MISSOURI COURT OF APPEALS EASTERN DIVISION

OPINION SUMMARY

DIVISION THREE

TROY CALLAHAN,	)	No. ED111206
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Francois County
vs.	)	21SF-CC00156
	)	
STATE OF MISSOURI,	)	Honorable Wendy W. Horn
	)	
Respondent.	)	Filed: October 31, 2023

Before Lisa P. Page, P.J., Gary M. Gaertner, Jr., J., and Angela T. Quigless, J.

Troy A. Callahan (Movant) appeals from the motion court's judgment denying him post-conviction relief pursuant to Rule 29.15[1] after an evidentiary hearing.

AFFIRM.

Division Three holds: The record demonstrates Trial Counsel made efforts to emphasize the State's burden of proof beyond a reasonable doubt, and Trial Counsel's judgment in hindsight does not deem her ineffective. We find the State's questioning for preconceived prejudices during *voir dire* was proper and also benefited Movant. *State v. Joliff*, 867 S.W.2d 256, 260 (Mo. App. E.D. 1993). Moreover, a reasonably competent attorney under similar circumstances may have cross-examined Interviewer rather than object to her direct testimony. Counsel is not ineffective for failing to make non-meritorious objections. *State v. Six*, 805 S.W.2d 159, 167 (Mo. banc 1991). Points one and two are denied. Based on our review of the record and analysis in points one and two, *supra*, we find the motion court's judgment was supported by the evidence, and nothing in the record supports an argument that the court did not thoughtfully and carefully concur with the State's proposed judgment it adopted. Point three is also denied. The motion court's judgment is not clearly erroneous.

Opinion by: Lisa P. Page, P.J.

Gary M. Gaertner, Jr., J., and Angela T. Quigless, J., concur.

Attorneys for Appellant: John S. Appelbaum

Attorney for Respondent: Gregory L. Barnes

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.

[1] All references to Rules are to Missouri Supreme Court Rules (2021).