



Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI,

Plaintiff-Respondent,

v.

ROB RUEL PILKINGTON,

Defendant-Appellant.

No. SD38764

Filed: November 10, 2025

APPEAL FROM THE CIRCUIT COURT OF BUTLER COUNTY

Honorable R. David Ray, Special Judge

AFFIRMED

Rob Ruel Pilkington (“Pilkington”) appeals his convictions for three counts of statutory rape in the first degree, five counts of statutory sodomy in the first degree, and one count of using a child in a sexual performance following a jury trial in the Circuit Court of Butler County, Missouri (“trial court”).¹ In one point on appeal, Pilkington claims the trial court abused its discretion in overruling his objection and allowing

¹ See sections 566.032, 566.062, and 573.200. All statutory references are to RSMo 2016, including changes effective January 1, 2017, unless otherwise specified.

testimony that Pilkington was a school resource officer (“SRO”). Pilkington asserts this testimony “was irrelevant and more prejudicial than probative, since it would allow the jury to speculate that [he] engaged in inappropriate behavior with other young people.” Finding no merit in this point, we affirm the trial court’s judgment.

Factual Background and Procedural History

On June 29, 2024, Pilkington was charged by Substitute Information for Bill of Indictment² with two counts of child molestation in the third degree, six counts of statutory sodomy in the first degree, four counts of statutory rape in the first degree, and one count of use of a child in a sexual performance as a result of alleged sexual conduct with his underage neighbor (“Victim”), between June 1, 2021, and November 25, 2021. A jury found Pilkington guilty of nine of the 13 counts.³ Viewed in the light most favorable to the verdicts, the following evidence was adduced at trial:

Pilkington and his wife (“Wife”)⁴ lived next door to Victim and Victim’s mother (“Mother”). The neighbors were friendly, often visited each other’s homes, and spent a lot of time together. In early 2021, Pilkington had an affair with Mother. Mother trusted Pilkington to be around Victim. When Victim was 11 or 12 years old, she began spending

² The Substitute Information substituted for a grand jury Bill of Indictment originally issued October 12, 2022.

³ Pilkington was found not guilty of two counts of child molestation in the third degree as set forth in Instruction No. 6 and Instruction No. 15, one count of statutory sodomy in the first degree as set forth in Instruction No. 18, and one count of statutory rape in the first degree as set forth in Instruction No. 21.

⁴ Pilkington and Wife divorced in January of 2022.

a considerable amount of time alone with Pilkington. Pilkington taught Victim “basic things” like how to set up a tent, cut wood, start a fire, filter water, cook, and shoot a gun. Pilkington and Victim also drove around together or watched movies. Mother thought Pilkington was a positive influence on Victim, although one time she became uncomfortable when Pilkington started tickling Victim and getting “a little handsy” with her. Victim denied that anything inappropriate was going on between her and Pilkington. Around this time, Victim became withdrawn and only wanted to spend time with Pilkington. Because Victim seemed happy with Pilkington, Mother allowed her to spend time with him.

Pilkington and Wife separated in the fall of 2021. Pilkington began to convert a horse trailer into a makeshift home for him to reside in. The day before Thanksgiving of 2021, Pilkington and Victim were working on the trailer together. Pilkington kissed Victim on the lips, touched her vagina with his hand, touched her anus with his penis, and they eventually had sexual intercourse on the floor of the trailer. Victim was 13 years old when these offenses occurred.

When they returned to Victim’s house later that evening, Mother noticed both Pilkington and Victim acting “awkward,” which gave Mother concern. Victim changed out of her work clothes to watch a movie at Pilkington’s home. Mother examined Victim’s work clothes and noticed an odor and residue on Victim’s underwear. Mother texted Victim to come home. When Victim arrived at home, Mother confronted her. Victim initially denied that anything had happened between her and Pilkington, but then

finally admitted she and Pilkington had sexual intercourse. Victim was concerned about whether Pilkington would get in trouble and whether she would be able to see him again.

Mother then went to Pilkington's house and confronted him. Following the confrontation, Pilkington called Sheriff Brent Campbell of the Howell County Sheriff's Department ("Sheriff's Department") and reported that "accusations of a sexual nature" were "going to be coming out." Pilkington worked for the Sheriff's Department and had been in law enforcement for 25 years.

Lieutenant Torey Thompson with the Sheriff's Department responded to the call and spoke with both Pilkington and Victim. Victim told the lieutenant that she had sexual contact with Pilkington. Due to Pilkington's employment with the Sheriff's Department, the lieutenant and sheriff determined that the investigation should be turned over to the Missouri State Highway Patrol ("MSHP").

Thanksgiving morning, Mother took Victim to the hospital and then to the local Child Advocacy Center ("CAC"), where Victim was examined and interviewed by a forensic interviewer. During this initial interview, Victim was "strictly on [Pilkington's] side" and continued to worry about whether she would still be able to see Pilkington again and whether Pilkington was going to get in trouble. Victim described Pilkington as her best friend. Victim told the interviewer that she had sexual contact with Pilkington only one time and that the contact was initiated by her. Victim stated that Pilkington repeatedly refused her advances and told her it was not a good idea and they could get in trouble.

Pilkington was interviewed by Trooper Kelsey Rutledge with the MSHP. He initially denied any sexual contact with Victim, but then eventually stated that Victim had pulled his pants and underwear down and touched him. Pilkington admitted to ejaculating “a little bit,” “kissing around” on Victim, and “probably finger[ing] her a little bit.” Pilkington said Victim rubbed herself on his penis while his pants were down. Pilkington stated that he repeatedly told Victim that this behavior was “inappropriate” and tried to stop Victim. Pilkington also stated that Victim touched him while watching a movie, months prior to Thanksgiving. Toward the end of the interview, Pilkington stated, “I’m a freakin’ [SRO]. I should’ve known better than this.”

The CAC referred Victim to counseling. After months of counseling, Victim requested another interview with the CAC. Victim stated that during counseling she realized Pilkington had manipulated her. During this second interview, Victim stated that she and Pilkington had a sexual relationship over the course of several months. Victim described that she and Pilkington had engaged in oral, vaginal, and anal sex. Victim described sexual intercourse as a “penis in her vagina” and anal sex as a “penis in her butthole.” Victim stated that Pilkington had touched her “boobs” and “butt” with his hands, touched her vagina with his fingers and penis, touched her anus with his penis, that she had put his penis in her mouth, Pilkington had ejaculated in her mouth, and that she had touched her vagina with her fingers at Pilkington’s request.

Prior to trial, Pilkington filed a motion in limine seeking, in part, to “prohibit[] any reference to the fact that Mr. Pilkington was at one time [an SRO].” Pilkington claimed the fact that he was an SRO was irrelevant, lacked probative value, and was prejudicial.

At a pretrial hearing, defense counsel argued the prejudicial effect of the jury hearing that Pilkington was an SRO:

We don't see any basis for which it would be relevant to the case that Mr. Pilkington was ever [an SRO]. We have concerns that it would be prejudicial to him for the jury to become aware of that information. I think people who have kids in school with [SROs] might react with some type of emotion, some type of sense that they feel, you know, betrayed by the trust that they would place in [an SRO].

I think that there's – there's serious dangers of prejudice if the jury learns about that. And in the context of this particular case, although Mr. Pilkington may have been [an SRO] in the past, his relationship with – with [Victim] was not connected to his role as [an SRO], it was because he was a neighbor of [Victim]. So I don't think it's relevant, I think it's very prejudicial, and that's why we would ask the Court to order that there be no references to Mr. Pilkington as [an SRO].

The trial court overruled defense counsel's request stating it could "imagine any number of circumstances how that may properly come into the case[.]"

During trial, Lieutenant Thompson testified regarding Pilkington's employment history in law enforcement, including his position as an SRO. Lieutenant Thompson testified that he knew Pilkington from his employment at the Sheriff's Department and that Pilkington had served as a reserve deputy and an SRO. The lieutenant testified as follows regarding Pilkington's employment:

Q. Okay. So back in November of 2021, you were the lieutenant over the detectives?

A. Yes.

Q. Now, let's talk about when you first started at [the] Sheriff's Department. What were you doing back then?

A. When I first started, I was just a regular deputy.

Q. When you say regular deputy, road officer?

A. Road officer, yes.

Q. During that time did you work with [Pilkington]?

A. I did a little bit, yes.

Q. Were you there first or was he there first?

A. I believe he was probably there before I was.

Q. Okay. Was he a fulltime deputy at that time?

A. To my knowledge, just a reserve officer.

Q. Can you explain to the jury what a reserve officer is?

A. They fill in from time to time, parttime work here and there.

Q. And this would have been about what year?

A. When I first started, it was 2007.

....

Q. At some point, from your knowledge, your personal knowledge at the ... Sheriff's Department, back in 2019 do you know what his position was, what [Pilkington's] position was?

A. I don't recall the exact year but at some point in time he became [an SRO].

Defense counsel objected at this point:

The basis of the objection is that there is no relevance, there's no probative value, to the fact that Mr. Pilkington was [an SRO]. There's no connection to this case and it's highly prejudicial because now people are going to be thinking this guy with whom we, you know, trusted our kids and he's accused of this kind of thing and it makes people uncomfortable and it has absolutely no probative value whatsoever.

The trial court overruled the objection stating that "he is what he is and he lives with it and if he was [an SRO] they should be able to say that he was." The State continued its questioning of Lieutenant Thompson:

Q. ... So, Lieutenant Thompson, you were talking about [an SRO]. What is [an SRO]?

A. [SROs] generally are stationed at a particular school within our jurisdiction for security purposes. They'll handle any issues that might arise at the school. That's generally what they do.

Q. And at the ... Sheriff's Department, [an SRO] works during the school year; is that safe to say?

A. Correct, yes.

Q. During the summer, when school is out, what is typically – what do [SROs] usually do during that time period?

A. So when school is not – in the summertime when school is out, [SROs] often work as a bailiff at the courthouse. They will often also do some work as road patrol deputy and just different assignments of that nature.

In addition to Lieutenant Thompson, the State called Victim, Mother, the CAC forensic interviewer, the CAC nurse practitioner who conducted a SAFE-CARE exam of Victim, and Trooper Rutledge as witnesses. The State also admitted into evidence the recorded interviews of Victim and Pilkington. Pilkington did not testify at trial, but called Wife, two employees of the MSHP Crime Lab, and his nurse practitioner as witnesses. Pilkington's main defense was that he had erectile dysfunction and was, therefore, unable to perform the conduct alleged in the information. The jury found Pilkington guilty of three counts of statutory rape in the first degree, five counts of statutory sodomy in the first degree, and one count of using a child in a sexual performance. The trial court sentenced Pilkington to ten years' imprisonment on one count of statutory rape in the first degree and five years' imprisonment on each of the remaining counts, each sentence to run consecutively to all other sentences, for a total of fifty years' imprisonment. This timely appeal followed.

Standard of Review

A trial court's decision to admit or exclude evidence at trial is reviewed for an abuse of discretion. *State v. Manuel*, 682 S.W.3d 102, 108 (Mo. App. S.D. 2024). This Court will find a circuit court abused its discretion only when a ruling is:

clearly against the logic of the circumstances then before the court and is so arbitrary and unreasonable as to shock the sense of justice and indicate a lack of careful consideration; if reasonable persons can differ about the propriety of the action taken by the trial court, then it cannot be said that the trial court abused its discretion.

State v. Brown, 939 S.W.2d 882, 883-84 (Mo. banc 1997) (citation modified) (quoting *Shirrell v. Missouri Edison Co.*, 535 S.W.2d 446, 448 (Mo. banc 1976)). The trial court is afforded “a great breadth of discretion” regarding evidentiary rulings and will be reversed only if its evidentiary ruling was so prejudicial as to deprive the defendant of a fair trial. *Manuel*, 683 S.W.3d at 108. Claims of trial court error in the admission of evidence are reviewed “for prejudice, not mere error.” *State v. Blurton*, 484 S.W.3d 758, 769 (Mo. banc 2016) (quoting *State v. Clark*, 364 S.W.3d 540, 544 (Mo. banc 2012)). “In a criminal case, involving improperly admitted evidence, the test for prejudice is whether the error was outcome-determinative.” *State v. Matlock*, 717 S.W.3d 277, 283 (Mo. App. E.D. 2025) (quoting *State v. Redmond*, 686 S.W.3d 333, 340 (Mo. App. E.D. 2024)). “A finding of outcome-determinative prejudice expresses a judicial conclusion that the erroneously admitted evidence so influenced the jury that, when considered with and balanced against all evidence properly admitted, there is a reasonable probability that the jury would have acquitted but for the erroneously admitted evidence.” *Matlock*, 717 S.W.3d at 283 (quoting *State v. King*, 705 S.W.3d 650, 660 (Mo. App. E.D. 2024)).

Analysis

“Admissible evidence must be both logically and legally relevant.” *Manuel*, 682 S.W.3d at 108.

“Evidence is logically relevant if it tends to make the existence of a material fact more or less probable.” [*State v. Steele*, 572 S.W.3d 549, 553 (Mo. App. E.D. 2019)] (quoting *Blurton*, 484 S.W.3d at 777). “Likewise, evidence is legally relevant when the probative value of the evidence outweighs its costs, such as unfair prejudice, confusion of the issues, misleading the jury, undue delay, waste of time, or cumulativeness.” *Id.*

(citing *Blurton*, 484 S.W.3d at 777; *State v. Anderson*, 76 S.W.3d 275, 276 (Mo. banc 2002)).

State v. Forster, 616 S.W.3d 436, 445-46 (Mo. App. E.D. 2020).

Pilkington argues that the fact that he was an SRO was irrelevant, had no probative value to the case, and that the cost of admitting it was high – that it made him “look like a predator.” However, Pilkington cites us to no legal authority in support of his argument that would aid us in our analysis. We can find no cases setting forth such a precedent. Allowing evidence related to a defendant’s occupation is seemingly commonplace. While Pilkington did not testify personally here, with regard to witnesses in general, courts have held:

Questions to a witness directed toward aiding the jury in setting a proper estimate on his testimony are preliminary in their nature and may be properly asked, as, for example, questions which relate to the age of the witness, his residence, his occupation, and his condition in life, etc. It is common practice.

State v. Davis, 474 S.W.3d 179, 189 (Mo. App. E.D. 2015) (quoting *State v. Brayfield*, 540 S.W.2d 233, 235 (Mo. App. Spfld.D. 1976)). Certainly, “[e]vidence of a witness’s occupational background is not [improper] character evidence.” *Id.* We determine the trial court did not err in admitting Lieutenant Thompson’s testimony that Pilkington was an SRO and the testimony was relevant here.

Even if the admission of Lieutenant Thompson’s testimony that Pilkington was an SRO could be said to be improper, there was overwhelming evidence of Pilkington’s guilt and other evidence that Pilkington was an SRO admitted during trial without objection. Pilkington failed to demonstrate outcome-determinative prejudice occurred

from the admission of the testimony. “[E]ven if the trial court were to have erroneously admitted evidence, reversal is not required where there is overwhelming evidence of guilt and the erroneously admitted statement is insignificant by comparison.” *State v. Mackey*, 698 S.W.3d 853, 857 (Mo. App. S.D. 2024). The evidence presented at trial portrayed overwhelming evidence of Pilkington’s guilt, including his own admissions that sexual contact occurred with Victim.

Moreover, consistent with our standard of review for outcome-determinative prejudice, not mere error, “[a] complaining party is not entitled to assert prejudice if the challenged evidence is cumulative to other related admitted evidence.” *State v. Brandolese*, 601 S.W.3d 533, 536 (Mo. banc 2020); *see also Matlock*, 717 S.W.3d at 287 (finding trial court’s error in admitting double-hearsay testimony not prejudicial because it was cumulative to other related testimony that was not objected to); *Forster*, 616 S.W.3d at 448 (finding that even if the trial court erroneously admitted evidence it is not prejudicial to the defendant if it is cumulative to other related admissible evidence); *State v. Newman*, 583 S.W.3d 479, 483 (Mo. App. S.D. 2019) (holding improperly admitted evidence is not prejudicial when the same facts are established by other evidence); *State v. Bailey*, 783 S.W.2d 490, 492 (Mo. App. W.D. 1990) (holding it is not error to admit evidence over objection that is merely cumulative of or restates other evidence admitted without objection).

Here, Lieutenant Thompson’s testimony that Pilkington was an SRO was not prejudicial because it was cumulative to other related testimony that came into evidence unchallenged. Pilkington’s interview with the MSHP and Victim’s interview with the

CAC both refer to Pilkington as an SRO. Pilkington's interview with Investigator Rutledge was admitted into evidence and played for the jury. Defense counsel specifically stated he had "no objection" to admission of the interview. In the interview, Pilkington states "I'm a freakin' [SRO], I should've known better than this." Victim stated during her first interview with the CAC that Pilkington was an SRO. This interview was also admitted into evidence without objection. Lieutenant Thompson's testimony that Pilkington was an SRO was cumulative. Pilkington is not entitled to assert prejudice by the admission of evidence cumulative of similar evidence that is before the jury without objection. *Brandolese*, 601 S.W.3d at 536.⁵

The trial court's judgment is affirmed.

JENNIFER R. GROWCOCK, C.J. – OPINION AUTHOR

JACK A. L. GOODMAN, J. – CONCURS

BECKY J. WEST, J. – CONCURS

⁵ This Court notes that "[a]s a general proposition, the credibility of witnesses is always a relevant issue." *State v. Contreras-Cornejo*, 526 S.W.3d 146, 155 (Mo. App. W.D. 2017). Lieutenant Thompson's testimony also added credibility to Victim's testimony, who recounted that Pilkington was an SRO, wore a uniform that he would change out of before sexual activity, and that Pilkington worked at the courthouse during the summer when school was not in session when the inappropriate contact began.