

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMEL WHITT,)	No. ED97046
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Mark H. Neill
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: May 29, 2012

Jamel Whitt (“Whitt”) appeals from the motion court’s denial without an evidentiary hearing of his motion for post-conviction relief. Whitt was convicted of first-degree murder and armed criminal action for the death of Rodney Staples. We affirmed Whitt’s conviction on direct appeal in State v. Whitt, 330 S.W.3d 487 (Mo. App. E.D. 2010). Whitt subsequently filed a motion for post-conviction relief under Rule 29.15, Mo. R. Crim. P. 2010 alleging his defense counsel at trial was ineffective for failing to assert a not guilty by reason of insanity defense; failing to produce additional witness testimony at Whitt’s competency hearing to show Whitt had a long history of psychiatric disorders; and failing to move to suppress Whitt’s confession to police officers. The motion court denied, without an evidentiary hearing, Whitt’s motion for post-conviction relief.

AFFIRMED

Division IV holds: The record clearly indicates that Whitt’s mental condition was repeatedly assessed, and defense counsel’s decision to forgo a not guilty by reason of insanity defense in favor of a defense of others defense was a reasonable decision of trial strategy. We further find that Whitt failed to allege facts that, if proven, demonstrate that he was prejudiced by defense counsel’s failure to elicit additional witness testimony during Whitt’s final competency hearing, and defense counsel’s failure to move to suppress one of Whitt’s confessions to the underlying crimes.

Opinion by: Kurt S. Odenwald, C.J., Patricia L. Cohen, J., and Robert M. Clayton III, J., Concur.

Attorney for Appellant: Scott Thompson

Attorney for Respondent: Chris Koster and Daniel N. McPherson

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