

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MILES E. WRAY

APPELLANT,

**v.
STATE OF MISSOURI**

RESPONDENT.

DOCKET NUMBER WD77839

DATE: November 10, 2015

Appeal From:

Cass County Circuit Court
The Honorable R. Michael Wagner, Judge

Appellate Judges:

Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Attorneys:

Paul L. Schmitz, St. Louis, MO, for appellant.

Daniel N. McPherson, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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MILES E. WRAY,

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v.

STATE OF MISSOURI,

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No. WD77839

Cass County

Before Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Miles E. Wray appeals from the motion court's denial of his Rule 24.035 motion for post-conviction relief following an evidentiary hearing. Wray argues that his guilty plea was not knowing and voluntary because it lacked a sufficient factual basis. Wray also argues that his plea attorney provided ineffective assistance of counsel by affirmatively misinforming him of his lifetime duty to register as a sex offender and by failing to review discovery or to develop possible defenses to the crime charged.

Affirmed.

Division One holds:

The motion court did not clearly err in ruling that a sufficient factual basis supported Wray's guilty plea. The trial court did not have to explain the statutory definition of sexual contact to Wray in order to establish a factual basis for Wray's plea. The average person would understand that admitting to sexual contact with another is admitting to contact that has the purpose of sexual arousal or gratification and not mere physical contact.

The motion court did not clearly err in rejecting Wray's argument that he was provided ineffective assistance of counsel. Wray failed to establish a deficient performance by his trial counsel. Wray's trial counsel, whose testimony was found credible by the motion court, did not affirmatively misinform Wray about his lifetime obligation to register as a sex offender upon pleading guilty. Wray's trial counsel also reviewed all the materials in Wray's case and successfully negotiated a plea agreement with the State that resulted in Wray's initial suspended imposition of sentence.

Opinion by Cynthia L. Martin, Judge

November 10, 2015

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