

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

**STATE OF MISSOURI, EX REL., JEREMIAH W. NIXON,
MISSOURI ATTORNEY GENERAL, APPELLANT,**

v.

CHRISTOPHER GRIFFIN, RESPONDENT.

DOCKET NUMBER WD70135

DATE: July 14, 2009

Appeal From:
COLE COUNTY CIRCUIT COURT
THE HONORABLE JON EDWARD BEETEM, JUDGE

Appellate Judges:
Division Two: Thomas H. Newton, C.J., P.J., James M. Smart, Jr., and Victor C.
Howard, JJ.

Attorneys:
Paul Harper, Asst. Attorney General, Jefferson City, MO, **for appellant.**

Respondent acting pro se.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS, WESTERN DISTRICT

**STATE OF MISSOURI, EX REL., JEREMIAH W NIXON, MISSOURI
ATTORNEY GENERAL, APPELLANT**

v.

CHRISTOPHER GRIFFIN, RESPONDENT

WD70135

COLE COUNTY CIRCUIT COURT

Division Two Judges: Thomas H. Newton, C.J., P.J., James M. Smart, Jr., and Victor C. Howard, JJ.

Christopher Griffin is an inmate who has been incarcerated in the Missouri Department of Corrections since 2000. The State, through the Attorney General, filed a petition seeking reimbursement from Mr. Griffin for the cost of his incarceration, pursuant to the Missouri Incarceration Reimbursement Act (“MIRA”). The petition asserted that Mr. Griffin had assets through his status as an heir to an estate. The trial court determined that the Attorney General failed to establish that good cause to file the petition existed at the time of filing and dismissed the petition. The State of Missouri, through the Attorney General, appeals.

REVERSED AND REMANDED.

Division Two holds:

Where the Attorney General established at the *evidentiary hearing* that Mr. Griffin had sufficient assets to allow the State to recover the statutory minimum, the trial court erred in dismissing the MIRA petition based on a finding that the Attorney General failed to establish that Mr. Griffin had sufficient assets to allow the State to recover the statutory minimum at the time the MIRA petition was *filed*.

Opinion by James M. Smart, Jr., Judge

July 14, 2009

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