

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

DERRICK JONES,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

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**DOCKET NUMBER WD70785**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** April 13, 2010

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**Appeal from**

The Circuit Court of Jackson County, Missouri  
The Honorable Jack R. Grate, Jr., Judge

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**APPELLATE JUDGES**

Division Three: James Edward Welsh, Presiding Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

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**ATTORNEYS**

Derrick Jones  
Jefferson City, MO

Appellant, *pro se*,

Chris Koster, Attorney General  
Mary H. Moore, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent.

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

**DERRICK JONES,** )  
 )  
 ) **Appellant,** )  
**v.** )  
 )  
**STATE OF MISSOURI,** )  
 )  
 ) **Respondent.** )

**OPINION FILED:**  
**April 13, 2010**

WD70785

Jackson County

Before Division Three Judges: James Edward Welsh, Presiding Judge, and Mark D. Pfeiffer and Karen King Mitchell, Judges

On December 23, 2005, the Appellant Derrick Jones filed a pro se motion for post-conviction relief under Missouri Supreme Court Rule 29.15 in the Circuit Court of Jackson County (“circuit court”). On September 26, 2007, Jones filed a Motion for Leave of Court to File Out of Time 29.15 Post-Conviction Relief Motion for Cause (“Motion for Leave”). On September 9, 2008, the circuit court took up and denied the Motion for Leave.

**DISMISSED.**

**Division Three holds:**

Although the circuit court delineated its September 9, 2008 order a “Judgment,” upon review of the record, it appears that the circuit court has not entered a final order or a final judgment on Jones’s December 23, 2005 Rule 29.15 motion. Absent an appealable final judgment or order, we lack appellate jurisdiction. Rule 81.04(a) (“No . . . appeal shall be effective unless the notice of appeal shall be filed not later than ten days after the judgment or order appealed from becomes final.”); Rule 74.01; *State v. Saffaf*, 81 S.W.3d 526, 527 (Mo. banc 2002).

Accordingly, we dismiss this appeal for lack of jurisdiction.

**Opinion by: Karen King Mitchell, Judge**

April 13, 2010

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