

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

JOEL B. JOHNSON,

Appellant.

DOCKET NUMBER WD69448

Date: December 15, 2009

Appeal from:
Jackson County Circuit Court
The Honorable Kathleen A. Forsyth, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, Thomas H. Newton and Alok Ahuja, Judges

Attorneys:
Laura G. Martin, Esq., Kansas City, MO, for appellant.
Shaun J. Mackelprang, Esq., and John W. Grantham, Esq., Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

STATE OF MISSOURI

Respondent,

v.

JOEL B. JOHNSON,

Appellant.

WD69448

JACKSON COUNTY

Before Division One Judges: Lisa White Hardwick, Presiding Judge, Thomas H. Newton and Alok Ahuja, Judges

Joel Johnson challenges the sufficiency of the evidence to support his conviction for first-degree burglary. The State has moved to dismiss the appeal because Johnson has absconded while on probation.

DISMISSED.

Division One holds: The escape rule operates to deny the right of appeal to a defedant who escapes justice. Johnson cannot be permitted to pursue his claims on appeal when he refuses to submit to the jurisdiction of the court. By application of the escape rule, the appeal is dismissed.

Opinion by: Lisa White Hardwick, Judge

December 15, 2009

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