

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF THE CARE AND)	No. ED90808
TREATMENT OF RICHARD CROXTON,)	
)	Appeal from the Circuit Court
Appellant,)	of St. Charles County
)	
vs.)	
)	Hon. Jon A. Cunningham
STATE OF MISSOURI,)	
Respondent.)	FILED: August 18, 2009

Richard Croxton appeals from the judgment of the trial court following a jury verdict that committed him to custody of the Missouri Department of Mental Health as a sexually violent predator (“SVP”).

AFFIRMED.

DIVISION FIVE HOLDS:

1. The trial court did not err in denying Croxton’s motion for a mistrial where Croxton opened the door to questions about his health by cross-examining the State’s psychological expert on that subject, thereby permitting the State to develop that issue further on redirect examination. Additionally, Croxton did not show that answer given by State’s psychological expert created prejudice to him that could only be removed by a mistrial.

2. The trial court did not err in refusing to give Croxton’s proposed instruction that he was presumed not to be an SVP, where the trial court properly instructed the jury that the State had the burden to prove by clear and convincing evidence that Croxton met the statutory definition of an SVP. The trial court’s instruction sufficiently protected Croxton’s liberty interest.

Opinion by: Clifford H. Ahrens, J. Kenneth M. Romines, C.J. and Roy L. Richter, J., concur.

Attorney for Appellant: Emmett D. Queener

Attorney for Respondent: Chris Koster

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