

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RAYMOND M. ASHER,)	No. ED98579
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
STATE OF MISSOURI,)	Honorable John F. Garvey
)	
Respondent.)	Filed: January 29, 2013

Raymond Asher (Movant) appeals the judgment denying his Rule 24.035¹ motion for post-conviction relief without an evidentiary hearing.

VACATED AND REMANDED WITH INSTRUCTIONS.

Division Three Holds:

Movant failed to file his *pro se* 24.035 motion for post-conviction relief within the 180-day time limit of Rule 24.035(b). Consequently his motion should have been dismissed as untimely. We vacate the motion court's judgment and remand the cause with directions to dismiss.

Opinion by: Angela T. Quigless, J.

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

Attorney for Appellant: Roxanna A. Mason

Attorney for Respondent: Shaun J. Mackelprang

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 rule references are to Mo. R.Crim. P.2011.