MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
WILLIAM AARON THOMAS, JR., APPELLANT.

DOCKET NUMBER WD87083

DATE: MAY 27, 2025

Appeal From:

Boone County Circuit Court
The Honorable Jeff Harris, Judge

Appellate Judges:

Division Two: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Riley Oshaughnessy, Jefferson City, Mo, for respondent.

Justin Ortiz, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, RESPONDENT,
v.
WILLIAM AARON THOMAS, JR., APPELLANT.

WD87083 Boone County

Before Division Two Judges: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge, and W. Douglas Thomson, Judge

William Aaron Thomas, Jr. appeals his conviction of rape or attempted rape in the first degree in violation of section 566.030, RSMo. Thomas alleges insufficient evidence was submitted to permit the jury to find beyond a reasonable doubt that his victim was incapable of consent, an essential element of his offense.

AFFIRMED.

Division Two holds:

1. Thomas was charged with knowingly having sexual intercourse with Victim, knowing that Victim was incapable of consent because of a lack of mental capacity to authorize.

2. Though Thomas claims that "no evidence" was presented by any witness on the required element of lack of consent, Thomas' true contention is that the lack of mental capacity to consent to sexual relations must be established by expert testimony.

3. The State is not required to present expert testimony on the ultimate issue of a victim's capability of consenting to sexual intercourse in light of a mental condition in order to present sufficient evidence permitting a finding of guilt beyond a reasonable doubt. Settled jurisprudence confirms that whether a victim's mental capacity renders her incapable of consenting to sexual activity is a factual question for the jury to determine.

Opinion by: Cynthia L. Martin, Presiding Judge May 27, 2025

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