

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ROBERT CHILDS,)	No. ED100441
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Margaret M. Neill
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: August 19, 2014

Appellant Robert Childs (“Childs”) appeals from the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief without an evidentiary hearing. Childs was convicted by a jury of first-degree tampering with a motor vehicle. This Court affirmed Child’s conviction on direct appeal in State v. Childs, 362 S.W.3d 491 (Mo. App. E.D. 2012). Childs subsequently filed a motion for post-conviction relief pursuant to Rule 29.15, alleging his trial counsel was ineffective for: (1) failing to impeach Officer Vogelzang with photographs of the scene where Childs was identified by Officer Vogelzang, and (2) failing to object to police reports offered by the State at sentencing that accused Childs of prior unadjudicated criminal conduct. The motion court denied the motion without an evidentiary hearing. Childs now appeals.

AFFIRMED.

Division III Holds: Because the alleged impeachment evidence would not have provided Childs a viable defense, trial counsel was not ineffective for failing to impeach Officer Vogelzang. Because any objection to the use of the police reports at sentencing would have been without merit, trial counsel was not ineffective for failing to object to the police reports. Finding no clear error, we affirm the judgment of the motion court.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J. and Gary M. Gaertner, Jr., J. Concur.

Attorney for Appellant: Scott Thompson

Attorney for Respondent: Chris Koster and Richard Starnes

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