

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**  
**OPINION SUMMARY**

DANIEL K. MCKAY,	)	No. ED103847
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Nancy L. Schneider
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: August 23, 2016

A jury convicted Daniel McKay (“McKay”) on two counts of selling a controlled substance and one count of possession of a concealed firearm. We affirmed the trial court’s judgment on direct appeal. McKay now appeals the motion court’s denial of his Rule 29.15 motion for post-conviction relief without an evidentiary hearing. On appeal, McKay claims that the motion court clearly erred in denying his motion because trial counsel was ineffective for failing to file a motion to suppress a statement that McKay made to police officers after his arrest.

AFFIRMED.

DIVISION FOUR HOLDS: The facts alleged in McKay’s motion, even if true, do not demonstrate that trial counsel’s strategic decisions regarding McKay’s statements were unreasonable. Thus, McKay failed to allege facts warranting relief, and the motion court did not clearly err in denying the motion without an evidentiary hearing.

Opinion by: Kurt S. Odenwald, Judge                      James M. Dowd P.J., and Gary M. Gaertner,  
Jr., J., concur.

Attorney for Appellant:        Lisa M. Stroup

Attorney for Respondent:     Chris Koster and Gregory L. Barnes

<b>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.</b>
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