

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
WRIT DIVISION THREE

STATE OF MISSOURI EX REL.)	No. ED104051
KEITH COSTELLO II,)	
)	
Relator,)	Writ of Mandamus
vs.)	
)	
HONORABLE STEVEN H. GOLDMAN,)	
JUDGE, DIVISION 12, ST. LOUIS)	
COUNTY CIRCUIT COURT,)	
)	Filed:
Respondent.)	March 29, 2016

Keith Costello II petitions this Court to issue a writ of mandamus compelling the Honorable Steven H. Goldman to grant Costello's motion to remove his Form 40 filing from the incorrect case number. We issued a preliminary order in mandamus, and the prosecutor filed an answer and suggestions in opposition on behalf of the respondent.

PRELIMINARY ORDER MADE PERMANENT, AS MODIFIED.

Writ Division Three holds:

The Form 40 and attachments filed pro se on January 4, 2013 sought post-conviction relief from Costello's murder conviction and should not have been filed in the same case number as the post-conviction proceedings on his robbery conviction. The judgments on the robbery and murder convictions were entered at separate times after separate trials and were appealed separately. Upon receipt of the pro se motion in the murder case, the court was mandated under Rule 29.15 to open a new file and appoint counsel. We issue this writ of mandamus to compel the court to perform its duties under that rule

Opinion by: Robert G. Dowd, Jr., P.J.
Lisa P. Page, J. and Lawrence E. Mooney, J. concur.

Attorney for Relator: Lisa M. Stroup

Attorneys for Respondent: Robert P. McCulloch, Keith S. Larner

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.
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