Summary of SC98951, *State ex rel. T.J. v. The Honorable Terry Cundiff*
Proceedings originating in the St. Charles County circuit court
Argued and submitted September 1, 2021; opinion issued October 26, 2021

Attorneys: T.J. was represented by Jeffrey C. Esparza and Michael K. Hill of the public defender's office in Kansas City, (816) 889-7699, and Sarah Johnson of the public defender's office in St. Louis, (314) 584-1200. The state was represented by Philip W. Groenweghe of the St. Charles County prosecutor's office in St. Charles, (636) 949-7900.

Several organizations filed briefs as friends of the Court. The American Civil Liberties Union of Missouri was represented by Gillian R. Wilcox of the ACLU of Missouri Foundation in Kansas City, (816) 470-9933; and Anthony E. Rothert, Kayla M.DeLoach, Jessie Steffan and Molly Carney of the ACLU of Missouri Foundation in St. Louis, (314) 652-3114. The Juvenile Law Center, the National Juvenile Defender Center and the Sentencing Project were represented by Michael A. Wolff, Brendan Roediger and Matt Vigil of the Saint Louis University School of Law legal clinics, (314) 977-2778; and Marsha L. Levick of the Juvenile Law Center in Philadelphia, Pennsylvania, (215) 625-0551.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: An individual alleged to have committed criminal offenses at the age of 17 seeks a writ of prohibition to prevent the circuit court from taking any further action other than to dismiss the state's prosecution without prejudice so the juvenile division may adjudicate the charges against him. In a unanimous decision written by Judge George W. Draper III, the Supreme Court of Missouri quashes its preliminary writ of prohibition. Because the legislation conferring statutory authority on the juvenile division to adjudicate charges for individuals younger than 18 was not in effect at the time the individual is alleged to have committed the offenses, the juvenile division did not have the authority to adjudicate the charged offenses.

Facts: In January 2021, when he was 17 years old, T.J. is alleged to have engaged in conduct for which the state later filed a criminal complaint in the court of general jurisdiction charging him with three felonies. T.J. moved to dismiss the case, arguing the juvenile division had the exclusive statutory authority to adjudicate the charges pursuant to newly enacted legislation raising the age of majority from 17 to 18 years of age. The state opposed the motion, arguing the new legislation was not in effect at the time T.J. committed the offenses due to a funding contingency contained in section 211.438, RSMo. After a hearing, the circuit court overruled T.J.'s motion to dismiss. T.J. ultimately sought a writ of prohibition from this Court seeking to compel the circuit court to dismiss the criminal prosecution without prejudice so the juvenile division could adjudicate the charges against him. This Court issued a preliminary writ of prohibition, which T.J. seeks to be made permanent.

PRELIMINARY WRIT QUASHED.

Court en banc holds: The juvenile division did not have the statutory authority to adjudicate the charged offenses. When read in conjunction with one another, the provisions of the newly enacted legislation establish the general assembly intended the legislation to become effective only after sufficient funds were appropriated to support expanded juvenile division services. Because the funding did not occur until July 1, 2021, T.J. was considered an adult at the time he allegedly committed the charged offenses. Accordingly, the circuit court did not err by refusing to dismiss the charges filed against T.J. in a court of general jurisdiction.