



JACOB MONTGOMERY CORWIN,)
)
 Appellant,)
) No. SD34619 and SD34721
 vs.) Consolidated
)
 STATE OF MISSOURI,) FILED: September 11, 2017
)
 Respondent.)

Honorable Thomas E. Mountjoy, Judge

(Before Bates, J., Scott, J., and Francis, J.)

PER CURIAM. Jacob Corwin appeals the denial of his Rule 29.15 motion.¹ We agree with both parties that we must reverse and remand per ***Moore v. State***, 458 S.W.3d 822 (Mo. banc 2015).

After we affirmed Corwin’s conviction for attempted forcible rape (***State v. Corwin***, 295 S.W.3d 572 (Mo.App. 2009)), he timely moved *pro se* for Rule 29.15

¹ We address two consolidated appeals, one from the motion court's original order (SD34619) and one from a later amended order (SD34721).

relief. Appointed counsel filed an untimely amended motion. Seven months later, newly retained counsel filed a second amended motion that the motion court ultimately denied without first determining whether Corwin had been abandoned.²

When an amended motion is untimely, the motion court *must* independently inquire and determine whether abandonment occurred. **Moore**, 458 S.W.3d at 825. Such an inquiry is necessary to determine which motion should be adjudicated. **Id.** at 826. “When the independent inquiry is required but not done, this Court will remand the case because the motion court is the appropriate forum to conduct such an inquiry.” **Id.**

We reverse and remand to the motion court to conduct a **Moore** abandonment inquiry and for further proceedings consistent with Rule 29.15. Other points on appeal are denied as moot.

² Although the motion court requested a proposed order concerning abandonment, the record contains no order (proposed or otherwise) determining the matter.