OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

TINISHA J. WASHINGTON,	)	No. ED107683
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Louis County
vs.	)	
	)	Honorable Gloria C. Reno
STATE OF MISSOURI,	)	
	)	
Respondent.	)	Filed: March 31, 2020

Tinisha Washington ("Movant") appeals the motion court's judgment denying her Rule 24.035 motion[1] without an evidentiary hearing. Movant brings four claims on appeal. First, Movant claims her plea counsel ("Plea Counsel") was ineffective in allowing and advising Movant to enter an *Alford* plea without considering Movant's competence under Section 550.020 when Plea Counsel had reason to question Movant's mental condition.[2] Second, Movant claims Plea Counsel was ineffective in allowing and advising Movant to be sentenced because Movant was not competent to proceed during her sentencing. Third, Movant claims her sentences were improperly imposed because the sentencing court should not have sentenced Movant when she was not competent. Fourth, Movant claims Plea Counsel was ineffective for failing to investigate and raise a not guilty by reason of insanity ("NGRI") defense under Section 552.030 before allowing Movant to enter a blind *Alford* plea. Movant requests we set aside the motion court's judgment, vacate the sentences, and remand to the circuit court for further proceedings. In the alternative, Movant asks us to remand to the motion court for an evidentiary hearing.

REVERSED AND REMANDED.

DIVISION II HOLDS: Movant alleged facts which, if true, would entitle her to relief based on these ineffectiveness claims. Movant has shown she is entitled to an evidentiary hearing on her first and fourth point on appeal. Movant has also shown reasonable cause existed for the sentencing court to question her competence at sentencing. We vacate the sentences against Movant. We remand to the motion court to hold an evidentiary hearing on Movant's claims of ineffectiveness regarding Movant's competence at the plea hearing and the viability of an NGRI defense. We find, although Movant was entitled to an evidentiary hearing on her second point relied on, this issue is moot because we have vacated Movant's sentences.

Opinion by: Philip M. Hess, P.J.
Kurt S. Odenwald, J. and Lisa P. Page, J. concur.

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[1] All rule references are to Missouri Supreme Court Rules (2016), unless otherwise indicated.
[2] All statutory references are to RSMo (2016), unless otherwise indicated.

Attorney for Appellant: Gwenda R. Robinson

Attorney for Respondent: Karen L. Kramer

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.