

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

EUGENE SMITH,)	No. ED95576
)	
Appellant,)	
)	Appeal from the Circuit Court of the
v.)	City of St. Louis
)	Cause No. 1022-CC01232
STATE OF MISSOURI,)	Honorable Timothy J. Wilson
)	
Respondent.)	
)	Filed: September 20, 2011

Eugene Smith appeals the denial of his Rule 24.035 Motion for post-conviction relief. The motion court denied his motion finding that his claims were directly refuted by the record.

AFFIRMED.

DIVISION TWO HOLDS: The motion court did not err in denying Eugene Smith’s Rule 24.035 Motion for post-conviction relief. Mr. Smith’s allegations of error were refuted by the record in that the plea court correctly found that he was a prior and persistent felony offender.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, J., concur.

Attorneys for Appellant: Gwenda Renee’ Robinson

Attorneys for Respondent: Chris Koster, James B. Farnsworth

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.