

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ADAM D. BRIDGEWATER

APPELLANT,

**v.
STATE OF MISSOURI**

RESPONDENT.

DOCKET NUMBER WD75421

DATE: September 10, 2013

Appeal From:

Vernon County Circuit Court
The Honorable Gerald D. McBeth, Judge

Appellate Judges:

Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

Attorneys:

Adam D. Bridgewater, Appellant Pro Se.

Robert J. Bartholomew Jr., Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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v.

STATE OF MISSOURI,

RESPONDENT.

No. WD75421

Vernon County

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer, Judge and Cynthia L. Martin, Judge

Adam Bridgewater filed a motion to recall mandate following our affirmance of a judgment denying his Rule 24.035 motion alleging ineffective assistance of counsel. An exhibit attached to the motion to recall mandate was missing from trial counsel's file at the time of Bridgewater's Rule 24.035 hearing, and is established by the Rule 24.035 record to be material to Bridgewater's claim of ineffective assistance which alleged that trial counsel affirmatively misrepresented that Bridgewater would receive a single life sentence if he pleaded guilty. The motion court's judgment denying Bridgewater's claim of ineffective assistance of counsel relied exclusively on a credibility determination favoring trial counsel's hearing testimony that appears to be inconsistent with the exhibit attached to Bridgewater's motion to recall mandate. And Bridgewater's guilty plea hearing does not plainly refute his claim of prejudicial reliance on trial counsel's affirmative representation.

RECALL MANDATE; WITHDRAW ORDER/MEMORANDUM; VACATE JUDGMENT and REMAND for further proceedings.

Opinion by Cynthia L. Martin, Judge

January 13, 2015

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