

SUPREME COURT OF MISSOURI

Dustin J. Hefley v. State of Missouri

Hefley · No. SC98876 · Decided June 29, 2021

SUMMARY

The Supreme Court of Missouri held that plea counsel provided ineffective assistance by affirmatively and erroneously advising Dustin J. Hefley that he was eligible for long-term treatment under section 217.362, despite his statutory ineligibility as a habitual offender. The Court concluded that the mistaken advice affected the voluntariness and intelligence of Hefley's guilty plea and that he demonstrated prejudice. The judgment overruling his Rule 24.035 motion was reversed and the case was remanded.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Mary R. Russell; Wilson; Powell; Fischer; Breckenridge; Draper; Ransom
JURISDICTION	Missouri
DECIDED	June 29, 2021
DOCKET	SC98876
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the judgment of the Greene County Circuit Court overruling Hefley's Rule 24.035 motion for postconviction relief after he pleaded guilty to felony driving while intoxicated.
STANDARD OF REVIEW	Review under Rule 24.035(k) is limited to whether the postconviction court's findings and conclusions are clearly erroneous. A finding is clearly erroneous when review of the complete record leaves the reviewing court with a definite and firm impression that a mistake has been made.
PRECEDENTIAL VALUE	Published en banc opinion; precedential Missouri Supreme Court decision.
PARTIES	Dustin J. Hefley v. State of Missouri

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the circuit court clearly erred in denying Hefley's Rule 24.035 claim that plea counsel rendered ineffective assistance by affirmatively misrepresenting his eligibility for the section 217.362 long-term treatment program.
2. Whether Hefley's guilty plea was involuntary, unknowing, or unintelligent because counsel's erroneous eligibility advice caused him to misunderstand the sentencing consequences of the plea.
3. Whether a sentencing court may sentence an offender to the section 217.362 long-term treatment program before the Department of Corrections verifies eligibility and available space.

HOLDINGS

1. A court may sentence an offender to the long-term treatment program only after the Department of Corrections has screened the offender, verified eligibility, and confirmed that space is available. Because Hefley was a habitual offender convicted of an intoxication-related traffic offense, he was statutorily ineligible for the program.
2. Plea counsel's affirmative misrepresentation that Hefley was eligible for the long-term treatment program constituted deficient performance, and Hefley established prejudice because, but for the erroneous advice, he would not have pleaded guilty and would have insisted on proceeding to trial.
3. The fact that Hefley entered an open plea, knew the full sentencing range, and received no guarantee of placement in the treatment program did not preclude postconviction relief based on counsel's affirmative misrepresentation that he was eligible for the program.

KEY QUOTATIONS

"It is error for a court to sentence a defendant to the LTDP prior to ensuring eligibility and space through the DOC." (6)

"Mistaken beliefs about sentencing affect a defendant's ability to knowingly enter a guilty plea if the mistake is reasonable and the mistake is based upon a positive representation upon which the movant is entitled to rely." (7)

"The record here shows that, but for plea counsel's error, Hefley would not have entered the guilty plea and would have insisted on proceeding to trial." (10)

FACTUAL BACKGROUND

Hefley pleaded guilty without a sentencing agreement to a class B felony DWI and received a nine-year sentence in the Department of Corrections under the long-term treatment program. His plea counsel affirmatively advised him that he was eligible for the program, although Hefley had five prior DWIs and was legally ineligible as a

habitual offender. Hefley testified that he would not have pleaded guilty if he had known there was no possibility of placement in the program, and plea counsel testified that Hefley's decision to plead guilty was based on counsel's representation that counsel would argue for his placement.

PROCEDURAL HISTORY

Hefley pleaded guilty to DWI pursuant to an open plea. The circuit court sentenced him to nine years in the Department of Corrections under the long-term treatment program in section 217.362. After sentencing, the Department of Corrections determined he was statutorily ineligible for the program because he was a habitual offender. The circuit court overruled Hefley's amended Rule 24.035 motion alleging that plea counsel's erroneous advice about eligibility rendered his plea involuntary, unknowing, and unintelligent. After an opinion by the court of appeals, the Supreme Court of Missouri granted transfer, reversed the judgment, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the circuit court for further proceedings consistent with the opinion after reversal of the judgment overruling Hefley's Rule 24.035 motion.

CASES CITED

- State ex rel. Taylor v. Moore, 136 S.W.3d 799, 801 (Mo. banc 2004)
- Stuart v. State, 565 S.W.3d 766, 777 (Mo. App. 2019)
- Williams v. State, 563 S.W.3d 750, 756 (Mo. App. 2018), opinion adopted and reinstated after retransfer (Jan. 15, 2019)
- Johnson v. State, 580 S.W.3d 895, 900 (Mo. banc 2019)
- Strickland v. Washington, 466 U.S. 668, 688, 694 (1984)
- Hill v. Lockhart, 474 U.S. 52, 56, 58 (1985)
- State v. Roll, 942 S.W.2d 370, 375 (Mo. banc 1997)
- Dorsey v. State, 115 S.W.3d 842, 845 (Mo. banc 2003)
- McMann v. Richardson, 397 U.S. 759, 770 (1970)
- Shockley v. State, 579 S.W.3d 881, 892 (Mo. banc 2019)
- Burgess v. State, 342 S.W.3d 325, 328-29 (Mo. banc 2011)
- Hamilton v. State, 598 S.W.3d 607, 610 (Mo. banc 2020)
- White v. Director of Revenue, 321 S.W.3d 298, 305, 309 (Mo. banc 2010)
- Anderson v. City of Bessemer City, N.C., 470 U.S. 564, 573 (1985)
- Pearson v. Koster, 367 S.W.3d 36, 44 (Mo. banc 2012)
- Collins v. State, 450 S.W.2d 186, 190 (Mo. 1970)
- State v. Cook, 428 S.W.2d 728, 731 (Mo. 1968)

- DePriest v. State, 510 S.W.3d 331, 341 (Mo. banc 2017)
- Dobbins v. State, 187 S.W.3d 865, 867 (Mo. banc 2006)
- Barry v. State, 850 S.W.2d 348, 350 (Mo. banc 1993)
- Edwards v. State, 200 S.W.3d 500, 513 (Mo. banc 2006)
- Franklin v. State, 501 S.W.2d 166, 173 (Mo. 1973)
- Hammons v. Ehney, 924 S.W.2d 843, 850 (Mo. banc 1996)
- Ervin v. State, 80 S.W.3d 817, 825, 827 (Mo. banc 2002)

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