

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**MARCUS SNYDER,
APPELLANT
vs.**

**STATE OF MISSOURI,
RESPONDENT**

DOCKET NUMBER WD72071

DATE: MARCH 22, 2011

Appeal from:

The Circuit Court of Jackson County, Missouri
The Honorable Michael W. Manners, Judge

Appellate Judges:

Division One: Thomas H. Newton, P.J., James M. Smart, Jr. and Joseph M. Ellis, JJ.

Attorneys:

Susan L. Hogan, for Appellant

Dora A. Fichter, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MARCUS SNYDER, APPELLANT

v.

STATE OF MISSOURI, RESPONDENT

WD72071

Jackson County, Missouri

Before Division One Judges: Thomas H. Newton, P.J., James M. Smart, Jr. and Joseph M. Ellis, JJ.

Marcus Snyder appeals from the denial of his Rule 24.035 motion for post-conviction relief without an evidentiary hearing.

AFFIRMED.

Division One holds:

- (1) By failing to raise any objection to Snyder's motion being filed out of time with the motion court, the State waived its right to challenge Snyder's post-conviction motion based upon the time limitation contained in Rule 24.035(b) and may not raise such a claim for the first time on appeal.
- (2) The motion court did not clearly err in determining that Appellant's claim that he reasonably relied upon assurances by counsel that he would be placed in a 120-day drug treatment program and then released was refuted by the record.

Opinion by Joseph M. Ellis, Judge

Date: MARCH 22, 2011

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