

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

KIMBERLY DUNKIN,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD72817

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 2, 2011

APPEAL FROM

The Circuit Court of Moniteau County, Missouri
The Honorable Donald L. Barnes, Senior Judge

APPELLATE JUDGES

Division Four: Lisa White Hardwick, Chief Judge, Presiding, and James
Edward Welsh and Mark D. Pfeiffer, Judges

ATTORNEYS

Ellen H. Flottman, Assistant State Public Defender
Columbia, MO

Attorney for Appellant,

Chris Koster, Attorney General
Jayne T. Woods, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent.



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

KIMBERLY DUNKIN,)
)
) **Appellant,**)
v.) **OPINION FILED:**
) **August 2, 2011**
STATE OF MISSOURI,)
)
) **Respondent.**)

WD72817

Moniteau County

Before Division Four Judges: Lisa White Hardwick, Chief Judge, Presiding, and James Edward Welsh and Mark D. Pfeiffer, Judges

Kimberly E. Dunkin appeals from the Circuit Court of Moniteau County’s judgment denying her amended Rule 29.15 motion for post-conviction relief without an evidentiary hearing.

APPEAL DISMISSED; REMANDED WITH DIRECTIONS.

DIVISION FOUR HOLDS:

Dunkin waived her right to seek post-conviction relief under Rule 29.15 in return for a reduced sentence. The record clearly demonstrates that Dunkin was properly informed of her right to challenge her attorney’s representation at trial by filing a post-conviction motion, and she knowingly, voluntarily, and intelligently waived that right. Dunkin’s voluntary waiver of her right to file a Rule 29.15 post-conviction motion precludes our review of the merits of the court’s denial of that motion.

Opinion by: Mark D. Pfeiffer, Judge

August 2, 2011

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.