

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RICHARD WESLEY WILLIAMS,**

**Appellant,**

**v.**

**STATE OF MISSOURI,**

**Respondent.**

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DOCKET NUMBER WD78881

**Date: November 8, 2016**

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Appeal from:  
Buchanan County Circuit Court  
The Honorable Daniel F. Kellogg, Judge

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Appellate Judges:  
Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr., Judges

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Attorneys:  
Amanda P. Faerber, St. Louis, MO for appellant.  
Robert J. Bartholomew, Jr., Jefferson City, MO for respondent.

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

**RICHARD WESLEY WILLIAMS**

**Appellant,**

**v.**

**STATE OF MISSOURI,**

**Respondent.**

WD78881

Buchanan County

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr., Judges

Richard Williams appeals the judgment denying his Rule 29.15 motion for post-conviction relief after he was convicted of first-degree murder and armed criminal action. He contends the motion court erred in denying his request for post-conviction relief without first determining the timeliness of his amended motion. He also argues the court erred in denying one of his ineffective assistance of counsel claims.

**REVERSED AND REMANDED.**

Division Three holds:

Williams's amended motion was untimely filed; therefore, the motion court was required to make an independent inquiry into whether PCR counsel abandoned him. Because the motion court did not make such an inquiry and did not address all of the claims in Williams's *pro se* and amended motions, we must remand the case for the

motion court to determine if PCR counsel abandoned Williams. We do not consider the merits of Williams's ineffective assistance of counsel claim.

Opinion by: Lisa White Hardwick, Judge

**November 8, 2016**

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