

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CLIFTON B. CLOYD

APPELLANT,

**v.
STATE OF MISSOURI**

RESPONDENT.

DOCKET NUMBER WD70320

DATE: February 9, 2010

Appeal From:

Jackson County Circuit Court
The Honorable W. Brent Powell, Judge

Appellate Judges:

Division Four: Thomas H. Newton, Chief Judge, Lisa White Hardwick and Cynthia L. Martin,
Judges

Attorneys:

Ellen H. Flottman, Columbia, MO, for appellant.

Shaun J. Mackelprang and Daniel N. McPherson, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CLIFTON B. CLOYD,

APPELLANT,

v.

STATE OF MISSOURI,

RESPONDENT.

No. WD70320

Jackson County

Before Division Four Judges: Thomas H. Newton, Chief Judge, Lisa White Hardwick and Cynthia L. Martin, Judges

Clifton Cloyd appeals the motion court's denial of his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Cloyd contends that the motion court plainly erred in denying his motion because he received ineffective assistance of counsel at trial as a result of trial counsel's failure to timely object to the introduction of four photographs of guns seized from his residence.

AFFIRMED.

Division Four holds:

(1) Cloyd's claim on appeal that he received ineffective assistance of counsel due to trial counsel's failure to properly object to the introduction of photographs of multiple guns seized at his home was not asserted in his Rule 29.15 motion. Pursuant to Rule 29.15(d), this claim has been waived.

(2) Claims of ineffective assistance of counsel that are not presented to the motion court in a post-conviction motion are not eligible for plain error review. Plain error review of claims not raised in a post-conviction motion would circumvent the prohibition against successive motions described in Rule 29.15(1), and the obligation to file a motion within the 180 day timeframe described in Rule 29.15(b).

Opinion by: Cynthia L. Martin, Judge

February 9, 2010

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