

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JAMES FUJIMOTO,)	No. ED98551
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	
)	Honorable Philip Heagney
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: June 4, 2013

Appellant James Fujimoto (“Fujimoto”) appeals the judgment of the motion court denying his motion for post-conviction relief pursuant to Rule 24.035 without an evidentiary hearing. Fujimoto pleaded guilty to forcible rape, forcible sodomy, assault in the first degree, and robbery in the first degree. On appeal, Fujimoto claims the plea court allowed prejudicial testimony, over his objection, at the sentencing hearing, and that his guilty plea was unknowing and involuntary because he would not have entered the plea had he known the plea court would allow such testimony at sentencing. Fujimoto also claims that his guilty plea was involuntary because the plea court did not inform him that he risked involuntary civil commitment by pleading guilty to forcible rape and forcible sodomy.

AFFIRMED.

Division Four holds: The plea court did not err in denying Fujimoto’s claim relating to the testimony allowed at his sentencing hearing. Under Missouri law, a plea court may admit whatever evidence it deems helpful in assessing punishment, including testimony from any witnesses the court deems appropriate. The plea court also did not err in failing to inform Fujimoto that he risked involuntary civil commitment by pleading guilty to forcible rape and forcible sodomy. The potential for future civil commitment under the Sexually Violent Predator Act is a collateral consequence of a guilty plea, and the plea court was only required to inform Fujimoto of direct consequences of pleading guilty. Accordingly, we find no error and affirm the judgment of the motion court denying Fujimoto’s motion for post-conviction relief without an evidentiary hearing.

Opinion by: Kurt S. Odenwald, J., Lawrence E. Mooney, P.J., and Patricia L. Cohen, J., Concur.

Attorney for Appellant: Timothy J. Forneris

Attorney for Respondent: Chris Koster and Mary H. Moore

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