

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

BRYAN ROBERTS,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD75634

DATE: JUNE 11, 2013

Appeal From:

Circuit Court of Lafayette County, MO
The Honorable Larry D. Harman, Judge

Appellate Judges:

Division BRYAN ROBERTS
Alok Ahuja, P.J., Karen King Mitchell, and Anthony Rex Gabbert, JJ.

Attorneys:

Alexa Pearson, Columbia, MO

Counsel for Appellant,

Attorneys:

Mary Moore, Jefferson City, MO

Counsel for Respondent

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

**BRYAN ROBERTS, Appellant, v.
STATE OF MISSOURI, Respondent**

WD75634

Lafayette County

Before Division Two Judges: Ahuja, P.J., Mitchell, and Gabbert, JJ.

Bryan A. Roberts appeals the circuit court’s judgment denying his Rule 24.035 post-conviction relief motion without an evidentiary hearing. Roberts contends that the circuit court clearly erred in denying his motion without an evidentiary hearing because he pled factual allegations regarding ineffective assistance of counsel that warrant relief and are not refuted by the record.

DISMISSED.

Division Two holds:

Roberts failed to seek relief, as required by Rule 24.035, within 180 days of being delivered to the custody of the Department of Corrections. Therefore, we dismiss this appeal and remand to the circuit court with directions to vacate its judgment and to dismiss Roberts’s Rule 24.035 motion as untimely filed.

Opinion by Anthony R. Gabbert, Judge

June 11, 2013

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