

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

WILLIAM E. HUCK,	)	No. ED94584
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Francois County
v.	)	
	)	
STATE OF MISSOURI,	)	Honorable Kenneth W. Pratte
	)	
Respondent.	)	Filed: April 26, 2011

William Huck (Huck) appeals from the motion court’s judgment denying his Rule 24.035 motion for post-conviction relief on the merits, without an evidentiary hearing. Charged in three separate cases, Huck pled guilty to a total of two counts of statutory sodomy in the first degree, in violation of Section 566.062, and five counts of child molestation in the first degree, in violation of Section 566.067. Huck was sentenced as a predatory sexual offender to six concurrent life sentences and a concurrent seven-year sentence. The plea court imposed a minimum sentence of life for each sodomy conviction and fifteen years for each class B felony of first-degree child molestation. The three cases were consolidated into one for purposes of this appeal.

The predatory sexual offender statute permits the sentencing judge to establish a minimum sentence before a defendant convicted under the statute is eligible for parole. Huck argues that the plea court’s imposition of a life sentence as the minimum sentence he must serve before becoming eligible for parole in actuality deprives him of the opportunity for parole, in contravention of the requirements of the predatory sexual offender statute.

AFFIRMED.

Division Four holds: A court sentences a predatory sexual offender by establishing the minimum amount of time the defendant must serve on his sentence before becoming eligible for parole. Section 558.018.7. The plain and unambiguous terms of the statute, “[n]otwithstanding any other provision of law. . . ,” specifically require the court to disregard any other provisions of law that might conflict with this statute. Thus, the sentence must reflect the minimum time to be served prior to parole eligibility as “any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.” Section 558.018.7(5). Section 566.062 provides that a person who commits the crime of first-degree statutory sodomy when a victim is less than twelve years old may be sentenced to a term of life imprisonment or a term of years not less than ten years. Section 566.062.2. Accordingly, the sentencing court’s sentence of life imprisonment with the minimum time to be served as “life” before parole eligibility adheres to the plain and unambiguous statutory scheme regulating Huck’s sentence as a predatory sexual offender. Huck’s sentence is consistent with the requirement that the sentence be imposed “with eligibility for parole.” Finding no clear error, we affirm the motion court’s decision.

Opinion by: Kurt S. Odenwald, P.J., Robert G. Dowd, Jr., J., and Russell E. Steele, Sp. J., Concur.

Attorney for Appellant: Alexandra Johnson  
Attorneys for Respondent: Chris Koster and Richard A. Starnes

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