

**MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY**

STATE OF MISSOURI,	)	No. ED102030
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
RODNEY CREIGHTON,	)	Hon. Elizabeth Byrne Hogan
	)	
Appellant.	)	FILED: December 15, 2015

Appellant Rodney Creighton (“Creighton”) appeals from the judgment of the motion court denying Creighton’s Rule 29.15 motion for post-conviction relief without an evidentiary hearing following a jury trial. Creighton was convicted of three counts of first-degree robbery, three counts of armed criminal action, and one count of resisting arrest, and sentenced as a prior and persistent offender. Creighton’s conviction and sentence were affirmed on direct appeal by this Court in State v. Creighton, 386 S.W.3d. 206 (Mo. App. E.D. 2012). On appeal, Creighton contends the motion court clearly erred in denying his Rule 29.15 motion without an evidentiary hearing.

REVERSED AND REMANDED.

DIVISION FOUR HOLDS: Creighton’s amended motion for post-conviction relief was untimely filed. The motion court did not make an independent inquiry into whether Creighton was abandoned by his appointed counsel. Accordingly, we reverse the motion court’s judgment and remand the case to the motion court to determine whether Creighton was abandoned by counsel.

Opinion by: Kurt S. Odenwald, Judge  
L. Cohen, J., concur.

Sherri B. Sullivan, P.J., and Patricia

Attorney for Appellant: Srikant Chigurupati

Attorney for Respondent: Chris Koster and Dora A. Fichter

**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.**