



President's Letter

In April of 2015, I was greatly honored to be elected as the newest President of the Missouri Association of Criminal Defense Lawyers ("MACDL"). My first thought was of all the great lawyers who have served as President of this organization since its inception in 1978, some of whom have gone on to practice before a "Higher Court." My second thought was of the enormous responsibility that goes with the title. For those of you who know me, it will not come as any surprise that I am going "all in" when it comes to taking on this newest challenge.

Public Perception of Criminal Defense Lawyers

Public perception has never been favorable when it comes to criminal defense lawyers. My wife, Judy, pointed out to me the day of my election that as President of MACDL that I am now the most visible "butt" for criminal defense lawyer jokes in Missouri, like ...

Q: The Post Office just recalled their latest stamps.

A: *They had pictures of criminal defense attorneys on them, and people couldn't figure out which side to spit on.*

Q: How can a pregnant woman tell that she's carrying a future criminal defense attorney?

A: *She has an uncontrollable craving for bullsh##.*

Q: How do a criminal defense attorneys sleep at night?

A: *First they lie on one side, and then they lie on the other.*

Q: What do criminal defense lawyers do after they die?

A: *They lie still.*

Q: How can you tell when a criminal defense lawyer is lying?

A: *His lips are moving.*

That's alright. My clients still love me.

Of course, lawyers have always been looked upon unfavorably by the public. "The first thing we do," said Dick the Butcher in Shakespeare's Henry VI, is "kill all the lawyers." Henry VI was reportedly written in 1591. While that perception won't likely change anytime soon, if ever, it is the duty of all of us to try to educate the public to the vital role we play as criminal defense lawyers!



Carl M. Ward
MACDL 2015-16 President

Too Few MACDL Members

The Missouri Bar's website indicates that there are approximately 30,000 lawyers in this state. As of 2014, the population in Missouri was a little over 6 million. That translates to 50 lawyers per 10,000 residents. According to one source, as of 2013, Missouri was ranked 9th in lawyers per capita behind Washington D.C., New York, Massachusetts, Connecticut, Illinois, Minnesota, New Jersey and California. Arkansas has had the honor of being last, with only 20.1 lawyers per 10,000 residents. An attorney I know down in Little Rock told me they killed off all the lawyers in Arkansas after the Civil War, and that they are only now starting to make a comeback. Despite extensive independent research, I have not yet been able to confirm the truth of his story.

Of those 30,000 lawyers in Missouri, only around 450 are members of MACDL. Despite my general ignorance of math, I believe that means that **only 1.5 percent of all active lawyers in Missouri are members of MACDL**. One might ponder how that can be, given the countless number of lawyers who show up in the courthouses across the state everyday to answer criminal and traffic dockets, and who call themselves "criminal defense" lawyers.

President's Message (from pg 1)

These numbers tell me two things. First, while there are a disproportional number of lawyers in Missouri, only a small percentage of them apparently know (or care) about MACDL, and the vital role MACDL plays in protecting our criminal justice system. This has to change.

Second, it is now perfectly clear to me that private sector lawyers in this state who "handle" criminal cases are largely flying on their own, and not as part of any squadron or group. In WWII, we quickly learned about the necessity of flying in formation and protecting each other in order to insure the success of the mission, and the very survival of the group as a whole. The same lessons apply to us, the "criminal defense" lawyers. This, too, must change.

The Time for Action is Now

My goal as President this year is to set a course of action which will: increase MACDL's membership; increase MACDL's resources (financial and otherwise); and organize all members of the Missouri Bar who practice criminal defense so that we will have greater strength when it comes to matters protecting all of our rights and affecting positive change to the criminal justice system.

MACDL Members Need to Contribute More

In my opinion, the greatest danger to our civil liberties is not voter apathy, gridlock in Washington, or ISIS. Rather, that danger comes from our own apathy to the criminal justice system. As MACDL members, each one of us need to do more to contribute to the success of the mission. What is that mission, you ask? To defend and protect OUR Constitution and the rights of the criminally accused and to insure that "justice" remains the operative word in the criminal justice system.

What can MACDL members do to help? I am glad you asked. Encourage other lawyers to join MACDL. Serve on one of MACDL's standing or special committees or as a MACDL representative in your own city or county. Volunteer to testify for MACDL before a House or Senate Committee when there is a Bill pending that needs MACDL's support or opposition. Be a liaison for MACDL with your local legislators. Make a contribution to the MACDL PAC. Urge others to join MACDL. And if all else fails, pay your MACDL dues on time so others can do the work for you.

Folks, there are 114 counties in Missouri, plus the City of St. Louis, with a duly elected prosecuting attorney in each one. I would be surprised if there were more

than 300 assistant prosecuting attorneys and assistant attorneys general in the Criminal Division combined. How can it be that so few people have so much clout in the legislature? Wait until they take away the right to take depositions of witnesses in misdemeanor and felony cases, the right to a change of venue in counties with less than 75,000 people, or the right to take up a motion to suppress with the preliminary hearing. And that is just the tip of the iceberg.

But I do not blame the judges, the legislators, or law enforcement. Rather, I blame every private sector lawyer in the state, regardless of area of practice, who turns a blind eye to the fact that there is a war going on in the courtrooms and the state capitol to protect the freedoms that over 1.1 million Americans have fought and died to protect.

All Private Sector Lawyers Need to Contribute

The criminal justice system cannot be sustained without the assistance of all private sector lawyers, regardless of practice area. Lawyers who handle personal injury cases, divorces, business transactions, real estate, and other types of matters also have a vested interest in preserving and protecting our civil liberties. We must not be afraid to ask for their help, even though they do not "handle" criminal cases. It is not just the criminal defense bar's Constitution. It is everyone's Constitution.

What can they do to help? They can sponsor MACDL and write a check each year. Their appellate lawyers can assist MACDL with AMICUS briefs. Their technical people can help us with our internet and social media. They can hold fundraising events for MACDL or co-sponsor events for members of the legislature who "get it." But we have to ask them, and every MACDL member needs to help solicit that support.

Corporate Sponsorships

MACDL must seek out corporate sponsorships. Every MACDL member knows at least one person or company in the business world that would support MACDL's mission IF THEY WERE ASKED TO. Who do you know?

Are YOU a "Criminal Defense Lawyer?"

One of my favorite comedians is a fellow named Jeff Foxworthy. Jeff grew up in the Atlanta area, and soon became famous for his 1993 comedy album, "You

"President's Message" >p3

President's Message (from pg 2)

Might Be a Redneck If ...," which topped the comedy album charts that year and sold more than three million copies. Rather than resorting to Black's Law Dictionary or some other scholarly source for a definition, one might first try using Mr. Foxworthy's "framework for analysis" when deciding if you are a "criminal defense lawyer."

You might be a "criminal defense lawyer" if...

- ... your business card says the words, "criminal defense" on it;
- ... you are listed in the phonebook under "criminal defense lawyers" or some sub-category related thereto;
- ... you advertise in newspapers, on the radio or television, on billboards, brochures, flyers, park benches, the internet, or on bathroom walls, that you "handle" criminal cases; or
- ... you take money from a client that is charged with a crime;
- ... the name of your boat is "Crime Pays," "Not Guilty," "Scumbag," "Bloodsucker," or "Sleazebag."

Of course, none of these things makes one a true criminal defense lawyer. Rather, what makes a criminal defense lawyer to me is a lawyer who understands the absolutely vital importance of our role in the criminal justice system, and plays an active role in support of the "justice" part of the system.

The Role of the Criminal Defense Lawyer

During my career, I have had countless members of the public ask me how I can defend people "who are guilty" of drunk driving and other crimes. My immediate response has always been to tell them that it is not my job to determine a person's guilt or innocence. Rather, my job is to "zealously" defend that person when the Government charges them with a crime, and it is the responsibility of a judge or jury to make the call, not me.

Second, I talk to them about the importance of my role as a defense lawyer. In that regard, I want to quote from an article that was published in the National Association of Criminal Defense Lawyers' magazine, *The Champion*. From time to time, I will re-read it when I start feeling exhausted and frustrated from fighting what seems to be an endless battle in the courtrooms to preserve the freedoms that over 1.1 million Americans have died to protect. Anyway, here it is ...

"Warrior for justice.' Maybe this is overly

romanticized, but it is how I see the role of the criminal defense attorney. The defense attorney is on the front lines doing, if not God's work, surely something quite close to it. And, as is true with anything that important, the work is anything but easy. Obstacles, barriers, and road blocks are on the path.

Defense counsel may accurately be considered law enforcers. While representing a lone individual against all the power of the state, counsel must "police the police" to determine if there has been an unconstitutional search, a coerced confession, an unlawfully suggestive lineup, or the fabrication of testimony. Defense counsel must attempt to ensure that the prosecutor is adhering to the professional requirement not merely to convict, but to do justice and comply with his obligations to turn over Brady material to the defense. Perhaps most challenging of all is the need to remind the judge of the constitutional mandate as well as the professional obligation to protect the rights of the defendant rather than treat him as a docket number to be quickly processed and sent to jail.

Supreme Court decisions are replete with statements about how crucial it is to have a defense attorney represent the person who is accused of crime. In some respects, the most meaningful were the words that the Court first articulated more than 30 years prior to Gideon:¹
[1]

'Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or

"President's Message" >p4

¹ *In Gideon v. Wainwright*, 372 U.S. 335 (1963), the Supreme Court ruled that state courts are required under the Fourteenth Amendment to the U.S. Constitution to provide counsel in criminal cases to represent defendants who are unable to afford to pay their own attorneys.

otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect.'

The case, of course, was Powell v. Alabama. The defendants were referred to as the Scottsboro Boys, nine African-American youths ranging in age from 12 to 19, all but one of whom had been sentenced to death.²

It is somewhat odd to be doing (almost) God's work, yet to have so few people acknowledge the vital import of the work. When we challenge the validity of the search of a home by the police, we are not just representing a single individual. When vigorous advocacy informs the police that they will not be able to "get away with" an illegal, unconstitutional search of a particular person's home, the benefits accrue to and protect us all. If we did not keep them honest, or as honest as we can keep them, there would be nothing to deter the police from entering any of our homes at will. One can succeed, probably, in not committing a crime, but may not be as successful in not being charged with a crime. The freedoms enjoyed by everyone would be at risk if we did not (1) challenge the possible coercion of a confession; (2) insist on adherence to the dictates of Miranda; and (3) require that a lineup be conducted in such a way that prevents a police officer from identifying the suspect to an eyewitness.

It is appropriate to view the role of the criminal defense attorney as, in some ways, that of a constitutional lawyer. We attempt to protect clients from violations of their Fourth Amendment rights by unlawful searches and seizures, their Fifth Amendment rights by coerced confessions, their Sixth Amendment rights by a lawyer who is not totally effective in all respects, and their Eight Amendment right to not be subjected to a sentence that is grossly disproportionate to the crime committed. We attempt to compensate for the severe racial disparities of those arrested and prosecuted by combating the prosecutorial and judicial abuse

of discretion against minorities and to secure the equal protection of the laws. And underlying it all is our commitment to due process and our sometimes desperate struggles to have criminal proceedings that are fundamentally fair.

These battles are against odds that certainly appear to be overwhelming at times. The discrepancy between the resources available to the prosecutor and those for counsel for the indigent is legendary. The prosecutor has not only the tools of an office that is better funded, but typically has police department investigators and laboratory technicians available as well

Things are certainly not getting easier. The recession has hit the criminal defense bar with full force. As states find themselves with fewer available funds, indigent defense monies are hard hit. Fire departments, police, schools, parks and libraries all have their constituents who fight aggressively against cutbacks. There is virtually no constituency for the indigent defendant charged with crime - none, except the Sixth Amendment."³

So the next time someone asks me, "how can you sleep at night defending criminals," know that I sleep well at night, except for backaches, neck aches, and worrying about the possibility that one of my clients might be going to jail the next day. Indeed, I thank God everyday that I am on the front lines defending the Constitution against any and all oppressors of our freedom, the small-minded who would take it away, the dishonest, and those who just don't give a damn. While no one will remember my name in 50 years, I will die knowing that I did my part defending the constitutional freedoms of my family and friends and their descendants, and future generations of all Americans who will follow. I am but one soldier in what seems like a David and Goliath battle to keep our government in check. And so are we all, the "criminal defense" lawyers.

Sincerely,

Carl M. Ward,
President, MACDL

² *Powell v. Alabama*, 287 U.S. 45 (1932)

³ Klein, Richard. (2012). *The Role of Defense Counsel in Ensuring a Fair Justice System*. The Champion Magazine, June 2012.



MACDL Lifetime Members

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Lawyer Assistance Strike Force

As a benefit of membership, members have the opportunity to consult with MACDL's Strike Force if they are threatened in any way for providing legal representation to a client in a criminal proceeding and are subpoenaed to provide information, cited for contempt, being disqualified from the representation, or who become the subject of a bar complaint resulting from such representation. Please visit the website for guidelines. (www.macdl.net)

We Need You to Help Build MACDL's Voice

MACDL is looking to broaden our base of witnesses who may testify before the General Assembly on MACDL's behalf. If you are interested, please email Brian Bernskoetter at brianb@swllc.us.com.

Amicus Curiae Committee

Don't forget that MACDL has an Amicus Curiae Committee which receives and reviews all requests for MACDL to appear as amicus curiae in cases where the legal issues will be of substantial interest to MACDL and its members.

To request MACDL to appear as amicus curiae, you may fill out the amicus request on the MACDL website (www.MACDL.net) or send a short letter to Talmage Newton IV, Amicus Curiae Committee Chair, briefly explaining the nature of the case, the legal issues involved, and a statement of why MACDL should be interested in appearing as amicus curiae in the case.

Please set out any pertinent filing deadline dates, copies of the order of opinion appealed from and any other helpful materials.

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Case Law Update

For the latest Case Law Updates, please visit the MACDL website/Newsletter page and check out the link to Greg Mermelstein's Reports located at the bottom of the page.

<http://www.macdl.net/newsletter.aspx>

MACDL ListServe

The MACDL ListServ helps facilitate, via e-mail, all sorts of criminal defense law discussions, including recommendations for expert witnesses, advice on trial practices, etc. Subscription is free and limited to active MACDL members. To subscribe, please visit our website, enter the member's only page, and follow the listserv link. (www.macdl.net)

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Mark Your Calendar!

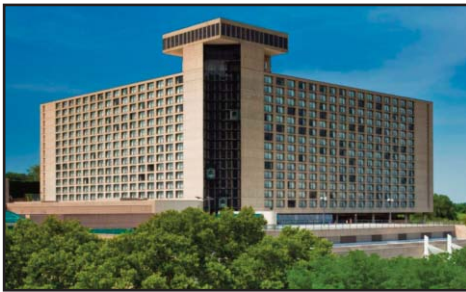
Fall CLE

October 23-24, 2015
Camden on the Lake
Lake Ozark, MO



Annual Meeting & Spring CLE

March 31 - April 1, 2016
Westin Crown Center
Kansas City, MO



Bernard Edelman DWI Seminar

July 21-23, 2016
Tan-Tar-A
Osage Beach MO



Welcome New MACDL Members

MACDL sincerely appreciates your support. We can't function without you! Your dues pay for postage, printing, MACDL's interactive website, this newsletter, travel expenses of CLE speakers, and lobbying efforts in the Missouri General Assembly, among other things.

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Post-Conviction Update

by Elizabeth Unger Carlyle © 2015

Below are the “good news” cases since the last newsletter, as well as a couple of practice pointers. Of course you should do your own history check before citing anything here.

Post-Conviction Relief Granted

Snow v. State, 461 S.W.3d 25 (Mo. App. 2015)

Mr. Snow’s guilty plea to the offense of hindering prosecution lacked a factual basis, and therefore he was entitled to withdraw it. Here, the charge was that Mr. Snow committed acts to prevent an officer from apprehending another person for the crime of attempted murder. The evidence, however, indicated that Mr. Snow altered the crime scene to make it look like a burglary, rather than an attempted murder, had occurred, and that this was done to prevent Mr. Snow’s own apprehension, not that of another. Not only did this not prevent the apprehension of “another,” it didn’t prevent the apprehension of anyone.

The court noted, “Snow’s guilty plea was conducted in a group plea setting where the State did not recite any facts supporting the charges against Snow or outline the evidence it would have presented at trial.” In a footnote, the court noted that it had repeatedly admonished trial courts not to conduct group pleas, and that “This recurring admonition continues to be ignored by the plea court.” The court in question is the circuit court of Washington and St. Francois Counties. But to the extent that other courts are still using group pleas, lawyers should take care to make sure the client really understands what is going on.

Stephenson v. State, 2015 WL 1819108 (Mo. App. 2015)

The transcript of Mr. Stephenson’s guilty plea revealed that there was an insufficient factual basis for the plea to the offense of armed criminal action. The “dangerous weapon” allegedly used was Mr. Stephenson’s hands and feet, which are not included in the armed criminal action statute. Thus, despite that fact that no evidentiary hearing was conducted, relief was granted and the plea was vacated.

Habeas Corpus - Relief Granted

In Re Thornton v. Denney, 2015 WL 1245499 (Mo. App. 2015)

Mr. Thornton was improperly classified as a “persistent” DWI defender because one of his priors was a municipal court SIS. This in itself is not news, since the court decided in *Turner v. State*, 245 S.W.3d 826 (Mo. banc 2008), that the use of such convictions was improper. The good news here is that the court held that, *despite* the fact that Mr. Thornton could have raised this claim in a post-conviction proceeding since *Turner* was decided before the post-conviction time expired, he was entitled to raise it in habeas. This is a “sentencing defect” which is not waived by omission from post-conviction proceedings. *Writ granted, felony conviction vacated.*

Post-Conviction Procedural Relief Granted

Wright v. State, 2015 WL 3874726 (Mo. App. 2015)

Mr. Wright’s original and amended motions were both timely, and the case was remanded to allow the motion court to address the merits. For reasons that are not clear from the opinion, the state argued that Mr. Wright was required to file his motion under Rule 24.035 90 days after he was received in the DOC. Because the relevant time limit is actually 180 days, the motion was timely.

Hayes v. State, 2015 WL 4456073 (Mo. App. 2015)

The movant was entitled to a hearing on his claim that his trial counsel misinformed him about the amount of time he would be required to serve under his plea agreement to two counts of first degree robbery and two counts of armed criminal action. The motion alleged that trial counsel told the movant he would have to serve “two to three years” of his 13 year sentence when, in fact, he was required under the 85% rule to serve over 11 years. The movant’s statements during the plea colloquy did

“Post-Conviction Update” >p9



not refute this claim. Although he stated that he had not been promised anything to plead guilty and understood the agreed sentence and range of punishment, his claim that his attorney misadvised him was not directly refuted. *Remanded for evidentiary hearing.*

Carroll v. State,
461 S.W.3d 43 (Mo. App. 2015)

Mr. Carroll's amended motion alleged that he sent his original motion to the motion court in a timely manner, and that it was received by the court on time. The motion also alleged that the motion court lost "the majority" of his original motion and he then refiled it out of time. This was sufficient to require the motion court to conduct a hearing and determine timeliness of the original motion. The record before the court of appeals was insufficient for a finding of untimeliness. *Remanded for hearing.*

Voegtlin v. State, 2015 WL 3876591 (Mo. App. 2015)

Because the motion court failed to include any finding of fact regarding Mr. Voegtlin's claim that he was denied effective assistance of counsel when trial counsel failed to object to his being classified as a prior and persistent offender, remand was required for additional findings.

Abandonment Wrinkles

In **Moore v. State, 458 S.W.3d 822 (Mo. banc 2015)**, the court held that before ruling on the merits of a post-conviction appeal, the appellate court must address the timeliness of the original and amended motions whether or not the issue is raised by the state. If the motion appears untimely, the case will be remanded to the motion court to determine timeliness and abandonment. This means that it is important for appellate counsel to make sure that the record on appeal reflects either timeliness or a finding of abandonment to avoid double appeals. The Eastern District has addressed issue in two different ways, as discussed below.

In **Lomax v. State, 2015 WL 3961195 (Mo. App. 2015)**, the Eastern district rejected the appellant's suggestion that the court of appeals determine abandonment based on counsel's statement that the late amended motion wasn't the movant's fault, reversed the judgment denying relief without an evidentiary hearing, and remanded.

In **Childers v. State, 462 S.W.3d 825 (Mo. App. 2015)**, on the other hand, the Eastern District did not remand for an abandonment finding since the movant had received an evidentiary hearing on his untimely motion. Instead, the court denied relief on the merits.

Hall of Fame

Congratulations to MACDL Past President Sean O'Brien (*Thornton*), Gwenda Robinson (*Wright*), Timothy Forneris (*Lomax*), Andrew Zleit (*Hayes*), Kent Denzel (*Carroll*), Lisa Stroup (*Voegtlin*).



Want More Articles Like These?

If you have an article of interest relating to the practice of criminal defense, why not submit it for publication in the MACDL newsletter? Submit them electronically to info@macdl.net with "MACDL Newsletter" in subject or mail to MACDL.

MACDL Website Traffic

Reporting Period: August 31 - September 21, 2015

Item	Counts
Total Hits	42,860
Average Hits per Day	1,948
Total Visitors	6,395
Average Visitors per Day	290
Average Page Views per Day	466
Average Page Views per Visitor	1.61



Get Ready for Missouri's New Criminal Code

by Greg Mermelstein, Appellate-Postconviction Director & Joel Elmer, Deputy Director, Missouri State Public Defender

With little more than a year to go before Missouri's newly-revised criminal code takes effect, now is the time to start learning it.

Effective January 1, 2017, the new code will bring numerous changes – some good for our clients and defense attorneys, others favoring prosecutors.

Here are some highlights.

A Fifth, Mid-Range Felony

The current four levels of felonies (A through D) are enlarged to five levels (A through E), with a new, mid-range felony created. Current A and B felonies remain the same, with the same range of punishment.

A new C felony is created, with a range of punishment of 3 to 10 years, and a fine not to exceed \$10,000. However, this new C felony is largely left empty by the new code. It will be available for the legislature to fill with new offenses in the future.

Meanwhile, the current C felony becomes the "new" D felony, and the current D felony becomes the "new" E felony. The D felony will have a range of punishment of 1 day to 7 years, and a fine not to exceed \$10,000. The E will have a range of 1 day to 4 years, and a fine not to exceed \$10,000.

A Fourth, Fine-Only Misdemeanor

The current three levels of misdemeanors (A through C) are enlarged to four levels (A through D), with new fine-only D misdemeanor. Fines are changed for all misdemeanor classes.

A misdemeanors will have a range of punishment of up to 1 year, with a fine not to exceed \$2,000.

B misdemeanors will have a punishment up to 6 months, and a fine not to exceed \$1,000.

C misdemeanors will have a punishment up to 15 days, and fine not to exceed \$750.

The new D misdemeanor will carry no jail time, and have a fine not to exceed \$500.

Lastly, the fine for infractions is increased to \$400.

What's Good for Clients

The code makes several changes that reduce incarceration and increase fairness for people charged with crimes.

All drug sentences will be eligible for probation and parole.

First-time misdemeanor possession of not more than 10 grams of marijuana, and first-time paraphernalia will be punishable by fine only.

First-time stealing under \$150 will all be punishable by fine only.

The threshold for felony stealing and felony passing a bad check increases from \$500 to \$750.

Three prior stealing-related offenses – instead of the current two – will be required before a misdemeanor stealing-related offense can be enhanced to felony stealing.

The maximum punishment for passing a bad check decreases from 7 to 4 years.

Under the persistent offender statute, the current C felony can be enhanced only to 3 to 10 years, instead of the current 5 to 15.

DWI chronic offenders – those with four priors – will face a range of punishment of 3 to 10 years, instead of the current 5 to 15. DWI habitual offenders – those with five priors – will face 5 to 15 years.

DWI with criminal negligence causing physical injury to another will carry up to 4 years, rather than the current 7. DWI causing serious physical injury will carry up to 7.

Repeat domestic violence offenders will be eligible for probation or parole.

For prior domestic violence offenders, domestic assault second-degree will be enhanced only from 1 - 7 to 3 - 10 years, rather than the current 1 to 15.

For persistent domestic violence offenders, domestic assault second-degree will be enhanced only from 1 – 7 to 5 – 15, rather than the current 10 – 30 years or life.

"Missouri Criminal Code" >p11

What's Good for Prosecutors

But while the new code reduces some penalties, it increases others, and redefines or creates new offenses.

There will be a new felony assault third-degree – defined as knowingly causing physical injury – with a range of punishment of up to 4 years.

Physical injury will be defined as a “slight impairment of any function of the body or temporary loss of use of any part of the body.”

The current misdemeanor assault is reclassified as misdemeanor assault fourth-degree.

The domestic assault statutes are also changed to parallel the assault statutes.

The application of Missouri's special enhancement statute for felony domestic assault offenders – which requires only one prior for enhanced punishment, and greater enhanced punishment for

two priors – will be expanded to include most felony assault offenders, though it will not apply to the new felony assault third-degree or domestic assault third-degree.

The current enhancement statute that increases punishment for persistent and dangerous offenders will be changed so that it not only increases the maximum possible punishment, but also increases the minimum possible punishment.

Finally, the punishment for involuntary manslaughter in the first degree will increase to 3 to 10 years, from the current maximum of 7.

Want to Learn More?

Learn more at MACDL CLE's in 2016.

Training on the new code will be held March 31-April 1, 2016, at the Westin Crown Center Hotel in Kansas City.



Executive Director's Update

by Randy J. Scherr, MACDL Executive Director

The Missouri Association of Criminal Defense Lawyers (MACDL) is working hard to make this organization responsive the needs of the members based on the direction your Board of Directors has laid out.

To that end, I wanted to update you on some of the things to expect going forward.

We are working to revise our membership brochure to let prospective members know about the many features and benefits of MACDL membership, including the lawyer search function and motions bank on the website.

MACDL's presence at the Capitol is something that many of our members know about, but few have experienced. We are developing a more comprehensive list of members who would be willing to testify before

committees in the General Assembly. MACDL will create a spreadsheet of Senators and Representatives in regions, so members can find out who their legislator is when “calls to action” are issued.

Additionally, MACDL is developing some new awards to recognize “Lawyer of the Year” and “Case of the Year” to further promote the positive accomplishments criminal defense lawyers make in our state.

We encourage you to contact a member of the Board of Directors if you feel there is a service that MACDL should offer but currently is not. MACDL is your organization and we strive to serve you in your role as a guardian for justice.

