

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI

Respondent

v.

CHAUNCEY LEE ELLIOTT

Respondent

DOCKET NUMBER WD77183

DATE: December 9, 2014

Appeal From:

Circuit Court of Saline County, MO
The Honorable Dennis Allen Rolf, Judge

Appellate Judges:

Division One
Thomas H. Newton, P.J., Lisa White Hardwick, and Anthony Rex Gabbert, JJ.

Attorneys:

Chauncey Lee Elliott, Bowling Green, MO

Appellant Acting Pro Se

Attorneys:

Adam Rowley, Jefferson City, MO

Counsel for Respondent

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

STATE OF MISSOURI, Respondent, v.
CHAUNCEY LEE ELLIOTT, Appellant

WD77183

Saline County

Before Division One Judges: Newton, P.J., Hardwick, and Gabbert, JJ.

Elliott filed a motion for post-conviction relief after he pled guilty. In the motion, he claimed that plea counsel had abandoned him and otherwise performed deficiently, such that his plea was involuntary. The circuit court denied the motion. Elliott appeals.

REVERSED AND REMANDED.

Division One Holds:

In his sole point, Elliott argues that the circuit court erred in denying the motion. The motion was filed beyond the mandatory deadline for initial post-conviction relief motions. Additionally, the motion failed to allege facts showing that it was timely filed. The circuit court should have dismissed the motion as untimely.

Therefore, we reverse and remand to the circuit court to enter a dismissal.

Opinion by Thomas H. Newton, Presiding Judge

December 9, 2014

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