

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE

LAWRENCE FRAZEE,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD77683

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: January 26, 2016

APPEAL FROM

The Circuit Court of Clay County, Missouri
The Honorable Janet Sutton, Judge

JUDGES

Division Two: Martin, P.J., and Pfeiffer and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Mark A. Grothoff, Assistant Public Defender
Columbia, MO

Attorney for Appellant,

Chris Koster, Attorney General
Dora A. Fichter, Assistant Attorney General
Jefferson City, MO

Attorneys for Respondent.

4. Though motions for extensions of time are routinely and almost always automatically granted if requested, extensions will not be presumed to have been granted without a record thereof.
5. Here, the amended motion was untimely filed, but the motion court did not conduct an independent inquiry into abandonment; accordingly, we must remand the case for the court to determine whether the untimeliness of Frazee's amended motion was the result of abandonment by post-conviction counsel.

Opinion by: Karen King Mitchell, Judge

January 26, 2016

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