

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

CHARLES KYLES, Appellant,) No. ED99632
) Appeal from the Circuit Court of
vs.) the City of St. Louis
) Honorable Julian Bush
STATE OF MISSOURI, Respondent.) Filed: January 21, 2014

Charles Kyles (Movant) appeals the judgment of the Circuit Court of the City of St. Louis denying his Rule 29.15 motion for post-conviction relief. Movant claims that the motion court erred in denying, without an evidentiary hearing, his claim that his defense counsel was ineffective in failing to move to strike for cause or peremptorily a venireperson who ultimately served on the jury.

REVERSED AND REMANDED.

Division Four Holds: Movant alleged sufficient facts not refuted by the record on his claim that defense counsel was ineffective for failing to strike a venireperson who ultimately served on the jury and is therefore entitled to an evidentiary hearing.

Opinion by: Patricia L. Cohen, J.
Lisa S. Van Amburg, P.J., and Philip M. Hess, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorney for Respondent: Todd T. Smith

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.