

ROBERTA CARMONS

Roberta Carmons was a 73-year-old great-grandmother from Kansas City when she was arrested and falsely accused of endangering the welfare of her great-grandson who was in her custody. The allegations arose in the context of the undisputed fact that her son, who was an over-the-road truck driver, molested her great-grandson while visiting her home. However, there was no dispute that she was never present when any of these incidents occurred. When the allegation surfaced, she chose to believe her son rather than her great-grandson.

Although these facts probably did not make a submissible case for a crime, the prosecutors nevertheless charged her with a Class D felony for failing to take appropriate steps to prevent her son from abusing her great-grandson. Unfortunately for Mrs. Carmons, she hired an attorney who specialized in real estate law, who advised her to plead guilty to the charge without the benefit of a plea bargain. This attorney obviously believed that the judge would give her probation. To everyone's surprise, the judge sentenced Mrs. Carmons to three years in prison.

Kent became involved in the case to pursue a motion for post-conviction relief challenging Mrs. Carmons' conviction. After investigating the case fully, Kent advanced compelling claims that Mrs. Carmons received ineffective assistance of counsel and that there was no factual basis for her plea of guilty to the charged crime. The litigation culminated with an opinion from the Missouri Court of Appeals, Western District, which held that no factual basis for the plea existed. *Carmons v. State*, 26 S.W.3d 382 (W.D. Mo. 2000). As a result, the Court of Appeals ordered that Mrs. Carmons' conviction be overturned. Mrs. Carmons' felony conviction was erased from her record and she resumed her long time work as an election judge and will live out the remainder of her days in peace.