

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

JAKIB PROPST,)	ED103322
)	
Appellant,)	Appeal from the Circuit Court of
)	St. Francois County
v.)	14SF-CC00210
)	
STATE OF MISSOURI,)	Honorable Wendy Wexler Horn
)	
Respondent.)	Filed: September 20, 2016

Jakib Propst ("Movant") appeals the dismissal of his Rule 24.035 motion for post-conviction relief.

REVERSED AND REMANDED WITH INSTRUCTIONS

Division One Holds: The "active interference doctrine" should be applied to the unique facts of this case. Movant, within the 180 day time limitation, prescribed by Rule 24.035(b), did all he reasonably could to ensure that that his *pro se* post-conviction relief motion was filed on time, in that Movant discovered his post-conviction claim, met with District Defender, executed his Form 40, and placed the Form 40 in the trusting-hands of District Defender to file. But for District Defender's belated filing of Movant's *pro se* post-conviction relief motion, Movant's *pro se* motion would have been timely filed.

Opinion by: Lisa P. Page, J.

Robert M. Clayton III, P.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: Timothy Forneris

Attorney for Respondent: Rachel Flaster

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.