MISSOURI COURT OF APPEALS
WESTERN DISTRICT

T'ODDRE D. HUDSON,

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD83748

Date: June 8, 2021

Appeal from:
Jackson County Circuit Court
The Honorable Susan M. Burnett, Judge

Appellate Judges:
Division Two: Mark D. Pfeiffer, P.J., Alok Ahuja, and Karen King Mitchell, Judges

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Attorneys:
Rosemary E. Percival, Kansas City for appellant
Evan J. Buchheim, Jefferson City for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

T'ODDRE D. HUDSON, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD83748 Jackson County

Before: Division Two: Mark D. Pfeiffer, P.J., Alok Ahuja, and Karen King Mitchell, Judges

T'Oddre Hudson pleaded guilty to one count of sodomy in the first degree, one count of robbery in the first degree, and two counts of armed criminal action. Prior to his sentencing, Hudson filed a motion to withdraw Hudson's guilty plea pursuant to Rule 29.07(d), in which Hudson alleged his guilty plea had been unknowing and involuntary due to his plea counsel's ineffective assistance of counsel. The circuit court denied Hudson's Rule 29.07(d) motion. Hudson was sentenced to seventeen total years' imprisonment.

Hudson filed a timely motion for post-conviction relief under Rule 24.035. After the evidentiary hearing on Hudson's post-conviction relief motion, Hudson filed a motion in this Court seeking leave to file a notice of appeal from the underlying criminal judgment out of time. We granted that motion, and Hudson filed his notice of appeal, challenging the circuit court's denial of his motion to withdraw his guilty plea.

The circuit court later entered its judgment denying Hudson's Rule 24.035 post-conviction motion, which Hudson appealed. While the current appeal was pending, we issued a decision in Hudson's direct appeal, in which we affirmed the circuit court's denial of Hudson's pre-sentencing motion to withdraw his guilty plea.

VACATE AND REMAND FOR FURTHER PROCEEDINGS

Opinion Holds:

Hudson's 24.035 motion was rendered premature when he filed a notice of appeal in his underlying criminal case. Accordingly, further proceedings on his

post-conviction relief should have been stayed until the direct appeal, and any further proceedings resulting from the direct appeal, had been concluded.

Opinion by: Alok Ahuja, Judge **June 8, 2021**

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.