In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

ANDRE MITCHELL,	)	No. ED107953
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	1722-CC01385
	)	
STATE OF MISSOURI,	)	Honorable Joseph P. Whyte
	)	
Respondent.	)	Filed: June 23, 2020

Andre Mitchell appeals the trial court's dismissal of his Rule 24.035 motion for post-conviction relief without an evidentiary hearing following Mitchell's guilty plea to second-degree murder, armed criminal action, and unlawful possession of a firearm.

AFFIRMED.

DIVISION IV HOLDS: The trial court did not err by dismissing Mitchell's motion for post-conviction relief because Mitchell failed to timely file his original *pro se* motion and further failed to allege any facts in either that motion or his amended motion supporting that he qualified for one of the recognized exceptions to the Rule 24.035(b)'s filing deadline. Therefore, he has waived both his right to proceed under Rule 24.035 and any claim that could be raised in such a motion.

Opinion by: James M. Dowd, P.J.

Gary M. Gaertner, Jr., J., and Robin Ransom, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorney for Respondent: Julia E. Rives

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.