

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI

Respondent

v.

JONNY B. TROTTER

Appellant

DOCKET NUMBER **WD70552**

DATE: February 16, 2010

Appeal From:

Circuit Court of Buchanan County, MO
The Honorable Daniel Fred Kellogg, Judge

Appellate Judges:

Division Four: Thomas H. Newton, C.J., Lisa White Hardwick, and Cynthia L. Martin, JJ.

Attorneys:

Jonny B. Trotter, Cameron, MO

Appellant Acting Pro Se

Attorneys:

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Counsel for Respondent
Counsel for Respondent
Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI, Respondent, v.
JONNY B. TROTTER, Appellant

WD70552

Buchanan County

Before Division Four Judges: Thomas H. Newton, Chief Judge, Lisa White Hardwick and Cynthia L. Martin, Judges

In July 2008, Jonny B. Trotter filed a motion for a ruling on his *pro se* Rule 24.035 motion; the trial court denied it in August 2008 as untimely. Trotter did not receive the written order until December 2008. In December, Trotter filed a notice of appeal. The State requests that we dismiss the appeal because it is untimely.

DISMISSED.

Division Four Holds:

The appeal is dismissed because the notice of appeal was untimely filed. An aggrieved party has ten days after the judgment becomes final to file a notice of appeal. The order denying the motion for ruling from which Trotter appeals became final in September. He did not file his notice until December, so it was untimely. Therefore, we dismiss the appeal.

Opinion by: Thomas H. Newton, Judge

February 16, 2010

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