

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ANTONIO JACKSON,)	No. ED99651
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Mark H. Neill
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: February 25, 2014

Appellant Antonio Jackson (“Jackson”) appeals the judgment of the motion court denying his Rule 24.035, Mo. R. Crim. P. (2011), motion for post-conviction relief without an evidentiary hearing. Jackson claims the motion court clearly erred in denying his motion and request for an evidentiary hearing because he alleged facts not refuted by the record indicating that plea counsel was constitutionally ineffective. Specifically, Jackson contends that plea counsel misled him into pleading guilty by falsely guaranteeing him he would be sentenced to 10 years concurrent on all counts if he entered a blind plea. Jackson asserts that plea counsel’s false assurance rendered his guilty pleas unknowing and involuntary and denied him of his constitutional right to effective assistance of counsel.

AFFIRMED.

Division III holds: Jackson’s allegation in his motion for post-conviction relief that he was guaranteed a sentence of not more than 10 years is refuted by the record. The record shows only that plea counsel said he would “try” to get Jackson 10 years concurrent on all counts or “work some type of deal like that.” Moreover, the record indicates that Jackson’s guilty pleas were knowing and voluntary. Therefore, the trial court did not clearly err in denying Jackson’s motion for post-conviction relief without an evidentiary hearing. The judgment of the motion court is affirmed.

Opinion by: Kurt S. Odenwald, J., Mary K. Hoff, P.J., and Angela T. Quigless, J., Concur.

Attorney for Appellants: Srikant Chigurupati

Attorney for Respondent: Chris Koster and Evan J. Buchheim

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