

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
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## **Granted Appeal Summary**

### **Case**

GALEN MICHAEL BAUGHMAN v. COMMONWEALTH OF VIRGINIA.  
(Record Number 201348)

### **From**

The Circuit Court of Arlington County; D. Fiore, Judge.

### **Counsel**

Jonathan S. Jeffress, Emily Voshell, and William Zapf (KaiserDillon PLLC) for appellant.

Susanne Bielaski and Erin Whealton (Office of the Attorney General) for appellee.

### **Assignments of Error**

I. The trial court erred by permitting Dr. Michelle Sjolinder to testify as an expert witness for the Commonwealth because she was not appointed by the Commissioner of the Virginia Department of Behavioral Health and Developmental Services, in violation of the SVPA and Mr. Baughman's due process rights.

II. The trial court erred by precluding expert testimony from Drs. Ilona Gravers and Richard Krueger, misinterpreting the SVPA and violating Mr. Baughman's right to due process.

III. The trial court erred by denying Mr. Baughman summary judgment and refusing to set aside the verdict after the Commonwealth failed to present clear and convincing evidence that Mr. Baughman is "likely to engage in sexually violent acts," as required to find that he is a sexually violent predator.

IV. The trial court erred by not dismissing the petition as barred by the doctrine of *res judicata* because the petition sought to commit Mr. Baughman without showing a material change in his mental health status since its prior petition failed at trial in 2012 or, alternatively, by refusing to instruct the jury to require such a material change.

V. The trial court erred by failing to set aside the verdict based on cumulative errors that together violated Mr. Baughman's due process rights.