

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

SAMUEL L. LOMAX,)	No. ED101809
)	
Appellant,)	
)	Appeal from the Circuit Court
vs.)	of the City of St. Louis
)	
STATE OF MISSOURI,)	Honorable Thomas J. Frawley
)	
Respondent.)	Filed: June 30, 2015

Samuel Lomax appeals from the judgment denying his Rule 29.15 motion without an evidentiary hearing

REVERSED AND REMANDED.

Division Three holds:

Appointed counsel filed an untimely amended motion, but the motion court did not conduct an inquiry into whether Lomax had been abandoned by the late filing. Under Moore v. State, 2015 WL 1735533 (Mo. banc April 14, 2015), we must reverse the judgment and remand for a determination of abandonment by the motion court.

Opinion by: Robert G. Dowd, Jr., J.
Kurt S. Odenwald, P.J. and Gary M. Gaertner, Jr., J., concur.

Attorney for Appellant: Timothy J. Forneris

Attorney for Respondent: Chris Koster, Shaun J. Mackelprang

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND
SHOULD NOT BE QUOTED OR CITED.**