

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DAWOYN K. LITTLETON,)	No. ED97012
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Mark H. Neill
STATE OF MISSOURI,)	
)	
Respondent,)	FILED: August 14, 2012

Dawoyn Littleton (“Littleton”) appeals from the motion court’s denial of his Rule 29.15¹ motion for post-conviction relief after he waived an evidentiary hearing. Littleton was convicted after a jury trial on ten counts of first-degree robbery, one count of second-degree robbery, and seven counts of armed criminal action. We affirmed Littleton’s conviction on direct appeal in State v. Littleton, 243 S.W.3d 537 (Mo. App. E.D. 2008). Littleton subsequently filed, and the motion court denied, a motion for post-conviction relief alleging his defense counsel at trial was ineffective for failing to object to witness testimony on the ground that it violated his rights under the Confrontation Clause.

AFFIRMED

Division Four holds: The DNA testimony at issue on appeal was rendered by a witness with personal knowledge of the subject matter of her testimony and whom Littleton cross-examined at trial. Accordingly, Littleton’s rights under the Confrontation Clause were not violated, and any objection made by counsel on Sixth Amendment grounds would have been non-meritorious. Accordingly, defense counsel was not ineffective in failing to object to the testimony on Confrontation Clause grounds.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Matthew Ward

Attorney for Respondent: Chris Koster and Karen L. Kramer

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.

¹ All rule references are to Mo. R. Crim. P. (2008).