



**In the Missouri Court of Appeals
Eastern District
DIVISION TWO**

STATE OF MISSOURI,) No. ED109540
)
 Appellant,) Appeal from the Circuit Court of
) the City of St. Louis
 vs.) Cause No. 2022-CR01019-01
)
 J.M.,)
) Honorable Elizabeth B. Hogan
 Respondent/Defendant.)
) Filed: July 19, 2022

OPINION

This is an appeal from a judgment dismissing an indictment filed in a court of general jurisdiction against Respondent/Defendant J.M. Defendant was age 17 at the time of the alleged offense and the circuit court concluded the juvenile division had authority because of a recent amendment to § 211.021, RS Mo., raising the age from 17 to 18 as the threshold for adult criminal liability. The state appealed, arguing the statutory amendment was not in effect at the time of Defendant's offense. On June 17, 2021, this appeal was stayed to permit the Supreme Court of Missouri to rule on identical legal issues raised in other pending cases. On October 26, 2021, the Supreme Court of Missouri issued decisions in *State ex rel. T.J. v. Cundiff*, 632 S.W.3d 353 (Mo. banc 2021), and *State v. R.J.G.*, 632 S.W.3d 359 (Mo. banc 2021). These decisions require reversal of the judgment dismissing the indictment. The case is submitted after providing

the parties an opportunity to brief the issue. Although Defendant first asked the trial court to dismiss the indictment, he now concedes that the dismissal judgment must be reversed.

Deferring to the recent, controlling case law, the judgment of dismissal is reversed and this cause is remanded for further proceedings consistent with this opinion and with the decisions in *State ex rel. T.J.*, 632 S.W.3d 353, and *R.J.G.*, 632 S.W.3d 359.¹



Thomas C. Clark II, Judge

Robert M. Clayton III, P. J., and
Gary M. Gaertner, Jr., J., concur.

¹ Defendant moved to dismiss this appeal. That motion was taken with the case and is now denied. *R.J.G.*, 632 S.W.3d at 362-64.