In the Missouri Court of Appeals
Eastern District

DIVISION THREE

IN THE MATTER OF THE CARE AND TREATMENT OF L.D., a/k/a L.E.D.,	)	No. ED108002
	)	Appeal from the Circuit Court
Appellant.	)	of the City of St. Louis
	)	Honorable James E. Sullivan
	)	FILED: September 22, 2020

L.D. appeals from the judgment of the trial court committing him to the Missouri Department of Mental Health as a sexually violent predator ("SVP") following a jury verdict finding that L.D. is an SVP. In Point One, L.D. argues the trial court abused its discretion in denying his motion to exclude testimony diagnosing L.D. with other specified paraphilic disorder, non-consent ("OSPD, Non-Consent") because the testimony failed to meet the standards for admissibility for expert testimony under Section 490.065. In Point Two, L.D. contends the trial court erred in denying his motions for a judgment of acquittal because there was insufficient evidence to find L.D. was an SVP. L.D. argues that a diagnosis of OSPD, Non-Consent cannot constitute a mental abnormality. In Point Three, L.D. alleges the trial court erred in rejecting his proffered instructions requiring the jury to specifically and unanimously identify the precise mental abnormality from which L.D. suffered, rather than requiring the jury to only unanimously agree that L.D. suffered from some mental abnormality.

AFFIRMED.

DIVISION THREE HOLDS: Because the record contains substantial expert testimony supporting the reliability of diagnoses of OSPD, Non-Consent, the trial court did not abuse its discretion in admitting expert testimony diagnosing L.D. with OSPD, Non-Consent. Because a diagnosis of OSPD, Non-Consent is a diagnosis of a mental abnormality, there exists sufficient evidence that L.D. was an SVP, and the trial court did not err in denying L.D.'s motions for a judgment of acquittal. Because the jury did not need to be unanimous as to the precise mental abnormality L.D. suffered, the trial court did not err in rejecting L.D.'s proffered jury instructions requiring the jury to unanimously find L.D. suffered from OSPD, Non-Consent. Accordingly, we affirm the judgment of the trial court.

Opinion by: Kurt S. Odenwald, Judge
Angela T. Quigless, P.J., and James M. Dowd, J., concur.

Attorney for Appellant: Amy E. Lowe

Attorney for Respondent: Evan J. Buchheim

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.