

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT

DAVID A. MCARTHUR, Appellant,)	No. ED99186
)	Appeal from the Circuit Court
vs.)	of Jefferson County
)	Honorable Nathan Baird Stewart
STATE OF MISSOURI, Respondent.)	Filed: April 29, 2014

David McArthur (Movant) appeals the judgment of the Circuit Court of Jefferson County denying his Rule 29.15 motion for post-conviction relief following an evidentiary hearing. Movant claims that: (1) the motion court erred in denying his claim that his trial counsel was ineffective in failing to move to disqualify the Jefferson County Prosecuting Attorney’s Office (JCPAO); and (2) the trial court’s written judgment and sentence erroneously provides for concurrent sentences of ninety-nine years’ imprisonment for his statutory sodomy convictions.

AFFIRMED AND REMANDED FOR CORRECTION OF JUDGMENT *NUNC PRO TUNC*.

Division Four Holds: The motion court did not clearly err in denying Movant’s Rule 29.15 motion for post-conviction relief because: (1) a motion to disqualify the JCPAO was likely to fail; and (2) trial counsel’s decision not to move to disqualify the JCPAO was reasonable trial strategy. We remand to the motion court for correction of Movant’s judgment *nunc pro tunc* to conform to the trial court’s oral pronouncement of concurrent sentences of life imprisonment for three statutory sodomy convictions.

Opinion by: Patricia L. Cohen, Judge
Lisa S. Van Amburg, P.J. and Philip M. Hess, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorney for Respondent: Daniel N. McPherson

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