

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

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|--------------------|---|-------------------------------|
| JOHN T. HAIDUL, |) | No. ED99319 |
| |) | |
| Appellant, |) | Appeal from the Circuit Court |
| |) | of the St. Charles County |
| vs. |) | |
| |) | |
| STATE OF MISSOURI, |) | Honorable Nancy Schneider |
| |) | |
| Respondent. |) | Filed: February 11, 2014 |

John T. Haidul (“Movant”) appeals the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief after an evidentiary hearing. In his sole point on appeal, Movant argues the motion court erred in denying his claim that trial counsel was ineffective for failing to call David Holt as a witness at trial. We find that the motion court’s findings of fact and conclusions of law are not clearly erroneous and affirm.

Division Three holds:

The trial court did not err in denying Movant’s claim that his trial counsel was ineffective for failing to call David Holt as a witness at trial. We find that Movant does not establish that his trial counsel employed unreasonable trial strategy or that the failure to call Holt prejudiced Movant’s defense.

Opinion by: Angela T. Quigless, J.

Mary K. Hoff, P.J., Kurt S. Odenwald, J., Concur.

Attorney for Appellant: John T. Haidul (Acting Pro Se)

Attorney for Respondent: Todd T. Smith

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