OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

ANGELA L. BROWN,	)	ED108001
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Perry County
v.	)	19PR-00014
	)	
STATE OF MISSOURI,	)	Honorable Benjamin F. Lewis
	)	
Respondent.	)	FILED: March 10, 2020

Angela Brown appeals from the motion court's order dismissing without prejudice her Rule 24.035 post-conviction motion to vacate, set aside, or correct the judgment and sentence.

AFFIRMED

Division Four Holds: The motion court did not err in dismissing without prejudice Movant's Rule 24.035 post-conviction motion, because Movant lacked standing to file the motion where Movant received a suspended imposition of sentence, was on probation, and therefore did not have a conviction as required by Rule 24.035. Further, a Rule 24.035 post-conviction motion filed prior to entry of conviction and imposition of sentence is not "premature," as the term is used in Rule 24.035. *See McKay v. State*, 520 S.W.3d 782, 784–87 (Mo. banc 2017) (clarifying that "premature" post-conviction motions under Rules 29.15 and 24.035 are to be held in abeyance until such time as they mature, rather than be dismissed).

Opinion by: Robin Ransom, J.
James M. Dowd, P.J., and Gary M. Gaertner, Jr., J. concur.

Attorney for Appellant: Steven R. Kratky

Attorney for Respondent: Shaun J. Mackelprang

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.