

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

RICHARD A. GARTNER, Petitioner/Respondent,)	No. ED94916
v.)	Appeal from the Circuit Court
MISSOURI ETHICS COMMISSION,)	of St. Charles County
Respondent/Appellant,)	Honorable William T. Lohmar, Jr.
and)	Date: September 14, 2010
RICHARD CHRISMER, as Director of St.)	
Charles County Election Authority, and)	
RUTH MILLER, as County Clerk, Respondents.)	

The Missouri Ethics Commission (the MEC) appeals from the trial court's judgment ordering that plaintiff, Richard Gartner, be listed as a candidate on the August 3, 2010 primary ballot for Associate Circuit Judge, Division 12, for the 11th Judicial Circuit in St. Charles County, Missouri.

DISMISSED.

Division Two Holds:

This appeal is moot and does not fall within the "public interest" exception because the MEC has failed to show that the issue in this case will likely evade review in a future controversy.

Opinion by: Kathianne Knaup Crane, Judge
Glenn A. Norton, P.J. and George W. Draper III, J., concur.

Attorney for Respondent: Michael L. Wood

Attorneys for Appellant: Attorney General Chris Koster, Assistant Attorney General John R. Phillips, and Ronald R. Holliger, General Counsel

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.