

# OPINION SUMMARY

## MISSOURI COURT OF APPEALS EASTERN DISTRICT

### DIVISION THREE

ANDREW STANLEY,	)	No. ED102812
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	1322-CC09229
	)	
STATE OF MISSOURI,	)	Honorable Thomas C. Grady
	)	
Respondent.	)	Filed: May 24, 2016

Andrew Stanley appeals from the judgment denying his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. In three points on appeal, Stanley claims the court erred in denying his motion without an evidentiary hearing because (1) a blind guilty plea is inherently unconstitutional under the Missouri and United States Constitutions, (2) counsel was ineffective for recommending that he enter a blind plea, and (3) his right to effective assistance of counsel and his right to due process were denied when his attorney failed to procure a Portuguese-English interpreter for attorney-client meetings and court proceedings.

AFFIRMED.

#### Division III Holds:

- 1) The motion court did not clearly err in denying Stanley's motion without an evidentiary hearing because the record conclusively demonstrates that Stanley was entitled to no relief because he voluntarily and intelligently pled guilty; he was not constitutionally entitled to receive any benefit from his blind plea; and, accordingly, counsel's recommendation that he enter a blind Alford plea was not deficient.
- 2) A person's *mental* competency is not the same as a person's *English language* competency. However, the record in this case—which shows Stanley communicated in English with the court and with his attorney without difficulty—refutes Stanley's claim that the motion court clearly erred in finding that his attorney did not render ineffective assistance by failing to procure a Portuguese-English interpreter.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur

Attorney for Appellant: Amy E. Lowe

Attorney for Respondent: Evan J. Buchheim

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