

**MISSOURI COURT OF APPEALS EASTERN DIVISION
OPINION SUMMARY**

GENE M. WHITEHEAD,)	No. ED102415
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Charles County
vs.)	
)	
STATE OF MISSOURI,)	Hon. Nancy L. Schneider
)	
Respondent.)	FILED: February 2, 2016

Appellant Gene Whitehead (“Whitehead”) appeals from the judgment of the motion court denying his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Whitehead pleaded guilty to one count of first-degree robbery and three counts of second-degree robbery and was sentenced to a total of 12 years’ imprisonment. Whitehead’s amended motion sought to set aside his guilty plea to first-degree robbery. On appeal, Whitehead contends the motion court erred in denying his Rule 24.035 motion without an evidentiary hearing because (1) plea counsel was ineffective for failing to advise Whitehead of a possible lesser-included offense of second-degree robbery; and (2) plea counsel was ineffective for pressuring Whitehead to plead guilty.

AFFIRMED.

DIVISION FOUR HOLDS: Because the record demonstrates that Whitehead understood the nature of the charges against him, the available defenses, and the relevant circumstances of his plea, the record conclusively refutes Whitehead’s claim that his guilty plea was involuntary or unknowing due to plea counsel’s failure to advise him of the possibility of the lesser-included offense of second-degree robbery. Further, Whitehead’s testimony at the plea hearing and sentencing hearing specifically, directly, and conclusively refutes his claim that his guilty plea was involuntary as a result of plea counsel’s alleged pressure and coercion. Accordingly, we affirm the judgment of the motion court.

Opinion by: Kurt S. Odenwald, Judge
Amburg, C.J., concur.

Sherri B. Sullivan, P.J., and Lisa Van

Attorney for Appellant: Richard H. Sindel

Attorney for Respondent: Chris Koster and Christine Lesicko

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