MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD87973

TERRELL A. INGRAM,
Appellant,

v.

STATE OF MISSOURI,
Respondent.

Opinion Filed: November 10, 2026

Appeal from the Circuit Court of Jackson County, Missouri
The Honorable Cory L. Atkins, Judge

Before Division Four: Edward R. Ardini, Jr., Chief Judge, Presiding,
Lisa White Hardwick, Judge, and Gary D. Witt, Judge

Terrell Ingram appeals from the denial of his Rule 29.15 motion after he was convicted of first-degree murder and armed criminal action. He contends trial counsel was ineffective for failing to adequately cross-examine two witnesses and question one witness; failing to submit a self-defense instruction advising the jury he had no duty to retreat; and failing to request an involuntary manslaughter instruction under an imperfect self-defense theory. Ingram also argues the motion court erred in refusing to admit

evidence of other cases in which trial counsel was found to have provided ineffective assistance of counsel. For reasons explained herein, we affirm.

Factual and Procedural History

In the early morning hours of July 16, 2016, around 50 people, including Ingram and Victim, were at a house party in Lee's Summit. When the party broke up around 2:00 a.m., Victim agreed to give a ride to another party attendee, T.F., and the two men started walking to Victim's car. Victim was holding a handgun, which was pointed down. As they walked, Victim yelled at someone to "turn their lights on," and another person responded, "[W]hat if he doesn't want to." Shortly thereafter, Ingram approached Victim and T.F. from behind and fired five shots at Victim. When Victim fell to the ground, Ingram paused for a moment before firing two more shots at Victim. Ingram took Victim's gun, got into the passenger side of a Jeep, and was driven away. Ingram later sold Victim's gun and threw his own gun into the Missouri River.

Victim died from multiple gunshot wounds to his head, legs, and torso. Police officers recovered several Winchester .357 shell casings from the scene. They found a spent bullet inside Victim's shirt and another spent bullet on the ground under his shoulders. Bullets and bullet fragments were also recovered from Victim's body.

Police were able to identify Ingram as the shooter and arrested him. Pursuant to a search warrant, officers found the green shirt, khaki pants, and shoes Ingram was wearing during the shooting, and they noticed what appeared to be blood on his pants and shoes. Officers also found a pistol holster, a grip, a box of .357 Winchester rounds, and a box for a .357-caliber Glock 32. After agreeing to talk to officers, Ingram denied attending

the party or having any involvement in the shooting. Ingram was shown a photograph of Victim and said he did not recognize him.

The State charged Ingram with first-degree murder and armed criminal action. A jury trial was held in March 2018. At trial, Ingram admitted to shooting Victim and said he did so in self-defense. Both the State and the defense offered the testimony of party attendees regarding what they witnessed before, during, and after the shooting. T.F. testified on behalf of the State that he saw Victim holding a gun at the party, but he did not see Victim point the gun at anyone. T.F. said that, when they were walking to Victim's car, he heard Victim tell someone "to turn their lights on," and he heard someone respond, "[W]hat if he doesn't want to." During this exchange, T.F. noticed two men standing by a Jeep that was parked directly across the street. T.F. and Victim crossed the street in front of the Jeep before stepping onto the sidewalk. While they were walking on the sidewalk toward Victim's car, T.F. heard a gunshot coming from behind his left shoulder. T.F. dropped to the ground before running behind a house.

The State also offered the testimony of B.M., another party attendee. B.M. was standing outside of a car talking to a friend when she heard a gunshot. She turned in the direction of the shot and saw "a black male in a green shirt firing, firing a gun." B.M. testified that, after rapidly firing five gunshots at Victim, the shooter stopped, turned and looked around, pointed his gun down, and fired two more shots at Victim. B.M. described the shooter as six feet tall, with dark skin and "a short fro," wearing a green shirt, khaki pants, and glasses. The shooter got into the passenger seat of a red Jeep and was driven away. B.M. testified she did not hear a commotion or anyone fighting before

the shooting. When questioned further on direct examination, B.M. acknowledged that, in a prior statement to police, she said she heard someone yelling at another vehicle to turn their lights off or on, but she did not know if Victim was involved in that exchange.

Ingram testified on his own behalf. He admitted he was at the party and lied to the police when he was initially questioned. Ingram testified he was sitting in the passenger side of his friend's Jeep with the door open and his feet on the curb when he saw Victim standing alone, for several minutes, on the sidewalk across the street with a gun in his hand. Ingram said Victim walked to the sidewalk on the same side of the street where the Jeep was parked and asked an unknown person to turn off their car lights. Ingram testified that, after another unknown person responded, "[W]hat if he doesn't want to," Victim reached for his gun, pointed it in Ingram's direction and said, "Bitch ass n*****, what?" Ingram testified he thought he was going to die, so he grabbed his gun under the passenger seat and fired five to eight shots at Victim. Ingram testified he fired two more shots at Victim when Victim was lying flat on his back on the ground because Victim tried to raise his head and his hand that was holding the gun, and Ingram thought Victim was going to shoot him.

Ingram offered the testimony of C.S., a party attendee who testified he saw Victim holding a gun. C.S. testified Victim did not point the gun at anyone but was pointing it down. C.S. left the party before the shooting started. Ingram also offered the testimony of J.W., a "good friend" of Ingram's for 10 years, who went to the party with Ingram. J.W. testified he saw Victim walking around the party carrying a gun and telling everyone, "I have 223s for everybody." J.W. explained that a "223" is a type of bullet.

J.W. testified he did not see any confrontation between Victim and others, and he denied seeing the shooting.

The court instructed the jury on the charged offenses of first-degree murder and armed criminal action, plus the lesser included offenses of second-degree murder and voluntary manslaughter. At Ingram's request, the court also instructed the jury on self-defense. The jury found Ingram guilty of first-degree murder and armed criminal action. The court sentenced him on June 7, 2018. Pursuant to the jury's recommendation, the court sentenced Ingram to concurrent terms of life in prison without the possibility of probation or parole for first-degree murder and life in prison for armed criminal action. We affirmed Ingram's convictions and sentences in *State v. Ingram*, 613 S.W.3d 805 (Mo. App. 2020) (per curiam order).

Ingram filed a *pro se* Rule 29.15 motion, which was later amended by appointed counsel.[1] An evidentiary hearing was held, during which Ingram offered trial counsel's deposition testimony and his own testimony. The motion court subsequently entered its findings of fact and conclusions of law denying all of Ingram's claims. Ingram appeals.

[1] Ingram's amended Rule 29.15 motion was not timely filed. Appointed postconviction counsel mistakenly believed the 120-day time limit under the 2020 version of Rule 29.15 applied instead of the 60-day time limit under the 2018 version, the version of Rule 29.15 in effect at the time of Ingram's sentencing. Because abandonment by Ingram's postconviction counsel is apparent from the record, and the motion court held an evidentiary hearing and fully adjudicated Ingram's postconviction claims, we will reach the merits of Ingram's appeal. *Nelson v. State*, 719 S.W.3d 729, 735 (Mo. banc 2025).

Standard of Review

We review the denial of a postconviction motion for clear error. Rule 29.15(k). The motion court's findings and conclusions are clearly erroneous only if a review of the entire record leaves us with a definite and firm impression a mistake was made. *Flaherty v. State*, 694 S.W.3d 413, 416 (Mo. banc 2024). We presume the motion court's findings and conclusions are correct. *Id*. "Even if the stated reason for the [motion] court's ruling is incorrect, the judgment should be affirmed if the judgment is sustainable on other grounds." *Swallow v. State*, 398 S.W.3d 1, 3 (Mo. banc 2013). We defer to the motion court's superior opportunity to judge the witnesses' credibility. *Flaherty,* 694 S.W.3d at 419.

To obtain postconviction relief on an ineffective assistance of counsel claim, Ingram had to establish, by a preponderance of the evidence, that trial counsel failed to exercise the level of skill and diligence of a reasonably competent attorney under the same or similar circumstances and he was thereby prejudiced. *Zink v. State*, 278 S.W.3d 170, 175 (Mo. banc 2009) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). To demonstrate prejudice, Ingram had to show "there is a *reasonable probability* that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Deck v. State*, 68 S.W.3d 418, 426 (Mo. banc 2002) (quoting *Strickland*, 466 U.S. at 694)).

Ingram had to prove both the performance and prejudice prongs of his ineffective assistance of counsel claims to prevail, and if he failed to satisfy either prong, we need

not consider the other. *Cone v. State*, 316 S.W.3d 412, 415 (Mo. App. 2010). "If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, which we expect will often be so, that course should be followed." *Strong v. State*, 263 S.W.3d 636, 647 (Mo. banc 2008) (quoting *Strickland*, 466 U.S. at 697).

Analysis

Points One and Two -- Adequacy of Cross-Examination of State's Witnesses

In his first two points, Ingram contends the motion court clearly erred in denying his claim trial counsel was ineffective for failing to adequately cross-examine two witnesses to impeach their credibility. "The mere failure to impeach a witness does not entitle a movant to relief." *Barton v. State*, 432 S.W.3d 741, 750 (Mo. banc 2014). To demonstrate trial counsel was ineffective for failing to impeach a witness, the movant "has the burden of showing that the impeachment would have provided him with a defense or would have changed the outcome of the trial, and he must also overcome the presumption that counsel's decision not to impeach was a matter of trial strategy." *Id*. (citation omitted).

In Point One, Ingram argues trial counsel was ineffective for failing to adequately cross-examine B.M. about prior statements she made to police in which she said Victim and Ingram had an argument about car headlights before the shooting. Ingram alleges impeaching B.M. with her statements to police about the argument would have corroborated his testimony and supported his claim of self-defense.

Trial counsel testified he did not cross-examine B.M. about her statements to police about an argument between Victim and Ingram because he believed that "could be

a dangerous area for my client." Trial counsel explained Ingram had never mentioned anything to counsel or police about an argument *he* had with Victim, so B.M.'s statements about an argument between Ingram and Victim would have contradicted Ingram's account and "might have even been damaging." Additionally, trial counsel testified any exchange of words between Victim and Ingram would not have justified self-defense under the law. Rather, trial counsel testified only Victim's "exhibition of a firearm" "mattered to him" in proving Ingram shot Victim in self-defense.

In denying this claim, the motion court found impeaching B.M. with her prior statements about the car headlights argument would not have provided a viable defense or changed the outcome of the trial and, in fact, would have contradicted Ingram's own testimony that the car headlights argument took place between Victim and another individual. The motion court found trial counsel's decision not to offer this impeachment evidence was strategic and did not prejudice Ingram. We agree.

"Missouri courts have repeatedly held that an attorney is not ineffective for deciding not to introduce evidence that is harmful to the defense as well as helpful." *Priest v. State*, 725 S.W.3d 309, 319 (Mo. App. 2025) (citation omitted). Indeed, counsel is not "required to present evidence of questionable or dubious impeachment value" and "may fairly determine that the use of certain impeachment evidence may cause his or her client more harm than benefit." *Perkins v. State*, 722 S.W.3d 705, 708-09 (Mo. App. 2025) (citation omitted). B.M. acknowledged on direct examination that she told police she heard people arguing about car headlights before the shooting. Attempting to impeach her by introducing evidence that she previously said the argument was between

Victim and Ingram would have contradicted Ingram's testimony that he merely observed – and did not participate in – the argument about car headlights between Victim and an unknown person. Thus, offering this impeachment evidence could have damaged both Ingram's credibility and the defense's narrative that Ingram was an innocent bystander who had no interaction with Victim until Victim pointed his gun at him. Ingram failed to overcome the presumption that counsel's decision not to impeach B.M. was a matter of reasonable trial strategy. The motion court did not clearly err in denying this claim. Point One is denied.

In Point Two, Ingram contends trial counsel was ineffective for failing to cross-examine T.F. about prior inconsistent statements he made to police in two interviews. Ingram argues T.F. was a "critical witness" and, therefore, it was unreasonable not to impeach him with inconsistent statements to undercut his credibility.

Ingram asserts T.F. made five statements during his trial testimony that were inconsistent with his prior statements to police: (1) T.F. testified that, after his friend suggested he get a ride from Victim, he "was trying to figure out who [Victim] was" because he had seen Victim before but had never had a conversation with him, but T.F. told police during an interview that he knew Victim by his face; (2) T.F. testified he saw a muzzle flash, but in his first interview with police, he said he did not see a muzzle flash, and in his second interview, T.F. said he did see a muzzle flash but also said he might just be making that up; (3) T.F. testified he did not hear footsteps coming up behind him before the shooting, but in both statements to police he said he heard footsteps behind him right before the shooting and assumed they were the shooter's; (4) T.F. testified

Victim had a brief argument with someone about car headlights, but he initially told police Victim did not say anything before the shooting and then told police Victim's actual statement was, "turn on your lights, fool"; and (5) T.F. testified Victim had a gun in his hand pointed down, but in his initial police interview, he made no mention of Victim having a gun, and in his second police interview, he repeatedly denied Victim had a gun.

Trial counsel did not conduct any cross-examination of T.F. Trial counsel explained he believes the "best defense is the simplest one, the one that's easiest for the jury to understand," and that cross-examining T.F. on these alleged inconsistencies might "have thrown in some additional confusion." Moreover, trial counsel testified he did not believe extensive cross-examination of T.F. on these topics would have been productive or assisted Ingram with his self-defense theory. The motion court found trial counsel's decision not to cross-examine T.F. was trial strategy and denied this claim.

Looking at the five statements, T.F.'s testimony in statement (1) regarding his lack of familiarity with Victim was consistent with his prior statements and would not have impeached his credibility. While T.F.'s testimony in statements (2) and (3) about seeing the muzzle flash and not hearing footsteps from behind before the shooting were inconsistent with his prior statements to police, impeaching him with his prior statements would not have provided a viable defense or changed the outcome of the trial. Ingram admitted he shot Victim, so whether T.F. did or did not see the muzzle flash was immaterial. Evidence that T.F. had, in fact, heard footsteps behind him would have corroborated his trial testimony that the shots came from behind his left shoulder, where

Ingram was. Cross-examining T.F. about these prior statements would have supported his testimony that the gunshots came from Ingram's direction.

As for T.F.'s testimony in statement (4) regarding the car headlights argument, cross-examining him about his initial statement to police that he did not hear an argument would have had very little value. T.F. eventually did remember the argument, and his account of it supported Ingram's testimony that an argument occurred between Victim and an unknown person before the shooting. Whether Victim used the word "fool" in addressing the unknown person during the argument was a trivial detail, and the fact that Victim may have called the person a "fool" would not have provided a viable defense to Ingram or changed the outcome of the trial. Lastly, impeaching T.F.'s testimony in statement (5) that Victim had a gun by offering T.F.'s prior statements to police that Victim did not have a gun would have been inconsistent with Ingram's testimony and defense. Trial counsel explained "the whole point" of Ingram's defense was that Victim had a gun in his hand; consequently, it was "very helpful" that T.F. testified he saw a gun in Victim's hand. Informing the jury that T.F. had told police earlier that Victim did not have a gun could have undermined Ingram's self-defense claim.

Ingram failed to overcome the presumption that counsel's decision not to impeach T.F. was a matter of reasonable trial strategy. The motion court did not clearly err in denying this claim. Point Two is denied.

Point Three – Adequacy of Direct Examination of Defense Witness

In Point Three, Ingram contends trial counsel was ineffective for failing to ask defense witness C.S. about a "critical issue," namely, why he left the party before the

shooting. Ingram argues a police report indicates C.S. left the party because Victim "seemed threatening." The report states C.S. told police that, as he was leaving the party with R.N., R.N. said to him, "Let's go," and "Look to the right," while pointing at Victim. At that time, Victim was standing on the sidewalk with a handgun held to the front of his waist.

Trial counsel testified he did not think questioning C.S. about the police report "would have made any difference." The motion court agreed. The court found the lack of additional questioning did not prejudice Ingram, and trial counsel's decision not to question C.S. about the report was trial strategy.

The selection of evidence is a matter of trial strategy and is "virtually unchallengeable in an ineffective assistance claim." *Johnson v. State*, 406 S.W.3d 892, 900 (Mo. banc 2013) (citation omitted). Ingram argues trial counsel should have asked C.S. about the police report because it shows C.S. and R.N. "drove away because [Victim] seemed threatening when he was yelling and walking around with his gun in his hand." Ingram's argument mischaracterizes the contents of the report. Nowhere in the report does C.S. tell police that Victim "seemed threatening" or was "yelling and walking around with his gun." The report indicates only what C.S. testified to at trial, which was C.S. saw Victim with a gun held to the front of his waist. Further questions to C.S. on the contents of the report would not have improved C.S.'s testimony or aided the defense. The motion court did not clearly err in denying this claim. Point Three is denied.

Point Four – Self-Defense Instruction

In Point Four, Ingram contends trial counsel was ineffective for failing to submit a self-defense instruction advising the jury he had no duty to retreat before shooting Victim. The self-defense statute in effect at the time of Ingram's crimes provided, in pertinent part: "A person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining." Section 563.031.3.[2] The pattern self-defense instruction in effect at the time of Ingram's trial, however, did not include the no duty to retreat language.[3] *See* MAI-CR 3d 306.06A. Five months before Ingram's trial, the Supreme Court stated in *State v. Clay*, 533 S.W.3d 710, 716 (Mo. banc 2017), that if Section 563.031.3's no duty to retreat "is believed to apply to the circumstances of the case," the defendant should tender a modified version of MAI-CR 3d 306.06A that includes such language. Ingram argues that, because he was lawfully in the Jeep when Victim pointed a gun at him, trial counsel was ineffective for not proposing an instruction that included: "A person is not required to retreat before

[2] All statutory references are to the Revised Statutes of Missouri 2000, as updated by the 2013 Cumulative Supplement and 2014 Supplement.

[3]After Ingram's trial, a new self-defense instruction was adopted, MAI-CR 4th 406.06, which included this no duty to retreat language:

> A person is not required to retreat before resorting to the use of physical force to defend himself if he is (lawfully (entering) (remaining) in a (dwelling) (residence) (vehicle)) (on private property (owned) (leased) by the person) (in a location the person has the right to be).

resorting to the use of physical force to defend himself if he is lawfully occupying a vehicle."

In denying this claim, the motion court found the applicable pattern instruction was MAI-CR 3d 306.11, which contained the no duty to retreat language for a person lawfully occupying a dwelling or vehicle to defend himself against a person who has attempted to unlawfully enter or has unlawfully entered the dwelling or vehicle. The motion court concluded the no duty to retreat language did not apply in this case because there was no evidence Victim was attempting to unlawfully enter the Jeep or that Victim had unlawfully entered the Jeep.

The motion court's reasoning was erroneous. MAI-CR 3d 306.11 instructs on the castle doctrine as set forth in Section 563.031.2(2) and (3); unlike the castle doctrine, the no duty to retreat provision in Section 563.031.3 does not have any requirement that the *victim* was trying to unlawfully enter or remain unlawfully in the vehicle. Instead, the no duty to retreat provision in Section 563.031.3 requires only that the *defendant* was not unlawfully entering or remaining in the vehicle. The evidence showed Ingram was neither unlawfully entering nor unlawfully remaining in the Jeep; therefore, he had no duty to retreat under Section 563.031.3.

While the motion court's stated reason for denying this claim is incorrect, we should still affirm the denial if it is "sustainable on other grounds." *Swallow*, 398 S.W.3d at 3. Trial counsel testified he did not think the no duty to retreat language "fit" with the facts of the case. He explained Ingram's defense was that he was sitting in the passenger seat of the Jeep with his feet on the curb when Victim pointed the gun at him. At that

moment, Ingram had no place to run to and no time to retreat. Trial counsel testified it was "absolutely strategy" to not ask for the no duty to retreat language because he wanted to keep things simple and focus solely on the fact that Victim pointed a gun at Ingram.

Ingram failed to demonstrate this strategy was unreasonable. Although the no duty to retreat language is now included in the pattern self-defense instruction, at the time of Ingram's trial, *Clay* provided the pattern self-defense instruction should be modified to include the no duty to retreat language if it was "*believed to apply to the circumstances of the case*." 533 S.W.3d at 716 (emphasis added). Ingram's testimony to support his self-defense claim did not present circumstances in which a person would be expected to retreat. Ingram testified he was sitting in the Jeep with his feet on the curb when Victim pointed his gun directly at him. Ingram testified he thought he was going to die, so he grabbed his gun and "began to fire." If the jurors had believed Ingram's testimony, they would have found Victim was the initial aggressor and Ingram did not have any opportunity to retreat before using deadly force to defend himself. The circumstances of this case, much like the circumstances in *Cook v. State*, 731 S.W.3d 547, 556 (Mo. App. 2026), and *Sanders v. State*, 652 S.W.3d 258, 274 (Mo. App. 2022), are such that "there is no reason to believe that a jury would think that [Ingram] was required to retreat before defending himself."

Additionally, we note Ingram makes no argument that, if the no duty to retreat language had been included, there is a reasonable probability the jury would have acquitted him or convicted him of a lesser offense. Instead, he argues a paragraph informing the jury that he had no duty to retreat would have been "helpful" to the defense

because it would have "shifted the jury's analysis of the reasonableness of using deadly force in self-defense" and given the jury "guidance regarding at what point, and if at all, Ingram had a duty to withdraw, or attempt to withdraw, from the situation." Nothing in the self-defense instruction, however, advised or suggested to the jury that Ingram had *any* duty to withdraw from the situation.

Nevertheless, Ingram insists the lack of the no duty to retreat language "left that critical issue up in the air, and the prosecutor filled that vacuum" by arguing in closing, "In those ten seconds Terrell Ingram didn't leave. He didn't walk away." The ten-second period to which the prosecutor was referring was not the period before Ingram started shooting Victim purportedly in self-defense; rather, it was the period between Ingram's initial shots and the last two shots Ingram fired. The State's argument did not imply Ingram had a duty to retreat before he initially used deadly force against Victim. Instead, the State's argument highlighted evidence that, after firing the initial shots, Ingram approached Victim, waited several seconds, and fired two additional shots while standing over Victim, essentially committing an execution of Victim after deliberation. Ingram failed to establish trial counsel was ineffective for not submitting a self-defense instruction that included the no duty to retreat language. The motion court did not clearly err in denying this claim. Point Four is denied.

Point Five – Imperfect Self-Defense Theory

In Point Five, Ingram contends trial counsel was ineffective for failing to request an involuntary manslaughter instruction and to argue the imperfect self-defense theory to the jury. "Imperfect self-defense is 'the intentional act of defending one's self, but in

doing so one uses unreasonable force.'" *Reed v. State*, 649 S.W.3d 86, 91 n.4 (Mo. App. 2022) (quoting *State v. Beeler*, 12 S.W.3d 294, 299 (Mo. banc 2000)). "Asserting imperfect self-defense allows for a lesser-included offense instruction of involuntary manslaughter in a homicide trial." *Id*. (citing *Beeler*, 12 S.W.3d at 300). Involuntary manslaughter occurs when a person "[r]ecklessly causes the death of another person." Section 565.024.1(1). Ingram argues trial counsel should have given the jury the option of finding him guilty of involuntary manslaughter if it believed he was entitled to use force in self-defense but the force used was too much.

Trial counsel testified his defense strategy was to pursue a simple, straightforward self-defense theory. He explained he did not think an argument that Ingram acted recklessly fit the facts of the case or would be believed by the jury. Trial counsel noted Ingram testified he had taken a gun safety class just two weeks before the shooting and, when Victim pointed a gun at him, he responded the way they taught him in class, which was to neutralize the threat. Trial counsel testified any argument Ingram acted recklessly would have been "something I made up, more or less," and would not be believable. Thus, trial counsel said it was "absolutely strategy" to pursue a simple self-defense claim.

"Trial counsel cannot be ineffective for pursuing one reasonable trial strategy to another's exclusion." *Thomas v. State*, 715 S.W.3d 161, 165 (Mo. App. 2025). "More specifically, 'even if imperfect self-defense were an available alternative, ineffective assistance of counsel cannot be established where counsel pursued one reasonable trial strategy to the exclusion of another.'" *Id*. (quoting *Reed*, 649 S.W.3d at 92 n.9).

Trial counsel's decision was objectively reasonable. *See id*. Ingram testified at trial that he learned from his gun safety class, "If you were approached with lethal force it's okay to use lethal force back to protect your own life." Ingram told the jury that, when he saw Victim pointing a gun at him, he believed Victim was going to shoot him and he was going to die, so he shot Victim to protect his life. This testimony provided a viable self-defense claim. *See id*. Arguing in the alternative that Ingram used unreasonable force in defending himself would have conflicted with Ingram's testimony. *See id*. "Pursuing outright acquittal based on self-defense was objectively reasonable under the circumstances." *Id*. The motion court did not clearly err in denying this claim. Point Five is denied.

Points Six and Seven – Evidence Trial Counsel Found Ineffective in Prior Cases

In Points Six and Seven, Ingram contends the motion court erred in refusing to admit evidence, including judgments and transcripts, of two prior cases in which trial counsel was found to have provided ineffective assistance.[4] He argues findings that trial

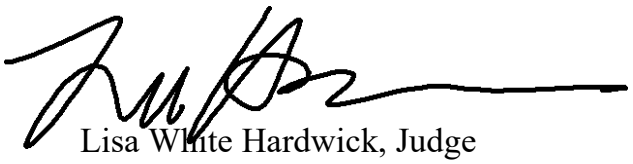
[4] The State contends the claims raised in Points VI and VII are not cognizable in this appeal, citing *Holman v. State*, 694 S.W.3d 484, 492 (Mo. App. 2024). In *Holman*, the Southern District of this court stated it found "no authority, by Rule or caselaw, granting it authority to review an evidentiary ruling made by the motion court during a Rule 29.15 evidentiary hearing on the claim." *Id*. *But see Smulls v. State*, 71 S.W.3d 138, 144 (Mo. banc 2002) (finding motion court did not err in rejecting irrelevant evidence offered by movant at evidentiary hearing). Ingram argues the Supreme Court is currently considering whether procedural issues are cognizable in postconviction appeals in a pending case, *Lawrence v. State*, SC101559, which was argued and submitted on September 1, 2026. Ingram asks us to delay ruling on Points VI and VII until the Supreme Court issues its opinion in *Lawrence* and resolves this procedural matter. We decline to do so because Ingram's claims are substantively without merit.

counsel was ineffective in prior cases were relevant to the motion court's determination of the reasonableness of trial counsel's strategies in this case. We disagree.

The test for the reasonableness of trial counsel's strategies and actions is objective, not subjective. *Strickland*, 466 U.S. at 688. As the Missouri Supreme Court has explained, the reasonableness determination hinges on whether trial counsel "failed to exercise the level of skill and diligence that a reasonably competent counsel would exercise in a similar situation." *Zink*, 278 S.W.3d at 175 (citing *Strickland*, 466 U.S. at 687). "Courts inquire 'into the objective reasonableness of counsel's performance, not counsel's subjective state of mind.'" *Thomas v. State*, 715 S.W.3d 161, 165 (Mo. App. 2025) (quoting *Harrington v. Richter*, 562 U.S. 86, 110 (2011)). Moreover, the objective reasonableness of counsel's performance is judged within the confines of the specific case. The United States Supreme Court explained in *Strickland* that "a court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct *on the facts of the particular case, viewed as of the time of counsel's conduct*." 466 U.S. at 690 (emphasis added). Therefore, trial counsel's conduct in unrelated prior cases was irrelevant to determining whether trial counsel was ineffective in Ingram's case. The motion court did not err in refusing to admit irrelevant evidence. Points Six and Seven are denied.

Conclusion

The judgment is affirmed.



Lisa White Hardwick, Judge

All concur.