

Defendant failed to appear for sentencing. Bond was forfeited and a *capias* ordered. Defendant was apprehended October 24, 2007, in Cook County, Illinois. He was thereafter sentenced to imprisonment for a term of 15 years. He seeks to appeal that conviction.

The state filed a motion to dismiss the appeal contending that by fleeing the state of Missouri and remaining at large for more than four months, defendant's actions adversely affected the justice system; that the trial court was required to issue a *capias* warrant and required to expend resources to apprehend defendant and to transport him from Cook County, Illinois, for sentencing. That motion was taken with case. The motion is granted.

"The 'escape rule' operates to deny the right of appeal to one who, following a conviction, has attempted to escape justice." *State v. Wright*, 763 S.W.2d 167, 168 (Mo.App. 1988). "Those who seek the protection of this legal system must . . . be willing to abide by its rules and decisions." *Id.* at 168-69. Persons convicted of crimes who thereafter abscond fail to accept the decision of the trial court or to await the vindication of their rights by an appellate court. *Id.* at 169. They may not, selectively, choose whether to abide by the courts' decisions. *Id.*, citing *Wayne v. Wyrick*, 646 F.2d 1268, 1271 (8th Cir. 1981). By absconding, defendant forfeited his right to appeal. *State v. Wright, supra*. The state's motion to dismiss defendant's appeal is granted. Appeal dismissed.

JOHN E. PARRISH, Judge

Lynch, C.J., and Burrell, P.J., concur

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Respondent's attorney – Chris Koster, Mary H. Moore