



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO**

IN THE MATTER OF: JOHNNIE)	No. ED91019
MYLES, INCAPACITATED AND)	
DISABLED,)	Appeal from the Circuit Court of
)	Cape Girardeau County
)	
)	Cause No. 01PR735051
)	
)	Honorable Peter L. Statler
)	
)	Filed: November 25, 2008
)	

OPINION SUMMARY

Johnnie Myles (hereinafter, “Myles”) appeals from the judgment of the circuit court of Cape Girardeau County, probate division, appointing a guardian of his person and a conservator of his estate. On appeal, Myles alleges the probate court erred by failing to follow Section 475.075 RSMo (2000), which sets forth the procedure for hearings on capacity or disability. We reverse and remand.

REVERSED AND REMANDED.

Division Two Holds: The trial court exceeded its authority to determine the disability and incapacity of Myles because the trial court failed to follow the procedures set forth in Section 475.075 RSMo (2000). The cause is remanded with instructions that the cause be dismissed for lack of jurisdiction.

Opinion by: George W. Draper III, Judge

Roy L. Richter, P.J. and Lawrence E. Mooney, J., concur