

MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

CASEY LANGHANS,)	No. ED103611
)	
Appellant,)	Appeal from the Circuit Court
)	of Jefferson County
vs.)	
)	Honorable Nathan B. Stewart
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: October 18, 2016

Casey Langhans (“Langhans”) appeals from the judgment of the motion court denying his amended Rule 24.035 motion for post-conviction relief without an evidentiary hearing. In his sole point on appeal, Langhans argues that the motion court clearly erred in denying him an evidentiary hearing, in that the record did not conclusively refute his ineffective assistance of counsel claim. Because Langhans did not file his initial pro se Rule 24.035 motion within 180 days of his first delivery to the Missouri Department of Corrections, his amended Rule 24.035 motion was untimely and therefore barred.

VACATED AND REMANDED WITH DIRECTIONS.

DIVISION FOUR HOLDS: Pursuant to Swallow v. State, 398 S.W.3d 1 (Mo. banc 2013), Langhans was required to raise any known Rule 24.035 claims within 180 days of his initial delivery to the Missouri Department of Corrections on any sentence contained within the multi-count judgment. Because Langhans filed his initial pro se Rule 24.035 motion more than 180 days after his first delivery to the Missouri Department of Corrections under the judgment, his Rule 24.035 motion was untimely and therefore barred. Accordingly, we vacate the judgment of the motion court and remand the cause with directions to dismiss Langhans’s amended Rule 24.035 motion as untimely.

Opinion by: Kurt S. Odenwald, Judge
Gaertner, Jr., J., concur.

James M. Dowd, P.J., and Gary M.

Attorney for Appellant: Kevin B. Gau

Attorney for Respondent: Chris Koster and Rachel Flaster

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.