

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

LONZO DAVIS,)	No. ED100609
)	
Appellant,)	Appeal from the Circuit Court
)	of City of St. Louis
vs.)	
)	Honorable Thomas J. Frawley
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: June 30, 2014

Lonzo Davis ("Movant") appeals from the motion court's judgment, without an evidentiary hearing, denying his Rule 24.035 motion for post-conviction relief. Movant, proven to be a prior and persistent offender, pled guilty to one count of the Class A felony of assault of a law enforcement officer (Count I), one count of the unclassified felony of armed criminal action (Count II), one count of the Class C felony of stealing (Count III), one count of the Class C felony of unlawful possession of a firearm (Count IV), two counts of the Class B misdemeanor of property damage in the second degree (Counts V and VI), and one count of the Class B felony of discharging a firearm from a motor vehicle (Count VII). He was sentenced to concurrent terms totaling 20 years in the Missouri Department of Corrections. Movant claims his attorney promised him a maximum sentence of 12 years.

AFFIRMED.

Division One Holds: Movant was sufficiently questioned in detail under oath during the plea and sentencing hearings to determine that his allegation that Plea Counsel promised him a 12-year sentence is clearly refuted by the record. Movant was given numerous opportunities to tell the court of the alleged promise of a lesser sentence, yet failed to do so. Only his incarceration changed Movant's story, now claiming the opposite of what he had answered previously on the record.

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

Attorneys for Appellant: Gwenda Renee Robinson
Attorneys for Respondent: Chris Koster, Todd T. Smith

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