

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MORION S. DAWSON,) ED100276
)
Appellant,) Appeal from the Circuit Court
) of St. Louis County
v.) 12SL-CC04450
)
STATE OF MISSOURI,) Honorable Mark D. Seigel
)
Respondent.) Filed: March 4, 2014

Morion Dawson (Movant) appeals the motion court’s judgment denying, without an evidentiary hearing, his motion under Mo. R. Crim. P. 24.035 (2013) to Vacate, Set Aside, or Correct the Judgment and Sentence and Request for Evidentiary Hearing. Movant alleged that his plea counsel was ineffective for misinforming Movant that he would not be required to serve 85 percent of his sentence before he would be eligible for parole, and this alleged misinformation rendered his plea involuntary. Movant argued he was prejudiced because of this and because his plea counsel was not prepared to go to trial.

AFFIRMED.

Division Five Holds: The record refutes Movant’s claim that he was prejudiced by his counsel’s alleged misinformation, because there is no reasonable basis in the record for his mistaken belief that he would not be required to serve at least 85 percent of his sentence. The record reflects that Movant was informed before pleading guilty that he would be required to serve 85 percent of his sentence before becoming eligible for parole, Movant indicated he understood the range of punishment and that sentencing was in the trial court’s hands alone, he answered in the negative when the plea court later asked if he had any questions, and he did not raise any questions two weeks later at his sentencing. Movant also indicated after sentencing that he was satisfied with his attorney. The motion court did not clearly err in denying Movant’s motion without an evidentiary hearing.

Opinion by: Gary M. Gaertner, Jr., J.
Robert M. Clayton III, C.J., and Karl A.W. DeMarce, S.J., concur.

Attorney for Appellant: Lisa Stroup
Attorney for Respondent: Chris Koster and Dora A. Fichter

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.