

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

S.H.,

Appellant,

v.

JAMES R. CANNON,

Respondent.

DOCKET NUMBER WD79045

Date: September 20, 2016

Appeal from:
Cole County Circuit Court
The Honorable Daniel R. Green, Judge

Appellate Judges:
Victor C. Howard, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr.
Judges

Attorneys:
William P. Nacy, Jefferson City for appellant.
Clifford W. Cornell, Jefferson City for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
COURT OF APPEALS -- WESTERN DISTRICT

S.H.

Appellant,

v.

JAMES R. CANNON,

Respondent.

WD79045

Cole County

Before Division Three: Victor C. Howard, Presiding Judge, Lisa White Hardwick and Edward R. Ardini, Jr., Judges

S.H. appeals from the judgment in favor of James Cannon on her action to recover damages caused by childhood sexual abuse. S.H. contends the circuit court erroneously applied the law in denying her claim because Cannon's guilty plea to statutory rape and statutory sodomy conclusively established that he caused her harm and that she was entitled to damages.

AFFIRMED.

Division Three holds:

The circuit court did not erroneously apply the law in denying S.H.'s claim for damages under Section 537.046, RSMo Cum. Supp. 2013. Whether Cannon committed acts that would have constituted a violation of the statutes listed in Section 537.046.1(1) and whether S.H. established injuries and resulting damages were contested factual issues. We are bound to defer to the circuit court's resolution of these contested factual issues.

Opinion by: Lisa White Hardwick, Judge

September 20, 2016

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