

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

MARCUS WHARTON,	)	No. ED99652
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Thomas C. Grady
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: May 13, 2014

Marcus Wharton ("Movant") appeals from the motion court's judgment, without an evidentiary hearing, denying his Rule 24.035 motion for post-conviction relief.

AFFIRMED.

Division One Holds: Movant's claims are directly refuted by the record in that during his plea hearing, Movant responded to the court under oath that no one had promised him anything about his sentence in order to induce him to plead guilty. Movant also admitted to all the facts stated when the prosecutor explained what the State would prove if the case went to trial. Thus, Movant's statements refute his claims now that he entered a guilty plea because his counsel assured him he would receive a lesser sentence, and that he was pressured by his counsel to plead guilty rather than proceed to trial.

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

Attorneys for Appellant: Maleaner Harvey  
Attorneys for Respondent: CHRIS KOSTER, Evan J. Buchheim

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IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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