

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

|                                |   |                                  |
|--------------------------------|---|----------------------------------|
| NEAL SNYDER, Appellant,        | ) | No. ED90899                      |
|                                | ) |                                  |
| vs.                            | ) | Appeal from the Circuit Court of |
|                                | ) | St. Charles County               |
| STATE OF MISSOURI, Respondent. | ) |                                  |
|                                | ) | Filed: April 21, 2009            |

### OPINION SUMMARY

Neal Snyder (“Movant”) appeals from the judgment of the Circuit Court of St. Charles County, after an evidentiary hearing, denying his Rule 24.035 motion for post-conviction relief.

AFFIRMED.

Division One Holds: The motion court did not clearly err in denying Movant post-conviction relief because Movant’s challenge to the legality of his probation revocation is not a cognizable claim under Rule 24.035 and, furthermore, Movant is barred by the doctrine of collateral estoppel from relitigating the issue of whether his plea counsel in separate 2006 cases was ineffective when Movant had previously litigated the issue in his earlier Rule 24.035 motion and the circuit court adjudicated the issue on the merits against Movant.

Opinion by: Patricia L. Cohen, J.                      Kurt S. Odenwald, P.J. and Glenn A. Norton, J., concur.

Attorney for Appellant:            Timothy J. Forneris

Attorneys for Respondent:        Shaun J. Mackelprang and Mary H. Moore

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| <p><b>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.</b></p> |
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