

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

BRANDON A. WHITE,

Appellant

v.

STATE OF MISSOURI.

Respondent

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DOCKET NUMBER WD69901

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

DATE: April 21, 2009

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**Appeal From:**

Circuit Court of Carroll County, MO  
The Honorable Werner A. Moentmann, Judge

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**Appellate Judges:**

Division Three: James M. Smart, Jr., P.J., Joseph M. Ellis and James Edward Welsh, JJ.

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**Attorneys:**

Mark A. Grothoff, Columbia, MO

Counsel for Appellant,

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**Attorneys:**

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Counsel for Respondent  
Counsel for Respondent  
Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**BRANDON A. WHITE, Appellant, v.  
STATE OF MISSOURI, Respondent**

**WD69901**

**Carroll County**

Before Division Three Judges: Smart, Jr., P.J., Ellis and Welsh, JJ.

Brandon White appeals the circuit court's dismissal of his *pro se* Rule 29.15 motion. The circuit court dismissed his *pro se* Rule 29.15 motion on the basis that it was untimely.

**REVERSED.**

**Division Three holds:**

In this case the record establishes that, although we handed down our opinion on April 24, 2007, we did not issue our mandate until May 16, 2007. Thus, the ninety day period did not begin to run until May 16, 2007. White, therefore, had until August 15, 2007, to file his motion. The record reflects that he filed his motion prior to the deadline because he filed his *pro se* motion on July 24, 2007. In fact, on appeal, the State concedes that White filed his *pro se* motion within the applicable period. The circuit court, therefore, clearly erred in dismissing White's *pro se* motion.

**Opinion by: James Edward Welsh, Judge**

April 21, 2009

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**