

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RANDY BOLDEN, Appellant,) No. ED98888
vs.) Appeal from the Circuit Court of
the City of St. Louis
Honorable John J. Riley
STATE OF MISSOURI, Respondent.) Filed: November 26, 2013

Randy Bolden (Movant) appeals from the judgment of the Circuit Court of the City of St. Louis denying his Rule 29.15 motion for post-conviction relief. Movant claims the motion court clearly erred in denying his claim that defense counsel provided ineffective assistance when he “proposed” improper jury instructions that failed to include “multiple assailants” language as required by the Missouri Approved Instructions-Criminal on self-defense and defense of another.

AFFIRMED.

Division Four Holds: Instruction No. 14 permitted the jury to consider the actions of the victim and others and therefore did not restrict the jurors to a consideration only of the victim’s actions when determining whether there was justification for the use of deadly force. Accordingly, Movant failed to show that counsel’s errors constituted error substantially depriving Movant of a fair trial. In addition, Movant failed to establish that had defense counsel proffered a proper defense-of-another instruction, the trial’s outcome would have been different.

Opinion by: Patricia L. Cohen, J.
Lisa S. Van Amburg, P.J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Roxanna A. Mason

Attorney for Respondent: Shaun J. Mackelprang

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.