

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

SEAN LEE SYKES,

Appellant

v.

STATE OF MISSOURI.

Respondent

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DOCKET NUMBER WD73556

DATE: April 17, 2012

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Appeal From:

Circuit Court of Buchanan County, MO  
The Honorable Daniel Fred Kellogg, Judge

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Appellate Judges:

Division Three  
James Edward Welsh, P.J., Cynthia L. Martin, J., and Zel Fischer, Sp. J.

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Attorneys:

Frederick Ernst, Kansas City, MO

Counsel for Appellant

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Attorneys:

Richard Starnes, Jefferson City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**SEAN LEE SYKES, Appellant, v.  
STATE OF MISSOURI, Respondent**

**WD73556**

**Buchanan County**

Before Division Three Judges: Welsh, P.J., Martin, J., and Fischer, Sp. J.

Sean Lee Sykes appeals the circuit court's judgment denying his Rule 29.15 motion for post-conviction relief after an evidentiary hearing. Sykes asserts that the circuit court clearly erred in denying his post-conviction motion because his appellate counsel was ineffective for failing to raise claims on direct appeal that the circuit court erred in admitting evidence and permitting argument that Sykes had prior convictions for exposing other women to HIV.

**AFFIRMED**

**Division Three holds:**

Appellate counsel's decision not to raise the evidence of other crimes issue on direct appeal was "reasonable and sound" strategy. The evidence of Sykes's prior convictions was admissible to prove intent, motive, and lack of consent. The circuit court, therefore, did not clearly err in denying Sykes's Rule 29.15 motion.

Opinion by James Edward Welsh, Presiding Judge

April 17, 2012

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