# OPINION SUMMARY
# MISSOURI COURT OF APPEALS EASTERN DISTRICT

## DIVISION FOUR

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| KURTIS D. NEWLON, | ) | No. ED109077 |
| | ) | |
| Appellant, | ) | Appeal from the Circuit Court of |
| | ) | the City of St. Louis |
| vs. | ) | |
| | ) | Honorable Steven R. Ohmer |
| STATE OF MISSOURI, | ) | |
| | ) | |
| Respondent. | ) | Filed: July 27, 2021 |

Kurtis Newlon ("Movant") appeals the denial of his Rule 24.035 motion for post-conviction relief. In his sole point on appeal, Movant argues the motion court clearly erred in rejecting his claim that his guilty pleas were involuntary due to ineffective assistance of counsel. Movant contends his counsel assured him he would be sentenced to a maximum of fifteen years in the Department of Corrections after pleading guilty, and he would not have pled guilty had he known the court could have sentenced him to sixty years under section 559.115.

AFFIRMED.

**DIVISION IV HOLDS:** Point I is denied. When an ineffective assistance of counsel claim follows a guilty plea, "the claim of ineffective assistance of counsel is 'immaterial except to the extent it impinges on the voluntariness and knowledge with which a movant pled guilty.'" *Ventimiglia v. State*, 468 S.W.3d 455, 462 (Mo. App. E.D. 2015). "If an examination of the guilty plea proceedings directly refute a movant's claim that his plea was involuntary, no ineffective assistance of counsel will be found." *Couch v. State*, 611 S.W.3d 605, 613 (Mo. App. E.D. 2020). Movant's claims of ineffective assistance of counsel are directly refuted by the record and insufficient to warrant post-conviction relief. Despite Movant's claims he would not have pled guilty had he been aware of the potential sixty-year sentence available to the court, the record shows the court repeatedly informed Movant of the nature and potential consequences of his guilty pleas.

Opinion by: Philip M. Hess, J.
Gary M. Gaertner, Jr., P.J. and Michael E. Gardner, J. concur.

Attorney for Appellant: Ellen Flottman

Attorney for Respondent: Sarah E. Ernst

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