MISSOURI COURT OF APPEALS
WESTERN DISTRICT

EL-VESTER ROBINSON,
APPELLANT

vs.

STATE OF MISSOURI,
RESPONDENT

DOCKET NUMBER WD84102

DATE: FEBRUARY 22, 2022

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Jalilah Otto, Judge

Appellate Judges:

Division Two: Alok Ahuja, Presiding Judge, Edward R. Ardini, Jr., Judge and Janet L. Sutton, Judge

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Attorneys:

Rosemary E. Percival, for Appellant

Garrick F. Aplin, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

EL-VESTER ROBINSON, APPELLANT,
v.
STATE OF MISSOURI, RESPONDENT.

WD84102 Jackson County

Before Division Two Judges: Alok Ahuja, Presiding Judge, Edward R. Ardini, Jr., Judge, and Janet L. Sutton, Judge

El-Vester Robinson appeals from the denial of his Rule 29.15 motion for post-conviction relief by the Circuit Court of Jackson County. In the underlying criminal case, Robinson was convicted of one count of child molestation in the first degree. This Court's mandate from Robinson's direct appeal was issued on April 11, 2018. Pursuant to Rule 29.15(b), Robinson's *pro se* post-conviction motion was to be filed with the Circuit Court of Jackson County by July 10, 2018. On July 13, 2018, Robinson's *pro se* motion was received by this Court. The motion was returned to Robinson, who thereafter sent it to the proper court where it was received on August 9, 2018. The motion court appointed post-conviction counsel, a timely amended motion was filed, and the motion court denied Robinson's post-conviction claim, finding in its judgment that Robinson's *pro se* motion should be deemed timely filed.

VACATED AND REMANDED FOR DISMISSAL.

Division Two holds:

Robinson's *pro se* motion was not timely filed and cannot be deemed timely filed based on any exception to the mandatory time limits of Rule 29.15(b).

Opinion by: Edward R. Ardini, Jr., Judge Date: February 22, 2022

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