IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE

IN THE INTEREST OF: J.R.K.

JUVENILE OFFICER,

Respondent,

v.

J.R.K.,

Appellant.

DOCKET NUMBER WD84500

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

DATE: March 15, 2022

APPEAL FROM

The Circuit Court of Buchanan County, Missouri
The Honorable Patrick K. Robb, Judge

JUDGES

Division One: Pfeiffer, P.J., and Mitchell and Witt, JJ. CONCURRING.

ATTORNEYS

Shariece Canady, St. Joseph, MO, Attorney for Respondent.

Jeffrey C. Esparza, Appellate Defender, Kansas City, MO, Attorney for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: J.R.K.

JUVENILE OFFICER, Respondent,
v.
J.R.K., Appellant.

WD84500 **Buchanan County**

Before Division One Judges: Mark D. Pfeiffer, Presiding Judge, and Karen King Mitchell and Gary D. Witt, Judges

J.R.K. appeals his delinquency adjudication for committing what would be the crime of failure to appear under § 544.665, RSMo,if he were an adult. J.R.K. raises a single claim on appeal; he argues that the evidence was insufficient to support his adjudication insofar as § 544.665 makes it a crime to fail to appear on a criminal matter and the hearing for which he failed to appear was a juvenile proceeding. Because § 544.665 does not apply to juvenile proceedings, we agree with J.R.K., reverse the decision of the juvenile court, and remand for further proceedings consistent with this opinion.

REVERSED AND REMANDED.

Division One holds:

1. Section 544.665 is not limited to only criminal proceedings. The plain language of the statute also covers the civil proceedings of parole and probation revocation.

2. Section 544.665 does not apply to the failure to appear for a juvenile proceeding.

3. Though § 544.665 applies to probation revocation hearings, it does not apply to juvenile probation revocation hearings because, unlike adults, juveniles may be placed on probation for status offenses (e.g., truancy), which are matters that would *not* be criminal if committed by adults, and § 544.665 applies to only those probation revocation hearings where the probation is based upon a crime.

4. Here, even if the hearing at issue fell within the scope of § 544.665, the juvenile was not subject to its penalties, as he received no actual notice that the hearing at issue was a probation revocation hearing.

Opinion by: Karen King Mitchell, Judge March 15, 2022

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED.