

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI**

**v.  
HECTOR C. CASTRO**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD75878

DATE: January 14, 2014

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Appeal From:

Cole County Circuit Court  
The Honorable Jon E. Beetem, Judge

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Appellate Judges:

Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick, Judge and  
Gary D. Witt, Judge

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Attorneys:

Andrew C. Hooper, Jefferson City, MO, for respondent.

Daniel E. Hunt, Jefferson City, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,**

**RESPONDENT,**

**v.**

**HECTOR C. CASTRO,**

**APPELLANT.**

No. WD75878

Cole County

Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick, Judge and Gary D. Witt, Judge

Appellant Hector Castro was convicted of possession of a controlled substance and was assessed a fine of \$100. Castro voluntarily paid the fine in full the day after he was sentenced and then filed his notice of appeal one week later. In his sole point, Castro argues that the trial court erred in overruling his motion to suppress evidence. In order to preserve an issue for appeal in a criminal case where the sentence consists solely of a fine and costs, the defendant must request an appeal bond in lieu of paying the fine or make a record that the payment is not voluntarily and by so paying the defendant is not waiving his rights to appeal. Because Castro did not make any record that he was paying the fine under protest or that his payment was anything less than voluntary, his right to appeal was not protected and the appeal is dismissed as moot.

**APPEAL DISMISSED**

Opinion by Gary D. Witt, Judge

January 14, 2013

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