MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

CEDRIC DEWAYNE MACK,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD84140

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: November 23, 2021

Appeal From:

Circuit Court of Harrison County, MO
The Honorable Thomas R. Alley, Judge

Appellate Judges:

Special Division
Mark D. Pfeiffer, P.J., Alok Ahuja, and Thomas N. Chapman, JJ.

Attorneys:

Katharine Curry, Columbia, MO — Counsel for Appellant

Attorneys:

Garrick Aplin, Jefferson City, MO — Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CEDRIC DEWAYNE MACK, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD84140 **Harrison County**

Before Special Division Judges: Pfeiffer, P.J., Ahuja and Chapman, JJ.

Cedric Mack appeals the judgment of the Harrison County Circuit Court denying his amended Rule 29.15 motion for post-conviction relief after an evidentiary hearing. Because the amended motion was not timely filed, the motion court did not conduct an abandonment inquiry, and the motion court failed to make findings of fact and conclusions of law, the judgment is reversed, and the cause is remanded with directions.

REVERSED AND REMANDED.

Special Division holds:

(1) Where the motion court did not rule on a timely request for extension to file an amended motion until after the 60-day time period to file the amended motion, the amended motion filed after the 60-day time period was not timely. Because nothing in the record indicates that the motion court made findings regarding the timeliness of the amended motion or conducted an abandonment inquiry, the judgment is reversed, and the case is remanded for the motion court to conduct an abandonment inquiry and for further proceedings consistent with the outcome of that inquiry.

(2) Where the motion court's judgment did not contain any findings of fact or conclusions for law and failed to provide this court with a basis for meaningful appellate review, on remand the motion court must issue findings of fact and conclusions of law as required by Rule 29.15(j) on the claims in Mack's *pro se* motion or his amended motion, whichever the motion court adjudicates after its abandonment inquiry

Opinion by: Thomas N. Chapman, Judge Date: November 23, 2021

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