MISSOURI COURT OF APPEALS EASTERN DISTRICT

OPINION SUMMARY

DIVISION FOUR

CHRISTOPHER J. POTTER,	)	No. ED110877
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Charles County
vs.	)	2111-CC00505
	)	
STATE OF MISSOURI,	)	Honorable Rebeca M. Navarro-McKelvey
	)	
Respondent.	)	Filed: September 19, 2023

Thomas C. Clark, II, P.J., James M. Dowd, J., and John P. Torbitzky, J.

Christopher Potter appeals the denial of his Rule 29.15 motion following an evidentiary hearing. In the underlying criminal case, Potter was convicted of eight counts of first-degree assault arising from a crime spree in which he targeted motorists on the roads of St. Charles County by ramming into them causing the victims' vehicles to lose control. He claims the motion court clearly erred in denying his motion because (1) trial counsel was ineffective for failing to object to an improper hypothetical question by the State during voir dire which sought a commitment from the panel on the issue of intent; (2) appellate counsel was ineffective for failing to raise that voir dire issue on appeal; and (3) trial counsel was also ineffective for failing to adequately impeach a witness - Potter's friend who was in his vehicle for some of the assaults – with a prior inconsistent statement.

AFFIRMED.

DIVISION IV HOLDS: We affirm because (1) although the voir dire question was improper, evidence of Potter's guilt was overwhelming, (2) appellate counsel's decision not to raise the voir dire issue was strategic, and (3) trial counsel was not ineffective for failing to adequately impeach Potter's friend because he was able to elicit the witness's inconsistent statement through a different witness.

Opinion by: James M. Dowd, J.

Thomas C. Clark, II, P.J., and John P. Torbitzky, J., concur.

Attorneys for Appellants: Stephanie A. Hoeplinger

Attorneys for Respondents: Nathan J. Aquino

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.