

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION THREE

JASON CONGER,	)	No. ED98557
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	
	)	Honorable Ted House
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: May 21, 2013

Jason Conger ("Movant") appeals from the motion court's denial, after an evidentiary hearing, of his Rule 24.035 post-conviction relief motion. Movant was sentenced to a total of fifteen years' imprisonment.

AFFIRMED.

Division Three Holds: Although Movant alleges the motion court erred in denying his motion for post-conviction relief after he proved facts showing plea counsel's desire to obtain payment for legal services conflicted with Movant's interest in persisting in his plea of not guilty, the record shows that Movant admitted in his post-conviction hearing deposition that he made the final decision to plead guilty, and that he committed the crimes in this case. Plea Counsel and Co-counsel also stated credibly on the record that they never told Movant they would not try the case if Movant did not plead guilty or pay more money. We find Movant has not met his burden in proving any conflict of interest between Movant and his plea counsel, nor has Movant provided any evidence that his guilty plea was not made freely and voluntarily.

Opinion by: Roy L. Richter, J.  
Robert G. Dowd, Jr., P.J., and Angela T. Quigless, J., concur.

Attorneys for Appellant: Timothy J. Forneris  
Attorneys for Respondent: Chris Koster, Gregory L. Barnes

**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**