MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JERMAINE D. WILLIAMS, Appellant,
v.
STATE OF MISSOURI, Respondent.

DOCKET NUMBER WD85546

DATE: January 30, 2024

Appeal From:

Cass County Circuit Court
The Honorable R. Michael Wagner, Judge

Appellate Judges:

Division Two: Janet Sutton, Presiding Judge, Alok Ahuja, Judge, and Mark D. Pfeiffer, Judge

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Attorneys:

Annette Wallace, Kansas City, for Appellant,

Alex Beezley, Jefferson City, for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

JERMAINE D. WILLIAMS, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD85546 Cass County

Before Division Two Judges: Janet Sutton, Presiding Judge, Alok Ahuja, Judge, and Mark D. Pfeiffer, Judge

In 2017, Jermaine Williams pleaded guilty to multiple felonies in the Circuit Court of Cass County. Following his sentencing, he filed a motion for post-conviction relief under Supreme Court Rule 24.035 in September 2017. Williams' appointed counsel filed both an amended motion on his behalf in October 2019, and the circuit court held a hearing on the amended motion in January 2022.

Williams' counsel learned in 2022 that the transcripts of Williams' guilty plea and sentencing hearings had not been filed in the circuit court. Counsel filed those transcripts in January 2022, and then filed a *second* amended motion for post-conviction relief on Williams' behalf in March 2022.

The circuit court denied Williams post-conviction relief. In its judgment, the circuit court only addressed the merits of the claims in Williams' first amended motion, but refused to address the separate claims asserted in his second amended motion.

Williams appeals.

APPEAL DISMISSED.

Division Two holds:

Under the 2017 version of Rule 24.035(g), which applies here, Williams was entitled to file an amended motion for post-conviction relief after counsel was appointed to represent him, and "60 days . . . [after] a complete transcript consisting of the guilty plea and sentencing hearing has been filed in the trial court." In this case, the "complete transcript" of Williams' guilty plea and sentencing hearings were not filed with the court until January 2022, and therefore the amended motion he filed in March 2022 was timely. Nothing in Rule 24.035 prohibits a movant from filing multiple amended motions for post-conviction relief, so long as those motions are otherwise timely.

Because Williams' second amended motion for post-conviction relief was timely filed, the circuit court was required to address the claims asserted in that motion. Because the judgment does not address all of Williams' properly asserted claims, the judgment is not final under § 512.020(5), RSMo, or Supreme Court Rule 74.01, and the appeal must be dismissed.

Opinion by: Alok Ahuja, Judge January 30, 2024

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