

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

v.

TYRONE PARKER,

RESPONDENT,

APPELLANT.

WD68259

DATE: December 30, 2008

Appeal From:
JACKSON COUNTY CIRCUIT COURT
THE HONORABLE JAY A. DAUGHERTY, JUDGE

Appellate Judges:
DIVISION TWO: SMART, P.J., HARDWICK and WELSH, JJ.

Attorneys:
RUTH SANDERS, ESQ., KANSAS CITY, MO, **for appellant.**

SHAUN J. MACKELPRANG, ESQ., and EVAN J. BUCHHEIM, ESQ.,
JEFFERSON CITY, MO, **for respondent.**

**MISSOURI APPELLATE COURT OPINION
SUMMARY**

COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI,

RESPONDENT,

v.

TYRONE PARKER,

APPELLANT.

WD68259

Jackson County

Before Division Two Judges: SMART, P.J., HARDWICK and WELSH, JJ.

Tyrone Parker appeals from a judgment denying his request for a new trial after he was convicted of second-degree murder and armed criminal action. Parker contends he was entitled to a new trial because either: (1) the State failed to disclose exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963); or (2) his trial counsel was ineffective in failing to call Kenneth Wesley as a witness at trial.

AFFIRMED.

Division Two holds:

(1) The record containing conflicting testimony on whether the potentially exculpatory evidence was suppressed was sufficient to support the circuit court's ruling that the State did not suppress exculpatory evidence

because the court was entitled to believe all, some, or none of the evidence in making that determination.

(2) Parker waived his claim for ineffective assistance of counsel by failing to raise it prior to this appeal.

Opinion by: Lisa White Hardwick, Judge

December 30, 2008

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.