Missouri Court of Appeals

Southern District

In Division

JACKIE LEON LIGHT, JR., Movant-Appellant, v. STATE OF MISSOURI, Respondent-Respondent.	Number SD39030 Filed: May 11, 2026

APPEAL FROM THE CIRCUIT COURT OF DENT COUNTY

Honorable Megan K. Seay, Circuit Judge

VACATED AND REMANDED

Jackie Light, Jr. (Movant) appeals from the order denying his amended Rule 24.035 motion to set aside his convictions for two counts of the class E felony of harassment in the first degree. *See* § 565.090.[1] Because Movant's amended motion was not timely filed by his

[1] All rule references are to Missouri Court Rules (2022). All statutory references are to RSMo (2016).

appointed counsel, we vacate the motion court's order, and we remand the proceeding to the motion court to conduct an abandonment inquiry.

Factual Background

Movant was charged by information as a prior and persistent offender with the aforementioned two counts, as well as one count of the class A misdemeanor of furnishing pornographic material to minors. *See* § 573.040. Pursuant to a plea agreement, Movant pleaded guilty to both harassment counts, and the misdemeanor count was dismissed. The plea court imposed concurrent seven-year sentences, suspended execution of those sentences, and placed Movant on supervised probation for five years.

Movant timely filed a *pro se* Rule 24.035 motion on July 27, 2022. The Public Defender's office was appointed to represent Movant on July 28, 2022. As required by Rule 24.03, the transcript of Movant's guilty plea and sentencing was received by the circuit clerk and filed in the underlying criminal case on June 13, 2023.[2]

[2] Rule 24.03 states:

> When a defendant enters a plea of guilty to a felony, the court reporter shall:
>
> (a) Record accurately all court proceedings in connection with the plea;
>
> (b) Prepare a transcript of such proceedings when a motion is filed under Rule 24.035. The circuit clerk shall notify the court reporter that the motion has been filed, and the transcript shall be prepared within 30 days from the date the reporter receives the notice.
>
> (c) Certify the accuracy of the transcript of the proceedings and immediately deliver the certified transcript to the circuit clerk;

On April 4, 2024, appointed counsel filed Movant's amended motion, 296 days after the transcript was filed. The amended motion alleged ineffective assistance of plea and sentencing counsel. An evidentiary hearing was conducted on February 7, 2025. The motion court subsequently issued its order denying Movant's amended Rule 24.035 motion on April 15, 2025. In its findings of fact and conclusions of law, the motion court stated that Movant's original and amended motions were timely filed.

Discussion and Decision

Our review is limited to a determination of whether the motion court's findings and conclusions are clearly erroneous. Rule 24.035(k); *see* ***Flaherty v. State***, 694 S.W.3d 413, 416 (Mo. banc 2024). On appeal, Movant presents one point. He contends the motion court clearly erred in denying his amended Rule 24.035 motion because plea counsel failed to investigate the criminal charges used by the State as the basis for claiming Movant was a prior and persistent offender, which resulted in prejudice.

Before we can address the merits of this point, however, we first must determine whether Movant's *pro se* and amended motions for post-conviction relief were timely filed. *See* ***Moore v. State***, 458 S.W.3d 822, 825-26 (Mo. banc 2015).

(d) Receive for preparing such certified transcript the amount provided in section 485.100, RSMo, for preparing an original transcript in a criminal case where the defendant is unable to pay the costs.

The circuit clerk shall note the filing of the certified transcript in his record and shall place the same, as a part of the permanent record of the case, in the file containing the indictment or information.

In ***Scott v. State***, 719 S.W.3d 723, 726 (Mo. banc 2025), our Supreme Court reaffirmed the long-standing principle that courts have a duty to enforce the mandatory filing deadlines in Rule 24.035 and Rule 29.15. Post-conviction deadlines "'play such an important role in the orderly presentation and resolution of post-conviction claims that the [S]tate cannot waive them. Instead, motion courts and appellate courts have a duty to enforce the mandatory time limits … even if the [S]tate does not raise the issue.'" ***Id***. (quoting ***Moore***, 458 S.W.3d at 826-27 (Fischer, J., concurring)).

Movant was sentenced on March 4, 2022. Therefore, the version of Rule 24.035 in effect on that date applies to his post-conviction proceeding, regardless of any later amendments. ***Scott***, 719 S.W.3d at 727. Movant's *pro se* motion had to be filed "within 180 days of the date the sentence is entered." Rule 24.035(b). Because Movant filed his *pro se* motion 115 days after sentencing, this motion was timely.

With respect to the amended Rule 24.035 motion, the following timing requirements applied at the time of Movant's sentencing on March 4, 2022:

> If no appeal of the judgment sought to be vacated, set aside, or corrected is taken, the amended motion or statement in lieu of an amended motion shall be filed within 120 days of the earlier of the date both a complete transcript consisting of the guilty plea and sentencing hearing has been filed in the trial court and:
>
> (1) Counsel is appointed, or
>
> (2) An entry of appearance is filed by any counsel that is not appointed but enters an appearance on behalf of movant.
>
> ….
>
> The court may not extend the time for filing the amended motion or statement in lieu of an amended motion.

> If an amended motion or statement in lieu of an amended motion is not timely filed by appointed counsel, then the court shall conduct an inquiry on the record to determine if movant was abandoned by appointed counsel.

Rule 24.035(g) (effective November 4, 2021).

Movant's counsel was appointed on July 28, 2022, and the court resubmitted the notice of appointment on December 13, 2022. The transcript was filed on June 13, 2023, which started the clock for determining the deadline to file the amended motion. The amended motion, filed on April 4, 2024, was untimely because it was filed 296 days after the time to file had begun to run. The record contains no information about why the amended motion was not timely filed. On appeal, both appellant's counsel and counsel for the State claimed in their briefs that the amended motion was timely filed, but neither attorney provided a factual basis for that legal conclusion. Based upon our review of the facts and calculation of the due date, neither counsels' assertion is correct. Thus, the motion court's similar statement, which also contained no explanation of how the amended motion was timely filed, is clearly erroneous.

"[W]hen an amended motion is untimely filed, the record creates a presumption that counsel failed to comply with the rule because the filing of the amended motion indicates that counsel determined there was a sound basis for amending the initial motion but failed to file the amended motion timely." ***Moore***, 458 S.W.3d at 825. As such, the motion court has a duty to undertake an independent inquiry to determine if abandonment occurred. ***Id***. If the motion court finds that a movant has not been abandoned, the motion court should not permit the untimely filing of the amended motion

and should proceed with adjudicating the movant's initial *pro se* motion. ***Id***. If the motion court instead determines that a movant was abandoned by appointed counsel's untimely filing of an amended motion, the court is directed to permit the untimely filing. ***Id***. at 826. Where the record does not demonstrate that the motion court conducted the necessary independent inquiry, the appropriate course of action is to remand the case for an inquiry into the issue of abandonment. ***Id***.; ***Wright v. State***, 634 S.W.3d 698, 703 (Mo. App. 2021); ***Southern v. State***, 522 S.W.3d 340, 342 (Mo. App. 2017).[3] Accordingly, we vacate the order denying post-conviction relief and remand to the motion court to conduct an abandonment inquiry.

JEFFREY W. BATES, J. – OPINION AUTHOR

JENNIFER R. GROWCOCK, C.J. – CONCUR

BECKY J. WEST, J. – CONCUR

[3] In ***Nelson v. State***, 719 S.W.3d 729 (Mo. banc 2025), remand was not required because the record plainly showed that both appointed counsels' amended motions were untimely based on counsels' incorrect determination of which version of the post-conviction rules to follow. ***Id***. at 735. These failures were not due to any negligence or intentional act of the movants. ***Id***.; *see also* ***Sauter v. State***, 719 S.W.3d 143, 148 (Mo. App. 2025). The record before us contains no such facts.