

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

ORPHEUS D. WARREN,)	No. ED99545
)	
Movant/Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	Honorable Carolyn C. Whittington
STATE OF MISSOURI,)	
)	
Respondent.)	Filed: April 29, 2014

Orpheus D. Warren appeals the judgment, after an evidentiary hearing, denying his Rule 24.035 motion for post-conviction relief. Warren contends that his counsel was ineffective for failing to present mitigating evidence at his sentencing hearing. Warren also argues that the court erred in classifying him as a prior and persistent offender and requests that these classifications be removed from the judgment and sentence form.

AFFIRMED UNDER RULE 84.16(b) AND CORRECTED TO REMOVE THE PRIOR AND PERSISTENT OFFENDER CLASSIFICATIONS FROM THE JUDGMENT AND SENTENCE FORM.

DIVISION FOUR HOLDS: We affirm as to Warren's first point under Rule 84.16(b), but agree with his second point. We exercise our authority under Rule 84.14 to correct the court's classification error to amend the judgment and sentence form and remove the prior and persistent offender classification from Warren's judgment and sentence. Warren's imposed sentence is not amended or modified by this Opinion.

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

Attorney for Appellant: William John Hudson
Attorney for Respondent: Shaun J. Mackelprang

**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.**