OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

CHRISTOPHER SCHILLING,	)	No. ED108969
	)	
Movant/Appellant,	)	
	)	Appeal from the Circuit Court
	)	of Jefferson County
vs.	)	Cause No. 19JE-CC00644
	)	
STATE OF MISSOURI,	)	Honorable Victor J. Melenbrink
	)	
Defendant/Respondent.	)	Filed: _____

Christopher Schilling ("Movant") appeals the judgment denying his Rule 24.035 motion without an evidentiary hearing.

AFFIRMED.

Division Three holds:

There is a sufficient record to review the motion court's determination of abandonment for clear error, and remand for further inquiry is not required. The motion court expressly considered the sworn statements of post-conviction counsel, which demonstrated that the untimely filing of the amended motion was solely the fault of post-conviction counsel and not in any way due to Movant's negligence or intentional failure to act. Thus, the motion court did not clearly err in determining that Movant had been abandoned.

The motion court did not clearly err in denying Movant's amended motion on the merits without an evidentiary hearing because the record conclusively refutes any claim that the factual basis for this plea was insufficient. The record as a whole--namely, the plea colloquy--confirms that Movant's plea was knowing and voluntary.

Opinion by: Colleen Dolan, J.

Philip M. Hess, P. J., and Angela Quigless, J., concur.

Attorney for Appellant: Ankoor Dilip Shah

Attorney for Respondent: Robert J. Bartholomew

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.