

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

ANDREW A. KACZYNSKI,

Appellant,

v.

MISSOURI BOARD OF PROBATION AND PAROLE,

Respondent.

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**DOCKET NUMBER WD72972**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** June 21, 2011

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**APPEAL FROM**

The Circuit Court of Cole County, Missouri  
The Honorable Jon E. Beetem, Judge

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**JUDGES**

Division Two: Smart, P.J., and Pfeiffer and Martin, JJ.

CONCURRING.

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**ATTORNEYS**

Andrew A. Kaczynski  
Cameron, MO

Appellant, *pro se*,

Chris Koster, Attorney General  
Terrence M. Messonnier, Assistant Attorney General  
Jefferson City, MO

Attorneys for Respondent.

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

ANDREW A. KACZYNSKI, )  
)  
)  
Appellant, )  
)  
v. )  
)  
MISSOURI BOARD OF PROBATION )  
AND PAROLE, )  
)  
Respondent. )

**OPINION FILED:  
June 21, 2011**

**WD72972**

**Cole County**

**Before Division Two Judges:** James M. Smart, Jr., Presiding Judge, and  
Mark D. Pfeiffer and Cynthia L. Martin, Judges

Andrew Kaczynski appeals from the circuit court’s judgment granting the Missouri Board of Probation and Parole’s Motion for Judgment on the Pleadings on Kaczynski’s Petition for Declaratory Judgment. Kaczynski presented five arguments as to why the denial of parole was in error, all premised on his claim that the seriousness of his crimes was an improper factor for the Board to consider.

**AFFIRMED.**

**DIVISION TWO HOLDS:**

Missouri law vests the Board of Probation and Parole with discretion in paroling an offender. § 217.690.1, RSMo Cum. Supp. 2010. Section 217.690 and its regulations do not provide a liberty interest in parole. In making the parole decision, the Board may consider a variety of factors, including the seriousness of the offense.

**OPINION BY:** Mark D. Pfeiffer, Judge

June 21, 2011

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THIS SUMMARY IS **UNOFFICIAL** AND SHOULD NOT BE QUOTED OR CITED