Summary of SC98780, *Walter Jack Staten v. State of Missouri*
Appeal from the Cooper County circuit court, Judge Robert L. Koffman
Argued and submitted April 13, 2021; opinion issued June 29, 2021

Attorneys: Staten was represented by Jedd C. Schneider of the public defender's office in Columbia, (573) 777-9977. The state was represented by Shaun J. Mackelprang of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A man who pleaded guilty to second-degree murder and armed criminal action appeals from the circuit court's judgment denying him postconviction relief. In a 6-0 decision written by Judge W. Brent Powell, the Supreme Court of Missouri affirms the circuit court's judgment. The circuit court did not lack jurisdiction to accept the man's guilty plea simply because his first postconviction motion, which vacated his original judgment of conviction, was filed and adjudicated in his underlying criminal case, not a separate, civil case. Because the man's ineffective assistance of counsel claims are premised on his argument that the circuit court lacked jurisdiction to accept his guilty plea, they are without merit.

Facts: In 2011, Walter Staten was charged with second-degree murder, armed criminal action and unlawful possession of a firearm following a fatal shooting. In 2012, he pleaded guilty to the reduced charge of first-degree involuntary manslaughter and armed criminal action and was sentenced to a total of 40 years in prison. When Staten filed his *pro se* motion for postconviction relief, it was filed in his criminal case. No separate civil action ever was opened with respect to his postconviction motion. The circuit court subsequently granted Staten postconviction relief, withdrew his guilty plea, and set aside his sentence. In 2013, the state filed an amended information restoring the original charges of second-degree murder, armed criminal action and unlawful possession of a firearm. Staten entered an "open" plea to second-degree murder and armed criminal action, and the unlawful possession charge was dismissed. The circuit court sentenced him to life imprisonment and a concurrent 30-year prison term. Staten again moved for postconviction relief, alleging the circuit court lacked jurisdiction to accept his 2013 guilty plea and his trial counsel was ineffective for failing to raise any jurisdictional challenges. The circuit court denied Staten postconviction relief. Staten appeals.

AFFIRMED.

Court en banc holds: (1) The circuit court did not lack jurisdiction to accept Staten's 2013 guilty plea. A circuit court retains jurisdiction to consider postconviction motions authorized by the procedure set forth in Rule 24.035. Though Hefley's first postconviction motion was filed and adjudicated in his underlying criminal case, it clearly functioned as an independent, collateral attack on his 2012 criminal judgment and sentence. Nothing in Rule 24.035 requires the postconviction motion to be filed under a separate, civil case number, and this Court will not elevate form over substance to find a circuit court erred in entering judgment in an otherwise legally considered and disposed of postconviction proceeding.

(2) Because the circuit court had authority to enter Staten's 2013 guilty plea, Staten's ineffective assistance of counsel claims premised on the circuit court's lack of jurisdiction are without merit.