Summary of SC99037, *In the Interest of: J.T.J.*
Appeal from the St. Louis County circuit court, Judge Sandra Farragut-Hemphill
Argued and submitted September 15, 2021; opinion issued December 21, 2021

Attorneys: J.T.J. was represented by Jeffrey C. Esparza of the public defender's office in Kansas City, (816) 889-7699. The juvenile officer was represented by Jennifer C. Hoffman of the St. Louis County juvenile office in St. Louis, (314) 615-2933.

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: A juvenile appeals from the family court division's order certifying him as an adult. In a unanimous decision written by Judge Robin Ransom, the Supreme Court of Missouri affirms the order. The juvenile was not prejudiced by the allegations resulting in his certification being alleged in a filing denominated as a "motion to modify" as opposed to a "petition."

Facts: In 2018, the juvenile officer filed a petition alleging J.T.J. engaged in conduct that, had he been an adult, would have constituted second-degree burglary, first-degree property damage and misdemeanor stealing. Following an adjudication and dispositional hearing, the family court division took jurisdiction over J.T.J. and placed J.T.J. in his mother's custody under the juvenile officer's supervision. In 2019, the juvenile officer filed a motion to modify the disposition, alleging J.T.J. had committed behavior injurious to his welfare or the welfare of others and also conduct that, had he been an adult, would have constituted possession of a controlled substance, unlawful use of a weapon and second-degree tampering. After several subsequent motions to amend its motion to add additional conduct, including first-degree murder and resisting arrest, the juvenile officer ultimately dismissed the original motion to modify and sought to modify the petition to allow the state to prosecute J.T.J. under the general law. Following a certification hearing, the family court division sustained the juvenile office's motion and certified J.T.J. to stand trial as an adult. J.T.J. appeals.

AFFIRMED.

Court en banc holds: Although the plain language of section 211.071, RSMo, and this Court's Rule 129 state that a "petition" is required for purposes of certifying a juvenile as an adult, J.T.J. did not object to the certification hearing premised on a "motion to modify," resulting in review only for plain error. Given the family court division's continuing jurisdiction over J.T.J., the only relevant information to be gleaned from filing a new petition would have been the new allegations, which the juvenile officer's motion included. Furthermore, despite J.T.J.'s arguments to the contrary, the filing's label did not deprive J.T.J. of the protections afforded by the certification procedure in section 211.071 or Rule 129. Accordingly, J.T.J. has failed to establish he was prejudiced by the certification process in this case.