

MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY

DIRK ALAN RUEGER,)	No. ED103591
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	Honorable Jon A. Cunningham
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: September 20, 2016

Dirk Alan Rueger (“Rueger”) appeals from the judgment of the motion court denying his Rule 24.035 motion for post-conviction relief following an evidentiary hearing. Rueger pleaded guilty to multiple felonies and misdemeanors, including one charge of the class C felony of driving while intoxicated (“DWI”) and was sentenced to twelve years’ imprisonment. Rueger’s amended Rule 24.035 motion sought to set aside his guilty plea and sentence to the DWI charge. After an evidentiary hearing, the motion court denied Rueger’s amended motion in its entirety. In his sole point on appeal, Rueger argues that his guilty plea was involuntary because plea counsel failed to inform him of a possible defense to the DWI charge. Because Rueger cannot show that he was prejudiced by his legal representation, the motion court did not clearly err in denying his Rule 24.035 motion for post-conviction relief.

AFFIRMED.

DIVISION FOUR HOLDS: The motion court did not clearly err in finding that Rueger was not prejudiced by his legal representation. Considering that Rueger was charged with multiple felonies and misdemeanors, the motion court was free to reject Rueger’s testimony that he would have insisted on proceeding to trial if his attorney had informed him about a possible defense to the DWI charge.

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

Attorney for Appellant: Matthew Huckeby

Attorney for Respondent: Chris Koster and Christine Lesicko

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