

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

GEORGE FULLER

APPELLANT,

**v.
STATE OF MISSOURI**

RESPONDENT.

DOCKET NUMBER WD78098

DATE: January 26, 2016

Appeal From:

Jackson County Circuit Court
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

Attorneys:

George L. Fuller, Appellant Pro Se.

Karen L. Kramer, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WESTERN DISTRICT**

GEORGE FULLER,

APPELLANT,

v.

STATE OF MISSOURI,

RESPONDENT.

No. WD78098

Jackson County

Before Division Two: Cynthia L. Martin, Presiding Judge, Mark D. Pfeiffer, Judge and Karen King Mitchell, Judge

George L. Fuller appeals from the motion court's denial of his Rule 29.15 motion to re-open proceedings based on an allegation of abandonment by postconviction counsel.

Appeal dismissed as untimely.

Fuller's two attempts to file a notice of appeal from denial of a motion for post-conviction relief due to abandonment were not timely as they were filed more than ten days after the trial court's order was entered. The timely filing of a notice of appeal is jurisdictional.

Fuller did not file a motion seeking a special order pursuant to Rule 30.03 to file his appeal out of time. Even if we treat Fuller's brief, which seeks to excuse the late filing of his appeal, as a timely motion pursuant to Rule 30.03, the motion would be denied as Fuller has not established good cause for such relief.

Opinion by Cynthia L. Martin, Judge

January 26, 2016

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