

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**ALBERT L. SPICER, III,
APPELLANT**

vs.

**STATE OF MISSOURI,
RESPONDENT**

DOCKET NUMBER WD70255

DATE: DECEMBER 22, 2009

Appeal from:

Jackson County Circuit Court
The Honorable Jay A. Daugherty, Judge

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

Attorneys:

Susan L. Hogan, for Appellant

Jayne T. Woods, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

ALBERT L. SPICER, III, APPELLANT
v.
STATE OF MISSOURI, RESPONDENT

WD70255

Jackson County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

Albert Spicer III appeals the denial of his Rule 24.035 motion after an evidentiary hearing. Spicer pled guilty to five counts of the class B felony and eight counts of the class D felony of recklessly exposing a person to HIV, Section 191.677 (RSMo Cum Supp. 2004). Spicer was sentenced to concurrent terms of fifteen years for each count of the class B felony and four years for each count of the class D felony. He claims that the trial court violated his due process rights when it sentenced him to a term in excess of that recommended by the sentencing assessment report ("SAR").

AFFIRMED.

Division Two holds:

- (1) The trial court did not err in entering a sentence in excess of the SAR.

Opinion by: Joseph M. Ellis, Judge

Date: December 22, 2009

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