

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ANTHONY C. MOORE,)	No. ED93330
)	
Appellant,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
STATE OF MISSOURI,)	Honorable Bryan L. Hettenbach
)	
Respondent.)	Filed: April 6, 2010

Anthony C. Moore (Movant) appeals from the motion court's dismissal of his Rule 29.15¹ motion for post-conviction relief based on its untimely filing. This Court affirmed Movant's convictions, following a bench trial, of two counts of the class A felony of murder in the first degree, in violation of Section 565.020, RSMo 2000, in Movant's direct appeal. State v. Moore, 264 S.W.3d 657 (Mo. App. E.D. 2008).

AFFIRMED.

Division Four holds: Despite the trial court's use of the term "jurisdiction" in the context of courts' limitation on the legal ability to act according to a statute or rule, Rule 29.15 requires that Movant's "[f]ailure to file a motion within the time provided by this Rule 29.15 shall constitute a complete waiver of any right to proceed under this Rule 29.15 and a complete waiver of any claim that could be raised in a motion filed pursuant to this Rule 29.15." Rule 29.15(b). The motion court did not clearly err in adhering to the mandates of the rule and dismissing Movant's motion for post-conviction relief.

Opinion by: Kurt S. Odenwald, P.J.
George W. Draper III, J., and Gary M. Gaertner, Jr., J., Concur.

Attorney for Appellant: Gwenda Renee Robinson

Attorneys for Respondent: Chris Koster and Jamie Pamela Rasmussen

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.

¹ All subsequent rule references are to Mo. R. Crim. Pro. 2009, unless otherwise indicated.