

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

STEVEN TAYLOR,)
)
 Movant,)
) PCR No. 1222-CC02888
 vs.)
) Division No. 31
 STATE OF MISSOURI,)
)
 Respondent.)

ENTERED
ONB

ORDER AND JUDGMENT

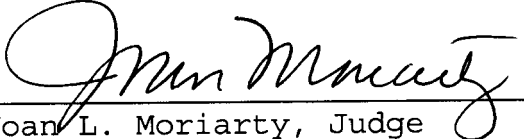
Movant pleaded guilty on September 7, 2010 to a charge of Assault Second Degree in Cause No. 1022-CR02220. Movant was sentenced on September 7, 2010 to a term of seven years pursuant to 559.115 shock incarceration and Movant was transferred to the Custody of the Department of Corrections on September 9, 2010. Thereafter following review of the report of the Missouri Department of Corrections, Board of Probation and Parole prepared pursuant to 559.115 the Court denied Movant probation on January 4, 2011. Movant's motion in the present cause was filed on May 31, 2012.

Rule 24.035(b) provides that the motion must be filed within one hundred and eighty days of the delivery of the movant to the

custody of the Department of Corrections. This time constraint is valid and mandatory. See, Spells v. State, 213 S.W.3d 700, 701 (Mo.App.W.D. 2007); State v. Roll, 942 S.W.2d 370 (Mo.banc 1997); State v. Sumlin, 915 S.W.2d 366, 371 (Mo.App.S.D. 1996). The files in this case clearly show that the motion was filed out of time. The Court has no authority to entertain a motion filed out of time. State v. Tyler, 224 S.W.3d 89, 90 (Mo.App.W.D. 2007). Motions filed out of time should be dismissed. Stottle v. State, 228 S.W.3d 38 (Mo.App.S.D. 2007); Jackson v. State, 876 S.W.2d 1 (Mo.App.W.D. 1994).

THEREFORE, the Court orders, adjudges and decrees that the Motion made pursuant to Supreme Court Rule 24.035 in this cause is DISMISSED. The Motion to Rescind The Appointment Order filed on December 20, 2012 by the Missouri State Public Defender is GRANTED.

SO ORDERED:


Joan L. Moriarty, Judge

Dated: December 21, 2012

cc: Movant
Rochelle Woodiest, Assistant Circuit Attorney
Matthew Hucceby, Assistant Public Defender