

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**In the Matter of the Care and Treatment of GREGORY PARR, a/k/a GREGORY A.
PARR,**

Appellant,

v.

STATE OF MISSOURI,

Respondent.

DOCKET NUMBER WD77959

Date: March 1, 2016

Appeal from:
Jackson County Circuit Court
The Honorable Kathleen A. Forsyth, Judge

Appellate Judges:
Division Four: Alok Ahuja, C.J., P.J., Karen King Mitchell and Gary D. Witt, JJ.

Attorneys:
Erika R. Eliason, Columbia, MO for appellant
Mary H. Moore, Jefferson City, MO for respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

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Appellant,

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Following a jury trial, Gregory Parr was found to be a sexually violent predator (“SVP”) under § 632.480, RSMo, and was committed to the custody of the Department of Mental Health. Parr appeals, arguing that the evidence was insufficient to establish that he was an SVP.

AFFIRMED.

Division Four holds:

The State had made an earlier attempt to have Parr committed as an SVP, in 2009. Parr contends that the State could not rely on evidence which predated the earlier SVP proceeding, to prove the current case. We disagree.

The issues were not identical in the 2009 and 2012 proceedings, and collateral estoppel therefore does not categorically bar the State from prosecuting the 2012 petition. Whether Parr met the criteria to be considered a sexually violent predator in 2009 is not the same question as whether or not he met the statutory definition in 2012.

In addition, Missouri cases recognize that an earlier judgment addressing a legal issue will not preclude later litigation of the same issue, if the facts have materially changed between the first and second adjudications. Cases from other states have specifically applied this principle to successive SVP proceedings.

At trial, the State presented sufficient evidence that Parr had experienced a material change in circumstances subsequent to the 2009 judgment finding that he did not qualify as an SVP; therefore, the current judgment is not barred by collateral estoppel. Moreover, based on the testimony of the State’s experts, there was sufficient evidence for the jury to find that Parr

suffers from the “mental abnormality” of pedophilia, and is more likely than not to engage in future acts of sexual violence due to his pedophilia.

Before: Division Four: Alok Ahuja, C.J., P.J., Karen King Mitchell and Gary D. Witt, JJ.

Opinion by: Alok Ahuja, Judge

March 1, 2016

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