

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

BROCK GRIFFITH.

Appellant

DOCKET NUMBER WD75524

DATE: March 12, 2013

Appeal From:

Circuit Court of Boone County, MO
The Honorable Gary M. Oxenhandler, Judge

Appellate Judges:

Division Four
James Edward Welsh, C.J., Karen King Mitchell, and Cynthia L. Martin, JJ.

Attorneys:

Brock Griffith, Bowling Green, MO

Appellant Acting Pro Se

Attorneys:

Shaun Mackelprang, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v.
BROCK GRIFFITH, Appellant**

WD75524

Boone County

Before Division Four Judges: Welsh, C.J., Mitchell, and Martin, JJ.

Brock Griffith appeals the denial of his “Motion to Correct Sentence in Accordance with the Law” in which Griffith alleged that: (1) the sentencing court’s written sentence and judgment deviated from its oral pronouncement of sentence, (2) the sentencing court failed to comply with section 558.021, RSMo 2000, regarding persistent offender status, and (3) the sentencing court’s term of punishment was greater than the maximum sentence for the offense.

DISMISSED

Division Four holds:

Griffith could and should have raised these claims in his direct appeal of the judgment of conviction in the underlying case. Therefore, we dismiss his appeal.

Opinion by James Edward Welsh, Chief Judge

March 12, 2013

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