MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRISTOPHER A. SCOTT, Appellant,
v.
STATE OF MISSOURI, Respondent.

DOCKET NUMBER WD86373

DATE: November 26, 2024

Appeal From:

Boone County Circuit Court
The Honorable J. Hasbrouck Jacobs, Judge

Appellate Judges:

Division Three: Mark D. Pfeiffer, Presiding Judge, Thomas N. Chapman, Judge, and Janet Sutton, Judge

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Attorneys:

Damien de Loyola, Kansas City, MO, counsel for Appellant

Richard Starnes, Jefferson City, MO, counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHRISTOPHER A. SCOTT, Appellant,
v.
STATE OF MISSOURI, Respondent.

WD86373 Boone County

Before Division Three Judges: Mark D. Pfeiffer, Presiding Judge, Thomas N. Chapman, Judge, and Janet Sutton, Judge

Christopher Scott appeals a judgment of the Circuit Court of Boone County that denied relief on his Rule 29.15 postconviction relief motion. On appeal, Scott argues that the motion court erred by misunderstanding one of his claims such that remand is necessary.

AFFIRMED.

Division Three holds:

1. Scott's amended Rule 29.15 motion was timely filed as it was filed within 120 days of the appointment of counsel in accordance with the version of Rule 29.15(g) that became effective November 4, 2021. The general rule is that procedural rules apply upon their effective dates to proceedings then pending in the absence of an applicable rule to the contrary. In this case, the schedule paragraph of Rule 29.15(m) in effect at the time of filing did not provide a contrary result for movants sentenced after January 1, 2018. This Court disagrees with the proposition from *State v. Smith*, 697 S.W.3d 617 (Mo. App. E.D. 2024), relied on by the State that the deadlines for filing Rule 29.15 motions are determined by the version of the rule in effect when the movant was sentenced in the underlying criminal case where the version of Rule 29.15(m) that would support this proposition for movants sentenced after January 1, 2018 did not go into effect until July 1, 2023 – after Scott's motion had already been filed.

2. The motion court's denial of Scott's ineffective assistance of counsel claim was based on a conclusion of law that Scott fails to challenge on appeal. In failing to argue that this conclusion of law was erroneous, Scott cannot establish that the asserted error was material to the motion court's judgment.

Opinion by: Thomas N. Chapman, Judge November 26, 2024

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