

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JEFFREY G. THURMAN,)	No. ED99619
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Francois County
vs.)	
)	Honorable Kenneth W. Pratte
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: March 11, 2014

Jeffrey Thurman (“Thurman”) appeals from the judgment of the motion court denying his motion for post-conviction relief under Rule 24.035, Mo. R. Crim. P (2013), without an evidentiary hearing. Pursuant to a plea agreement with the State, Thurman pleaded guilty to first-degree murder and accepted a life sentence without parole in exchange for the State’s withdrawal of its intent to seek the death penalty and dismissal of two felony stealing counts. Following his guilty plea, Thurman filed a motion for post-conviction relief alleging that plea counsel were constitutionally ineffective in failing to obtain a pre-trial determination of whether Thurman’s level of mental functioning rendered him ineligible for the death penalty. Thurman reasoned that plea counsel’s failure to obtain a determination of his mental disability prior to trial rendered his plea involuntary and unknowing. The motion court concluded that Thurman was not entitled to relief because plea counsel investigated the issue of Thurman’s mental retardation, and Thurman ultimately decided not to risk trial, as well as conviction and sentencing, based on that investigation.

AFFIRMED.

Division III holds: Because the purported evidence relating to Thurman’s alleged mental retardation was inconclusive, plea counsel’s recommendation to accept the State’s plea agreement and eliminate the risk of a death sentence was reasonable trial strategy. Moreover, Thurman was not prejudiced by any alleged errors by plea counsel. Accordingly, we hold that the motion court did not clearly err in denying Thurman’s claim for post-conviction relief.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: Jessica Hathaway

Attorney for Respondent: Chris Koster and Evan J. Buchheim

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.