

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

D'ANDRE ROBINSON,)	No. ED95939
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Robin Ransom Vannoy
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: February 28, 2012

D'Andre Robinson ("Movant") appeals from the judgment of the motion court denying his Rule 24.035 amended motion for post-conviction relief without an evidentiary hearing.

AFFIRMED IN PART; REMANDED IN PART.

Division One Holds: The motion court did not err in sentencing Movant as a prior and persistent drug offender due to Movant's oral admissions on the record to having committed the requisite felonies. Moreover, under Section 195.275, the State is not required to prove the felonies were committed at different times. Ultimately, we remand to the trial court to correct a clerical mistake on the written judgment and sentencing form regarding Movant's status as a prior and persistent drug offender.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Gary M. Gaertner, Jr., J., concur

Attorney for Appellant: Jo Ann Rotermund

Attorneys for Respondent: Chris Koster, Daniel N. McPherson

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