

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED97927
)	
Respondent,)	Appeal from the Circuit Court
v.)	of Pike County
)	
STEVEN J. WRIGHT,)	Honorable T. Bennett Burkemper, Jr.,
)	
Appellant.)	Filed: January 29, 2013

Steven Wright (“Wright”) appeals from the Pike County Circuit Court’s denial of Wright’s motion for new trial, finding Wright failed to demonstrate a constitutional violation or prejudice as the juror excusal process did not constitute a substantial failure to comply with the declared policy of Sections 494.400 to 494.505 RSMo (2000).

VACATED AND REMANDED WITH INSTRUCTIONS.

Division Three Holds:

The circuit court lacked authority to rule on Wright’s motion for new trial under Section 494.465 where Wright filed a motion for new trial eight years after the time to file said motion had expired under Rule 29.11(b). Therefore, we vacate the judgment and remand with instructions to dismiss Wright’s motion. A motion for new trial is not the appropriate vehicle for relief under Section 494.465 when the time for filing has expired.

Opinioned by: Angela T. Quigless, J.

Robert G. Dowd, Jr., P.J. and Roy L. Richter, J., Concur.

Attorney for Appellant: Craig A. Johnston

Attorney for Respondent: Daniel N. McPherson

**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.**