1. Do I have a right to be present at the evidentiary hearing?
   1. No, Rules 24.035(i) and 29.15(i)
   2. “‘A post-conviction relief proceeding is a civil, not criminal, proceeding. ... The confrontation clause does not apply to a post-conviction relief hearing.’” *State v. Ramsey*, 874 S.W.2d 414 (Mo. App. W.D. 1994) (quoting *Leisure v. State*, 828 S.W.2d 872, 878 (Mo. banc 1992)).
2. Can it get worse?
   1. Yes, but there are some protections.
      1. Limits on retaliatory sentencing
         1. North Carolina v. Pearce, 395 U.S. 711 (1969)
            1. But, different Judge, different jury, new facts, etc.
      2. Limits on prosecutorial discretion
         1. *State v. Buchli*, 152 S.W.3d 289, 309 (Mo. App. W.D. 2004)
            1. Cannot punish defendants for exercising their constitutional rights
      3. Can happen, and they would have to fight it
3. Can my testimony at the postconviction hearing be used against me if I go back to trial?
   1. Likely no: “We therefore hold that when a defendant testifies at a postconviction hearing in support of a motion alleging ineffective assistance of counsel where the defendant's testimony is indispensable in overcoming the heavy presumption of counsel's competence, that testimony may not be admitted against the defendant at a subsequent trial to prove its incriminating content on the ultimate issue of guilt, unless the defendant makes no objection.” *State v. Samuels*, 965 S.W.2d 913, 920 (Mo. App. W.D. 1998)
4. Can I get a different judge for my postconviction case?
   1. Not without cause
   2. “Rule 51.05, which permits a party in a civil action to seek one change of judge without cause, does not apply in postconviction proceedings.” *State ex rel. White v. Shinn*, 903 S.W.2d 194, 196 (Mo. App. W.D. 1995) (citing *Thomas v. State*, 808 S.W.2d 364 (Mo. banc 1991)).
5. Can we control the remedy?
   1. I cannot guarantee that
      1. If the Judgment is in our favor, we likely cannot challenge the remedy the trial court crafts if it “is within the realm” of what was requested in the amended motion. *Shoate v. State*, 529 S.W.3d 869, 871 (Mo. App. W.D. 2017)
6. Can I represent myself?
   1. Yes, you have the right to self-representation, but there are risks. *See Bittick v. State*, 105 S.W.3d 498 (Mo. App. W.D. 2003)
      1. Like, you have no right to be present, so if you represent yourself, they do not have to bring you back, and you could automatically lose
7. Can I raise a claim against probation counsel?
   1. Not in a 24.035 or 29.15. The proper remedy is habeas corpus, because, “[r]ule 24.035 allows only challenges to the validity of judgments of conviction or sentences, and then only on specified grounds.” *Snyder v. State*, 288 S.W.3d 301(Mo. App. E.D. 2009) (citing *Teter v. State*, 893 S.W.2d 405, 405 (Mo. App. W.D.1995)).