

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JERRELL J. BELL,)	ED103398
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
v.)	13SL-CC02474
)	
STATE OF MISSOURI,)	Honorable Colleen Dolan
)	
Respondent.)	Filed: September 6, 2016

On April 11, 2013, Jerrell J. Bell ("Defendant") pleaded guilty to committing first degree assault, in violation of § 565.050 RSMo 2000, as a class A felony. Defendant received a 12 year sentence. Defendant appeals from the denial of his amended Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Defendant contends the motion court erred in denying the evidentiary hearing because (I) there was an insufficient factual basis for the underlying plea and the plea was not entered into knowingly, voluntarily and intelligently, and (II) his plea counsel was ineffective for failing to advise him that an insufficient factual basis for the plea existed, and he would not have pleaded had he been so advised.

AFFIRMED.

Division One Holds: The motion court did not clearly err in denying an evidentiary hearing on either matter. (I) The record reflects there was a sufficient factual basis for the plea, and the plea was made voluntarily, knowingly, and intelligently. The record refutes Defendant's contention that he could not be charged with the class A felony under these facts; (II) Plea counsel was not ineffective for failing to advise Defendant that an insufficient factual basis existed.

Opinion by: Lisa P. Page, J.

Robert M. Clayton III, P.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: Amy E. Lowe

Attorneys for Respondent: Evan J. Buchheim

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.