OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN DODD JACKSON, JR.,	)	No. ED107664
	)	
Movant/Appellant,	)	Appeal from the St. Louis County
	)	Circuit Court
vs.	)	
	)	
STATE OF MISSOURI,	)	Honorable Maura B. McShane
	)	
Respondent/Respondent.	)	Filed: April 7, 2020

John Dodd Jackson, Jr. (Appellant) appeals from the motion court's judgment overruling his amended Rule 24.035 motion for post-conviction relief which sought to set aside his guilty pleas to one count of first-degree child molestation in Case No. 09SL-CR02858-01 and three counts of first-degree child molestation in Case No. 15SL-CR00495-01. Appellant claims the motion court clearly erred in denying his amended motion because he established by a preponderance of the evidence that counsel's representation was ineffective and fell below the objective reasonableness standard because counsel failed to investigate Appellant's competency to ensure his plea would be knowing, intelligent, and voluntary.

VACATED and REMANDED.

Division Three Holds: The motion court erred in overruling Appellant's motion for post-conviction relief on the merits. Appellant failed to allege any facts in either his *pro se* or amended post-conviction relief motion that his *pro se* motion was timely filed or the untimely filing fell into a recognized exception. Accordingly, we vacate the judgment of the motion court and remand the cause to the motion court with directions to enter an order dismissing Appellant's motion with prejudice.

Opinion by: Sherri B. Sullivan, J. Mary K. Hoff, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Richard H. Sindel
Attorney for Respondent: Evan J. Buchheim

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.