Holds: Although post-conviction counsel untimely filed Movant's amended Rule 29.15 motion, the motion court failed to conduct an independent inquiry into whether post-conviction counsel abandoned Movant. Accordingly, we reverse the motion court's judgment and remand to the motion court for an independent inquiry into whether Movant was abandoned by post-conviction counsel and further proceedings consistent with the outcome of the inquiry.

Opinion by: Patricia L. Cohen, J.
Sherri B. Sullivan, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Andrew E. Zleit
Attorney for Respondent: 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.