

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

TOMMY L. JACKSON, JR.,)	No. ED97122
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	
STATE OF MISSOURI,)	Honorable Tom W. DePriest, Jr.
)	
Respondent.)	FILED: May 29, 2012

Tommy Jackson ("Movant") appeals from the motion court's denial, without an evidentiary hearing, of his Rule 24.035 amended motion.

REVERSED AND REMANDED IN PART; AFFIRMED IN PART

Division One Holds: Rule 24.035(j) provides that "[t]he [motion] court shall issue findings of fact and conclusions of law on all issues presented, whether or not a hearing is held." Movant has alleged facts which require findings in his allegations that plea counsel told Movant he could not tell the court about plea counsel's promise of a ten- to fifteen-year sentence and that Movant lied to the court when he testified that nobody promised him anything. The motion court erred in failing to issue findings of fact and conclusions of law on this pro se claim attached to his amended motion for post-conviction relief. Regarding Movant's other pro se claims, we need not reverse because "a review of the merits of [those] claim[s] reveal[] that movant is entitled to no relief as a matter of law." Reynolds v. State, 994 S.W.2d 944, 946 (Mo. banc 1999).

Movant's claim that plea counsel failed to contact witnesses is refuted by plea counsel's testimony on the record. The motion court did not err in denying Movant an evidentiary hearing on this claim.

Opinion by: Roy L. Richter, P.J.
Clifford H. Ahrens, J., and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Andrew E. Zleit

Attorneys for Respondent: Jennifer A. Wideman

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