

SUPREME COURT OF MISSOURI

Clayton v. State

63 S.W.3d 201 (Mo. banc 2001) · No. SC 83355 · Decided December 4, 2001

SUMMARY

The Supreme Court of Missouri affirmed the denial of Cecil Clayton's Rule 29.15 motion for post-conviction relief following his capital murder conviction and death sentence. The court rejected claims of ineffective assistance of counsel concerning the use of multiple defenses, investigation and presentation of diminished-capacity evidence, competency proceedings, and penalty-phase mitigating witnesses.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	John C. Holstein
JURISDICTION	Missouri
DECIDED	December 4, 2001
DOCKET	SC 83355
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the denial of a Rule 29.15 motion for post-conviction relief following Clayton's conviction for first-degree murder and death sentence.
STANDARD OF REVIEW	The denial of post-conviction relief is reviewed for clear error under Missouri Rule 29.15(k). The appellate court will reverse only if, after reviewing the entire record, it is left with a definite and firm impression that a mistake has been made. Ineffective-assistance claims are governed by the two-part Strickland test, requiring proof of deficient performance and prejudice.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Cecil Clayton v. State of Missouri

TOPICS

- state post-conviction relief
- ineffective assistance
- standard of review
- criminal procedure
- sentencing

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for presenting both a reasonable-doubt defense and a diminished-capacity defense.
2. Whether trial counsel was ineffective for failing to investigate and present additional evidence and witnesses supporting diminished capacity.
3. Whether trial counsel was ineffective for failing to seek a competency adjudication and whether Clayton was incompetent during trial.
4. Whether trial counsel was ineffective for failing to present particular mitigating witnesses during the penalty phase.

HOLDINGS

1. Presenting both a reasonable-doubt defense and a diminished-capacity defense is not per se unreasonable or legally inconsistent. Under the circumstances, counsel's decision to present both defenses was a reasonable strategic choice and did not constitute ineffective assistance.
2. Counsel was not ineffective for choosing one reasonable trial strategy over another, declining to introduce potentially confusing or damaging records, or failing to call witnesses who were unwilling, cumulative, or potentially harmful to the defense.
3. Counsel was not ineffective for failing to investigate or seek a competency adjudication where the client appeared able to consult rationally with counsel and understand the proceedings. Clayton also failed to prove that he was actually incompetent during trial.
4. Counsel was not ineffective for failing to call five additional mitigating witnesses where their testimony would have been largely cumulative, was not required as background evidence, or could have undermined the brain-injury mitigation theory.

KEY QUOTATIONS

“There is no per se rule against an attorney arguing both that the state must prove guilt beyond a reasonable doubt and asserting a diminished capacity defense.” (207)

“The decision to use two defenses turns solely on a question of trial strategy.” (207)

FACTUAL BACKGROUND

Clayton was convicted of murdering Barry County Deputy Sheriff Christopher Castetter and sentenced to death. At trial, counsel argued both that the State had not proved Clayton was the shooter beyond a reasonable doubt and that a brain injury diminished his capacity to deliberate. In the post-conviction proceeding, Clayton presented evidence concerning his brain injury, competency, and additional witnesses and records that counsel allegedly should have investigated or presented. The motion court rejected his ineffective-assistance claims.

PROCEDURAL HISTORY

Clayton was convicted of first-degree murder and sentenced to death. The conviction and sentence were affirmed on direct appeal in *State v. Clayton*, 995 S.W.2d 468 (Mo. banc 1999). Clayton then timely filed a Rule 29.15 motion alleging ineffective assistance of trial counsel. The Jasper County circuit court denied relief, and the Supreme Court of Missouri affirmed.

DISPOSITION

affirmed

CASES CITED

- *State v. Clayton*, 995 S.W.2d 468 (Mo. banc 1999)
- *State v. Link*, 25 S.W.3d 136, 148-49 (Mo. banc 2000)
- *Strickland v. Washington*, 466 U.S. 668, 686-87 (1984)
- *State v. Kinder*, 942 S.W.2d 313, 335 (Mo. banc 1996)
- *State v. Stepter*, 794 S.W.2d 649, 657 (Mo. banc 1990)
- *Sanders v. State*, 738 S.W.2d 856, 858 (Mo. banc 1987)
- *State v. Wright*, 175 S.W.2d 866, 872 (Mo. 1943)
- *State v. Lora*, 305 S.W.2d 452, 455-56 (Mo. 1957)
- *Ross v. Kemp*, 393 S.E.2d 244, 245 (Ga. 1990)
- *State v. Ferguson*, 20 S.W.3d 485, 508 (Mo. banc 2000)
- *Leisure v. State*, 828 S.W.2d 872, 875 (Mo. banc 1992)
- *State v. Hall*, 982 S.W.2d 675, 686 (Mo. banc 1998)
- *Skillicorn v. State*, 22 S.W.3d 678, 683 (Mo. banc 2000)
- *State v. Richardson*, 923 S.W.2d 301, 328-29 (Mo. banc 1996)
- *State v. Simmons*, 955 S.W.2d 752, 773 (Mo. banc 1997)