

IN THE TWENTY-THIRD JUDICIAL CIRCUIT OF MISSOURI
AT HILLSBORO, JEFFERSON COUNTY, MISSOURI

STATE OF MISSOURI,)
Plaintiff,)
)
vs.) Cause No:
) Division IV
_____,)
Defendant.)

**ACKNOWLEDGEMENT OF RIGHTS PURSUANT TO
MISSOURI SUPREME COURT RULE 24.035**

After being sentenced to a term of imprisonment in the custody of the Department of Corrections, defendants must be advised of their right under Missouri Supreme Court Rule 24.035 to file a Motion in the Court to vacate, set aside, or correct the judgment of conviction or the sentence.

APPLICATION - Rule 24.035 applies if you claim that:

- A. Your conviction or sentence violates the Constitution or laws of Missouri, or the Constitution of the United States; or
- B. This Court was without jurisdiction to impose the sentence; or
- C. The sentence imposed was in excess of the maximum sentence authorized by law.

EXCLUSIVE PROCEDURE - This rule provides the exclusive procedure by which you may seek relief in this Court for the above claims.

FORM 40 - The form to be used is provided by the Missouri Supreme Court Rules, and it will be made available to you upon your request at Department of Corrections or Circuit Clerk's office.

COST - NO COST DEPOSIT IS REQUIRED TO FILE THE FORM

TIMING - Motion shall be filed within **180 days after you are sentenced**. If you don't file within 180 days from sentencing, your failure to file is a complete waiver of your rights to proceed under Rule 24.035

Date of Sentence: _____

CONTENTS - if you file a Motion pursuant to 24.035, you must include **every** claim known to you for vacating, setting aside or correcting the judgment or sentence. Any claim for relief that is not listed in the motion is waived.

ATTORNEY - if you are unable to afford an attorney, file your own Motion. An attorney may be appointed to assist you. If an attorney is appointed, they will have 60 days to file an amended motion.

**A written request for a hearing must be made within the required time limits.
If no timely request for hearing is made, none will be held.**

I have been informed of the above rights and my attorney has explained the procedure to my satisfaction.

Defendant Printed Name

Date

Defendant Signature

Attorney Signature