

OPINION SUMMARY
MISSOURI COURT OF APPEALS—EASTERN DISTRICT
DIVISION FIVE

AMY JOHNSON,)	No. ED101197
)	
Movant/Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Richard C. Bresnahan
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: May 12, 2015

Amy Johnson (Movant) appeals the judgment denying her Rule 24.035 motion to vacate her conviction and sentence for voluntary manslaughter entered after a guilty plea. Movant contends the motion court clearly erred in denying her motion because: (1) her conviction for voluntary manslaughter violated her right to be free from double jeopardy because she was previously convicted of second-degree assault for the same act; and (2) collateral estoppel precluded the plea court’s finding that Movant “knowingly” caused the victim to suffer serious physical injury because her earlier assault conviction established that she had acted “recklessly.”

AFFIRMED.

Division Five holds: A guilty plea waives all constitutional and statutory claims except jurisdictional defects and claims that the guilty plea was not made knowingly, voluntarily, and intelligently. Stanley v. State, 420 S.W.3d 532, 544 (Mo. banc 2014). Under the circumstances here, Movant’s claim that her voluntary manslaughter conviction violated her right to freedom from double jeopardy was not jurisdictional. Accordingly, Movant waived her double jeopardy claim when she knowingly, voluntarily, and intelligently entered a negotiated plea agreement seeking the disposition she now challenges. Movant’s collateral estoppel claim was, likewise, nonjurisdictional, and Movant waived it when she knowingly, voluntarily, and intelligently pleaded guilty pursuant to a negotiated plea agreement.

Opinion by: Patricia L. Cohen, J.
Angela T. Quigless, C.J., and Sherri B. Sullivan, P.J., Concur.

Attorney for Appellant: Amy Elizabeth Lowe
Attorney for Respondent: Gregory L. Barnes, Assistant Attorney General

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