

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JOSEPH SHIELDS,)	ED102961
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable John Warner
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: February 16, 2016

Joseph Shields ("Movant") appeals from the motion court's denial of his Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Movant was convicted after a guilty plea with two counts of robbery in the first degree, in violation of Section 569.020, RSMo (2000); and two counts of armed criminal action, in violation of Section 571.015. Movant was sentenced to 20 years in prison on each count, to run concurrently with each other and with Movant's sentence in a separate federal case. We remand for the motion court to enter a formal finding on whether Movant was abandoned by counsel.

REMANDED

Division One Holds: Movant's Motion Counsel failed to file an amended motion by the deadline. The motion court was required to conduct an independent inquiry and find that Motion Counsel abandoned Movant in order to accept the amended motion and hear the matter on the merits, but no such finding exists in the record provided to this Court. Therefore, we remand to the motion court to make a proper determination of whether Motion Counsel abandoned Movant, and to reflect this inquiry and determination in the record.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Amy E. Lowe

Attorney for Respondent: CHRIS KOSTER, Nathan J. Aquino

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.