

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

ANTOINE SMITH, Appellant,	)	No. ED95723
	)	
vs.	)	Appeal from the Circuit Court
	)	of the City of St. Louis
STATE OF MISSOURI, Respondent.	)	Filed: August 30, 2011

Antoine Smith (“Movant”) appeals the denial of his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Movant asserts the motion court clearly erred in denying his motion for post-conviction relief because his plea counsel was ineffective in failing to advise him that he would have to serve eighty-five percent of the sentences he received for the forcible sodomy, Section 566.060, RSMo 2000<sup>1</sup>, attempted forcible rape, Section 564.011, first-degree assault, Section 565.050, and first-degree robbery, Section 569.020, convictions before becoming eligible for parole.

#### AFFIRMED

Division Three holds: The motion court did not clearly err in denying Movant’s motion for post-conviction relief without an evidentiary hearing because his plea counsel was not ineffective for failing to advise him that he would have to serve eighty-five percent of the sentences he received for the forcible sodomy, attempted forcible rape, first-degree assault, and first-degree robbery convictions before becoming eligible for parole.

Opinion by: Robert G. Dowd, Jr., P.J.  
Mary K. Hoff, J. and Sherri B. Sullivan, J., concur.

Attorney for Appellant: Lisa M. Stroup

Attorney for Respondent: Chris Koster, John W. Grantham

**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.**

<sup>1</sup> All further statutory references are to RSMo 2000 unless otherwise noted.