

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KEVIN DARNELL SMITH,  
APPELLANT  
vs.**

**STATE OF MISSOURI,  
RESPONDENT**

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DOCKET NUMBER WD72074

DATE: JULY 19, 2011

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Appeal from:

The Circuit Court of Lafayette County, Missouri  
The Honorable Dennis A. Rolf, Judge

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Appellate Judges:

Division Three: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.

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Attorneys:

S. Kate Webber, for Appellant

James B. Farnsworth, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**KEVIN DARNELL SMITH, APPELLANT**

**v.**

**STATE OF MISSOURI, RESPONDENT**

WD72074

Lafayette County, Missouri

Before Division Three Judges: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.

Kevin Smith appeals from the denial of his Rule 29.15 motion for post-conviction relief following an evidentiary hearing.

**REVERSED AND REMANDED.**

**Division Three holds:**

- (1) The findings of fact and conclusions of law entered by the motion court on the claims that were denied are clearly insufficient to allow this Court to meaningfully review the motion court's decision. From the judgment, we cannot perceive what "specific facts" the motion court concluded that Appellant failed to aver in his motion that were necessary to his various claims. Furthermore, the general comment that trial counsel "used his discretion in making trial strategy decisions" does not allow us to know what claims that finding relates to or what trial strategy decisions the trial court believed counsel exercised discretion on, nor does it address the issue of whether a reasonably competent attorney could have exercised his or her discretion in that manner. Likewise, the general comment that "[n]othing was presented at the evidentiary hearing which would amount to ineffective assistance of counsel" is too general to allow for meaningful review and certainly cannot relate to those claims upon which Appellant was not allowed to present evidence.

Opinion by Joseph M. Ellis, Judge

Date: JULY 19, 2011

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