OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

IN THE INTEREST OF: C.A.M., JR.	)	No. ED109128
	)	Appeal from the Circuit Court of the City of St. Louis
	)	Honorable Steven R. Ohmer
	)	Filed: May 3, 2022

C.A.M. Jr. appeals from the juvenile court's judgment dismissing its jurisdiction over him and allowing his case to be transferred to a court of general jurisdiction for prosecution as an adult following a section 211.071 hearing. C.A.M. Jr. brings two points on appeal. In Point I, C.A.M. Jr. argues the juvenile court plainly erred and violated his constitutional rights to confront the witnesses against him, due process, and be present at all "critical stages" by conducting his certification hearing by two-way video instead of permitting him to be physically present in court. In Point II, C.A.M. Jr. argues the juvenile court plainly erred and had no jurisdiction to transfer his case to a court of general jurisdiction for prosecution as an adult because he and his parents did not receive the proper notices and summonses as required by sections 211.101 and 211.111 and Rules 114 and 129.

REVERSED AND REMANDED.

DIVISION IV HOLDS: Point I is granted. The right to be present is a common law principle designed to ensure the accused's presence impresses the gravity of the proceedings upon the participants. *Crosby v. United States*, 506 U.S. 255, 259 (1993). In *J.A.T. v. Jackson Cty. Juvenile Office*, the Missouri Supreme Court stated it "was careful to ensure its order incorporating the [COVID] Operational Directives would not be interpreted to permit the violation of a juvenile's constitutional or statutory rights." 637 S.W.3d 1, 4 (Mo. banc 2022). C.A.M. Jr. was prohibited from attending his certification hearing in person, a "critically important" proceeding to which the "essentials of due process and fair treatment" attach. *Kent v. United States*, 383 U.S. 541, 560, 562 (1966). The juvenile court therefore plainly erred and C.A.M. Jr.'s substantial rights were violated because he was denied, and did not voluntarily, knowingly, and intelligently waive, his constitutional right to be physically present at his "critically important" certification hearing. *Id*. This violation was an "obvious and clear" error because the Operational Directives provided "proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency' were excluded from the provisions allowing for remote proceedings." J.A.T., 637 S.W.3d at 5. We vacate and remand for the juvenile court to conduct C.A.M. Jr.'s certification hearing with him physically present in the court room.

Because Point I is dispositive, we need not address Point II.

Opinion by: Philip M. Hess, Judge
Gary M, Gaertner, Jr., P.J. and Michael Gardner, J. concur.

Attorney for Appellant: Amy M. Bartholow and Jeffrey C. Esparza

Attorney for Respondent: James A. Michaels, Jr.

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.