In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

JOHN H. BONDS,	)	No. ED108654
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Michael F. Stelzer
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: September 15, 2020

Appellant John Bonds ("Movant") appeals from the circuit court's Order and Judgment in which the court dismissed his *pro se* Rule 24.035 motion as untimely. On appeal, Movant claims the circuit court clearly erred in dismissing his motion without first appointing counsel to represent him.

REVERSED AND REMANDED WITH INSTRUCTIONS.

DIVISION FOUR HOLDS: The circuit court clearly erred in dismissing Movant's *pro se* Rule 24.035 motion without first appointing counsel. Rule 24.035 requires a motion court to appoint counsel to an indigent movant even if the *pro se* motion is facially untimely. The judgment is reversed, and the case is remanded with instructions to the circuit court to appoint counsel and provide Movant with the opportunity to amend his motion in accordance with Rule 24.035(e) and (g).

Opinion by: Michael E. Gardner, J.
Gary M. Gaertner, Jr., P.J., and Philip M. Hess, J., concur.

Attorney for Appellant: Abraham P. Copi

Attorney for Respondent: Kristen S. Johnson

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.