In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

STATE OF MISSOURI,	)	No. ED112814
	)	
Respondent,	)	
	)	
v.	)	
	)	
JOSEPH J. DEJOIE,	)	
	)	
Appellant.	)	Filed: November 25, 2025

Appeal from the Circuit Court of St. Louis County
The Honorable John R. Lasater, Judge

On March 9, 2024, a St. Louis County Circuit Court jury determined that in May 2022 appellant Joseph DeJoie abducted and raped Victim CM and that in March 2023 he abducted and raped JM after which JM died at his apartment. As part of their investigation into JM's disappearance, police went to DeJoie's apartment in Maryland Heights and were met with the smell of JM's rotting corpse emanating from inside where it rested in a large plastic bin.

The grand jury indicted DeJoie for murder second, tampering with evidence, abandonment of a corpse, two counts of rape, two counts of sodomy, possession of a

controlled substance, kidnapping, and assault in the third degree.[1] The petit jury found DeJoie guilty of involuntary manslaughter, tampering with evidence, abandonment of a corpse, two counts of rape, one count of sodomy, possession of a controlled substance, kidnapping, and assault in the third degree. The court found DeJoie to be a predatory sexual offender and sentenced him to three consecutive terms of life in prison.

DeJoie now appeals in four points all of which we deny and therefore affirm his convictions. The first issue on appeal concerns the trial court's denial of DeJoie's motion to dismiss the abandonment-of-a-corpse charge. DeJoie argues the charge violated his constitutional right against self-incrimination because requiring him to report the presence of JM's corpse in his apartment would have effectively required him to incriminate himself in any wrongdoing that either resulted in her death or in the corpse's presence there. We disagree. Missouri's corpse-reporting requirement in section 194.425[2] is an exception to the Fifth Amendment's right against self-incrimination because the requirement is inherently regulatory in nature and is not designed to identify criminal actors.

Next, DeJoie claims the trial court abused its discretion by allowing the State to bring into the courtroom the *actual* bin DeJoie used for JM's corpse because the bin still contained "some crusty material" and bodily fluids and continued to emit a malodor. Although the trial court's decision presents a close question in our judgment, we need not

[1] Some of these counts are related to a third victim, DS, but the jury acquitted him of those charges.

[2] All statutory references are to the Revised Statutes of Missouri (2016) unless otherwise stated.

decide whether the court abused its discretion because evidence of DeJoie's guilt was overwhelming and therefore overcomes any prejudice that might result from the court's decision to allow the bin into the courtroom.

In point three, DeJoie claims the trial court erroneously excluded his expert toxicologist's opinion as to JM's cause of death upon its finding that he was unqualified to give such an opinion. We deny this point because DeJoie only qualified his expert to give toxicology opinions, such as the potentially lethal effects of the substances found in JM's body matters, but did not qualify him through his education, training, or experience to give opinions on forensic pathology or specific causes of death.

Lastly, DeJoie claims the court erroneously allowed the police crime scene investigator to testify that JM's car appeared to have been "wiped down" because the testimony was speculative and invaded the province of the jury with regard to the tampering of evidence charge. We again disagree because the jury heard in a recorded police interview that DeJoie *admitted* that he had wiped down the car and his counsel reiterated this fact during closing argument.

Background

Victim CM

On May 7, 2022, victim CM went to her grandmother's house in Hazelwood, Missouri after an argument with her husband. Overnight, at around 3 a.m., CM became concerned that her husband might harm her dog so she began walking home. DeJoie approached her in his vehicle and CM accepted DeJoie's offer of a ride. CM became

nervous when DeJoie declined to tell her his name or to take her directly to her home. CM then drank some water that DeJoie had offered her after which she felt "dizzy, groggy, and lightheaded" before she lost consciousness.

CM then awoke and tried to escape the vehicle at which point DeJoie struck her in the head rendering her unconscious again. DeJoie drove her to his apartment and carried her inside. When CM came to, she could not feel her legs, was unsure if she could move, and noticed that DeJoie had barricaded the apartment door preventing her escape. CM then drank airplane-sized bottles of alcohol DeJoie had offered her and soon began to lose consciousness again. This time when she awoke, DeJoie was raping her.

CM eventually tumbled out of a window and escaped. A woman saw CM walking with difficulty and offered her help. CM "just started puking" so the woman called emergency services and the Maryland Heights police arrived on scene.

Officers encountered CM shaking, confused, and bloody. At that point, DeJoie approached. He related a fabricated story that he had picked up CM on the highway and brought her to his home to give her food before taking her home. Police searched a nearby trash dumpster and found CM's pants, a pillowcase, and a blue tarp that CM remembered seeing on the floor of the bedroom before the rape. At the hospital, CM identified DeJoie from a photographic lineup and a sexual assault examination confirmed that DeJoie was the rapist.[3]

[3] The record is silent as to what occurred immediately after CM identified DeJoie as her assailant including whether police arrested DeJoie.

Victim JM

On March 14, 2023, nearly a year after victim CM's ordeal, victim JM went missing. As the Maryland Heights police investigated her disappearance, numerous citizens and the media engaged in a widespread search for her. Surveillance footage from the Hollywood Casino in Maryland Heights and from a gas station off North Broadway in the City of St. Louis appeared to show DeJoie driving JM's car. Police eventually found the car in a parking lot near DeJoie's apartment. During interviews of customers of certain bars JM frequented, police learned that DeJoie also frequented those bars.

In late March, police arrived at DeJoie's apartment door and they recognized the distinct stench of a decaying body. When DeJoie opened the door, the officers entered to conduct a protective sweep. DeJoie told officers that a friend had recently died and the body was still inside of the apartment. Officers found JM's corpse in a seated position inside a large plastic bin. The corpse was in an "advanced stage of decomposition."

The medical examiner listed the "ingestion of fentanyl, in addition to xylazine, and ethanol" as the cause of death which he ruled to be a homicide. DeJoie admitted to police that he engaged in sexual intercourse with JM while she was in a highly-intoxicated condition before she died. A search of DeJoie's phone showed that he had enticed JM to his apartment in part by lying to her that his father had just died.

Criminal Proceedings

Point One

Before trial, DeJoie moved to dismiss the corpse-abandonment charge on the grounds that section 194.425's reporting requirement would have required DeJoie to implicate himself in a crime or crimes in violation of his right against self-incrimination. The State countered that the statute's corpse-reporting requirement fit into a broad exception to the constitutional protections against self-incrimination because reporting a body is not a testimonial statement in that DeJoie was not required to testify against himself but was only required to provide the location of the body to the relevant authorities. The trial court agreed and denied the motion to dismiss.

Point Two

At trial, the State sought to introduce into the courtroom as evidence relevant to the corpse-abandonment charge the actual bin in which JM's body had decomposed. The bin smelled "putrid" and still contained "crusty material." DeJoie objected that the bin's presence in the courtroom was prejudicial and inflammatory and suggested that a photograph would suffice. The State argued that the bin was the best evidence of how DeJoie had illegally disposed of JM's corpse and was no more gruesome than graphic crime scene photos that Missouri courts regularly allow into evidence. The trial court denied DeJoie's objection and allowed the State to bring in the bin and show it to the jury before removing it from the courtroom.

Point Three

Next, the cause of death issue. DeJoie retained Dr. Michael Mullins as an expert witness. DeJoie established that Dr. Mullins worked as an emergency room physician with training as a toxicologist and experience reviewing autopsies and toxicology reports. The court recognized Dr. Mullins as an expert in toxicology and that Dr. Mullins would be allowed to testify to the "potential morbidity" of the drugs found in JM's system but not beyond that because he had "not been offered as a forensic pathologist." Nevertheless, during direct examination, Dr. Mullins gave several cause-of-death opinions namely that neither xylazine nor ethanol caused JM's death. He also testified that the Prozac and the Benadryl she had ingested could "plausibly" have caused her death though the Benadryl opinion was debunked on cross-examination when Dr. Mullins conceded that he was not a forensic pathologist, had never done an autopsy, and his Benadryl calculations were incorrect.

During DeJoie's offer of proof, Dr. Mullins testified that based on the condition of JM's lungs, her cause of death was inconsistent with a fentanyl overdose. He also disagreed with the medical examiner's determinations as to the role of the xylazine, ethanol, and fentanyl in JM's cause of death and disagreed with the medical examiner's manner of death as a homicide because he would have classified the manner of death as "indeterminate." The court maintained its ruling that Dr. Mullins' cause-of-death and manner-of-death opinions were beyond his expertise.

Point Four

DeJoie objected on speculation grounds when the State asked its crime scene investigator whether the condition of JM's vehicle was consistent with having been "wiped down." The trial court overruled the objection and the witness answered, "That's one reason why there wouldn't be any fingerprints, yes." Later, during closing, DeJoie's counsel conceded that DeJoie had indeed wiped down JM's car for fingerprints since DeJoie had made that statement in the police interview that was played to the jury.

Standard of Review

Point One

"Whether a statute is constitutional is an issue of law that this Court reviews *de novo.*" *State v. Wade*, 421 S.W.3d 429, 432 (Mo. banc 2013). While the Supreme Court of Missouri has exclusive jurisdiction over real and substantial, not merely colorable, constitutional claims, a constitutional claim is considered colorable when the Supreme Court (of the United States or Missouri) has already addressed the constitutional challenge. *State v. Robinson*, 707 S.W.3d 60, 64 (Mo. App. 2025).

Points Two - Four

The relevancy and admissibility of evidence is a matter within the sound discretion of the trial court; review is for abuse of discretion. *State v. Collins*, 962 S.W.2d 421, 424 (Mo. App. 1998). An abuse of discretion occurs when a trial court's ruling is clearly against the logic of the circumstances before the court and is so unreasonable and arbitrary that it shocks the sense of justice and indicates a lack of careful and deliberate

consideration. *In re Spencer*, 123 S.W.3d 166, 168 (Mo. banc 2003). In reviewing a challenge to admissibility of evidence, "we will only reverse when the error was so prejudicial that it deprived the defendant of a fair trial." *State v. Houston*, 467 S.W.3d 894, 898 (Mo. App. 2015).

Discussion

Point One

The first issue is whether the corpse-abandonment charge under section 194.425 violates DeJoie's right against self-incrimination under the Fifth Amendment. DeJoie's theory is that the statute's corpse-reporting requirement would have compelled DeJoie to incriminate himself in any crimes surrounding JM's death. We are unpersuaded because reporting statutes like this one that are regulatory and not testimonial in nature do not violate the right against self-incrimination even though the report may include incriminating information. While this Court has considered this issue before, none of those cases have been published decisions. Thus, this is a case of first impression for this court. Fortunately, the Supreme Court of the United States has addressed the issue and we look there now.

In *California v. Byers*, 402 U.S. 424, 429 (1971), the Court found reporting statutes to be constitutionally benign when they impose the reporting burden on "the public at large" as distinguished from a "highly selective group inherently suspect of criminal activities" and the laws are meant to benefit society as a whole, not to unearth criminal activities. In *Byers*, the defendant was in an automobile accident and challenged

a California statute that punished his failure "to stop and furnish his name and address" on the grounds that compliance would have required him to incriminate himself in connection with the accident. *Id.* at 424. The Court disagreed: "Here the compelled disclosure of identity could have led to a charge that might not have been made had the driver fled the scene; but this is true only in the same sense that a taxpayer can be charged on the basis of the contents of a tax return or failure to file an income tax form. There is no constitutional right to refuse to file an income tax return or to flee the scene of an accident in order to avoid the possibility of legal involvement." *Id.* at 434. The Court concluded that the statute was regulatory in nature because it "was not intended to facilitate criminal convictions but to promote the satisfaction of civil liabilities arising from automobile accidents." *Id.* at 430.

In another Supreme Court case, a bootlegger charged with the failure to file a tax return argued the prosecution violated his Fifth Amendment right against self-incrimination because filing his return required him to reveal the illegal source of his income. *U.S. v. Sullivan*, 274 U.S. 259, 263 (1927). In rejecting his argument, the Court called it "an extreme if not an extravagant application of the Fifth Amendment." *Id.* at 263-64.

But not all such reporting statutes dodge the reach of the Fifth Amendment. In *U.S. v. Solis*, 915 F.3d 1172, 1177 (8th Cir. 2019), the court held that a misprision (the deliberate concealment of one's knowledge of a felony) conviction violated the defendant's right against self-incrimination because it would have required the defendant to report his own crimes. The court reasoned that misprision laws are inherently criminal

instead of regulatory because they are enacted to prevent crime itself. *Id.* *See also, Albertson v. SACB,* 382 U.S. 70, 86 (1965) (a statute authorizing the Attorney General to order members of the communist party to register with the AG violated the members' privilege against self-incrimination because such registration created a sufficient threat of prosecution); *Grosso v. U.S.*, 390 U.S. 62, 68 (1968) (The "willful failure to pay excise taxes imposed on wagering" violated the defendant's Fifth Amendment right because the hazards of incrimination were "real and appreciable" and the "statutory obligations are directed almost exclusively to individuals inherently suspect of criminal activities…"); *Haynes v. U.S.*, 390 U.S. 85, 88 (1968) (firearm registration requirement violated defendant's privilege against self-incrimination because it was directed at persons inherently suspect of criminal activities).

We find that section 194.425's corpse-reporting requirement is regulatory in nature, not testimonial, and therefore passes constitutional muster. Like the statutes in *Byers* and *Sullivan*, section 194.425 is for "the public at large," not to facilitate criminal convictions even though deserting a corpse is a crime. In *Byers*, the Supreme Court found that although the driver's identity, when made known, may lead to inquiry that in turn leads to arrest and a criminal charge, "those developments depend on different factors and independent evidence." 402 U.S. at 434. Similarly, here, disclosing the location of a body is a neutral act and the location of a body is no more incriminating than a name linked to a motor vehicle involved in an accident or to an income tax return. While supplying the location of a body may be risky for murderers, the disclosure does not, by itself, necessarily implicate the murderer.

Additionally, the statute has public health implications. In *State v. Bratina*, 73 S.W.3d 625, 627-28 (Mo. banc 2002), the court recognized "that proper treatment of dead bodies is necessary to a civilized society" and that "science reinforces this common understanding: proper disposition of human remains is necessary to maintaining public health." Moreover, Missouri law reflects our public policy's respect for the right of sepulcher. Section 194.119. Finally, there is no constitutional right to keep secret the location of a dead body. *Byers*, 402 U.S. at 434.

Based on the foregoing, we deny this point.

Point Two

DeJoie next asserts the trial court abused its discretion in allowing the plastic bin in which he kept JM's body into the courtroom for the jury to see and to smell. The bin still smelled of her decomposed body and contained matter from the body. While the trial court's decision smacks of an abuse of discretion, we ultimately need not decide that question because the overwhelming weight of the evidence of DeJoie's guilt of these heinous crimes would overcome any prejudice resulting from the court's decision regarding the bin.

Admissible evidence must be logically and legally relevant. *State v. Prince*, 534 S.W.3d 813, 817 (Mo. banc 2017) (citing *State v. Blurton*, 484 S.W.3d 758, 777 (Mo. banc 2016)). "Evidence is logically relevant if it tends to make the existence of a material fact more or less probable." *Id.* "Legal relevance weighs the probative value of

the evidence against its costs – unfair prejudice, confusion of the issues, misleading the jury, undue delay, waste of time, or cumulativeness." *Id.* at 818.

"The admission of evidence complained of as prejudicial or inflammatory rests within the sound discretion of the trial judge with relevance as the main criterion." *State v. Williams*, 652 S.W.2d 102, 113 (Mo. banc 1983); *State v. Ray*, 637 S.W.2d 708, 709 (Mo. banc 1982) (overturned on other grounds); *State v. DeWeese*, 751 S.W.2d 389, 393 (Mo. App. 1988). But "[r]elevant evidence should be excluded 'if it brings into a case matters wholly disproportionate to the value and usefulness of the offered evidence ….'" *State v. Jones*, 835 S.W.2d 376, 380 (Mo. App. 1992) (quoting *State v. Pollard*, 719 S.W.2d 38, 39 (Mo. App. 1986)). "Any incriminating evidence is by definition prejudicial." *Williams*, 652 S.W.2d at 113.

The court in *State v. Floyd*, 360 S.W.2d 630, 633 (Mo. 1962) explained this delicate balance well – photographs of corpses or various body parts are generally admissible to show the nature and location of the wounds or position of the body, to show the cause of death, to corroborate motive, to refute self-defense, or to prove identity of the deceased. But the *Floyd* Court also recognized that there are "limitations and qualifications on the court's discretion and the admissibility of such photographs" and those photographs should not be admitted when the *sole* purpose is to arouse the emotions of the jury and to prejudice the defendant. *Id.*

A litany of Missouri cases demonstrates how these rules apply in the context of inflammatory evidence. For example, in *State v. Robinson*, 328 S.W.2d 667, 671 (Mo. 1959), the Court held that the trial court erred in admitting "obscene, offensive, vulgar,

horrid, and repulsive" photographs because they did not "add nor detract from the State's or defendant's theory" especially since the defendant had admitted every fact which may have been proven by the pictures. In *Floyd*, the Court found that the trial court erred in admitting a photograph of a decomposing body because it was not offered for a valid reason since the body was so badly decomposed that cause of death, motive, self-defense, or identity were not proved or disproved by the photographs. 360 S.W.2d at 633.

But, of course, the gruesomeness of evidence does not make it necessarily inadmissible because "[i]t is generally accepted that if photographs are gruesome, it is simply because the crime itself was gruesome." *State v. Strong*, 142 S.W.3d 702, 715 (Mo. banc 2004) (quoting *State v. Ervin*, 979 S.W.2d 149, 161 (Mo. banc 1998)). In *State v. Davis*, 318 S.W.3d 618, 640 (Mo. banc 2010), the Court held that the trial court acted well within its discretion in admitting gruesome photographs relevant to sex crimes noting that "[t]hey were potentially prejudicial, but that prejudice arose from the gruesome nature of [defendant's] crimes, not from any action of the State in the method of presenting the … photographs." In *State v. Townsend*, 649 S.W.3d 72, 81 (Mo. App. 2022), this court held the trial court erred in excluding a witness's use of a racial slur against the defendant because even though the word is vile and inflammatory, it was relevant to explain defendant's state of mind and actions.

This court has yet to address whether and to what extent allowing into the courtroom physical evidence of crimes against persons that emits a noxious or highly offensive odor constitutes an abuse of discretion. But other jurisdictions have. In *State v. Morris*, 160 P.3d 203, 217 (Ariz. 2007), the state introduced into the courtroom the

defendant's jacket which still smelled like a decomposing body. Defense counsel did not object. *Id.* The Arizona Supreme Court found no error because the state introduced the jacket to show that it belonged to defendant and the state only showed the jacket for a brief amount of time. *Id.* In *People v. Osband*, 919 P.2d 640, 673 (Cal. 1996), the prosecutor sought to introduce blood-saturated pantyhose and underwear that had a foul odor. Defendant objected claiming that photographs of the garments would suffice. *Id.* The court overruled the objection and allowed the garments to be introduced, briefly, just before recess and with the side door open to allow more air circulation. *Id.* at 673-74. The court found no abuse of discretion because the garments were relevant to establish the assault with intent to rape charge and "the court did what it could to minimize the prejudicial impact of the odor." *Id.* at 674.

This is a very close question. First, the trial court attempted to minimize the jury's exposure to the bin's sight and smell of a decomposing body and its corporal remnants by limiting the time it was in the courtroom. *See Morris*, 160 P.3d at 217; *Osband*, 919 P.2d at 674; *In re Spencer*, 123 S.W.3d at 168. But, the large plastic bin the trial court allowed in the courtroom had contained a dead body in an advanced stage of decomposition and was described as having "crusty material" and emitting a "putrid odor." Manifestly, the bin *is* relevant to the corpse-abandonment charge – that is not up for debate.[4] But a dead

4 We also acknowledge but reject the State's argument that the bin somehow falls under the "best evidence rule." It does not. The best evidence rule has limited application. "The best evidence rule applies only when evidence is offered to prove the terms or contents of a writing or recording; the best evidence rule applies to videotapes as well" and has been expanded to apply to photocopies. *State v. Teague*, 64 S.W.3d 917, 922 (Mo. App. 2002) (emphasis added); *State v. Jordan*, 751 S.W.2d 68, 76-77 (Mo. App.

body is also evidence and trial courts certainly would not allow a corpse to be brought into the courtroom. *Jones*, 835 S.W.2d at 380 (recognizing that relevant evidence may be excluded); *State v. McAfee*, 50 S.W. 82, 84 (Mo. 1899) (noting that introducing a bloody shirt into evidence to show there were marks on it was no more necessary than introducing the dead body itself).

Our issue is whether introduction of the bin into the courtroom brought "into [the] case matters wholly disproportionate to the value and usefulness of the offered evidence…." *Jones*, 835 S.W.2d at 380. Any incriminating evidence is inherently prejudicial, *Williams*, 652 S.W.2d at 113, and the balancing act between probative value and unfair prejudice is decided on the facts of each case. *State v. Brown*, 596 S.W.3d 193, 208 (Mo. App. 2020). Photographs of the bin had already been admitted into evidence and our review of the record demonstrates that the evidence was overwhelming and largely undisputed and unchallenged that DeJoie had abandoned JM's corpse in his apartment in that large bin. Gilding the lily in this way by having the jury see and smell this evidence was, in our judgment, problematic and unnecessary.

Ultimately, however, we need not reach the abuse of discretion question in this close case because the overwhelming weight of the evidence of DeJoie's guilt of these heinous crimes, such as CM's testimony and identification, police testimony, and DNA

1988). Furthermore, "[d]ating back to 1700, the [best evidence] rule requires not, as its common sense implies, the best evidence to every case, but rather the production of an original document instead of a copy." *Seiler v. Lucasfilm, Ltd.*, 808 F.2d 1316, 1318 (9th Cir. 1986) (emphasis added). Based on these rules, we find the best evidence rule has no application here because it has not been expanded to include physical evidence and we decline to do so here.

evidence, would readily overcome any prejudice that may have resulted from the admission of the bin into the courtroom. *State v. Gates*, 683 S.W.3d 726, 734 (Mo. App. 2024) ("Reversal of a [circuit] court's decision is not required when the overwhelming evidence of a defendant's guilt overcomes any presumption of prejudice from the allegedly erroneous admission of evidence.").

Point denied.

Point Three

DeJoie next asserts that the trial court abused its discretion in excluding DeJoie's expert's opinion on the cause of JM's death as beyond his area of expertise. We deny this point because the trial court properly allowed DeJoie's expert to testify extensively on the topic, toxicology, for which DeJoie offered and qualified him. DeJoie did not qualify him as an expert in forensic pathology or as otherwise qualified on specific cause-of-death issues.

Section 490.065.2 governs the admissibility of expert testimony in criminal cases. *State v. Aaron*, 665 S.W.3d 401, 406 (Mo. App. 2023). The statute provides that a witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify as to his opinions if: the expert's specialized knowledge will help the trier of fact to understand the evidence or a fact in issue; the testimony is based on sufficient facts or data; the testimony is the product of reliable principles and methods; and the expert has reliably applied the principles and methods to the facts of the case. Section 490.065.2(1)(a)-(d). Put more simply, admissibility of expert testimony requires

it to be relevant, reliable, and proffered by a qualified expert. *Aaron*, 665 S.W.3d at 406 (citing *State ex rel. Gardner v. Wright*, 562 S.W.3d 311, 319 (Mo. App. 2018)).

"In order for a witness to be qualified as an expert, it must be shown that by reason of specialized experience or education the witness possesses superior knowledge respecting a subject about which persons having no particular training are incapable of forming an accurate opinion or of reaching correct conclusions." *Whitnell v. State*, 129 S.W.3d 409, 413 (Mo. App. 2004). "If the witness has some qualifications, the testimony may be permitted." *Id.* "Any weaknesses in the factual underpinnings of the expert's opinion or in the expert's knowledge goes to the weight that testimony should be given and not its admissibility. In general, the expert's opinion will be admissible, unless the expert's information is so slight as to render the opinion fundamentally unsupported." *Id.* (citation omitted). "The qualifications of a witness to render an expert opinion lie within the trial court's discretion." *Blurton*, 484 S.W.3d at 770. But, the trial court's role as gatekeeper is not intended to serve as a replacement for the adversarial system because vigorous cross-examination, the presentation of contrary evidence, and the careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence. *Gardner*, 562 S.W.3d at 318-319 (quotation omitted).

But we need not get to these important considerations concerning the weight of the testimony as tested by our adversarial system because first, the court allowed Dr. Mullins to testify about the potentially fatal effects (morbidity) of four of the drugs found in JM's system and second, because DeJoie failed to demonstrate in the trial court that Dr. Mullins was qualified to opine on specific cause of death questions given that he was a

toxicologist and DeJoie did not qualify him on any other subject. *Whitnell*, 129 S.W.3d at 413. Point denied.

Point Four

The fourth and final point on appeal is whether the trial court abused its discretion in allowing a crime scene investigator to testify that JM's vehicle appeared to have been "wiped down." We disagree because the trial court enjoys broad discretion regarding admissibility of evidence and the jury already heard the recording of DeJoie's police interview in which he admitted that he had wiped down the car. And then, DeJoie's counsel made the same admission in closing argument. Therefore, the investigator's testimony was supported by the record.

"When a defendant makes a voluntary judicial admission of fact before a jury, it serves as a substitute for evidence and dispenses with proof of the actual fact and the admission is conclusive on him for the purposes of the case." *State v. George*, 606 S.W.3d 687, 688 (Mo. App. 2020). "This includes counsel's admission in opening statements and closing arguments." *Id.* A judicial admission is "generally conclusive against the party making [it.]" *State v. Lewis*, 582 S.W.3d 162 (Mo. App. 2019).

Here, defense counsel conceded during closing argument that "[Defendant] admitted that he wiped [JM's] car down for fingerprints" using "Clorox wipes." Thus, the court did not abuse its discretion because the jury already heard DeJoie's own admission in this regard. Point denied.

Conclusion

For the foregoing reasons we affirm the trial court.



James M. Dowd, Judge

Rebeca Navarro-McKelvey, Presiding Judge and
Gary M. Gaertner, Jr., Judge concur.