

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF)	No. ED100193
THE CARE AND TREATMENT OF)	
CARL COZART,)	Appeal from the Circuit Court
)	of St. Louis County
Appellant.)	
)	Hon. Carolyn C. Whittington
)	
)	Filed: June 10, 2014

Carl Cozart (Appellant) appeals from the probate division’s judgment after a jury trial committing him to secure confinement in the custody of the Missouri Department of Mental Health (DMH) as a sexually violent predator (SVP).

AFFIRMED.

Division Two Holds: The probate division did not abuse its discretion in overruling Appellant’s request for a mistrial based on the State’s asking him whether he told his therapist that he was involved in a murder, because the request was not made until the following day, the court sustained a timely made objection to the question, and the subject was never raised again by the State. The probate division did not err in overruling Appellant’s motion for judgment of acquittal at the close of all evidence and in committing him to indefinite secure confinement in the custody of the DMH as an SVP because the evidence was sufficient to clearly and convincingly prove that he met the definition of an SVP according to Missouri law. Paraphilia, not otherwise specified, nonconsent, is accepted by Missouri law as a mental abnormality, which the State established makes Appellant more likely than not to commit a future act of sexual violence.

Opinion by: Sherri B. Sullivan, J. Lawrence E. Mooney, P.J., and Robert G. Dowd, Jr., J.,
concur.

Attorney for Appellant: Erika R. Eliason
Attorneys for Respondent: Mary H. Moore

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
