



**In the Missouri Court of Appeals
Eastern District
DIVISION ONE**

FRED MITCHELL,)	No. ED97558
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
vs.)	1022-CC116080
)	
STATE OF MISSOURI,)	Honorable Steven R. Ohmer
)	
Respondent.)	Filed: October 16, 2012

OPINION SUMMARY

Fred Mitchell appeals the judgment denying his Rule 24.035¹ motion for post-conviction relief after an evidentiary hearing.

VACATED AND REMANDED.

Division One holds: Mitchell's pro se Rule 24.035 motion for post-conviction relief was untimely filed. Therefore, the motion court's judgment is vacated and the cause is remanded with directions to the motion court to dismiss Mitchell's Rule 24.035 motion.

Opinion by: Glenn A. Norton, J. Clifford H. Ahrens, P.J., & Sherri B. Sullivan, J., concur.

Attorney for Appellant: Gwenda Reneé Robinson

Attorney for Respondent: Chris Koster, Attorney General
Richard A. Starnes, Assistant Attorney General

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.

¹ All references to Rules are to Missouri Supreme Court Rules (2012).