

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

MARCUS KILCREASE,) ED102478
)
 Appellant,) Appeal from the Circuit Court
) of the City of St. Louis
 v.) 1422-CC00262
)
 STATE OF MISSOURI,) Honorable Rex M. Burlison
)
 Respondent.) Filed: November 24, 2015

Marcus Kilcrease (Movant) appeals the judgment of the motion court denying his motion to vacate, set aside, or correct the judgment and sentence under Mo. R. Crim. P. Rule 24.035 (2014) after a partial evidentiary hearing. He argues his plea counsel was ineffective for advising him that he would not receive more than a ten-year sentence when he entered a blind plea of guilty to three counts of first-degree assault, three counts of child abuse, and three counts of child endangerment. He also argues that his convictions violate double jeopardy.

AFFIRMED.

Division Two Holds: We defer to the motion court’s credibility findings, and in doing so, find the motion court did not clearly err in determining that Movant’s counsel was not ineffective in advising Movant regarding the sentence he would receive. Additionally, Movant’s convictions for first-degree assault, child abuse, and child endangerment, stemming from the same underlying facts, did not violate his Fifth Amendment protection against double jeopardy because each offense required proof of a fact that the other two did not.

Opinion by: Gary M. Gaertner, Jr., J.
 Philip M. Hess, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Kim Freter
 Attorneys for Respondent: Chris Koster, Dora A. Fichter

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.