

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

KAREEM MARTIN,)	No. ED96973
)	
Movant/Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
STATE OF MISSOURI,)	Honorable Angela T. Quigless
)	
Respondent/Respondent.)	Filed: November 20, 2012

Kareem Martin (Movant) appeals from the motion court’s judgment denying without an evidentiary hearing his amended Motion to Vacate, Set Aside or Correct the Judgment and Sentence filed pursuant to Missouri Rule of Criminal Procedure 29.15.

On appeal, Movant alleges the motion court erred in denying his motion because (1) his appellate counsel was ineffective for failing to challenge the sufficiency of the evidence supporting his conviction for first-degree assault; (2) his trial counsel was ineffective for failing to request an instruction for second-degree assault; and (3) his post-conviction counsel was ineffective for failing to raise additional grounds for relief in his amended motion.

AFFIRMED.

Division One Holds: Movant has failed to allege facts supporting his claims that are not clearly refuted by the record or would entitle him to relief. The record demonstrates that the State presented overwhelming evidence on each element necessary to prove first-degree assault and that any challenge to the sufficiency of the evidence by appellate counsel or request for a lesser-included instruction by trial counsel would have been rejected as non-meritorious. Movant’s claim of ineffective assistance of post-conviction counsel is categorically unreviewable.

Opinion by: Sherri B. Sullivan, J. Clifford H. Ahrens, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Deborah B. Wafer
Attorneys for Respondent: Richard A. Starnes

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.
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