

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RASHEED MUHAMMAD,)	No. ED97057
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Tommy W. DePriest Jr.
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: June 12, 2012

Rasheed Muhammad (Muhammad) appeals from the motion court's denial without an evidentiary hearing of his motion for post-conviction relief. Muhammad pleaded guilty to one count of second-degree murder and one count of armed criminal action in exchange for a favorable sentencing recommendation by State. Muhammad now argues that his defense counsel's failure to advise him of a potentially available defense and the possibility of conviction on a lesser-included charge rendered involuntary and unknowing his guilty plea and the associated sentences he received.

AFFIRMED

Division IV Holds: The record clearly indicates that Muhammad was properly informed the nature of the charges pending against him and relevant defenses. Therefore, Muhammad has failed to allege facts, not refuted by the record, which would entitle him to relief. Accordingly, the judgment of the motion court denying Muhammad's motion without an evidentiary hearing is affirmed.

Opinion by: Kurt S. Odenwald, C.J., Patricia L. Cohen, J., and Robert M. Clayton III, J., Concur.

Attorney for Appellant: Amy Faerber

Attorney for Respondent: Chris Koster and Mary H. Moore

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.