In the Missouri Court of Appeals
Eastern District

DIVISION TWO

STATE OF MISSOURI, Respondent, v. JAN KAWA, Appellant.	))))))))	ED113752 Filed: February 17, 2026

Appeal from the Circuit Court of Warren County
The Honorable Richard L. Scheibe, Judge

Introduction

Jan Kawa ("Defendant") appeals from the order of the trial court revoking his probation which resulted in him being sentenced to four years' imprisonment for possession of a controlled substance. Defendant raises three points on appeal. The appeal is dismissed for lack of a final, appealable judgment.

Background

On May 12, 2023, Defendant pleaded guilty to possession of a controlled substance. The trial court suspended imposition of Defendant's sentence and placed him on probation for five years. On May 23, 2025, the State moved to revoke Defendant's probation for a laws violation. After a hearing, the trial court revoked Defendant's

probation and sentenced him to four years' imprisonment in the Missouri Department of Corrections.

This appeal follows.

Discussion

Before reaching the merits of Defendant's appeal, this Court has a duty to *sua sponte* determine whether it has jurisdiction to hear this appeal. *State v. Engle*, 125 S.W.3d 344, 345 (Mo. App. E.D. 2004). "There is no right to an appeal without statutory authority." *Id*. In criminal cases, "[a] prerequisite to appellate review is that there be a final judgment." *State v. Bodenhamer*, 689 S.W.3d 485, 487 (Mo. banc 2024) (quoting *Gibson v. Brewer*, 952 S.W.2d 239, 244 (Mo. banc 1997)). "Most often, the question of finality in a criminal case is determined by whether a sentence has been imposed." *Id*. (quoting *State v. Waters*, 597 S.W.3d 185, 187 (Mo. banc 2020)). "[G]enerally, appellate review is not available for claims of error in the revocation of probation." *Miller v. State*, 558 S.W.3d 15, 20 n.4 (Mo. banc 2018).

On appeal, Defendant is not challenging his conviction. He is solely appealing the trial court's decision to revoke his probation. Specifically, Defendant argues because a probation revocation is a **civil action**, he can appeal from the trial court's decision revoking his probation pursuant to section 512.020(5).[1] We disagree.

The Supreme Court of Missouri has made clear "[a] probation revocation hearing is not a criminal proceeding." *State ex rel. Manion v. Elliot*, 305 S.W.3d 462, 464

[1] All references are to Mo. Rev. Stat. (2016). Section 512.020(5) permits an aggrieved party the right to appeal from a final judgment in a civil case.

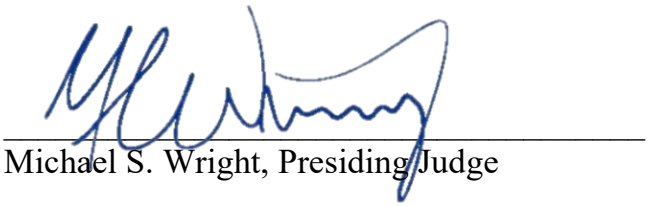
(Mo. banc 2010). Rather, it is considered a "civil action and not a mere continuation of the earlier criminal proceeding." *Id*. But it is equally clear the designation of revocation hearings as a civil proceeding does not give Defendant the right to appeal under section 512.020(5).

For clarification, trial courts have jurisdiction to conduct revocation hearings pursuant to section 559.036 – a criminal statute. Missouri Supreme Court rules of criminal procedure provide the rules of civil procedure apply to revocation hearings. Rule 29.18(a).[2] The mere application of civil rules of procedure to a revocation hearing does not, however, convert the proceeding to a civil matter with a new cause number, requiring the entry of civil judgment. Said differently, revocation hearings occur within the same underlying criminal case – not in a new civil case.

Ultimately, the fact remains: "[r]evocations of probation are **not** final judgments." *State v. Gallegos*, 47 S.W.3d 402, 403 (Mo. App. S.D. 2001) (emphasis added). Consequently, "**a direct appeal is not** the proper method to address any deficiencies in the trial court's revocation of probation. No appeal may be taken from the probation revocation; rather, such errors may be contested by a petition for an extraordinary writ." *State v. Person*, 288 S.W.3d 802, 803 (Mo. App. E.D. 2009) (internal citation omitted) (emphasis added); *see also Miller*, 558 S.W.3d at 20 n.4.

[2] All references are to Missouri Supreme Court Rules (2025).

Accordingly, the appeal is dismissed for lack of a final, appealable judgment. *See Person*, 288 S.W.3d at 804.



Michael S. Wright, Presiding Judge

Philip M. Hess, Judge and
Virginia W. Lay, Judge concur.