

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT DIVISION TWO

STATE OF MISSOURI,) No. ED103196
)
Respondent,) Appeal from the Circuit Court
) of the City of St. Louis
vs.)
)
RONALD DAVIS,) Honorable Thomas J. Frawley
)
Appellant,)
) FILED: September 27, 2016

Ronald Davis (“Appellant”) appeals from his judgments for assault in the first degree, in violation of Section 565.050 (RSMo. 2000), and armed criminal action, in violation of Section 571.015. Appellant wished to proceed without benefit of counsel; the trial court granted that request, but also provided standby counsel. This action brings to mind the adage, “be careful what you ask for, you might get it.” Appellant represented himself at trial and the jury found him guilty of both charges. This result brings to mind another adage, “he who represents himself has a fool for a client.” Appellant was sentenced as a prior and persistent offender to consecutive terms of life imprisonment. Appellant now complains that the trial court failed to make a proper determination that he knowingly and intelligently waived his right to counsel and failed to present him with the required written waiver of counsel form. We affirm.

AFFIRMED.

Division Two Holds: The trial court correctly determined Appellant’s waiver of counsel was made knowingly and intelligently because the court sufficiently inquired of Appellant’s capacity, understanding of charges, possible range of penalties, and consequences for waiving right to counsel. There was no indication that Appellant was incompetent or that he did not fully understand his decision to waive counsel. Further, the trial court was not required to present a signed waiver of counsel, pursuant to Section 565.050 (RSMo. 2000), because Appellant had the assistance of standby counsel throughout the trial proceedings and Appellant’s lack of cooperation implied a refusal to sign any presented waiver.

Opinion by: Roy L. Richter, J.

Sherri B. Sullivan, J., and Colleen Dolan, J., concur.

Attorneys for Appellant: Andrew E. Zleit

Attorneys for Respondent: Chris Koster, Daniel N. McPherson

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.