

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN L. CHAPPEL,)	No. ED94166
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Gloria Clark Reno
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: August 24, 2010

John Chappel (Chappel) appeals from the motion court’s denial, without an evidentiary hearing, of his Rule 24.035 amended motion for post-conviction relief.

AFFIRMED.

Division Four Holds: The trial court did not clearly err in denying Chappel’s amended motion for post-conviction relief without an evidentiary hearing because Chappel’s claim was improperly brought as a Rule 24.035 motion. In his amended motion, Chappel did not challenge the validity of the judgment of conviction or his sentence, but instead challenged the voluntariness of his waiver of a prior post-conviction motion and thus the motion was improperly brought under Rule 24.035.

Opinion by: Kurt S. Odenwald, P.J. Robert G. Dowd, Jr., J. and Nannette A. Baker, J., Concur.

Attorney for Appellant: Brocca Smith

Attorneys for Respondent: Chris Koster and Jayne T. Woods

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.