

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

IN THE MATTER OF)	No. ED96611
THE CARE AND TREATMENT OF)	
JOHN GORMON,)	Appeal from the Circuit Court
)	of the City of St. Louis
Appellant.)	
)	Hon. David C. Mason
)	
)	Filed: May 15, 2012

John Gormon (Appellant) appeals from the probate court’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 (an SVP).

AFFIRMED.

Division Three Holds: Appellant’s 1978 conviction for rape under Section 559.260 constitutes a sexually violent offense, namely, “rape,” for purposes of Section 632.480(4) (SVP Act). Instruction No. 6, the verdict director, sufficiently laid out the elements the jury must find by clear and convincing evidence in order to find Appellant to be an SVP under the SVP Act. The trial court did not plainly err in declining to *sua sponte* restrain the prosecutor’s permissible closing arguments regarding the reasons why Appellant is an SVP and should be securely confined to the care, custody, and control of the DMH for treatment under the SVP Act.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant:	Erika R. Eliason
Attorney for Respondent State:	Shaun J. Mackelprang and John M. Reeves

<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>
