

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

JEFFREY WEINHAUS, ) ED103834  
 )  
 Appellant, ) Appeal from the Circuit Court  
 ) of Franklin County  
 v. ) 15AB-CC00117  
 )  
 STATE OF MISSOURI, ) Honorable Keith M. Sutherland  
 )  
 Respondent. ) Filed: October 18, 2016

Jeffrey Weinhaus (Movant) appeals the motion court’s denial of his motion for post-conviction relief under Rule 29.15. He argues the motion court clearly erred in denying his motion without an evidentiary hearing because he pled unrefuted facts showing that his trial counsel was ineffective for failing to call certain witnesses at trial.

**AFFIRMED.**

Division Four Holds: Movant failed to allege facts that if true would establish his trial counsel’s assistance was ineffective. Specifically, while Movant alleged the witnesses would have provided testimony to impeach the State Troopers’ testimony in various respects, they would not have provided testimony that negated any element of the crimes for which Movant was on trial. Thus, Movant did not sufficiently allege that any of the witnesses would have provided him a viable defense. Accordingly, he was not entitled to an evidentiary hearing on any of his claims, and the motion court did not err in denying his motion without a hearing.

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

Attorney for Appellant: Mark A. Grothoff  
 Attorneys for Respondent: Chris Koster, Shaun J Mackelprang

**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.**