

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

GARLAND L. WILDER, Appellant,	)	No. ED93032
	)	
	)	Appeal from the Circuit Court
v.	)	of St. Louis County
	)	
	)	
STATE OF MISSOURI, Respondent.	)	Filed: January 19, 2010

Garland Wilder (Movant) appeals from the motion court's denial, without an evidentiary hearing, of his Rule 24.035 amended motion for post-conviction relief.

AFFIRMED.

Division Four Holds: The motion court did not clearly err when it denied Movant's amended motion for post-conviction relief without an evidentiary hearing. On his first point, Movant was barred from arguing that the court erred in not permitting him to withdraw his Alford<sup>1</sup> plea because the denial of his motion was an appealable order. In his second point, Movant failed to demonstrate he was denied his constitutional rights when his plea was accepted, and convictions were entered, for both assault in the first degree and attempted forcible rape.

Opinion by: Kurt S. Odenwald, P.J.  
George W. Draper III, J., and Gary M. Gaertner, Jr., Concur

Attorney for Appellant: Scott Thompson

Attorney for Respondent: Chris Koster and Terrence M. Messonnier

**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.**

<sup>1</sup> North Carolina v. Alford, 400 U.S. 25 (1970).