

**OPINION SUMMARY**  
**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

MICHAEL J. BARNES,	)	No. ED97070
	)	
Movant/Appellant,	)	Appeal from the Circuit Court
	)	of St. Louis County
v.	)	
	)	
STATE OF MISSOURI,	)	Honorable Colleen Dolan
	)	
	)	
Respondent/Respondent.	)	Filed: April 17, 2012

Michael J. Barnes (Movant) appeals from the motion court’s judgment denying, without an evidentiary hearing, his amended Rule 24.035<sup>1</sup> Motion to Vacate, Set Aside, or Correct Judgment and Sentence and Request for Evidentiary Hearing.

VACATED and REMANDED with directions.

Division Three Holds: Movant’s Rule 24.035 motion for post-conviction relief was untimely in that it was filed after the statutory 180-day requirement and should have been dismissed by the motion court.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Movant:           Robert W. Lundt  
Attorneys for State:         Timothy A. Blackwell

**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.**

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<sup>1</sup> All rule references are to Mo. R. Crim. P. 2010.