

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JASON D. GENERAUX,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD76917

Date: November 12, 2014

Appeal from:
Buchanan County Circuit Court
The Honorable Keith B. Marquart, Judge

Appellate Judges:
Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony
Rex Gabbert, Judges

Attorneys:
Gregory L. Barnes, Jefferson City, MO for respondent, for appellant.
S. Kate Webber, Kansas City, MO for appellant, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

JASON D. GENERAUX

Appellant,

v.

STATE OF MISSOURI,

Respondent.

WD76917

Buchanan County

Before Division One: Thomas H. Newton, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Jason Generaux appeals the circuit court's denial of his Rule 24.035 motion, following his guilty plea to a felony charge of criminal nonsupport. Generaux contends there was no factual basis for his plea because the State failed to establish that his child support arrearages accrued within the applicable three-year statute of limitations. Thus, he argues that his plea was entered unknowingly and involuntarily.

AFFIRMED.

Division One holds: At his plea hearing, Generaux admitted facts to establish all of the statutory elements of the class D felony of criminal nonsupport, as set forth in Section 568.040, RSMo (Cum. Supp. 2009). Because the statute of limitations is not an element of that offense, the State was not required to show that Generaux's child support arrearages accrued within the limitations period in order to establish a factual basis for his guilty plea. The motion court correctly determined that the guilty plea was entered knowingly and voluntarily because Generaux admitted to committing the

essential elements of the class D felony of criminal nonsupport and expressly waived any and all defenses to that charge.

Opinion by: Lisa White Hardwick, Judge

November 12, 2014

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