

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

LAMARCUS STEPHENSON, ) No. ED101344  
 )  
 Movant/Appellant, ) Appeal from the Circuit Court  
 ) of the City of St. Louis  
 vs. )  
 ) Honorable John J. Riley  
 STATE OF MISSOURI, )  
 )  
 Respondent. ) Filed: April 21, 2015

The movant, Lamarcus Stephenson, appeals the motion court’s order denying his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Following the movant’s plea of guilty, the Circuit Court of the City of St. Louis entered judgment against the movant on one count of first-degree assault, in violation of section 565.050 RSMo. (2000), and one count of armed criminal action, in violation of section 571.015.

REVERSED AND REMANDED WITH INSTRUCTIONS.

DIVISION ONE HOLDS: Because we hold that the factual basis for the movant’s guilty plea failed to establish the elements of the offense of armed criminal action as a matter of law, we reverse the motion court’s judgment denying post-conviction relief. We remand the cause to the motion court with instructions to vacate the movant’s conviction on the charge of armed criminal action.

Opinion by: Lawrence E. Mooney, P. J. Clifford H. Ahrens, J., and Lisa Van Amburg, J., concur.

Attorney for Appellant: Timothy Forneris

Attorneys for Respondent: Chris Koster and Andrew C. Hooper

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
SHOULD NOT BE QUOTED OR CITED.**