

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

KYLE BOND,	)	No. ED94715
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of Cape Girardeau County
vs.	)	
	)	Honorable William L. Syler
STATE OF MISSOURI,	)	
	)	
Respondent.	)	FILED: December 7, 2010

Kyle Bond (Bond) appeals from the trial court's Order, denying Bond's amended motion to vacate, set aside or correct judgment, without an evidentiary hearing,

DISMISSED.

Division Four Holds: The Missouri Supreme Court has held that “[a]ny claim not raised in a timely Rule 24.035 motion is a complete waiver of that claim.” State v. Shafer, 969 S.W.2d 719, 738 (Mo. banc 1998). Moreover, “the time limits of [Rule 24.035] are constitutionally firm and are mandatory.” Id. at 741. Bond's Rule 24.035 motion for post-conviction relief was untimely filed under Rule 29.15(b), and thus, the judgment is vacated and remanded the cause with directions to dismiss the motion.

Opinion by: Kurt S. Odenwald, P.J. Robert G. Dowd, Jr., J. and Nannette A. Baker, J., Concur.

Attorney for Appellant: H. Marvin Gilmore

Attorney for Respondent: Chris Koster and Mary H. Moore

**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.**