

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DAVID JONES,)	No. ED103248
)	
Appellant,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	1322-CC01130
)	
STATE OF MISSOURI,)	Honorable Philip D. Heagney
)	
Respondent.)	Filed: July 19, 2016

David Jones appeals the denial of his Rule 29.15 motion for post-conviction relief. Arguing that the motion court clearly erred in denying his motion without an evidentiary hearing, Jones raises one point on appeal: that trial counsel rendered ineffective assistance because counsel should have offered a self-defense instruction hypothesizing multiple assailants.

AFFIRMED.

DIVISION THREE HOLDS: The motion court did not clearly err in determining that Jones's ineffective assistance claim is refuted by the record and does not entitle him to relief or even an evidentiary hearing. The record in this case—which shows that Jones completely denied committing the charged act for which he claimed justification based on self-defense, if the jury found that it occurred, and that neither the State nor any third-party witness presented evidence that Jones acted in self-defense—affords no basis for finding that Jones was entitled to a self-defense instruction in this case, much less one expressly hypothesizing multiple assailants. Thus, as a matter of law, Jones's ineffective assistance claim fails.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., and Lawrence E. Mooney, J., concur.

Attorney for Appellant: Gwenda Reneé Robinson

Attorney for Respondent: Christine Lesicko

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