MISSOURI COURT OF APPEALS
WESTERN DISTRICT

RICHARD V. COOPER,
APPELLANT

vs.

STATE OF MISSOURI,
RESPONDENT

DOCKET NUMBER WD82926

DATE: FEBRUARY 16, 2021

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable S. Margene Burnett, Judge

Appellate Judges:

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Keith P. O'Connor, for Appellant

Shaun Mackelprang, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

RICHARD V. COOPER, APPELLANT
v.
STATE OF MISSOURI, RESPONDENT

WD82926 Jackson County

Division Two: W. Douglas Thomson, Presiding Judge, Lisa White Hardwick, Judge and Edward R. Ardini, Jr., Judge

Richard V. Cooper appeals from the Circuit Court of Jackson County's denial of his Rule 24.035 motion after an evidentiary hearing. In his first two points on appeal, Cooper contends that the motion court clearly erred in denying his claim for ineffective assistance of counsel. In his third point, Cooper argues that the motion court clearly erred in disallowing his second amended motion by miscalculating the filing deadline, or alternatively, failing to apply the abandonment doctrine.

AFFIRMED.

Division Two holds:

The motion court did not clearly err in denying Cooper's claim that plea counsel provided ineffective assistance of counsel in failing to address the issue of Cooper's competence. In his first point, Cooper failed to prove a factual basis indicating a questionable mental condition that should have caused plea counsel to consider such before Cooper entered his guilty plea. As to his second point, no reasonable basis existed in the record to support Cooper's contention that plea counsel provided incorrect advice. Moreover, the motion court did not clearly err in disallowing his second amended motion because it was not timely filed and the abandonment doctrine does not apply here.

Opinion by: W. Douglas Thomson, Judge Date: February 16, 2021

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