

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ANTHONY PULLIAM)	No. ED102701
a/k/a MONTELL JENNING,)	
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Louis County
vs.)	
)	
STATE OF MISSOURI,)	Honorable Michael D. Burton
)	
)	
Respondent.)	Filed: March 22, 2016

Anthony Pulliam a/k/a Montell Jennings (“Movant”) appeals from the motion court’s judgment denying him post-conviction relief under Rule 24.035 (“Rule 24.035 motion”) without an evidentiary hearing. Movant pled guilty to one count of the class C felony of stealing over \$500, in violation of Section 570.030, RSMo (2000). In his Rule 24.035 motion, Movant claims his plea counsel was ineffective for failing to question and investigate the State’s evidence regarding the value of the scrap metal which he was charged with stealing.

REVERSED AND REMANDED.

DIVISION TWO HOLDS: Movant’s amended Rule 24.035 motion was filed untimely. Because the motion court did not make an independent inquiry into whether Movant was abandoned by post-conviction counsel as a result of the untimely filing, we are compelled by the Supreme Court’s holding in *Moore v. State*, 458 S.W.3d 822 (Mo. banc 2015), to reverse the motion court’s judgment and remand the case to the motion court to determine whether Movant was abandoned by post-conviction counsel.

Opinion by: Angela T. Quigless, J.

Philip M. Hess, P.J. and Gary M. Gaertner, Jr., J., Concur.

Attorneys for Appellant: Andrew E. Zleit

Attorneys for Respondent: Mary H. Moore

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.