

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY

STATE OF MISSOURI,

) Plaintiff,

v.

) Case No. \_\_\_\_\_

\_\_\_\_\_

) Defendant.

**NOTICE OF RIGHTS UPON CONVICTION PURSUANT TO RULE 29.07(b)(4)  
REGARDING REMDIES AVAILABLE UNDER RULES 24.035 AND 29.15**

Pursuant to Missouri Supreme Court Rule 29.07(b)(4), you, the defendant, are advised of your post-conviction rights under Supreme Court Rule (24.035 --Guilty Plea) (29.15 -- Trial). A person who is convicted of a felony may seek relief from this court if he claims either that the conviction or sentence:

- (1) Violates the constitution or laws of this state or the Constitution of the United States, or
- (2) That this Court when imposing the sentence was without jurisdiction to do so, or
- (3) The sentence imposed was in excess of the maximum sentence authorized by law.

Rule (24.035)/(29.15) provides the exclusive procedure by which the defendant may seek relief in this court for the above claims, which may include claims of ineffective assistance of counsel.

The form to be used for filing this motion is Criminal Procedure Form Number 40 which will be made available, at no cost, to the defendant upon request. Said form is available to the defendant at the Circuit Clerk's office.

The motion to vacate, set aside, or correct the judgment and sentence under this rule:

- (1) Must be filed with this court within 180 days of an appealable judgment or sentence being entered, unless the defendant appeals this court's judgment or sentence, or
- (2) If an appeal is taken, it must be filed with this court within 90 days after the date the mandate of the appellate court issues affirming this judgment and sentence.

If the defendant files this motion, the defendant shall include every ground known to the Defendant for vacating, setting aside, or correcting the judgment or sentence.

Failure to file the motion within these time limits constitutes a complete waiver of any right the defendant may have to seek relief under Rule (24.035) (29.15) in this court.

There is no cost deposit required for the defendant to file this motion. If the defendant is indigent and files the defendant's own motion, an attorney will then be appointed for the defendant. The defendant's attorney may then file an amended motion and the prosecutor may file a response. If counsel determines that no amended motion shall be filed, counsel shall file a statement setting out facts demonstrating what actions were taken to ensure that (1) all facts supporting the claims are asserted in the pro se motion and (2) all claims known to the movant are alleged in the pro se motion. The statement shall be presented to the movant prior to filing. The movant may file a reply to the statement not later than ten days after the statement is filed.

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I have read this notice and understand my rights under Missouri Supreme Court Rules 24.07, 24.035, and 29.15. I acknowledge receipt of a copy of this notice.

Date: \_\_\_\_\_

\_\_\_\_\_  
Defendant

I have explained Rule 24.07, 24,035 and 29.15 to the defendant.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant