

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**STATE OF MISSOURI EX REL.
NATHAN B. GREUFE**

RELATOR,

**v.
THE HONORABLE ELIZABETH
DAVIS**

RESPONDENT.

DOCKET NUMBER WD76274
DATE: September 10, 2013

Appeal From:

Clay County Circuit Court
The Honorable Elizabeth Davis, Judge

Appellate Judges:

Writ Division: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Karen King Mitchell,
Judge

Attorneys:

James C. Johns, Clinton, MO, for relator.
Kate Elizabeth Noland, Liberty, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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**STATE OF MISSOURI EX REL.
NATHAN B. GREUFE,**

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**v.
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No. WD76274

Clay County

Before Writ Division: Gary D. Witt, Presiding Judge, James E. Welsh, Judge and Karen King Mitchell, Judge

Nathan Greufe ("Greufe") filed a Writ of Prohibition asking this court to prohibit Judge Elizabeth Davis ("Respondent") of the Clay County Circuit Court from proceeding further in an underlying criminal case, alleging that the statute of limitations had expired prior to the filing of the charges against him. He argues that the charge of possession of child pornography is governed by the general felony three-year statute of limitations and not by the extended statute of limitations, which applies to sexual offenses committed against children.

WRIT MADE ABSOLUTE.

Writ Division Holds:

(1) Because the act of possessing child pornography does not itself involve any sexual conduct on the part of the possessor, it is not a "sexual offense" for purposes of section 556.037. In addition, the age of the child at the time the image was created is the issue of import, not the age of the child at the time the image is possessed.

(2) The "sexual offense" statute of limitations found in section 556.037 does not apply to the charge of possessing child pornography in section 573.037. Based on the foregoing, the Petition for a Writ of Prohibition is permanently granted and the trial court is enjoined from proceeding further in the matter of *State of Missouri v. Nathan B. Greufe*, Case No. 12CY-CR00891, except to dismiss the pending charge.

Opinion by Gary D. Witt, Judge

September 10, 2013

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