

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI,
APPELLANT**

vs.

**LYMAN LEROY LARRINGTON,
RESPONDENT**

DOCKET NUMBER WD69606

DATE: APRIL 14, 2009

Appeal from:

Pettis County Circuit Court
The Honorable Robert L. Koffman, Judge

Appellate Judges:

Division Two: Lisa White Hardwick, P.J., Harold L. Lowenstein and Victor C. Howard, JJ.

Attorneys:

Ronald Q. Smith, Esq., Jefferson City, MO., for Appellant

James C. Dowling, Esq. Fulton, MO, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI, APPELLANT

v.

LYMAN LEROY LARRINGTON, RESPONDENT

WD 69606

Pettis County, Missouri

Before Division Two Judges: Lisa White Hardwick, P.J., Harold L. Lowenstein, and Victor C. Howard, JJ.

The State of Missouri appeals the judgment of the trial court granting Lyman Larrington's petition for unconditional release under section 552.040, RSMo 2000.

REVERSED.

Division Two holds:

Where the evidence revealed that Mr. Larrington twice stopped taking his medications required to keep his mental disease or defect in remission showing a recent inability to provide for his own mental health while on conditional release and where Mr. Larrington's psychiatrist testified that he was concerned that Mr. Larrington would not take his medications based on his history of medication non-compliance while on conditional release and that he believes, at the current time, Mr. Larrington needs structure and supervision to ensure that he takes his medications, Mr. Larrington failed satisfy his burden for unconditional release.

Opinion by: Victor C. Howard, Judge

April 14, 2009

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