

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CORNELIUS MOORE

**v.
STATE OF MISSOURI**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD78924

DATE: October 25, 2016

Appeal From:

Platte County Circuit Court
The Honorable Thomas C. Fincham, Judge

Appellate Judges:

Division Four: Mark D. Pfeiffer, Chief Judge, Presiding, Victor C. Howard, Judge and Gary D. Witt, Judge

Attorneys:

Susan L. Hogan, Kansas City, MO, for appellant.

Shaun Mackelprang, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CORNELIUS MOORE,

APPELLANT,

v.

STATE OF MISSOURI,

RESPONDENT.

No. WD78924

Platte County

Before Division Four: Mark D. Pfeiffer, Chief Judge, Presiding, Victor C. Howard, Judge and Gary D. Witt, Judge

Following a bench trial, Appellant Cornelius Moore was convicted by the Circuit Court of Platte County of one count of assault in the first-degree, Section 565.050. Moore now appeals the motion court's denial of his 29.15 motion for post-conviction relief, in which he alleges his trial counsel was ineffective because she failed to adequately advise him of the benefits of a jury trial.

WE AFFIRM

Division Four holds:

The motion court held an evidentiary hearing on Moore's claim at which trial counsel testified that her notes reflected she spoke with Moore on at least five separate occasions regarding differences between bench trials and jury trials. The motion court did not err in finding that trial counsel fully informed Moore of the jury trial process before he waived his right to a jury trial. Further, trial counsel's recommendations were reasonable and sound trial strategy.

Opinion by Gary D. Witt, Judge

October 25, 2016

This summary is UNOFFICIAL and should not be quoted or cited.