MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
THOMAS EUGENE ANTLE, Appellant.

DOCKET NUMBER WD83333

DATE: March 28, 2023

Appeal From:

Randolph County Circuit Court
The Honorable Frederick P. Tucker, Judge

Appellate Judges:

Special Division Judges: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, and Karen King Mitchell, Judge

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Attorneys:

James C. Egan, Columbia, for appellant,

Gregory L. Barnes, Jefferson City, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
THOMAS EUGENE ANTLE, Appellant.

WD83333 Randolph County

Before Special Division Judges: Mark D. Pfeiffer, Presiding Judge, Alok Ahuja, Judge, and Karen King Mitchell

Following a jury trial, Thomas Antle was convicted in the Circuit Court of Randolph County of one count of statutory sodomy in the first degree and one count of child molestation in the first degree. Both counts involved the same female Victim, who was three years old at the time.

Antle appealed. We held that the circuit court had applied an incorrect legal standard in determining that out-of-court statements made by the Victim to four adults were admissible under § 491.075, RSMo. *State v. Antle*, 657 S.W.3d 221, 228-30 (Mo. App. W.D. 2021) ("*Antle I*"). Rather than reversing Antle's convictions, however, we remanded to the circuit court for a determination whether the Victim's statements were admissible when the proper legal standards were applied. *Id.* at 231-32.

On remand, the circuit court conducted an evidentiary hearing, and once again concluded that the Victim's extrajudicial statements satisfied the standards for admissibility under § 491.075. Antle asks us to review that determination. He now challenges only the Victim's disclosure of hand-to-genital contact during a forensic interview.

AFFIRMED.

Special Division holds:

Although it may have been a close question, several features of the Victim's disclosure of hand-to-gential contact support the reliability of her statements. The Victim's forensic interview was conducted in a neutral setting, with only the Victim and the interviewer present. Antle does not identify any motive that the Victim may have had to fabricate her allegations. The Victim's knowledge of different forms of sexual contact is unexpected in a child of her age. Although the

interviewer had to ask more pointed follow-up questions to elicit certain details from the Victim, the Victim initially identified Antle, and described what he had done, in response to open-ended questions.

We recognize that the Victim only disclosed the hand-to-genital contact in her forensic interview, and not in other disclosures of abuse which she made before, and afterwards. This goes to the weight, not the admissibility, of the Victim's statements. The fact that a very young child may make different disclosures at different times, and may only make a full disclosure after the passage of substantial time, is not a ground for excluding the child's statements from evidence.

Opinion by: Alok Ahuja, Judge March 28, 2023

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