

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

TERRY A. GREENE

APPELLANT,

v.

STATE OF MISSOURI

RESPONDENT.

**DOCKET NUMBER WD71153
MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 28, 2010

Appeal From:

Holt County Circuit Court
The Honorable Roger M. Prokes, Judge

Appellate Judges:

Division One: James M. Smart, Jr., P.J., Mark Pfeiffer and Cynthia L. Martin, JJ.

Attorneys:

Frederick J. Ernst, Kansas City, MO, **for appellant.**

Shaun J. Mackelprang, Jefferson City, MO, **for respondent.**

MISSOURI APPELLATE COURT OPINION SUMMARY

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TERRY A. GREENE,

APPELLANT,

v.

STATE OF MISSOURI,

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No. WD71153

Holt County

Before Division One Judges: James M. Smart, Jr., P.J., Mark Pfeiffer and Cynthia L. Martin, JJ.

Terry Greene was charged with second degree burglary, and a warrant was issued for his arrest in Holt County. At the time, Greene was being held in the Nodaway County jail on assault charges and was on probation for previous burglary charges out of Livingston County. In May 2005, Greene was sent to the Missouri Department of Corrections (“DOC”). In September 2005, he sent a letter notifying the DOC of the Holt County warrant and requesting assistance on filing a 180-day writ. No further action was taken until appointed counsel properly filed a request for speedy disposition of the burglary charges under sections 217.450-217.485, RSMo, the Uniform Mandatory Disposition of Detainers Law (“UMDDL”). Greene later pleaded guilty to second degree burglary.

Greene filed a Rule 24.035 motion, claiming the circuit court lacked authority to accept his guilty plea. He claimed the court lacked jurisdiction to enter the judgment and sentence because his guilty plea was entered beyond the expiration of the 180-day time limit. At the evidentiary hearing, Greene claimed the 180-day time limit was triggered when he submitted the September 2005 letter notifying the DOC of the Holt County warrant on the burglary charges. The evidence showed that Greene’s appointed counsel properly filed a request for speedy disposition in December 2005. The trial date was set for June 9, 2006, and Greene pleaded guilty on that date, which was within the 180 days of the properly filed request. The circuit court denied the motion. Greene appeals.

AFFIRMED.

Division One holds: The circuit court did not err in denying Greene’s Rule 24.035 motion. The court had jurisdiction to accept Greene’s guilty plea. The DOC’s knowledge that a warrant existed on the burglary charges did not constitute a detainer. When Greene entered his guilty plea, he waived any complaint that the circuit court erred because it lacked authority on the basis of noncompliance with the UMDDL. The judgment of the circuit court is affirmed.

Opinion by: James M. Smart, Jr., Judge

December 28, 2010

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