

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

DAVID L. REDMOND, Movant/Appellant, ) No. ED95473  
)  
vs. ) Appeal from the St. Charles County  
) Circuit Court  
STATE OF MISSOURI, Respondent. ) Filed: October 25, 2011

David Redmond (Movant) appeals from the judgment of the Circuit Court of St. Charles County denying his Rule 24.035 motion without an evidentiary hearing. Movant contends that the motion court erred in denying his claim that plea counsel rendered ineffective assistance by failing to advise him that he would be required to serve eighty-five percent of his sentence before becoming eligible for parole. The State contends that the motion court did not have authority to consider Movant’s motion because Movant failed to file it within 180 days of his delivery to the Department of Corrections.

VACATED AND REMANDED WITH INSTRUCTIONS.

Division Four Holds: The motion court was without authority to entertain Movant’s Rule 24.035 motion because Movant failed to file it within 180 days of his delivery to the Department of Corrections as required by Rule 24.035(b).

Opinion by: Patricia L. Cohen, P.J. George W. Draper III, J., and Robert M. Clayton III, J., concur.

Attorney for Appellant: Robert W. Lundt

Attorneys for Respondent: Chris Koster, John W. Grantham

**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.**