

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DARYL NIGRO**

**APPELLANT,**

**v.  
STATE OF MISSOURI**

**RESPONDENT.**

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DOCKET NUMBER WD77752

DATE: August 11, 2015

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Appeal From:

Lafayette County Circuit Court  
The Honorable Randall W. Shackelford, Judge

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Appellate Judges:

Division Three: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

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Attorneys:

Mark A. Grothoff, Columbia, MO, for appellant.

Gregory L. Barnes, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**DARYL NIGRO,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI,**

**RESPONDENT.**

No. WD77752

Lafayette County

Before Division Three Judges: Mark D. Pfeiffer, Presiding Judge, Gary D. Witt, Judge, and Anthony Rex Gabbert, Judge

Daryl Nigro appeals the circuit court's judgment denying his Rule 29.15 motion for post-conviction relief. Nigro asserts two points on appeal. First, he contends that his trial counsel provided ineffective assistance of counsel by failing to file a pre-trial motion to suppress the physical evidence seized from Nigro's residence. Second, Nigro contends that his trial counsel provided ineffective assistance of counsel by failing to object to a police officer's testimony on the basis of hearsay. Nigro argues the ineffectiveness of his counsel was prejudicial as to both claims in that, without these actions, the outcome of the trial proceedings would have been different.

**AFFIRMED.**

**Division Three holds:**

Nigro's right to effective assistance of counsel was not violated. Nigro failed to establish prejudice as to either point. Nigro confessed to all elements of the crime, blood with his DNA was recovered near the alarm panel inside the building that he broke into, and when he was apprehended shortly after the break in, he had fresh cuts on his arms and legs consistent with the physical evidence inside the building. Nigro failed to establish that the outcome of the trial proceedings would have been different even if his counsel had raised the issues of which he now complains.

**Opinion by: Gary D. Witt, Judge**

August 11, 2015

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