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**ABBREVIATIONS USED**

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## **II.** **Statement of Jurisdiction**

This is an appeal from Orders entered by The Honorable Sandra Martinez, Circuit Judge, Circuit Court of The County of St. Francois, Missouri on May 13, 2005 (LF:33; LF:74) denying Appellant Mary H. Stevens (“Stevens”) Rule 24.035 motions.

Stevens is, and has been continuously since September 11, 2003, incarcerated at the Vandalia, Missouri, MDC Correction Facility.

On February 18, 2005, Stevens filed Verified Rule 24.035 Motion(s) To Vacate And Set Aside Judgment (LF:4; LF:45)(“Rule 24.035 Motion”) in a prior felony robbery second degree case and in a prior felony possession of a controlled substance case.

On May 13, 2005, the trial court *sua sponte* entered its’ Findings Of Fact, Conclusions of Law And Judgment (LF:33; LF:74) dismissing the Rule 24.035 Motions as untimely filed.

On June 7, 2005, Stevens filed a timely Motion For New Trial, Or, Alternatively, Motion To Amend And Modify Judgment (LF:35; LF:76) which was denied August 5, 2005 (LF:38; LF:79).

Stevens timely filed her Notices Of Appeal on August 12, 2005 (LF:39;LF:80).

On Stevens' September 12, 2005 motion, this Court entered its order September 16, 2005 consolidating ED86762 and ED86763 ... with ED86762 being the lead case.

This is an appeal from final judgments of The Circuit Court of The County of St. Francois, Missouri, under Rule 24.035(k). Therefore, this appeal is within the general appellate jurisdiction of The Missouri Court of Appeals, Eastern Division, as set forth in Article V, Section 3 of The Missouri Constitution (as amended to date). None of the grounds, which under The Missouri Constitution would confer exclusive original upon The Missouri Supreme Court, are present or alleged in this appeal, hence, the appellate jurisdiction of The Missouri Court of Appeals, Eastern District, is invoked.

### **III.** **Statement of Facts**

On July 9, 2003 an information charged Appellant Mary H. Stevens ("Stevens") with violation of §195.202, R.S.Mo., a Class C felony, for possession of a controlled substance (PCLF:24) and violation of §569.030, R.S.Mo., a Class B felony, for robbery second degree (PCLF:62) for allegedly stealing \$47.00 (PCT2:57) of merchandise from a Dollar General Store in St. Francois County, Missouri, on May 19, 2003.

Stevens entered a guilty plea to both charges on (PCT1:11) on July 11, 2003.

On August 11, 2003, Stevens filed a timely Verified Rule 29.07(d) Motion To Withdraw Guilty Pleas, Or, Alternatively Motion To Vacate Acceptance of Guilty Pleas Due To Hearing Irregularity (PCLF:33) which, after evidentiary hearing, was denied (PCT2:66) immediately prior to sentencing September 11, 2003.

The Court then entered a final Sentence And Judgment September 11, 2003 against Stevens as follows : eight (8) years incarceration in the Missouri Department of Corrections ("MDC") on the \$47.00 Class B felony robbery second degree charge (PCLF:76) and seven (7) years incarceration in the MDC on the possession of a controlled substance charge (PCLF:39)(concurrent with the robbery sentence).

Stevens is, and has been continuously since September 11, 2003, incarcerated at the Vandalia, Missouri, MDC Correction Facility.

On September 12, 2003, Stevens filed timely notices of appeal from the September 11, 2003 possession of a controlled substance judgment (PCLF:42)(Appeal ED83495) and robbery second degree judgment (PCLF:80)(Appeal ED83498).

On Stevens' October 2, 2003 motion, this Court entered its order October 6, 2003 consolidating ED83495 and ED83498 ... with ED83495 being the lead case.

On September 21, 2004 this Court affirmed the trial court's judgments. State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004). On December 21, 2004 The Missouri Supreme Court denied transfer (ED83495 Court File).

On December 23, 2004 this Court issued its' Mandate affirming the trial court judgments of conviction (Judicial Notice of Mandate in ED83495 Court File).

On February 18, 2005, Stevens filed her Verified Rule 24.035 Motion(s) To Vacate And Set Aside Judgment (LF:4; LF:45)(“Rule 24.035 Motion”) in both the robbery second degree case and the possession of a controlled substance case.

On May 13, 2005, the trial court *sua sponte* entered its’ Findings Of Fact, Conclusions of Law And Judgment (LF:33; LF:74) dismissing Rule 24.035 Motions as untimely filed on the notion Stevens’ Rule 24.035 claims should “have been raised in a timely filed Rule 24.035 motion at the time she was received at the Department of Corrections or within 180 days thereafter”.

On June 7, 2005, Stevens filed a timely Motion For New Trial, Or, Alternatively, Motion To Amend And Modify Judgment (LF:35; LF:76) which was denied August 5, 2005 (LF:38; LF:79).

Stevens timely filed her Notices Of Appeal on August 12, 2005 (LF:39;LF:80).

This appeal followed.

On appeal, this Court assigned case numbers ED86762 and ED86763. On September 12, 2005, Stevens filed a motion to consolidate the appeals ... which was granted September 21, 2005. ED86762 is the lead case and ED86763 is the trailor case.

On October 17, 2005, Stevens filed a motion requesting The Court to take judicial notice and transfer into this appeal the record in ED83495... which was granted October 18, 2005.

**V.**  
**Point Relied On**

The trial court committed prejudicial err by *sua sponte* dismissing Stevens' Rule 24.035 motions as being untimely on the theory Stevens' claims "could have been raised in a timely filed Rule 24.035 motion at the time she was received at the Department of Corrections or within 180 days thereafter" because Stevens timely filed her motions under Rule 24.035(b) fifty-eight (58) days after issuance of the appellate mandate affirming the judgments below in that [a] Stevens timely appealed the September 11, 2003 judgments of conviction below, [b] one or more of Stevens' appellate issues were not within the scope of Rule 24.035, [c] the instant Stevens' Rule 24.035 motion issues were not justiciable in the prior appellate proceeding, [d] the appellate mandates were issued December 23, 2004 affirming the judgments of conviction below and [e] Stevens timely filed her Rule 24.035 motions on February 18, 2005 within the 90 day period of time allowed by Rule 24.035(b).

The four most apposite cases are :

Dodds v. State, 60 S.W.3d 1 (Mo. App. E.D. 2001)

Hamilton v. State, 865 S.W.2d 374 (Mo. App. E.D. 1993)

State v. Pendleton, 910 S.W.2d 268 (Mo. App. W.D. 1995)

State v. Taylor, 929 S.W.2d 209 (Mo. banc 1996)

Other principle authority:

Rule 24.035(a)

Rule 24.035(b)

Rule 24.035(k)

Rule 29.07(d)

## V. Argument

The trial court committed prejudicial err by *sua sponte* dismissing Stevens' Rule 24.035 motions as being untimely on the theory Stevens' claims "could have been raised in a timely filed Rule 24.035 motion at the time she was received at the Department of Corrections or within 180 days thereafter" because Stevens timely filed her motions under Rule 24.035(b) fifty-eight (58) days after issuance of the appellate mandate affirming the judgments below in that [a] Stevens timely appealed the September 11, 2003 judgments of conviction below, [b] one or more of Stevens' appellate issues were not within the scope of Rule 24.035, [c] the instant Stevens' Rule 24.035 motion issues were not justiciable in the prior appellate proceeding, [d] the appellate mandates were issued December 23, 2004 affirming the judgments of conviction below and [e] Stevens timely filed her Rule 24.035 motions on February 18, 2005 within the 90 day period of time allowed by Rule 24.035(b).

(A) Standard of Review :

"Appellate review of the trial court's action on the motion filed under this Rule 24.035 shall be limited to a determination of whether the findings and conclusions of the trial court are clearly erroneous", Rule 24.035(k).

Thus, "[o]ur review of the dismissal of the motion is limited to a determination of whether the findings and conclusions of the [motion] court are clearly erroneous.", State v. Connor, 140 S.W.3d 631, 633 (Mo. App. W.D. 2004) adopting Jameson v. State, 125 S.W.3d 885 (Mo. App. E.D. 2004). In accord : Bollinger v. State, 144 S.W.3d 335, 336 (Mo. App. 2004).

Conclusions and findings are clearly erroneous if the appellate court is left with a firm impression that a mistake has been made after reviewing the entire record. Reynolds v. State, 994 S.W.2d 944, 945 (Mo.banc 1999).

**(B) Relevant Missouri Rules Of Criminal Procedure :**

Rule 24.035 provides, in relevant part, as follows :

**“RULE 24.035 CONVICTION AFTER GUILTY PLEA — CORRECTION**

(a) Nature of Remedy — Rules of Civil Procedure Apply. A person convicted of a felony on a plea of guilty and delivered to the custody of the department of corrections who claims that the conviction or sentence imposed violates the constitution and laws of this state or the constitution of the United States, including claims of ineffective assistance of trial and appellate counsel, that the court imposing the sentence was without jurisdiction to do so, or that the sentence imposed was in excess of the maximum sentence authorized by law may seek relief in the sentencing court pursuant to the provisions of this Rule 24.035. This Rule 24.035 provides the exclusive procedure by which such person may seek relief in the sentencing court for the claims enumerated. The procedure to be followed for motions filed pursuant to this Rule 24.035 is governed by the rules of civil procedure insofar as applicable.

(b) Form of Motion — Cost Deposit Not Required — Time to File — Failure to File, Effect of. A person seeking relief pursuant to this Rule 24.035 shall file a motion to vacate, set aside or correct the judgment or sentence substantially in the form of Criminal Procedure Form No. 40.

No cost deposit shall be required.

If an appeal of the judgment or sentence sought to be vacated, set aside or corrected was taken, the motion shall be filed within 90 days after the date the mandate of the appellate court is issued affirming such judgment or sentence.

If no appeal of such judgment was taken, the motion shall be filed within 180 days of the date the person is delivered to the custody of the department of corrections.

...

Failure to file a motion within the time provided by this Rule 24.035 shall constitute a complete waiver of any right to proceed under this Rule 24.035 and a complete waiver of any claim that could be raised in a motion filed pursuant to this Rule 24.035 ...”

Rule 29.07 provides, in relevant part, as follows :

“RULE 29.07 MISDEMEANORS OR FELONIES — SENTENCE AND JUDGMENT

...

(d) Withdrawal of Plea of Guilty. A motion to withdraw a plea of guilty may be made only before sentence is imposed or when imposition of sentence is suspended; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea...”

**( C ) General Observation :**

Since Stevens filed her Rule 24.035 motions (LF:4; LF:45 ) fifty-eight (58) days after issuance of the appellate mandate December 23, 2004 (ED83495), the trial court’s rulings (LF:33; LF:74) obviously are in direct conflict with a literal reading of Rule 24.035(b), namely, “If an appeal of the judgment or sentence sought to be vacated, set aside or corrected was taken, the motion shall be filed within 90 days after the date the mandate of the appellate court is issued affirming such judgment or sentence.”

The ultimate issue in the case *sub judice*, then, is whether Stevens prior appeal raised any issue not within the exclusive scope of Rule 24.035 ?

As shown below, the answer is a clear “Yes”... and, therefore, the trial court committed prejudicial err by dismissing Stevens’ Rule 24.035 motions because they were timely filed within the 90 day post-mandate period of time.

**(D) Applicable Legal Principles :**

“A post-conviction motion (Sic: under Rule 24.035) does not substitute for a direct appeal. (Citation omitted). Matters that were or should have been raised on direct appeal are not subject to review by motion for post-conviction relief (Sic: under Rule 24.035), except where fundamental fairness requires otherwise and in rare and exceptional circumstances”, Dodds v. State, 60 S.W.3d 1, 6 (Mo. App. E.D. 2001).

An order denying a Rule 29.07 motion to withdraw a guilty plea is an appealable order. State v. Taylor, 929 S.W.2d 209, 215 (Mo. banc 1996); Hamilton v. State, 865 S.W.2d 374, 376 (Mo. App. E.D. 1993).

On the other hand, a Rule 29.07 motion cannot be used as a substitute for a Rule 24.035 motion for matters exclusively within the scope of Rule 24.035. See, State v. Pendleton, 910 S.W.2d 268, 271 (Mo. App. W.D. 1995) :

“If, however, the allegations of the motion and the relief sought bring the motion within Rule 24.035, the time limitations of Rule 24.035 cannot be avoided simply by entitling the pleading a Rule 29.07 motion. It remains a Rule 24.035 motion and is subject to all the terms and conditions of Rule 24.035, including the time limitations. This is not to say that every Rule 29.07 motion would be subject to the Rule 24.035 time limitations. If the asserted grounds for relief were not cognizable under Rule 24.035, then the Rule 24.035 time limitations would not apply. The question in the case at bar thus becomes whether the claims of error asserted by appellant under Rule 29.07 are actually within the grounds enumerated in Rule 24.035 for which that rule provides the exclusive means of appeal and, as a result, are time-barred by that statute.”

In accord: Geitz v. State, 87 S.W.3d 350 (Mo. App. E.D. 2002).

The Pendleton Court (and numerous decisions post-Pendleton) specifically rejected the approach taken by the trial court in the case *sub judice* and The State’s

theory that all post-conviction proceedings to vacate a judgment of conviction on a guilty plea must be brought under Rule 24.035, to wit :

“The state argues that once a defendant pleads guilty, is sentenced pursuant to that plea, and is received by the Department of Corrections, Rule 24.035 provides the exclusive procedure for attempting to vacate or set aside the plea. We do not believe this is an accurate statement of the rule or the *Ryan* holding. Rule 24.035 is the exclusive method of appeal only as to the grounds enumerated within the rule. All other grounds are excluded from the rule by omission. To hold otherwise would render Rule 29.07 (d) meaningless.” State v. Pendleton, 910 S.W.2d 268, n. 2 (Mo. App. W.D. 1995)

These principles were misconstrued and misapplied by the trial court. The dismissal of Stevens’ Rule 24.035 motions were thereby the product of clearly erroneous trial court findings and conclusions of law.

**(E) Stevens’ Prior Rule 29.07(d) Motion --- Significant History :**

Initially, it is important to consider the procedural history of the case *sub judice* because that history distinguishes the case *sub judice* from the Rule 29.07 vs. Rule 24.035 appellate decisions relied upon by the trial court and The State.

First, Stevens filed her Rule 29.07(d) motions August 11, 2003 (PCLF:33,69) before sentencing September 11, 2003 (PCLF:39,69).

This is important because Stevens did not have to resort to the Rule 27.07(d) “manifest injustice” grounds which necessarily implicate U.S. Constitution and Missouri Constitution “Due Process” issues. State v. Pendleton, 910 S.W.2d 268, 271 (Mo. App. W.D. 1995); Geitz v. State, supra. Rule 29.07(d) “manifest injustice” claims are within the scope of Rule 24.035(a). Id.

Instead, by being filed before sentencing, Stevens' Rule 29.07 motion merely raised factual questions ... not involving constitutional dimension ... e.g. *inter alia* (a) "Whether Stevens was entitled to withdraw her guilty plea due to Rule 24.02 irregularities ? [e.g. failed to allow Stevens opportunity to withdraw her guilty plea after rejecting the plea bargain agreement, etc.]" and (b) "Whether the accused is entitled to withdraw her guilty plea based upon a showing of fraud, mistake, fear, persuasion, or holding out of false hopes" under the holdings in State v. Taylor, 929 S.W.2d 209 (Mo. banc 1996), Latham v. State, 439 S.W.2d 737 (Mo. banc 1969), State v. McCollum, 610 S.W.2d 81 (Mo. App. E.D. 1980) and Scroggins v. State, 859 S.W.2d 704, 707 (Mo. App. W.D. 1993). Clearly, these factual issues are outside the scope of Rule 24.035(a)'s "violates the constitution and (Sic: conjunctive) laws of this state or constitution of the United States" exclusivity.

Second, Stevens filed her Rule 29.07(d) motions before the time had expired for filing a Rule 24.035 motion. This distinguishes the case *sub judice* from the typical case where a convicted defendant seeks Rule 29.07 relief after the time expired for filing a Rule 24.035 motion ... i.e. where a defendant improperly attempts to use a Rule 29.07 motion, to take advantage of Rule 29.07's absence of a specific limitation period of time for filing, as a "substitute" for a Rule 24.035 motion.

Here, it is factually impossible for the "cannot use Rule 29.07 as a substitute for a Rule 24.035 motion" theory to be applied because Stevens filed her Rule 29.07 motion (a) before filing her Rule 24.035 motion and (b) before the time expired for filing a Rule 24.035 motion.

Therefore, Geitz v. State, 87 S.W.3d 350 (Mo. App. E.D. 2002) and Brown v. State, 66 S.W.3d 721 (Mo. Banc 2002), relied upon by the trial court for the proposition that a “Rule 29.07 cannot be used as a substitute for Rule 24.035” (LF:34;LF:75), are distinguishable and not relevant to the issues raised in the case sub judice.

**(F) Prior Appeal Grounds Were Not Within Scope of Rule 24.035:**

The following factual and legal issues raised in Stevens’ prior Rule 29.07(d) motion appeal (ED83495) clearly are not within the scope of Rule 24.035(a)’s “violates the constitution and (Sic: conjunctive) laws of this state or the constitution of the United States” (emphasis supplied) exclusivity, to wit:

1. Whether the trial court rejected the plea bargain agreement and failed to allow Stevens to withdraw her guilty plea as provided at Rule 24.02(d)(4) ? See, Memorandum Supplementing Order Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF:5 ¶2; SLF:8, n.3) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004); ED83495 Brief of Appellant Point I (PCLF:12);
2. Whether the trial court, in violation of Rule 24.02(d)(3) and Rule 24.02(d)(4), failed to expressly accept or reject the plea bargain agreement and failed to inform Stevens whether the plea bargain agreement would be embodied in the sentence and judgment before accepting Stevens guilty plea ? See, Memorandum Supplementing Order Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF:7, 8) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004); ED83495 Brief of Appellant Point I (PCLF:12);

3. Whether Stevens was entitled to withdraw her guilty plea based upon a showing of fraud, mistake, fear, persuasion, or holding out of false hopes ? See, Memorandum Supplementing Order Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF:9) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004); ED83495 Brief of Appellant Point I (PCLF:12);
4. Whether Stevens was entitled to withdraw her guilty plea because there was an insufficient Rule 24.04(e) "factual basis for the plea" which precluded the trial court from accepting the plea? See, Memorandum Supplementing Order Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF:10, 11) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004); ED83495 Brief of Appellant Point III (PCLF:12);
5. Whether Stevens was entitled to withdraw her guilty plea because the trial court failed to address defendant Stevens personally as mandated by Rule 24.02(b) and Rule 24.02(c) ? See, Memorandum Supplementing Order Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF: 5 ¶2; SLF:6) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004); ED83495 Brief of Appellant Point I (PCLF:12);

These issues could only be reviewed by direct appeal because they are outside the scope of a Rule 24.035 motion. Dodds v. State, 60 S.W.3d 1, 6 (Mo. App. E.D. 2001).

Significantly, this Court did NOT rule upon any constitutional issues in the prior Rule 29.07(d) appeal (ED83495). See, See, Memorandum Supplementing Order

Affirming Judgment Pursuant To Rule 30.25(f)(ED83495)(SLF:3) in State v. Stevens, 149 S.W.3d 463 (Mo. App. E.D. 2004). Obviously, the implicated constitutional issues would only be reviewable by a Rule 24.035 motion. See, Argument, D, supra.

Therefore, Stevens followed the appropriate direct appeal procedure and did not adjudicate any matter within the scope of Rule 24.035(a) in the prior appeal. Dodds v. State, supra.

**(G) Stevens’ Rule 24.035 Grounds Are Within Exclusive Scope of Rule 24.035:**

Instead, Stevens followed the proper procedure by timely filing her Verified Rule 24.035 Motion(s) To Vacate And Set Aside Judgment (LF:4; LF:45)(“Rule 24.035 Motion”) on February 18, 2005. This was fifty-eight (58) days after the appellate mandate issued in Stevens’ prior Rule 29.07(d) direct appeal ... well within the 90 day time limit for filing a Rule 24.035 motion under Rule 24.035(b).

Facially Stevens’ Rule 24.035 Motions raised the following issues which could only be adjudicated in a Rule 24.035 proceeding, to wit :

1. Ineffective Assistance of Legal Counsel issues. See, Rule 24.035 Motion (LF:4; LF: 45) ¶8A . “Ineffective assistance of trial and appellate counsel” is a ground specifically stated at Rule 24.035(a) to be within the exclusive scope of Rule 24.035 relief.
2. Denial of U.S. Const. Fourteenth Amendment Due Process issues. See, Rule 24.035 Motion (LF:4; LF: 45) ¶8B, ¶8C, 8D and ¶8E. “A conviction or sentence imposed [which] violates ... the constitution of the United States” is

a ground specifically stated at Rule 24.035(a) to be within the exclusive scope of Rule 24.035 relief.

“Ineffective assistance of legal counsel” and “Due Process” violation issues are exclusively within the scope of Rule 24.035(a) and could not, as a matter of law, be adjudicated in the prior Rule 29.07(d) direct appeal because the appellate court had no jurisdiction to entertain or rule upon such issues on direct appeal. Rule 24.035(a).

**(H) Conclusions :**

Stevens timely filed a direct appeal (PCLF:42,80) from the denial (PCLF:39,76) of her Rule 29.07(d) motion to withdraw her guilty plea. One or more of the issues raised by Stevens could only be adjudicated by direct appeal, and, could not be adjudicated under Rule 24.035. Stevens timely filed her Rule 24.035 Motions (LF:4;LF:45) under Rule 24.035(b) within 90 days after issuance of the appellate mandate affirming her conviction in the Rule 29.07(d) direct appeal.

The issues raised in Stevens Rule 24.035 Motions are exclusively within the scope of Rule 24.035.

The trial court’s *sua sponte* dismissal (LF:33; LF:74) of Stevens’ Rule 24.035 Motions was each clearly erroneous by being in direct conflict with the following provision of Rule 24.035(b) : “If an appeal of the judgment or sentence sought to be vacated, set aside or corrected was taken, the motion shall be filed within 90 days after the date the mandate of the appellate court is issued affirming such judgment or sentence.”

**VI.**

## **Conclusions**

Based upon the facts, points, authorities and argument contained in this Brief of Appellant, the May 13, 2005 Orders (LF:33; LF:74) *sua sponte* denying Stevens Verified Rule 24.035 Motion(s) To Vacate And Set Aside Judgment (LF:4; LF:45) each should be reversed and remanded with directions to the trial court to grant Stevens' an evidentiary hearing on such motions.

Respectfully filed, served and submitted this 5<sup>th</sup> day of December, 2005.

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Attorney for Appellant Mary H. Stevens

**Rule 84.06(c) And Local Rule 360 Certification**

Pursuant to Rule 84.06(c) and Local Rule 360 the undersigned hereby certifies this Brief of Appellant (a) contains the information required by Rule 55.03, (b) complies with the limitations contained in Rule 84.06[b] and Local Rule 360[a][1][a] and (c) contains **4,452** (gross- no exclusions) determined by The Microsoft Office 2003 Word computer program count (program used to prepare this Brief of Appellant).

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Arthur G. Muegler, Jr. MoBar #17940

### **Certificate of Service**

The undersigned certifies two (2) true copies of Brief of Appellant herein [together with one (1) 3 1/2" computer diskette, scanned for virus and found to be virus free, containing the same] and this Certificate of Service were served December 5, 2005 by First Class U.S. Mail, postage prepaid, addressed to Respondent's legal counsel Assistant Missouri Attorney General Shaun J. Mackelprang, Supreme Court Building, P.O. Box 899, Jefferson City, Missouri 65102 .

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Arthur G. Muegler, Jr. MBE #17940

# **APPENDIX**

THE MISSOURI COURT OF APPEALS  
EASTERN DISTRICT

MARY STEVENS,	)	
	)	
Plaintiff/ Appellant	)	
	)	
vs.	)	Appeal No. ED86762 (Consolidated)
	)	
STATE OF MISSOURI,	)	
	)	
Defendant/ Respondent	)	
_____	)	

**APPENDIX INDEX PAGE**

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