

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

RICHARD SIMMONS,)	No. ED99128
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Francois County
vs.)	
)	Honorable Kenneth Pratte
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: March 4, 2014

Richard Simmons ("Movant") appeals from the denial, without an evidentiary hearing, of his Rule 24.035 motion for post-conviction relief.

AFFIRMED.

Division One Holds: The motion court did not clearly err in denying Movant's Rule 24.035 motion for post-conviction relief because the factual basis, proffered during Movant's plea hearing, was sufficient to support Movant's guilty plea under Section 217.360.1(4). Movant voluntarily admitted to possessing a cigarette lighter on the premises of a correctional facility, and Movant elected not to proceed to trial and challenge the crime so charged. Therefore, the motion court's findings and conclusions are not found to be clearly erroneous.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Glenn A. Norton, J., concur.

Attorneys for Appellant: Jessica M. Hathaway
Attorneys for Respondent: CHRIS KOSTER, Andrew C. Hooper

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
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