MISSOURI COURT OF APPEALS
WESTERN DISTRICT

IN THE INTEREST OF: C.R.B., APPELLANT,
v.
JUVENILE OFFICER, RESPONDENT.

DOCKET NUMBER WD85433

DATE: July 18, 2023

Appeal From:

Johnson County Circuit Court
The Honorable Brent F. Teichman, Judge

Appellate Judges:

Division Four: Gary D. Witt, Chief Judge, Presiding, Lisa White Hardwick, Judge, Jalilah Otto, Special Judge

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Attorneys:

Michael Hill, Kansas City, MO, for appellant.

John Joseph Manford, Belton, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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Before Division Four Judges: Gary D. Witt, Chief Judge, Presiding, Lisa White Hardwick, Judge, and Jalilah Otto, Special Judge

C.R.B. appeals from the judgment of the Circuit Court of Johnson County, Missouri ("juvenile court"), dismissing his juvenile proceedings and transferring hm to a court of general jurisdiction and certifying him to be criminally prosecuted as an adult pursuant to section 211.071 of the Revised Statutes of Missouri. On appeal, C.R.B. claims that his counsel was ineffective in failing to have C.R.B. evaluated for his competence to proceed at the certification hearing considering C.R.B.'s substantial history of disability and mental illness, and there was a probability that C.R.B. was incompetent to be certified.

AFFIRMED.

Division Four holds:

Certification hearings "do not have to conform with all of the requirements of a criminal trial or even of the usual administrative hearing as long as they measure up to the essentials of due process and fair treatment." *In the Interest of J.N.W. v. Juvenile Officer*, 643 S.W.3d 618, 634 (Mo. App. W.D. 2022). This includes the right to effective counsel. *In the Interest of D.C.M. v. Pemiscot C'nty Juvenile Office*, 578 S.W.3d 776, 782 (Mo. banc 2019).

Missouri courts have not yet decided whether claims of ineffective assistance of counsel at a certification hearing are determined by applying the "meaningful hearing" standard or the *Strickland* standard set forth in *Strickland v. Washington*, 466 U.S. 668, 687 (1984). However, under either standard, C.R.B.'s claim fails.

C.R.B. received a meaningful hearing. Counsel cross-examined the only witness, objected to testimony and to the written report, and argued that C.R.B. would be better served by remaining in the juvenile system. Under the *Strickland* standard, C.R.B. failed to establish any prejudice from Counsel's alleged ineffective performance in that there

was no reasonable probability that C.R.B., who committed his second murder just eleven days shy of his eighteenth birthday and had received substantial services in the juvenile system, would not have been certified as an adult. C.R.B.'s low IQ and mental illness had not prevented him from participating in juvenile proceedings in the past, and neither Counsel nor the juvenile court, both of whom had the opportunity to observe C.R.B. during proceedings, expressed concern about his competency to participate.

Opinion by: Gary D. Witt, Judge July 18, 2023

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