

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Appellant,

v.

JOHN THOMAS LARSEN,

Respondent.

DOCKET NUMBER WD78695

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: August 16, 2016

APPEAL FROM

The Circuit Court of Jackson County, Missouri
The Honorable Jeffrey C. Keal, Judge

JUDGES

Special Division: Zel M. Fischer, Special Judge, Presiding; Mark D. Pfeiffer, Chief Judge; and Gary D. Witt, Judge

ATTORNEYS

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

STATE OF MISSOURI,)	
)	
Appellant,)	
v.)	OPINION FILED:
)	August 16, 2016
JOHN THOMAS LARSEN,)	
)	
Respondent.)	

WD78695

Jackson County

Before Special Division Judges: Zel M. Fischer, Special Judge, Presiding, Mark D. Pfeiffer, Chief Judge, and Gary D. Witt, Judge

The State appeals the circuit court's decision granting John T. Larsen's motion to dismiss based on a lack of subject matter jurisdiction. Mr. Larsen's motion was premised on the fact that he had previously pled guilty to the same crime—driving while intoxicated ("DWI")—in the Greenwood Municipal Court, and the State's subsequent felony charge for the same incident violated the Double Jeopardy Clause. The State now argues that Larsen's DWI conviction in the Greenwood municipal division of the circuit court was a legal nullity because the municipal division did not have subject matter jurisdiction to adjudicate that charge pursuant to section 479.170.

AFFIRMED.

Special Division holds:

- (1) The Greenwood municipal division of the circuit court had proper subject matter jurisdiction to enter judgment on Larsen's municipal DWI charge under article V, section 23 of the Missouri Constitution.

(2) The circuit court did not err in granting Larsen's motion to dismiss the felony DWI charge because Larsen had already pled guilty to a municipal DWI charge for the same drunk driving incident; accordingly, the later felony charge violated the prohibition against Double Jeopardy.

Opinion by: Mark D. Pfeiffer, Chief Judge

August 16, 2016

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