MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF J.A.T.,

Appellant,

v.

JACKSON COUNTY JUVENILE OFFICE,

Respondent.

DOCKET NUMBER WD83968

Date: July 20, 2021

Appeal from:
Jackson County Circuit Court
The Honorable Jalilah Otto, Judge

Appellate Judges:
Division Two: Mark D. Pfefiffer, P.J, Alok Ahuja, and Karen King Mitchell, J.J.

Attorneys:
Craig A. Johnston, Columbia for appellant
Lori L. Stipp, Lori A. Fluegel, Kansas City for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF J.A.T., Appellant,
v.
JACKSON COUNTY JUVENILE OFFICE, Respondent.

WD83968 Jackson County

Before Division Two Judges: Mark D. Pfefiffer, P.J, Alok Ahuja, and Karen King Mitchell, J.J.

The Circuit Court of Jackson County entered a judgment finding that J.A.T., a juvenile, committed acts which would constitute the felonies of first-degree assault and armed criminal action if he were an adult. The offenses occurred in January 2020, when J.A.T. was fourteen years old, when J.A.T. and an accomplice tried to rob another individual during a drug purchase transaction. The victim was shot by J.A.T.'s accomplice. The court committed J.A.T. to the custody of the Division of Youth Services.

Due to the risk of disease transmission associated with the COVID-19 pandemic, the circuit court refused to transport J.A.T. from the detention facility where he was in custody to the court for his adjudication hearing. J.A.T. instead participated in the hearing by two-way videoconferencing technology, although all other trial participants were physically present in the courtroom.

J.A.T. appeals.

CASE ORDERED TO BE TRANSFERRED TO THE MISSOURI SUPREME COURT PURSUANT TO RULE 83.02.

Division Two holds:

J.A.T. first argues that the evidence was insufficient to show that he aided or attempted to aid his accomplice in committing the assault. We disagree. There was sufficient evidence from which the court could find that J.A.T. acted with the purpose of promoting the commission of first-degree assault and armed criminal action by engaging in a course of criminal conduct with his accomplice, which involved a plan to forcibly steal from the victim during a drug transaction using a

handgun. From his participation in this criminal enterprise, J.A.T. could have reasonably anticipated the assault, and accomplice liability was therefore proven.

Based on the reasoning of our recent opinion in *In re C.A.R.A.*, No. WD83967 (July 6, 2021), we conclude that J.A.T.'s right to confront adverse witnesses was violated when the court refused to permit him to appear at his adjudication hearing in person, without any specific finding that his exclusion from the hearing was necessary or justified by exceptional circumstances. This conclusion would normally require this Court to reverse the circuit court's judgment, and to remand the case to the circuit court for a new adjudication hearing. As in *C.A.R.A.*, however, we transfer the case to the Missouri Supreme Court pursuant to Rule 83.02, due to the general interest and importance of the Confrontation Clause issue J.A.T. raises.

Opinion by: Alok Ahuja, Judge July 20, 2021

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