MISSOURI COURT OF APPEALS
WESTERN DISTRICT

AARON HECKER, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

DOCKET NUMBER WD84950

DATE: MARCH 21, 2023

Appeal From:

Livingston County Circuit Court
The Honorable Daren Lee Adkins, Judge

Appellate Judges:

Anthony Rex Gabbert, Presiding Judge, W. Douglas Thomson, Judge, and Janet Sutton, Judge

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Attorneys:

Jeffrey C. Esparza, Kansas City, MO, for appellant.

Karen L. Kramer, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

AARON HECKER, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

WD84950 Livingston County

Before Division One Judges: Anthony Rex Gabbert, Presiding Judge, W. Douglas Thomson, Judge, and Janet Sutton, Judge

Aaron Hecker appeals the judgment of the Livingston County Circuit Court denying his Rule 24.035 motion after an evidentiary hearing. In his first point on appeal, he claims his plea counsel was ineffective in failing to investigate his mental health to determine if he was competent to be sentenced. In his second point on appeal, he claims his plea counsel was ineffective in failing to investigate his mental health to determine if he was competent to plead guilty.

VACATED AND REMANDED.

Division one holds:

1. The defendant was suicidal and hospitalized under a psychiatric hold, was diagnosed as schizophrenic, and had been found incompetent in a prior case. The defendant's parents sought guardianship options for him because of concerns about his mental health. The plea counsel was worried about the defendant's mental health to such an extent that he would not let the defendant be interviewed for the sentencing assessment report and would not let the defendant speak at the sentencing hearing. Under these facts, the plea counsel should have investigated the defendant's competence prior to sentencing.

2. The defendant was suicidal and was diagnosed as schizophrenic. The defendant's parents sought guardianship options for him because of concerns about his mental health. Under these facts, the plea counsel should have investigated the defendant's competence prior to the defendant pleading guilty.

3. A doctor's credible testimony that the defendant was incompetent at the time he pled guilty and was sentenced and the facts of this case lead this court to conclude that there is a reasonable probability that the defendant was incompetent even though the plea

counsel and trial court observed the defendant and did not observe anything calling his competence into question.

Opinion by: Anthony Rex Gabbert, Judge March 21, 2023

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