



**MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION TWO**

JESSIE LEE BRILEY,)	No. ED94274
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Charles County
vs.)	
)	Honorable Lucy Decker Rauch
STATE OF MISSOURI,)	
)	Cause No. 0911-CV04098
Respondent.)	
)	Filed: September 14, 2010
)	

Before Glenn A. Norton, P.J., Kathianne Knaup Crane, J., and George W. Draper III, J.

PER CURIAM

OPINION SUMMARY

Jesse Lee Briley (hereinafter, “Movant”) pleaded guilty to second-degree assault, Section 565.060 RSMo (Cum. Supp. 2007). Movant brings this two point appeal from the judgment denying his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Further, the State noted the written sentence and oral pronouncement of judgment are inconsistent.

AFFIRMED AS MODIFIED

Division II Holds: (1) Movant’s points on appeal present no error of law and have been disposed of in a memorandum opinion pursuant to Rule 84.16(b). (2) The written sentence and oral pronouncement of judgment are inconsistent. Accordingly, Movant’s sentence is modified pursuant to Rule 30.23 to correct the judgment and sentence to reflect the trial court’s oral pronouncement of a seven year sentence.

Opinion by: PER CURIAM

Attorney for Appellant:	Lisa M. Stroup
Attorneys for Respondent:	Shaun J. Mackelprang
	Jayne T. Woods

**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.**