

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

WILLIE EWING,) ED102550
)
 Appellant,) Appeal from the Circuit Court
) of the City of St. Louis
v.) 1322-CC09067
)
STATE OF MISSOURI,) Honorable Joan L. Moriarty
)
 Respondent.) Filed: February 16, 2016

Willie Ewing (Movant) appeals from the motion court’s judgment denying his motion for post-conviction relief under Missouri Rule of Civil Procedure 24.035 (2014) after an evidentiary hearing. He argues his guilty plea was involuntary due to his counsel’s failure to inform him that he could be terminated from the post-plea drug court program (drug court) for being arrested.

AFFIRMED.

Division Two Holds: The motion court did not clearly err in denying Movant’s Rule 24.035 Motion. Movant’s counsel did not have an affirmative duty to inform Movant of the collateral consequences of his guilty plea; namely, the possibility of termination from drug court for being arrested. Movant failed to establish by a preponderance of the evidence that his guilty plea was involuntary based on counsel’s advice where counsel informed Movant that drug court was a “tough program” and that Movant would have to do everything they asked him to do to be successful, and Movant was aware of the sentence he would receive if he did not successfully complete the program.

Opinion by: Gary M. Gaertner, Jr., J.
 Philip M. Hess, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Matthew Hucceby
 Attorneys for Respondent: Chris Koster, Christine Lesicko

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