

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

JOHN WILLIAM McNEAL

APPELLANT,

v.

SYLVIA RUTH McNEAL

RESPONDENT.

DOCKET NUMBER WD79203

DATE: July 12, 2016

Appeal From:

Jackson County Circuit Court
The Honorable Kevin D. Harrell, Judge

Appellate Judges:

Division Three: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Anthony Rex Gabbert, Judge

Attorneys:

John W. McNeal, Appellant Pro Se.

Michaela C. Shelton-Sinkhorn, Overland Park, KS, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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APPELLANT,

v.

SYLVIA RUTH McNEAL,

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No. WD79203

Jackson County

Before Division Three: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Anthony Rex Gabbert, Judge

Appellant John McNeal ("McNeal"), who is serving a life sentence in prison, appeals from the dismissal of his Dissolution of Marriage Petition ("Petition") filed with the Circuit Court of Jackson County, Missouri. McNeal alleges that the court violated McNeal's constitutional rights and was manifestly unjust in dismissing his Petition and failing to grant an accommodation to allow McNeal to appear before the trial court which he cannot accomplish without accommodation due to his incarceration.

DISMISSED

Division Three holds:

The circuit court dismissed the case without prejudice. Although a dismissal for failure to appear would have been improper under the circumstances, the court was within its discretion to dismiss for a deficiency in the Petition. Because the court did not state its reason for dismissal we presume that the court did so for appropriate grounds. Due to the deficiencies in the Petition which would justify the trial court's dismissal, coupled with the fact the dismissal was without prejudice and Appellant is free to refile his Petition, correcting the deficiencies, we dismiss the appeal.

Opinion by Gary D. Witt, Judge

July 12, 2016

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