MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MONIQUE RANSOM,

APPELLANT

vs.

STATE OF MISSOURI,

RESPONDENT

DOCKET NUMBER WD84175

DATE: NOVEMBER 30, 2021

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Joel P. Fahnestock, Judge

Appellate Judges:

Division Three: Lisa White Hardwick, Presiding Judge, Gary D. Witt, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Joellen Grohs, for Appellant

Gregory L. Barnes, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

MONIQUE RANSOM, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

WD84175 Jackson County

Before Division Three Judges: Lisa White Hardwick., Presiding Judge, Gary D. Witt, Judge, and Edward R. Ardini, Jr., Judge

Monique Ransom ("Ransom") appeals from the judgment of the Circuit Court of Jackson County denying her Rule 29.15 motion for post-conviction relief. Ransom was convicted in the underlying criminal case of murder in the second degree and armed criminal action. Following the timely filing of her *pro se* motion for post-conviction relief, appointed counsel sought an extension of time to file her amended post-conviction motion pursuant to Rule 29.15(g). The motion court granted the request for extension, but not until after the initial sixty-day deadline for filing as amended motion had passed. The motion court subsequently denied the claims raised in Ransom's amended post-conviction motion without conducting an abandonment inquiry.

REVERSED AND REMANDED.

Division Three holds:

The motion court lacks authority to rule on a request for extension of time to file an amended motion after the time period in which the motion is initially due has passed. Here, the trial court purported to grant the request for extension nearly two weeks after expiration of the initial sixty-day period for filing the amended motion. Therefore, the motion court's grant of the extension was without authority, and the amended motion was untimely filed. When an amended motion is untimely filed, the motion court must conduct an abandonment inquiry to determine which motion to adjudicate. We reverse and remand this cause to the motion court to conduct such inquiry.

Opinion by: Edward R. Ardini, Jr., Judge Date: November 30, 2021

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