



**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

STATE OF MISSOURI,)
)
 Respondent,)
)
 v.) **WD87231**
)
 ASHONTAI SAMUEL WALLACE,) **Filed: October 28, 2025**
)
 Appellant.)

**Appeal from the Circuit Court of Boone County
The Honorable Kevin Crane, Judge**

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

After a jury trial, Ashontai Wallace was convicted of six felonies in the Circuit Court of Boone County: first-degree robbery; two counts of first-degree kidnapping; and three associated counts of armed criminal action. Wallace appeals, contending that the evidence was insufficient to support any of his convictions. We affirm.

Factual Background

On appeal from a jury-tried case, we view the evidence in the light most favorable to the verdict. *State v. Chambers*, 481 S.W.3d 1, 8 n.5 (Mo. 2016).

In May 2019, Mother¹ and Father lived in Columbia with their 19-month-old Son. Around 2:00 a.m. on the night of May 9-10, intruders broke into their home while they were sleeping. Mother was awakened by a loud noise and went into the hallway to investigate. Mother was naked. She screamed when she encountered at least two unfamiliar men wearing ski masks. One of the men pointed a handgun at Mother's head while demanding that she disable the home alarm system, which would otherwise have summoned police. After she turned the alarm system off, the intruders told Mother to lie face-down on the hallway floor.

Father awoke when he heard Mother's screams. He exited the bedroom and saw an intruder entering the home through the carport door. The intruders forced Father, at gunpoint, to lie face-down on the hallway floor, head-to-head with Mother. An intruder hit Father in the head with a gun, breaking his jaw and triggering an epileptic seizure that caused him to become unconscious.

One of the intruders ordered Mother to stand up and move to the bedroom, where an intruder searched the closet and took a gun owned by Father. An intruder then ordered Mother into the adjoining bathroom and told her to lie face-down in the bathtub. Son had begun to cry, and an intruder ordered Mother to retrieve Son and return with him to the bathtub. Mother complied, fearful that she would be killed. One intruder continued to watch Mother and Son from the bathroom doorway while others searched the house. At one point, an intruder threw a sex toy at Mother, and fondled her breasts. Before the intruders left the

¹ Pursuant to § 509.520.1, RSMo and Supreme Court Operating Rule 2.02(c), we do not provide the names of any victims, minors, or non-party witnesses in this opinion.

house, they placed Mother's and Father's cell phones in a sink filled with water to make them inoperative. The intruder who had been watching Mother zip-tied her hands together tightly and ordered her to stay in the bathtub with Son until 9:00 a.m., approximately seven hours later.

The house became quiet. Approximately twenty minutes had elapsed since Mother was first awakened. Mother called out for Father, but heard no response. Believing Father was dead, Mother left the bathtub holding Son and ran to a neighbor's house. She was still naked, with her hands zip-tied. The neighbor called the police.

When police arrived, the house was in "complete disarray" with the carport doorframe broken, dressers pushed to the floor with drawers removed, and blood on the hallway carpet and walls. Emergency medical personnel transported Father by ambulance to a nearby hospital, where he underwent emergency surgery to repair his broken jaw. Mother reported to police that a pistol, rifle, a console gaming system, and a jar containing loose change were missing. Mother gave police the pistol's make and serial number, which was entered into a national firearms database.

On May 13, 2019, police in Huntsville, Alabama, detained Wallace on charges unrelated to the Missouri robbery. Huntsville police executed a search warrant at an apartment where Wallace had been staying, and recovered a bag of zip-ties, three handguns and a rifle. When Huntsville police entered information concerning the firearms into the federal database, one handgun matched the pistol that had been stolen in the Columbia robbery five days earlier.

The Columbia Police Department sent investigators to Huntsville to question Wallace while he was in custody. In a recorded interview on May 20, 2019, Wallace admitted that he and two accomplices robbed a Columbia residence by kicking in the entry door from a carport. Wallace described how they encountered a naked woman, forced her to disable an alarm system, and then restrained her arms with zip-ties and forced her into a bathtub. Wallace and his accomplices also encountered a man in the hallway and assaulted him. Wallace said that he was carrying a gun when he entered the house, and that he and his accomplices stole two guns from the home. After leaving the residence, Wallace reported that he drove his white Cadillac to a specific convenience store in Columbia. Wallace remained in the vehicle while his accomplices went into the store.

Columbia police obtained surveillance video for the night of May 9-10, 2019, from the convenience store Wallace had identified. The video recording showed Wallace's white Cadillac arriving in the parking lot, and two men exiting the vehicle and entering the store.

Wallace was charged in the Circuit Court of Boone County with first-degree robbery, two counts of first-degree kidnapping, and three counts of armed criminal action (one associated with each underlying felony). The case was tried to a jury in April 2024. The jury found Wallace guilty of all six charges. The circuit court sentenced him to a twenty-year term of imprisonment for robbery, to ten years for the kidnapping of Mother, to seven years for the kidnapping of Son, and to four years for each of the armed criminal action offenses. The court

ordered that all of the sentences be served consecutively, resulting in a total term of imprisonment of forty-nine years.

Wallace appeals.

Discussion

Wallace asserts six Points on appeal, challenging the sufficiency of the evidence on each of his six felony convictions.

In determining whether sufficient evidence supports a jury verdict in a criminal case,

[t]he Court does not act as a “super juror” with veto powers, but gives great deference to the trier of fact. Nor does this Court weigh the evidence but rather accepts as true all evidence tending to prove guilt together with all reasonable inferences that support the verdict, and ignores all contrary evidences and inferences. In conducting such a review, however, this Court may not supply missing evidence, or give the State the benefit of unreasonable, speculative or forced inferences. The relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.

State v. Winter, 719 S.W.3d 738, 746 (Mo. 2025) (cleaned up).

I.

In his first Point, Wallace argues that there was insufficient evidence to convict him of robbery in the first degree because the State failed to prove the *corpus delicti* of the charged crime beyond a reasonable doubt.

“The term ‘corpus delicti’ is Latin for ‘body of the crime.’ The term is used in the context of criminal law to describe the prosecutor's burden of proving that a crime was committed by *someone*, independent from a defendant's extrajudicial statements.” *State v. Madorie*, 156 S.W.3d 351, 353–54 (Mo.

2005) (citation omitted). The *corpus delicti* doctrine does not require “[e]vidence . . . that the defendant was the criminal agent.” *Id.* at 355.

Under the *corpus delicti* doctrine, “absolute proof . . . that a crime was committed is not required.” *Id.* Instead, “[a]ll that is required is evidence of circumstances tending to prove the corpus delicti corresponding with the confession. *Slight corroborating facts* are sufficient to establish the corpus delicti.” *Id.* (citation omitted). “When circumstances independent of the inculpatory statement tend to prove matters recited in the statement and corroborate the statement, the reviewing court may deem the proof of the corpus delicti sufficient.” *State v. Davis*, 797 S.W.2d 560, 564 (Mo. App. W.D. 1990) (citation omitted).

“The determination of whether there is sufficient independent evidence of the corpus delicti of an offense is fact specific and requires a case-by-case evaluation.” *Madorie*, 156 S.W.3d at 355 (citation omitted).

Wallace argues that the State’s purported failure to establish the *corpus delicti* is a sufficiency-of-the-evidence issue, which he preserved by filing motions for judgment of acquittal at the close of the State’s case, and at the close of all of the evidence. In *State v. Winter*, 719 S.W.3d 738 (Mo. 2025), however, the Missouri Supreme Court recently held that the *corpus delicti* doctrine “has nothing to do with . . . the state’s constitutional burden of proving th[e] elements [of an offense] beyond a reasonable doubt.” *Id.* at 746. Instead, the Court stated that “[t]he *corpus delicti* doctrine . . . is simply a rule of evidence,” which provides that “[t]he state may not offer a defendant’s extrajudicial inculpatory statement until evidence independent of that statement corroborates the *corpus*

delicti.” *Id.* at 747. *Winter* refused to consider a *corpus delicti* argument where the defendant “did not object at trial that his [extrajudicial statements] could not be admitted without proof of the *corpus delicti*,” and did not argue on appeal “that the circuit court erred in admitting this evidence without such a showing.” *Id.* (footnote omitted). The Supreme Court faulted the appellant in *Winter* for attempting “to convert this evidentiary rule” into a sufficiency-of-the-evidence argument. *Id.*

As in *Winter*, Wallace did not object to the admission of his extrajudicial statements on *corpus delicti* grounds when those statements were offered in evidence. As such, he failed to preserve his *corpus delicti* argument, since “[o]nly an objection made timely *at trial* will preserve an [evidentiary] issue for appeal.” *State v. Minor*, 648 S.W.3d 721, 729 (Mo. 2022) (citations omitted). Given Wallace’s failure to object to the admission of his extrajudicial statements when they were offered, we can review his *corpus delicti* arguments solely for plain error. *State v. Hendricks*, No. WD86570, 2025 WL 2111417, at *4 (Mo. App. W.D. July 29, 2025).

Whether or not the issue was properly preserved is immaterial, however, because the circuit court did not err in admitting Wallace’s extrajudicial statements into evidence. “The corpus delicti of first degree robbery demands proof of (1) the taking of property (2) by force or fear.” *Davis*, 797 S.W.2d at 563 (citation omitted). Separate and apart from Wallace’s extrajudicial statements, the State presented substantial evidence that Mother and Father’s property was forcibly taken from them. Both Mother and Father testified that their home was broken into by multiple intruders, that the intruders used force and threats of

force to subdue them, that specific property was missing after the intruders left, and that the property had been taken without permission. One of the missing firearms was found by police several hundred miles away in northern Alabama. Father suffered an epileptic seizure, was rendered unconscious, and required surgery to repair his broken jaw following the robbery. The fact that a violent robbery had occurred was also corroborated by the physical evidence: the carport doorframe of the home had been broken; blood was found on the hallway carpet and walls; furniture had been moved; and dressers overturned and drawers removed with contents thrown around the room.

The *corpus delicti* doctrine requires that the State's independent evidence of the occurrence of a crime must "correspond and interrelate' with the circumstances described in the [defendant's] statement or confession." *State v. Madorie*, 156 S.W.3d 351, 356 (Mo. 2005) (cleaned up). That requirement was also satisfied here. Wallace's statements following his arrest in Alabama described the robbery in a manner which "correspond[ed] and interrelate[d]" with the victims' accounts, and with the physical evidence. *Id.* Like Mother and Father, and consistent with the physical evidence, Wallace told the police that he and his accomplices: forcibly entered the home through a carport door; encountered a naked woman whom they forced to disable an alarm system and then bound with zip-ties and confined to a bathtub; encountered and assaulted a male resident; and stole two firearms. Further, Wallace's description of leaving the scene in a white Cadillac, and stopping at a convenience store which his accomplices entered, was corroborated by the convenience store's surveillance video. Finally, a gun stolen from Mother and Father was found in the Huntsville

apartment where Wallace was staying, corroborating Wallace's statement that he and his accomplices had stolen two weapons from the Columbia apartment.

Wallace argues that the State's independent evidence was insufficient to establish his criminal responsibility for the robbery; he contends that, without his confession, there was no proof that *he* committed the crime. But *corpus delicti* does not require independent evidence of the defendant's culpability; instead, all that is required is slight corroborating facts showing that a crime was committed *by someone*. "[T]he State is not required to present independent proof of the defendant's criminal agency, outside of the defendant's admissions, to establish the corpus delicti." *Madorie*, 156 S.W.3d at 356 (citation omitted). Even if Wallace's *culpability* for the crime was primarily established by his own statements, the fact that a crime had occurred – namely, the *corpus delicti* – was established by substantial independent evidence.

Point I is denied.

II.

In his third and fifth Points, Wallace argues that there was insufficient evidence to convict him of the first-degree kidnapping of Mother and Son, because there was insufficient evidence that Wallace confined either Mother or Son for a "substantial period." We address these Points together.

Section 565.110.1, RSMo defines first-degree kidnapping to include "unlawfully confin[ing] another person without his or her consent for a substantial period, for the purpose of . . . (4) [f]acilitating the commission of any felony or flight thereafter."

On appeal, Wallace does not contend that the evidence was insufficient to establish that Mother and Son were unlawfully confined, or that the confinement occurred without their consent. Wallace also does not contest that there was sufficient evidence to prove that the confinement of Mother and Son was intended to facilitate Wallace's commission of, and subsequent flight from, the first-degree robbery. Wallace challenges the sufficiency of the evidence with respect to only a single element of the kidnapping offense: whether he confined Mother and Son "for a substantial period."

Wallace argues that neither Mother nor Son were confined "for a substantial period," because their confinement was "merely incidental" to the commission of the underlying robbery offense. In making this argument, Wallace relies heavily on *State v. Sistrunk*, 414 S.W.3d 592 (Mo. App. E.D. 2013). *Sistrunk* held that, to support a kidnapping conviction, the State was required to prove that the victim's confinement was "more than 'merely incidental' to another offense." *Id.* at 600 (citation omitted). To show that confinement was not "merely incidental" to another offense, *Sistrunk* held that the State was required to show an "increased risk of harm or danger to the victim from the movement or confinement that was not present as the result of the other offense." *Id.* (cleaned up).

Wallace's reliance on *Sistrunk* is misplaced, however, because the Missouri Supreme Court specifically overruled this aspect of *Sistrunk* in *State v. Winter*, 719 S.W.3d 738 (Mo. 2025). (*Winter* was decided after briefing concluded in this appeal.) In *Winter*, the Supreme Court held that, to prove that confinement was "for a substantial period," the State was not required to prove that the

confinement was not “merely incidental” to another offense. The Court explained:

[T]his Court reviews only whether there is sufficient evidence to support the charged crime, based on the ***elements of the crime as set forth by statute*** The elements of first-degree kidnapping are set forth in section 565.110.1, and these elements do not require the state to prove the confinement exposed the victim to “increased risk of harm or danger” or the confinement was not “merely incidental” to another charged crime. Instead, the relevant element in section 565.110.1 simply requires the state to prove the confinement was for a “substantial period.” Because there is nothing ambiguous about this word or the phrase in which it is used, there is no excuse for importing the “merely incidental” or “increased risk of harm” concepts under the guise of construction.

Id. at 752 (citation omitted).

Relying on the dictionary, *Winter* held that “substantial” in § 565.110.1, RSMo, “means ‘not seeming or imaginary: not illusive,’ ‘being of moment: important, essential,’ and ‘considerable in amount.’” *Id.* 753 (quoting *Substantial*, WEBSTER'S THIRD NEW INT'L DICTIONARY (unabridged ed. 1966)). Thus, “substantial” in the relevant sense has both a *quantitative* aspect (“considerable in amount”), and a *qualitative* aspect (“not seeming or imaginary,” “important, essential”).

The State presented sufficient evidence from which a reasonable juror could find beyond a reasonable doubt that Mother and Son were confined “for a substantial period.” Armed and masked intruders broke into the victims’ home in the middle of the night. They physically controlled Mother’s movements, at gunpoint, for approximately twenty minutes while they searched her house. The intruders ordered Mother to disable the alarm system, lie face-down in the hallway, then move to the bedroom and, finally, into the bathtub, where they

restrained her hands with zip-ties. One of the intruders took advantage of Mother's physical restraint by throwing a sex toy at her, and sexually assaulting her by fondling her breasts. The intruders also restricted Mother's ability to summon help by submerging her cell phone in water to disable it. The fact that Mother was bound, and naked, further limited her ability to escape and seek outside assistance. Before leaving, the intruders instructed Mother not to leave the bathtub until 9:00 a.m., creating the prospect of seven hours' confinement. Mother testified that she did not know whether the intruders had left the area or remained outside with guns, watching to prevent her escape. While Mother chose to leave the residence in search of help shortly after the intruders left, they *intended* for her confinement to last several hours, and took several steps to accomplish that goal.

Although Son was not physically restrained or directly threatened with harm, he was only 19 months old. The intruders left one of his parents unconscious and grievously injured, and the other bound, naked, and under threat of deadly force. Given Son's age, relative helplessness, and the intruders' actions toward his parents, Son was confined as effectively as Mother.

The confinement of Mother and Son continued for a considerable period of time, and the intruders intended for the confinement to continue for several more hours. The confinement of Mother and Son was not imaginary or unimportant. It involved multiple assailants, was forcible and undoubtedly terrifying, and created a substantial risk of serious physical injury or death to both victims. The intruders took multiple steps to restrict the victims' movements and thereby prevent them from freeing themselves, from summoning assistance, or from

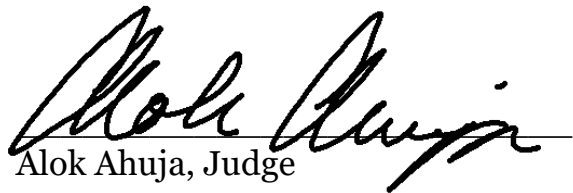
aiding Father as he lay unconscious on the hallway floor. The confinement allowed the intruders to prolong an aggravated and violent robbery, and flee without capture. Sufficient evidence supported the jury's finding that both Mother and Son were confined "for a substantial period." Points III and V are denied.

III.

In Points II, IV, and VI, Wallace argues that his three convictions for armed criminal action must be reversed, because there was insufficient evidence to convict him of the predicate felonies supporting the armed criminal action charges. As explained in §§ I and II above, however, there was sufficient evidence to convict Wallace of each of the three underlying felonies. We accordingly deny Points II, IV, and VI without further discussion.

Conclusion

The judgment of the circuit court is affirmed.



Alok Ahuja, Judge

All concur.