

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE

IN THE INTEREST OF: J.M.G.,

Appellant,

v.

JUVENILE OFFICER,

Respondent.

DOCKET NUMBER WD70402

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: December 8, 2009

Appeal from

The Circuit Court of Callaway County, Missouri
The Honorable Cary Augustine, Judge

Appellate Judges

Division Three: Mark D. Pfeiffer, P.J., and Karen King Mitchell and Cynthia L. Martin, JJ.

Attorneys

Nancy A. McKerrow, Assistant State Public Defender
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Attorney for Appellant,

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Columbia, MO

Attorney for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

IN THE INTEREST OF: J.M.G.,)
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v.)
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No. WD70402

Callaway County

Before Division Three Judges: Mark D. Pfeiffer, P.J., and Karen King Mitchell and Cynthia L. Martin, JJ.

J.M.G. appealed from the juvenile court’s (trial court) judgment finding the allegations of the juvenile officer’s first-amended petition to be true and committing J.M.G. to the Department of Youth Services (DYS) until he is eighteen. The juvenile court concluded that J.M.G. had committed acts which, if committed by an adult, would constitute felony child molestation pursuant to section 566.067 RSMo 2000. In his sole point on appeal, J.M.G. asserted that the trial court erred because there was insufficient reliable evidence to support its judgment.

AFFIRMED.

Division Three holds:

In his sole point on appeal, appellant J.M.G. maintains that the trial court erred because the victim’s testimony was insufficient evidence to prove J.M.G. guilty beyond a reasonable doubt. Appellant J.M.G.’s argument is that the victim’s testimony was often vague to the point of being contradictory, meandering, and at times, completely irrelevant. However, when dealing with extremely young victims of abuse, a certain degree of confusion and inconsistency is expected.

Conversely, two portions of the victim’s testimony were clear. First, using terms that were appropriate for his age, the victim described sexual acts and the consequences of those acts with details that one would not expect a young child to have knowledge of absent personal experiences. Second, the victim stated multiple times that J.M.G. engaged in those acts with the victim and accurately described private and physical details about J.M.G. This testimony, if believed, was in and of itself sufficient to convict J.M.G.

Additionally, Lynne Dresser, the expert witness, also testified that the victim’s revelations were consistent with a victim who had suffered similar abuse at his stage of development. The trial court was free to rely upon both the victim’s testimony and Dresser’s expert commentary about that

testimony.

The record contains substantial evidence to support the trial court's judgment, and the judgment is not against the weight of the evidence.

Opinion by: Mark D. Pfeiffer, Judge

December 8, 2009

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