

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

M.W., Petitioner/Respondent,) No. ED90771
) Appeal from the Circuit Court
v.) of the City of St. Louis
) Date: February 17, 2009
ROBERT B. MABRY, Respondent/Appellant.)

Respondent appeals from the judgment of the trial court entering a full order of protection against him pursuant to the Adult Abuse Act, sections 455.010 through 455.090 RSMo (Supp. 2007). On appeal, respondent challenges the sufficiency of the evidence in support of the order of protection, and asserts that the trial court did not afford respondent an adequate opportunity to present evidence or to cross-examine petitioner. The order of protection expired on April 30, 2008, and the appeal was not submitted until February 4, 2009.

DISMISSED AS MOOT.

Division Four Holds:

1. An appeal is moot when, as here, it is taken from an order of protection that has expired during the pendency of the appeal.
2. Our decision to dismiss for mootness becomes discretionary rather than mandatory if one of two narrow exceptions applies, including the public interest exception.
3. Challenges to the sufficiency of the evidence to support lapsed protective orders under the Adult Abuse Act are generally not of sufficient public interest to fall within the public interest exception.
4. Challenges to a trial court's evidentiary rulings excluding evidence as irrelevant likewise does not evoke questions of public interest.
5. An interest in personal vindication is insufficient to overcome the mootness of the underlying questions in this appeal.

Opinion by: Kathianne Knaup Crane, J. Nannette A. Baker, C.J. and Mary K. Hoff, J. concur.

Attorneys for Respondent: K. Lee Marshall, Michael Duvall, Hannah F. Preston, and Katherine M. Wessling

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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.