OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

RICHARD A. WILLIAMS,	)	No. ED107878
	)	
Appellant,	)	
	)	Appeal from the Circuit Court of
	)	St. Charles County
	)	1511-CC00484
STATE OF MISSOURI,	)	
	)	Honorable Deborah J. Alessi
Respondent.	)	
	)	Filed: May 19, 2020

Richard A. Williams ("Movant") appeals the motion court's judgment denying his motion for post-conviction relief pursuant to Rule 29.15.

AFFIRMED IN PART; REVERSED AND REMANDED IN PART.

Division Two Holds: The motion court did not err in finding Movant was not abandoned because Movant retained counsel who failed to timely file an amended motion and thus, the doctrine of abandonment did not apply. Moreover, the trial court did not err in dismissing Movant's motion for post-conviction relief for failure to prosecute without conducting an abandonment hearing because Movant's amended motion was due before subsequent appointed counsel entered in the case. The court did, however, err in dismissing Movant's motion for postconviction relief for failure to prosecute without issuing findings of facts and conclusions because, even when the trial court dismisses a Rule 29.15 motion, it must enter findings of fact and conclusions of law. Thus, we cannot provide meaningful review of movant's remaining point on appeal in the absence of such findings and conclusions.

Opinion by: Lisa P. Page, J.

Philip M. Hess, P.J. and Kurt S. Odenwald, J., concur.

Attorney for Appellant: James C. Egan

Attorney for Respondent: Richard A. Starnes

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.