Summary of SC99034, *State of Missouri v. R.J.G.*
Appeal from the St. Francois County circuit court, Judge Wendy Wexler Horn
Argued and submitted September 1, 2021; opinion issued October 26, 2021

Attorneys: The state was represented by Kristin S. Johnson of the attorney general's office in Jefferson City, (573) 751-3321. R.J.G. was represented by Michael K. Hill and Jeffrey C. Esparza 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.

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: The state appeals from the circuit court's judgment dismissing, without prejudice, criminal charges after finding the juvenile division had exclusive authority to adjudicate charges against an individual who allegedly committed the offenses when he was 17 years old. In a unanimous decision written by Judge George W. Draper III, the Supreme Court of Missouri reverses the circuit court's judgment and remands (sends back) the case. The circuit court's order dismissing the state's prosecution without prejudice constituted a final, appealable judgment. The juvenile division did not have the statutory authority to adjudicate the charges because, at the time the individual committed the alleged offenses, he was considered an adult under the applicable law.

Facts: R.J.G. is alleged to have committed several felony offenses in October 2020, when he was 17 years old. On January 7, 2021, the state filed an indictment in a court of general jurisdiction charging R.J.G. with nine felony counts. R.J.G. moved to dismiss the case, arguing the juvenile division had exclusive statutory authority to adjudicate any charges against him pursuant to newly enacted legislation raising the age of majority to 18 years. The state countered that the newly enacted legislation did not control because it was not yet effective at the time R.J.G. committed the offenses. The circuit court sustained R.J.G.'s motion to dismiss without prejudice. The state appeals, and R.J.G. moves to dismiss the state's appeal for lack of a final, appealable judgment.

REVERSED AND REMANDED.

Court en banc holds: (1) The circuit court's order dismissing the state's prosecution without prejudice constituted a final, appealable judgment. Although section 547.200.1, RSMo, does not identify dismissal of criminal charges as a judgment from which the state can appeal, the circuit court's judgment had the practical effect of terminating the criminal proceedings against R.J.G. in a court of general jurisdiction. The fact R.J.G. still would be subjected to juvenile proceedings is inconsequential because juvenile proceedings are civil, not criminal, and deprive the state of pursuing the range of remedies available in a court of general jurisdiction. Furthermore, although the charges were dismissed without prejudice, any refiling would have been futile because the circuit court determined it lacked the statutory authority to adjudicate the charges. Accordingly, R.J.G.'s motion to dismiss the appeal is overruled.

(2) The juvenile division does not have the statutory authority to adjudicate R.J.G.'s charged offenses. As this Court held in SC98951, *State ex rel. T.J. v. Cundiff*, also decided today, the legislation raising the age of majority to 18 did not become effective until the general assembly appropriated sufficient funds on July 1, 2021, for the juvenile division to provide expanded services. At the time R.J.G. allegedly committed the charged offenses, therefore, the new legislation was not yet effective, and R.J.G. was considered an adult and, thereby, subject to the authority of a court of general jurisdiction.