

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

MICHAEL FARR, ) ED99194  
 )  
 Appellant, ) Appeal from the Circuit Court  
 ) of the City of St. Louis  
 v. ) 0722-CC00359  
 )  
 STATE OF MISSOURI, ) Honorable Jimmie Edwards  
 )  
 Respondent. ) Filed: September 17, 2013

Michael Farr (Movant) appeals from the motion court’s judgment denying, without an evidentiary hearing, his Motion under Rule 29.15, Mo. R. Crim. P. (2013), to Vacate, Set Aside, or Correct Judgment and Sentence and Request for Evidentiary Hearing. He argues he pleaded facts showing his trial counsel was ineffective for failing to object when the State replayed a tape recording of Movant committing the crime.

AFFIRMED.

Division Four Holds: A trial court has discretion to allow tape recordings to be played a second time. Even assuming the trial court allowed the State to replay the tape in error, it was not prejudicial as the evidence is cumulative. Thus, counsel’s failure to object to such cumulative evidence was not prejudicial. Movant did not plead facts that warranted relief, and therefore the motion court did not clearly err in denying his motion without an evidentiary hearing.

Opinion by: Gary M. Gaertner, Jr., J.  
 Lisa S. Van Amburg, P.J., and Patricia L. Cohen, J., concur.

Attorney for Appellant: Timothy Forneris  
 Attorney for Respondent: Chris Koster and Robert J. (Jeff) Bartholomew

**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.**