MISSOURI COURT OF APPEALS
WESTERN DISTRICT

RYAN G. BEAMGARD,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD82891

Date: August 11, 2020

Appeal from:

Lafayette County Circuit Court
The Honorable Dennis A. Rolf, Judge

Appellate Judges:

Division One: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin and Thomas N. Chapman, Judges

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Attorneys:
Jeannie M. Willibey, Kansas City for appellant.
Kristen S. Johnson, Jefferson City for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

RYAN G. BEAMGARD, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD82891 Lafayette County

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Cynthia L. Martin and Thomas N. Chapman, Judges

Ryan Beamgard appeals the judgment denying his Rule 24.035 motion without an evidentiary hearing after he pled guilty to six offenses. He contends the record does not refute his claim that the court's failure to inform him of the possibility of consecutive sentences rendered his plea involuntary and not knowingly made.

REVERSED AND REMANDED.

Division One holds:

The motion court clearly erred in denying Beamgard's Rule 24.035 motion without an evidentiary hearing. Rule 24.02 required the circuit court to inform Beamgard during the guilty plea hearing of the "maximum possible penalty provided by law," and this included the possibility of consecutive sentences. The record does not conclusively refute Beamgard's claim that, because the court failed to so inform him, he did not understand that he could receive consecutive sentences. Therefore, Beamgard is entitled to an evidentiary hearing, at which he has the burden of establishing that the court's failure to inform him of the possibility of consecutive sentences rendered his plea involuntary or not knowingly made.

Opinion by: Lisa White Hardwick, Judge August 11, 2020

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