

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

DAVID GRAYS,	)	No. ED91575
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Louis County
v.	)	Cause No. 623676
	)	Honorable Carolyn C. Whittington
STATE OF MISSOURI,	)	
	)	
Respondent.	)	Filed: February 3, 2009

David Grays appeals the motion court's denial of his Rule 75.01 motion to vacate, set aside or correct judgment of sentence, or alternatively to reopen postconviction proceedings. He filed his motion more than 16 years after the postconviction judgment became final, yet he argues his motion falls under the timeliness exception for claims of abandonment.

DISMISSED.

Division Five Holds: The motion court correctly found that Grays' motion was untimely and that his claim did not fall under the abandonment exception to the 30-day time limit, thus the motion court did not have jurisdiction to reopen postconviction proceedings. We similarly have no jurisdiction to hear Grays' appeal.

Opinion by: Kenneth M. Romines, J. Nannette A. Baker, C.J. and Patricia L. Cohen, J. concur.

Attorney for Appellant: David Grays, acting Pro Se

Attorney for Respondent: Mary H. Moore

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