

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ROBERT BELL-EL,)	No. ED97689
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable John A. Ross
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: November 20, 2012

Robert Bell-El (“Movant”) appeals from the motion court’s denial, without an evidentiary hearing, of his motion for post-conviction relief under Rule 29.15 Mo. R. Civ. P. In his motion, Movant argued that his defense counsel was constitutionally ineffective in failing to request a jury instruction stating that the jury was not permitted to draw any adverse inference from Movant’s decision not to testify at trial.

AFFIRMED

Division IV holds: The record clearly shows that Movant made an informed strategic choice not to offer a no-adverse-inference instruction. Movant is not entitled to post-conviction relief because that strategy proved unsuccessful. Accordingly, we affirm the motion court’s judgment denying Movant’s motion for post-conviction relief.

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

Attorney for Appellants: Maleaner Harvey

Attorney for Respondent: Chris Koster and John Grantham

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