



Missouri Court of Appeals

Southern District

Division One

IN THE MATTER OF PEGGY GONSALVES,)
an incapacitated and disabled person.) No. SD36795
) FILED: December 29, 2020

ON MOTION FOR REHEARING OR TRANSFER

(Before Rahmeyer, P.J., Scott, J., and Francis, J.)

PER CURIAM. Arika seeks rehearing or transfer, claiming a right to assert that Peggy’s appointed counsel was ineffective.

Our opinion’s note 6 observation still holds: Arika “fails to show how *she* was aggrieved by anything of which she complains.” It would not harm Arika for anyone else’s lawyer to underperform, except perhaps to the extent their interests aligned, which Arika does not and could not claim here – her self-dealing was among the reasons Peggy needed and was granted the court’s protection.

Standing “asks whether the persons seeking relief have a right to do so.” ***Farmer v. Kinder***, 89 S.W.3d 447, 451 (Mo. banc 2002). We must find standing before reaching substantive issues, and cannot waive that requirement. ***Id.***

We deny rehearing or transfer.¹

¹ Arika also fleetingly argues that our references to ***Whittaker*** and ***Walker*** “as support for dismissing this appeal on the grounds that Arika lacks standing ... are contrary to our supreme court holding in [***In re***] ***Beyersdorfer***[, 59 S.W.3d 523 (Mo. banc 2001)].” She is wrong. The ***Beyersdorfer*** appellant was a spouse. 59 S.W.3d at 524 & n.2. As such, he had § 472.160 standing that Arika does not and cannot claim. See Opinion, note 6.