

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FIVE

EDWARD MACKLEY,)	No. ED94027
)	
Movant/Appellant,)	
)	Appeal from the Circuit Court
)	of St. Francois County
v.)	Case Number: 09SF-CC00221
)	
STATE OF MISSOURI,)	Hon. Kenneth W. Pratte
)	
Respondent.)	
)	Filed: February 22, 2011

Movant, Edward Mackley, appeals from the denial of his Rule 24.035 motion after an evidentiary hearing.

JUDGEMENT VACATED, CAUSE REMANDED WITH DIRECTIONS TO DISMISS.

Division Five holds: Movant's pro se Rule 24.035 was not timely filed. Accordingly, movant waived his right to proceed with his Rule 24.035 motion and the motion must be dismissed.

Opinion by: Gary M. Gaertner, Jr., P.J.
Mary K. Hoff, J. and Patricia L. Cohen, J., concur.

Attorneys for Appellant: Alexandra Johnson

Attorneys for Respondent: Chris Koster
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.