

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

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|--------------------|---|--------------------------------------|
| RODNEY E. ALLEN, |) | No. ED102317 |
| |) | |
| Appellant, |) | Appeal from the Circuit Court of the |
| |) | City of St. Louis |
| vs. |) | |
| |) | |
| STATE OF MISSOURI, |) | Honorable Thomas C. Grady |
| |) | |
| |) | |
| Respondent. |) | Filed: December 1, 2015 |

Rodney E. Allen (“Movant”) appeals from the motion court’s denial of his motion for post-conviction relief pursuant to Rule 24.035 without an evidentiary hearing. Movant on appeal asserts the motion court clearly erred in denying his claim that his plea counsel was ineffective for failing to advise him that he would be subject to the requirement of lifetime parole supervision under Section 217.735. Movant argues the requirement is a direct consequence of his guilty pleas and, as such, his plea counsel had an obligation to inform him of such requirement.

AFFIRMED.

Division Two Holds: The motion court did not clearly err in denying Movant’s Rule 24.035 motion without an evidentiary hearing because Movant failed to allege facts warranting relief under existing case law. We reach the same conclusion that this court did in *Burgess v. State*, 455 S.W.3d 21 (Mo. App. E.D. 2014). The requirement of lifetime parole supervision under Section 217.735 is a collateral consequence of a guilty plea, and, as such, plea counsel is not required to discuss such requirement with a defendant in order for the defendant’s guilty plea to be considered knowing and voluntary. We decline to expand the holding in *Padilla v. Kentucky*, 559 U.S. 356 (2010), with respect to deportation to include advices relating to lifetime parole supervision under Section 217.735.

Opinion by: Angela T. Quigless, J.

Philip M. Hess, P.J. and Gary M. Gaertner, Jr., J., Concur.

Attorneys for Appellant: Andrew E. Zleit

Attorneys for Respondent: Evan J. Buchheim

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