IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

KENNETH G. MIDDLETON,	)	
	)	
Movant	)	
v.	)	Case No. CV91-23437
	)	
STATE OF MISSOURI,	)	Division 12
	)	
Respondent,	)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

NOW on this 26th day of May, 2005, the Court takes up and considers Movant's Motion to Reopen Previously Filed Rule 29.15 Motion, filed on July 16, 2003 and Movant's Motion for Post-conviction relief, also filed on July 16, 2003, and issues the following Findings of Fact and Conclusions of Law as to both motions:

FINDINGS OF FACT – JURISDICTION

A hearing was held on December 18, 2003 solely to address the issue of this Court's jurisdiction to re-open Mr. Middleton's 1991 "29.15" proceeding. The following facts precede the Court's Conclusions of Law:

1. Movant Kenneth Middleton is currently incarcerated at Crossroads Correctional Center in Cameron, Missouri, following his convictions in case number CR90-0348 for Murder in the First Degree, in violation of RSMo. 565.020, and Armed Criminal Action, in violation of RSMo. 571.015. He was sentenced on April 5, 1991 to terms of confinement in the Missouri DOC for concurrent periods of life without parole and 200 years. (Court file.)

2. The precise date Mr. Middleton was delivered to the Department of Corrections is unknown. However, that date is jurisdictionally irrelevant because Movant timely filed a *pro se* motion for post-