Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI, Plaintiff-Respondent, v. JAMES LEE HOPKINS, III, Defendant-Appellant.	Nos. SD38670 & SD39097 (consolidated) Filed: November 18, 2025

APPEAL FROM THE CIRCUIT COURT OF WRIGHT COUNTY
Honorable R. Craig Carter

AFFIRMED

James Lee Hopkins, III ("Defendant") appeals his convictions for first-degree trespass, second-degree burglary, and first-degree arson.[1] His sole point on appeal claims the circuit court abused its discretion when it excluded testimony that Defendant attempted to adduce from his fire expert ("Expert") in regard to a theory that a single

[1] Defendant's convictions are based on events that occurred on June 10 to 11, 2023. The cases were initially charged as separate cases but they were consolidated and tried together before a jury. We have likewise consolidated the cases on appeal.

point of origin of the fire made arson unlikely. Finding no reversible error, we affirm the judgment of the circuit court.

Background & Relevant Evidence

Because Defendant does not challenge the sufficiency of the evidence to support his convictions, we recite only the evidence necessary to address his claim on appeal. *See* ***State v. Hausmann***, 681 S.W.3d 637, 639 (Mo. App. S.D. 2023). Defendant was homeless, and he was traveling through Missouri on June 10, 2023. He hitched a ride from Rogersville to Mountain Grove, and the driver dropped Defendant off at the Southside Baptist Church. Before Defendant got out of the vehicle, he said, "Don't let me out. I'll burn that place down."

That same day, neighborhood residents saw Defendant near the church between 4:00 and 4:30 p.m. About two hours later, witnesses saw a broken window at the church, and smoke was coming out of it. Another witness saw Defendant walking quickly away from the burning church.

The broken window at the church was outside "the money room[,]" and that room had been ransacked. When officers arrested Defendant the following day, they seized his backpack and found a Southside Church bank-bag, along with a Southside Baptist youth t-shirt, a lighter, and rubbing alcohol.

The fire chief ("Chief") testified on direct examination for the State that the fire likely had a single point of origin due to the extent of the damage and a V-shaped burn pattern. Chief believed that the church had been burglarized before the fire started because the window glass from the broken window was clean. The fire marshal

("Marshal") also testified for the State, but he could not give an opinion as to the fire's point of origin and stated that the cause of the fire was "undetermined[.]" Marshal went on to state that the criminal element entered the equation because the window had been broken at the church. Marshal, like Chief, testified that the window was broken before the fire started as the broken parts of the window were clean.

Analysis

Defendant's point on appeal claims the trial judge erred in excluding Expert's opinion "that arson was 'less likely' here" due to the single point of the fire's origin because the evidence was relevant to counter the State's evidence that the fire was set to cover-up Defendant's burglary of the church. We disagree.

> "Generally, a trial court's decision to exclude testimony is reviewed for an abuse of discretion, granting substantial deference to the trial court's decision." *State v. Eisenhour*, 410 S.W.3d 771, 775 (Mo. App. S.D. 2013) (quoting *State v. Mort*, 321 S.W.3d 471, 483 (Mo. App. S.D. 2010)). "An abuse of discretion will be found 'where the ruling is clearly against the logic of the circumstances and is so unreasonable and arbitrary that it shocks the sense of justice and indicates a lack of careful consideration.'" *State v. Stottlemyre*, 35 S.W.3d 854, 858 (Mo. App. W.D. 2001) (quoting *State v. Masden*, 990 S.W.2d 190, 193 (Mo. App. W.D. 1999)).

State v. Roux, 554 S.W.3d 416, 418 (Mo. App. S.D. 2017).

During arguments on the State's motion to exclude Expert's testimony, defense counsel stated that Expert intended to testify "[t]hat it can't be arson and it is an inappropriate determination to say Undetermined/Criminal. It should simply be Undetermined." The trial judge agreed with the State that the determination of "arson" was solely within the province for the jury to decide and was "outside the scope of what an expert can testify to." The judge allowed Expert to testify to alternative causes of the

fire, but he would not permit Expert to opine on the "ultimate issues as far as the criminal."

> Even if a trial court abuses its discretion in admitting or excluding evidence, the trial court's judgment will not be reversed unless the appellant establishes that the error was prejudicial. *Shuttlewagon, Inc. v. Higgins*, 628 S.W.3d 185, 200 (Mo. App. W.D. 2021). To be prejudicial, the error in admitting or excluding evidence must be "outcome determinative" because it "materially affect[ed] the merits of the action." *Piers v. Dep't of Corr.*, 688 S.W.3d 65, 73 (Mo. App. W.D. 2024) (quoting *Mansil v. Midwest Emergency Med. Servs., P.C.*, 554 S.W.3d 471, 475 (Mo. App. W.D. 2018)).

Anderson v. Monsanto Co., 719 S.W.3d 755, 765 (Mo. App. W.D. 2025). Further, prejudicial error does not exist when the complained-of evidence is cumulative to other properly admitted evidence. ***Id.*** at 776.

The evidence that Defendant wanted to adduce would have been cumulative to other evidence that was presented. First, when Expert was presented with a statement that "[a] fire with a one-point origin potentially is an accident, correct?" Expert responded, "It could be, yes." Expert also testified that a fire's having more than one point of origin would, "by definition," be an incendiary act, meaning "where the fire is applied and started by human hands." He then testified that the fire in this case had only one spot of origin. That testimony, logically, asserted that the fire in this case was less-likely to be arson. Additionally, Marshal and Expert had already testified that the cause of the fire could not be determined.

Because the excluded testimony was not outcome-determinative, Defendant did not suffer any reversible-prejudice from the exclusion. The judgment of the circuit court is affirmed.

DON E. BURRELL, J. – OPINION AUTHOR

JEFFREY W. BATES, J. – CONCURS

BRYAN E. NICKELL, J. – CONCURS