

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**GEORGIA LINDER**

**v.  
STATE OF MISSOURI**

**APPELLANT,**

**RESPONDENT.**

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DOCKET NUMBER WD75069

DATE: August 13, 2013

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Appeal From:

Buchanan County Circuit Court  
The Honorable Patrick K. Robb, Judge

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Appellate Judges:

Division Two: Thomas H. Newton, Presiding Judge, Karen King Mitchell and Gary D. Witt,  
Judges

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Attorneys:

S. Kate Webber, Kansas City, MO, for appellant.

Shaun Mackelprang, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**GEORGIA LINDER,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI,**

**RESPONDENT.**

No. WD75069

Buchanan County

Before Division Two Judges: Thomas H. Newton, Presiding Judge, Karen King Mitchell and Gary D. Witt, Judges

Georgia Linder appeals the denial of her Rule 24.035 motion. She does not allege that the motion court erred in denying the claim asserted in her amended Rule 24.035 motion. Instead, she asserts that the motion court clearly erred in denying her claim without *sua sponte* inquiring into the performance of her appointed post-conviction counsel. Linder claims that the record shows abandonment by post-conviction counsel because the amended motion was patently defective.

**AFFIRMED.**

**Division Two Holds:**

Linder's abandonment claim was not properly before this Court because she did not raise the issue of abandonment before the motion court. As such, there were no findings of fact or conclusions of law for this court to review. Linder should have filed a motion to reopen with the motion court, which would then open the door to appellate review of this claim, or she should have obtained findings on the issues raised under Rule 78.07(c).

**Opinion by: Gary D. Witt, Judge**

August 13, 2013

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