

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

RICHARD E. ROBERTSON,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

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**DOCKET NUMBER WD78927**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** October 11, 2016

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**APPEAL FROM**

The Circuit Court of Jackson County, Missouri  
The Honorable Jack R. Grate, Jr., Judge

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**JUDGES**

Division IV: Pfeiffer, C.J., and Welsh and Ahuja, JJ.

CONCURRING.

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**ATTORNEYS**

S. Kathleen Webber, Assistant Appellate Defender  
Kansas City, MO

Attorney for Appellant,

Chris Koster, Attorney General  
Mary H. Moore, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**RICHARD E. ROBERTSON,** )  
 )  
 ) **Appellant,** )  
**v.** ) **OPINION FILED:**  
 ) **October 11, 2016**  
**STATE OF MISSOURI,** )  
 )  
 ) **Respondent.** )

**WD78927**

**Jackson County**

**Before Division IV Judges:** Mark D. Pfeiffer, Chief Judge, and James Edward Welsh and Alok Ahuja, Judges

Richard E. Robertson appeals the judgment of the Circuit Court of Jackson County, Missouri (“motion court”), denying his Rule 24.035 motion for post-conviction relief. Robertson argues that the motion court’s decision was clearly erroneous because his guilty plea to the class C felony of failure to register as a sex offender was not made knowingly and voluntarily, in that his plea attorney improperly coerced him into pleading guilty.

**AFFIRMED.**

**Division IV holds:**

The motion court properly denied Robertson’s Rule 24.035 motion because there was no evidence in the record that Robertson’s plea counsel improperly coerced him into pleading guilty. The record demonstrated that Robertson’s plea counsel properly performed her duty of advising Robertson about the strength of the State’s case—specifically, by advising Robertson that he would likely lose at trial, that counsel had no viable defense theory to excuse his failure to register as a sex offender, and that he was facing the possibility of being charged as a prior and persistent offender and a ten-year maximum prison sentence if he went to trial and lost. Because his plea counsel’s advice was not mistaken or false, plea counsel’s communication of this information did not constitute coercion invalidating Robertson’s guilty plea.

**Opinion by: Mark D. Pfeiffer, Chief Judge**

October 11, 2016

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.