

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

WILLIE RANDLE,)	ED102298
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Mark H. Neill
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: October 27, 2015

Willie Randle ("Movant") appeals from the motion court's denial of his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Movant was convicted after a guilty plea as a prior and persistent offender with possession of a controlled substance, specifically Alprazolam, in violation of Section 195.202.1, RSMo (2000); and with possession of up to thirty-five grams of marijuana, in violation of Section 195.202.2.

REVERSED AND REMANDED

Division One Holds: The trial court clearly erred in denying Movant an evidentiary hearing on his ineffective assistance of counsel claim. Movant sufficiently pled facts warranting relief that were not clearly refuted by the record in that he testified he would not have pled guilty if he was not misled by counsel. Further, Movant attempted to withdraw his guilty plea and was denied the ability to do so by the trial court.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Timothy Forneris

Attorney for Respondent: Chris Koster, Mary H. Moore

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.