

**SC92250, Rollan Williams v. State of Missouri**

Appeal from the St. Louis circuit court, Judge Bryan L. Hettenbach  
Argued and submitted Sept. 13, 2012; opinion issued Oct. 16, 2012

**Attorneys:** Williams was represented by Loyce Hamilton and Alexandra Johnson of the public defender’s office in St. Louis, (314) 340-7662; and the state was represented by Timothy A. Blackwell of the attorney general’s office in Jefferson City, (573) 751-3321.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A man convicted of first-degree robbery, armed criminal action and unlawful use of a weapon appeals the circuit court’s denial of post-conviction relief. In a 5-0 decision written by Judge Zel M. Fischer, the Supreme Court of Missouri affirms the circuit court’s judgment. The man’s trial counsel was not ineffective in not presenting the testimony of a particular witness, and his appellate counsel was not ineffective for not challenging, on appeal, the sufficiency of the evidence supporting the conviction for unlawful use of a weapon. The weapon he used was “readily capable of lethal use,” and the evidence of his use of the firearm was sufficient to support the conviction.

**Facts:** A jury found Rollan Williams guilty of first-degree robbery, armed criminal action and unlawful use of a weapon for pointing a gun at his estranged wife and one of her adult sons and stating that he was going to kill them all. The court sentenced Williams to 30 years in prison. After his conviction and sentence were affirmed on appeal, Williams sought post-conviction relief, which the circuit court overruled without an evidentiary hearing. Williams appeals.

**AFFIRMED.**

**Court en banc holds:** (1) Williams has not shown he is entitled to relief as to his claim that his trial counsel should have called a particular witness whose testimony, he contends, would have impeached the credibility of one of the state’s witnesses and, thereby, would have provided him with a viable alibi defense. The kind of impeachment testimony Williams hoped to solicit generally is not permitted, and he has not alleged that any exception applies that would permit such testimony. Further, the testimony would not have negated an element of the crime or provided Williams with a viable defense.

(2) Williams’ appellate counsel was not ineffective in not challenging the sufficiency of the evidence supporting his conviction for unlawful use of a weapon. A review of the relevant statute – section 571.030.1, RSMo 2000 – and prevailing case law shows that challenging the sufficiency of the evidence would not have led to a different outcome on appeal. In *State v. Wright*, also decided today, this Court holds that section 571.030.1(1) does not require the state to prove a firearm is “functional” to convict a defendant under this statute. Given the facts of the case, there was sufficient evidence to submit the case to the jury that Williams’ use of the firearm constituted the unlawful use of a weapon. The circuit court’s findings and conclusions as to this point were not clearly erroneous.