Missouri Court of Appeals

Southern District

In Division

STATE OF MISSOURI, Plaintiff-Respondent/Cross-Appellant, v. DANISHA RACHELLE PRICE, Defendant-Appellant/Respondent.	Nos. SD37979 and SD37987 Filed: January 12, 2026

APPEAL FROM THE CIRCUIT COURT OF STODDARD COUNTY

The Honorable Robert N. Mayer, Judge

AFFIRMED IN PART; REVERSED IN PART AND REMANDED WITH DIRECTIONS

In this case, both Danisha Rachelle Price ("Price") and the State appeal the judgment of the Circuit Court of Stoddard County, Missouri ("trial court") following a jury trial.

Price was charged by Amended Felony Information with one count of murder in the first degree (Count I), one count of abandonment of a corpse (Count II), one count of tampering with evidence (Count III), five counts of endangering the welfare of a child (Counts IV through VIII), and one count of resisting arrest (Count IX). After pleading

guilty to some of the charges the morning of trial, Price proceeded to trial on her charges of murder in the first degree, abandonment of a corpse, and tampering with physical evidence. The jury found Price guilty of involuntary manslaughter in the first degree, abandonment of a corpse, and tampering with physical evidence. Price filed a Motion for Judgmental [sic] of Acquittal After the Jury Returned a Verdict of Guilty ("Motion for Judgment of Acquittal"). The trial court granted Price's motion as to Count I, involuntary manslaughter in the first degree, sentenced her on the remaining counts, and entered judgment.

Price now appeals the trial court's judgment convicting her of abandonment of a corpse and tampering with physical evidence. *See* sections 194.425 and 575.100.[1] The trial court sentenced her to four years' imprisonment on each count, each sentence to be served consecutively to the other, for a total of eight years' imprisonment.[2] The State cross-appeals the trial court's granting of Price's post-verdict Motion for Judgment of Acquittal as to Count I, involuntary manslaughter in the first degree, after the jury returned a guilty verdict.

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[1] All references to statutes are to RSMo Supp. 2017, including changes effective August 28, 2017, unless otherwise specified. All rule references are to Missouri Court Rules (2025).

[2] On the morning of trial, Price pleaded guilty to five counts of endangering the welfare of a child and one count of resisting arrest. Price was also sentenced on the six counts she pleaded guilty to: seven years' imprisonment on each of the five counts of endangering the welfare of a child and four years' imprisonment for the one count of resisting arrest. The sentences imposed for the counts that proceeded to trial and one of the counts of endangering the welfare of a child were ordered to be served consecutively to each other, with the remaining sentences on the counts to which Price pleaded guilty to be served concurrently to each other and the other counts, for a total of 15 years' imprisonment.

Price raises 10 points on appeal. Points I through VII are directed toward evidence the trial court admitted at trial regarding Price's children "sleeping in the woods" and injuries the children sustained while sleeping in the woods when Price fled from police officers. Price contends in Point VIII the trial court erred in failing to grant Price's request for a mistrial based on admission of such evidence. In Point IX, Price assigns trial court error to the admission of certain evidence she claims is inadmissible hearsay. In her final point, Point X, Price claims the trial court abused its discretion in admitting expert testimony at trial after denying her request for a *Daubert*[3] hearing regarding Leucomalachite Green ("LMG")[4] presumptive testing. Conversely, the State's cross-appeal raises a single point on appeal: That the trial court erred in granting Price's Motion for Judgment of Acquittal on Count I, involuntary manslaughter in the first degree.

Finding no merit to Price's claims, we affirm the trial court's judgment convicting Price of abandonment of a corpse and tampering with physical evidence. In contrast, we determine the State's claim has merit and reverse the trial court's granting of Price's Motion for Judgment of Acquittal and remand to the trial court with directions to accept

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[3] ***Daubert v. Merrill Dow Pharms., Inc.***, 509 U.S. 579 (1993). ***Daubert*** held the federal rules require a trial judge to ensure expert testimony rests on a reliable foundation and is relevant. ***Id.*** at 597. ***Daubert*** determined the prior test that scientific expert testimony be based on techniques "generally accepted" set forth in ***Frye v. U.S.***, 293 F. 1013 (1923), had been superseded by the Federal Rules of Evidence. ***Id.*** at 584, 587.

[4] LMG is a presumptive test for human blood wherein a stain that is presumed to be blood is transferred to a piece of filter paper and a colorless reagent solution is added to the stain. The reagent turns a "bluish green color" if human blood is detected.

the jury's verdict as to Count I of involuntary manslaughter in the first degree and sentence Price on that conviction.

Factual Background and Procedural History

Factual Summary

Viewed in the light most favorable to the verdicts, the following facts were adduced at trial:

In July 2018, Price lived in a duplex in Doniphan, Missouri. B.E. ("Victim") lived in the adjoining half of Price's duplex. Victim was blind and disabled. Victim lost his left eye in 2001 as a result of an accident, and the vision in his right eye had deteriorated to the point where he could "kind of see shadows," though he could not read or see the television. He got around by "feeling his way" and he stumbled a lot. On July 3, 2018, Price and Victim purchased a maroon Suburban titled in both Price's and Victim's names. Victim paid for the vehicle, and he wanted Price to be able to drive back and forth to work and visit her kids, who were living in a foster home at that time, and to drive Victim around as needed. Price and her children spent time with Victim on July 4, 2018, and they went by Victim's friend's house that night to show off the vehicle, which Victim was "real excited" about. On July 5, 2018, Victim went to the Doniphan Police Department and reported that Price "[h]ad his vehicle" and "wouldn't return it."

Victim's sister ("Sister") often ran errands for him, including grocery shopping. On July 10, 2018, Sister saw Victim when she purchased and delivered his weekly beer and a new cell phone, since his cell phone had been missing since around July 4. Victim told Sister that Price, his girlfriend, had been gone since the weekend with the vehicle

they had purchased on July 3. Sister left Victim's home at approximately 7:30 p.m. and they agreed Sister would return the following day to have a landline installed and for Sister to drive him to Walmart to get a different kind of cell phone. Sister returned to Victim's home the following day, July 11, 2018, around 8:00 a.m. Victim was not home, and "nothing ha[d] changed since [she] was there [the previous] night." The beer and the pain medication she got for him the night before were untouched, even though Victim usually started drinking beer early in the morning. Over the next several days, Sister checked with neighbors and stopped by Victim's house each day, sometimes twice, to see if anything had changed. After not finding Victim at home the morning of July 15, 2018, Sister went to the Doniphan Police Department and reported Victim missing.

During the time frame Victim was missing, on July 13, 2018, Price called her mom and told her that her vehicle, the Suburban, was stuck in the mud. The next morning on July 14, 2018, Price's mom attempted to help Price get the Suburban unstuck from its location on a remote trail in the Mark Twain National Forest, but was unsuccessful. Later in the day on July 14, 2018, Price called a friend, C.R., and asked for her help getting the Suburban unstuck. C.R. and her husband, M.R., helped Price get the Suburban out of the mud the following morning, July 15, 2018.

On July 15, 2018, after Sister reported Victim missing and asked his neighbors to call her if they saw Price or the Suburban, Victim's neighbor called Sister and told her she saw the Suburban in Price's driveway. When Sister arrived at Victim's home, she saw that Price had exited her driveway and that a police officer was pulling Price over. Corporal Taun Harber, with the Doniphan Police Department, stopped Price for

displaying an expired temporary tag.[5] All five of Price's children, ages three to nine, were in the Suburban. Sister stopped in front of the Suburban and confronted Price at the driver's side window, asking Price what she had done to Victim. Sister noticed Price was holding a bottle of "maroon purplish" nail polish at the time. While Sister was present, one of the officers asked Price for the Suburban's proof of ownership, and Price produced the title from the glove compartment with both her name and Victim's name on it. An officer then asked Sister to leave while the traffic stop was conducted.

Corporal Harber testified at trial that when he pulled Price over and approached the Suburban, he noticed the passenger's side rear tire was low, and five children were "spread out through the vehicle." He informed Price who he was, why he stopped her, and asked for her driver's license and proof of insurance. While Corporal Harber returned to his car and was writing Price several tickets, Price sped off.[6] Corporal Harber and another officer who was on scene, Officer John Redus, pursued Price in their marked patrol vehicles with their emergency lights and sirens activated. Price did not stop, drove in excess of the speed limit, failed to stop at stop signs, failed to use turn signals, drove in the middle of the road, and crashed into a guard rail, causing the Suburban to spin out of control. Price regained control of the Suburban and continued to flee. The officers used their loud speaker and instructed Price to stop. Price ignored the officers and the pursuit

[5] Corporal Harber later discovered that the expired tag also "checked to some kind of Ford" and did not even belong to the Suburban.

[6] Corporal Harber testified at trial that he was intending to arrest Price and have the foster parent come get the children.

continued to the county line between Ripley County and Oregon County where the officers stopped pursuing Price. The pursuit lasted 25 or 30 minutes.

Corporal Harber testified that, the next day, he was informed by his police chief that the Suburban had been found abandoned in a church parking lot "four or five miles from where [officers] stopped pursuing" the Suburban the day prior at the county line. Corporal Harber secured the vehicle and had it transported to the Doniphan Police Department. Price and her five children had fled into the woods behind the church where they stayed for three days. Price was arrested on July 17, 2018, after police were contacted when she and her children went to a house where a lady gave them food.

Corporal Harber testified that, after obtaining a search warrant, the Suburban was searched on July 18, 2018. There was "a lot of damage" to the front driver's side corner of the vehicle, the rear passenger's side tire was blown out, and the running board had "silt and sand looking dirt" on it. The back of the vehicle was covered with the "same brown sand, silt type stuff[.]" The vehicle had a branch or bark stuck in one of the side mirrors along with scratches along the sides. The vehicle also had purple fingernail polish and blood on the interior fabric of the roof, shoulder area, arm rest and side of the front passenger's seat, front passenger's door interior, and throughout the interior. Small pools of blood were present on the front passenger's seat where the backrest met the seated portion of the seat and the floormat for that seat was missing. A bottle of purple fingernail polish which appeared to be the same color of that present throughout the interior of the vehicle was located in the glove box. There was also evidence that Price had lit a book on fire and threw it in the Suburban in an attempt to burn the vehicle,

which resulted in a burn spot under the second row seat. There was a shovel with a handle protruding over the third-row seat. A cell phone with a cracked screen, another damaged cell phone, and a black flip phone were also located therein. Corporal Shannon Sitton, a criminal investigator with the Missouri State Highway Patrol ("MSHP"), testified he took a number of swabs from the interior of the Suburban, including swabs of what he thought was blood, from the center console and front passenger's seat.

On July 19, 2018, investigators interviewed C.R. and her husband who they had learned had pulled the Suburban out of the mud after it had gotten stuck earlier that week. Price called C.R. about 5:00 p.m. on Saturday, July 14, 2018, informing her that her vehicle was stuck and offering her $20.00 to pull her out. C.R. and her husband picked Price up the next morning, Sunday, July 15, 2018, walking along the highway. Price directed them down a single-lane road off the highway to a gravel road to a path "a couple of miles" into a "really isolated" area of the Mark Twain Forest. Officers then searched the area where C.R. described the vehicle had been stuck in an effort to find Victim.

Corporal Harber, Corporal Sitton, and Corporal Patton, another MSHP investigator, testified at trial about the search for Victim. They described driving down a paved road to a gravel road into a campground, then to a very narrow logging road that turned into a four-wheeler path, to a dry creek bed in the middle of the Mark Twain National Forest. The officers' vehicles were scratched and dented on the sides by branches and limbs from driving on the narrow path. Victim's lifeless body was found "right off the path" during the early morning hours of July 20, 2018, approximately 350

feet from where the Suburban had been stuck in the mud, and the Suburban's passenger's side floormat was sticking out of the water, "embedded down in the sand and the gravel[.]" Vulture feathers were nearby on the grass and an odor was coming from Victim's body, which was covered up with some light logs and dead limbs. Corporal Sitton saw "vehicle tracks" and "tire marks" in the creek bed, and "brush had been pushed down" approximately 350 feet from where Victim's body was found.

Victim's body was in a moderate state of decomposition when it was found. Dr. Deidiker, a forensic pathologist, testified at trial that he concluded the manner by which Victim died was "homicide by undetermined method," rather than natural, accident, suicide, or undetermined. He testified that he reached this conclusion "[b]ased on [his] examination of the body, based on the toxicology results, based upon information [he] was provided about where the body was located, and in the absence of any other cause of death—primarily based upon the scene investigation," "[t]he condition of the body and how it was found" and that "signs of trauma may disappear" with decomposition. He estimated Victim's "date of death and the start of that decomposition" was "approximately one week prior" to his examination. The specific cause of death could not be determined due to the condition of Victim's body, which Dr. Deidiker described as "moderately decomposed, partially skeletonized … [s]o there can be injuries or other things that happened to the body that once the decomposition process starts, those signs of trauma may disappear." He testified that there was "an apparent fracture of the hyoid bone[,]" a bone that sits in the throat at the base of the tongue, which is often seen with manual strangulation and can cause death, as well as a fracture of the right lateral sixth

rib, which could be consistent with some trauma or a blow to that location, though he admitted that he could not tell for sure if those injuries predated Victim's death or that they were the cause of death. He also testified that there was "significant decomposition and tissue loss" in the neck area, which could be evidence of injury that caused it to decompose more rapidly, and that a blow or kick to the throat could have fractured the hyoid bone.

The lead criminal investigator in the case with the MSHP, Sergeant Jeff Johnson, testified that as a result of the investigation, they ultimately determined that Price caused Victim's death. He emphasized that Victim's hyoid bone was damaged, that his rib was damaged, that the excessive amount of insect activity around his throat was consistent with trauma to that location, and that there was an "excessive amount of blood in the vehicle," which contributed to "an array of evidence that paints the picture that [Price] … killed [Victim] in her vehicle, and disposed of his body." He also testified that lab reports he reviewed concluded that Victim's blood was found in the Suburban.

Additional facts necessary to the disposition of Price's appeal are included below as we address her 10 points of error and the State's single point of error on its cross-appeal.

Price's Points on Appeal

Standard of Review

Nine of Price's points on appeal, Points I-VII and IX-X, assign trial court error to the admission of certain evidence at trial. Trial courts have broad discretion in admitting

or excluding evidence during a criminal trial. ***State v. Wood***, 580 S.W.3d 566, 574 (Mo. banc 2019).

> Admission of evidence by the trial court is reviewed by this Court for abuse of discretion. *State v. Brown*, 661 S.W.3d 27, 38 (Mo. App. S.D. 2023). A trial court's discretionary rulings are presumed correct and the burden of overcoming the presumption is on the defendant. *Id.* Regardless, "[e]rrors in admitting evidence require reversal only when prejudicial to the point that they are outcome-determinative." *State v. Johnson*, 207 S.W.3d 24, 42 (Mo. banc 2006). Outcome-determinative prejudice is a judicial finding that but for the erroneously admitted evidence, there is a reasonable probability the jury would have acquitted the defendant. *Id.*; *State v. Barriner*, 34 S.W.3d 139, 150 (Mo. banc 2000). This Court reviews the trial court's evidentiary ruling for outcome-determinative prejudice, not mere error. *State v. Yung*, 246 S.W.3d 547, 555 (Mo. App. S.D. 2008).

State v. Henry, 696 S.W.3d 59, 67 (Mo. App. S.D. 2024).

One point on appeal, Point VIII, assigns trial court error for not granting Price's request for a mistrial. The refusal to grant a defendant's motion for a mistrial is likewise reviewed by this Court for an abuse of discretion. ***State v. Lechner***, 711 S.W.3d 438, 458-59 (Mo. App. S.D. 2025); ***State v. Bruce***, 677 S.W.3d 867, 873 (Mo. App. S.D. 2023). "An abuse of discretion occurs when a defendant is prejudiced such that there is a reasonable probability that the outcome at trial would have been different if the error had not been committed." ***Id.*** at 873 (quoting ***State v. Minor***, 648 S.W.3d 721, 732 (Mo. banc 2022)). The grant of a mistrial is a drastic remedy and should be granted only in the most extraordinary circumstances where there is no adequate remedy to correct a grievous error. ***Lechner***, 711 S.W.3d at 458. The trial court is in the best position to determine whether an error was so prejudicial as to require a mistrial. ***Id.***

Points I through VIII

In Points I through VIII, Price claims the trial court abused its discretion in admitting evidence related to Price sleeping and hiding in the woods with her children over a span of three days as she fled from police officers and of the injuries suffered by the children (Points I-VII) and that the trial court's error in admitting this evidence entitled her to a mistrial (Point VIII). In each of these eight points on appeal, Price claims the evidence regarding her children's "time in the woods was irrelevant as it was more prejudicial than probative, since she had already pleaded guilty to five counts of child endangerment for that event."

Specifically, Price argues the trial court erred in admitting (1) the testimony of Son 1 (Point I) and Son 2 (Point II); (2) Exhibits 2, 2A, 4, and 4A containing interview recordings and transcripts of Son 1's (Point III) and Son 2's (Point IV) interviews at the Child Advocacy Center ("CAC"); (3) the testimony of a nurse practitioner and CAC interviewers regarding "their observations about the children's condition" (Point V); (4) Exhibits 11A-C, 12A-D, 13A-C, 14A-D, and 15A-C, pictures of the children's scratches and bug bites (Point VI); and (5) Exhibits 6-10, the children's medical records regarding their condition (Point VII). In Point VIII, Price claims the trial court abused its discretion in overruling her request for a mistrial based on the "extensive evidence regarding the children sleeping in the woods and the injuries they sustained[.]" Price argued at trial, and now argues on appeal, that this evidence, while relevant to the endangering the welfare of a child and resisting arrest counts she pleaded guilty to, is wholly irrelevant to the remaining charges she was being tried on at trial, and is more prejudicial than probative.

Additional Facts Relevant to Points I-VIII

Before her trial began, Price filed a First Motion in Limine seeking to exclude certain evidence at trial, including evidence of "[a]ny alleged criminal activity by [Price] that relates to any charge for which [Price] is not on trial[,]" "[a]ny uncharged acts of misconduct allegedly committed by [Price][,]" and "[e]vidence of any prior convictions of [Price]" unless she testified. Price argued that such evidence was irrelevant, inadmissible, and would unfairly prejudice her. The trial court granted Price's motion.

On the morning of trial, Price pleaded guilty to Counts IV through IX, the charges of endangering the welfare of a child and resisting arrest. After doing so, Price filed a Fifth Motion in Limine seeking to exclude evidence related to those specific charges, specifically evidence of "the car chase [and Price and her children's] time in the woods … that relates to Counts [IV] through -[IX]" because it was "now irrelevant" since Price pleaded guilty to those counts. Specifically, Price sought to exclude the "testimony of the minor children, DFS workers, Police Officers, and lay witnesses[.]" During a pretrial hearing on the motion, Price argued to exclude those witnesses' testimony "with regard to the nature of the crimes committed in four though nine" and the testimony of "the CAC workers as well." Price argued that the evidence related to those counts was "wholly irrelevant" to the charges that were proceeding to trial. The State argued that Price's flight, and the extent of that flight, from law enforcement goes to her consciousness of guilt, that her children witnessed her tampering with evidence by painting purple fingernail polish on "the blood evidence[,]" and that the children heard her make statements relevant to the murder, tampering, and abandonment charges. The State

further argued that Price's guilty pleas to those six counts have no bearing on the evidence that should be allowed in the case. The trial court denied Price's motion.

At trial, Price's oldest son ("Son 1") testified that he and his four younger siblings were visiting Price at her house on July 15, 2018, and that they all got into the Suburban wearing swim trunks and swimsuits and were "going to the river[.]" He testified that when he got into the Suburban he noticed the right rear tire was low and there was blood on the ceiling and seats and asked Price what it was. Price told him she had "hit a deer." Son 1 testified that the front of the Suburban was not dented at all. Son 1 stated that when Corporal Harber pulled the Suburban over, Price started painting purple finger nail polish on the blood spots "wiping it all over." Son 1 also testified that while the officer was back at his car, Price "put[] it in drive and … dr[ove] off" "[v]ery fast," before the officer concluded the stop. He testified he had heard somebody say Price was going to be arrested. Son 1 told Corporal Patton, who also testified at trial, that Price stated "if she's caught by law enforcement, she's going to go away for a long time."

Son 1 further testified, over defense counsel's objection,[7] about Price's flight from police, including their three days spent in the woods. Son 1 specifically testified that during her flight from police, Price hit the railing of a bridge, spun out of control, hit another car, regained control, and continued to drive away while the police were behind them with lights and sirens activated, but the police eventually stopped following them.

[7] During trial, the defense continuously "renewed" the relevancy objections asserted in its Fifth Motion in Limine related to various witnesses' testimony and exhibits related to the children's injuries and their time with Price in the woods. The defense also argued that the evidence was cumulative, which they do not argue on appeal.

Son 1 testified they pulled up beside a church, they all got out of the vehicle when Price told them to do so, and then Price lit a book on fire and threw it in the car. He testified they all then ran into the nearby woods, but that he did not have shoes on.

Son 1 also testified that they stayed in the woods until dark, at which point they lay down on the sand by the river. Price told the children to take off their clothes "[b]ecause [they] were trying to hide" and to put branches on top of them. When they got up the next day, they put clothes on and ran some more. They spent the next three days in the woods without food or drinking water, drinking only from the river. They found and slept in an abandoned house another night. Price stole crackers from the store for the children. On the third day, they ran and hid again and went to a house where a lady gave them food before police arrived and arrested Price.

The site coordinator and forensic interviewer with the CAC, Tina Miller, testified over defense counsel's objection. Ms. Miller testified she conducted interviews of Son 1 and another of Price's children on July 18, 2018. She testified that Son 1 had cuts on his ankles and legs and numerous bug bites when she interviewed him, and that his younger sister had cuts and bandages on her feet, was covered in bug bites, and was scratching during the interview with her. During her testimony, the State offered into evidence the DVD interview of Son 1 as State's Exhibit 2, and a transcript of Son 1's interview as State's Exhibit 2A. The trial court admitted both exhibits into evidence over defense counsel's objections, the transcript was given to the jury, and the video was played for the jury.

Price's second oldest son ("Son 2") testified similarly to Son 1 regarding the purple nail polish and the police pursuit, Price attempting to set the Suburban on fire, and fleeing into the woods for three days, all over defense counsel's objection.

The Director of Forensic Services and forensic interviewer with the CAC, Kim Lowery Grimm, also testified over defense counsel's objection. Ms. Lowery Grimm testified she conducted interviews of Son 2, and two other children of Price, on July, 18, 2018. She testified that the children had scratches and bites on their legs and bodies, and that they were itching at times during their interviews. She testified about the disclosures that Son 2 made to her in his interview regarding their visit with Price, her flight from the police, and their stay in the woods. During her testimony, the State offered into evidence the DVD interview of Son 2 as State's Exhibit 4, and a transcript of Son 2's interview as State's Exhibit 4A. The trial court admitted both exhibits into evidence over defense counsel's objections, the transcript was given to the jury, and the video was played for the jury. Son 2 told Ms. Grimm during the interview that Price had stated during their flight from police that she did not "want them to figure out that it might be me."

A nurse practitioner for the CAC, Celeste Williams, testified over defense counsel's objection that she conducted physical examinations of Price's children on July 18, 2018. She testified all of them had multiple bug bites, scratches or wounds from thorns, and other signs consistent with sleeping by a river without clothes, wearing wet clothes, and living in the woods for several days. She diagnosed the children with child physical abuse, dehydration, and urinary tract infections. She also testified that one of the girls had contact dermatitis that had become infected. The State moved to admit State's

Exhibits 6-10, copies of portions of the children's medical records containing diagrams generated by Ms. Williams from her examination of the children, which the trial court admitted over defense counsel's objections. Also during her testimony, Ms. Williams identified several different photographs of Price's children that were taken during her physical examination of the children that represented a fair and accurate depiction of how the children appeared that day. The trial court admitted the photographs as State's Exhibits 11A-C, 12A-D, 13A-C, 14A-D, and 15A-C over defense counsel's objections and the photographs were published to the jury. The pictures depicted multiple insect bites, bruises, abrasions, "gaulded" or chafed skin, scratches, open wounds, and dirt and debris on the children's bodies consistent with Ms. Williams's testimony regarding her examination of the children. One child had papullar dermatitis on the back of her legs and contact dermatitis on her right forearm.

Analysis

> For evidence to be admissible, it must be both logically and legally relevant. *See State v. Mills*, 687 S.W.3d 668, 677-78 (Mo. banc 2024). "Evidence is logically relevant when it tends to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence[.]" *State v. Love*, 700 S.W.3d 288, 294 (Mo. App. W.D. 2024) (quoting *State v. Smith*, 798, 805 (Mo. App. E.D. 2024)). "Evidence is legally relevant if its probative value outweighs the danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, waste of time, or cumulativeness." *Mills*, 687 S.W.3d at 677-78 (quoting *Davis v. State*, 653 S.W.3d 169, 174 (Mo. App. S.D. 2022)).

State v. Gilliam, 716 S.W.3d 32, 35 (Mo. App. S.D. 2025).

> The general rule is that evidence of uncharged misconduct and prior convictions is inadmissible to show a defendant's propensity to commit such crimes, for fear that the jury would convict the defendant based on the

> propensity rather than on the evidence presented to support the particular crime charged. *State v. Adams*, 443 S.W.3d 50, 55 (Mo. App. E.D. 2014). Although a criminal defendant has the right to be tried for only the charged offense, evidence of prior bad acts may be admissible to establish motive, intent, the absence of mistake or accident, a common scheme or plan, the identity of the defendant on trial, or a coherent picture of the overall events. *State v. Miller*, 372 S.W.3d 455, 473 (Mo. banc 2012). "Generally, acts, statements, occurrences, and the circumstances forming part of the main transaction may be shown in evidence ... where they precede the offense immediately or by a short interval of time and tend, as background information, to elucidate a main fact in issue." *State v. Madrigal*, 652 S.W.3d 758, 774 (Mo. App. E.D. 2022) (citation omitted).

State v. Wilson, 692 S.W.3d 54, 65 (Mo. App. E.D. 2024). Further, evidence of prior crimes or convictions may be admissible even if it does not fall into one of the exceptions if it is logically and legally relevant. ***State v. Blackmon***, 941 S.W.2d 526, 528 (Mo. App. E.D. 1996). "Evidence is logically relevant if it has some legitimate tendency to directly establish the accused's guilt of the charges for which the accused is on trial." ***Id.***

Here, the trial court did not abuse its discretion in admitting evidence related to Price's prior convictions or uncharged crimes, wrongs, or bad acts, including her flight into the woods with her children, the children sleeping in the woods, and their injuries sustained while in the woods for days, because said evidence was logically and legally relevant, and it fit into multiple other exceptions to the general rule that this evidence is generally inadmissible. Specifically, this evidence was admissible to establish Price's motive, intent, absence of mistake or accident, a common scheme or plan, to prove or disprove a fact in issue or corroborate relevant evidence bearing upon a principal issue, to present a complete and coherent picture of the events related to the crimes Price was charged with, and the quality and depth of her consciousness of guilt.

The evidence established at trial was that Price fled from police at a high rate of speed, disregarding traffic laws after police pulled her over with her children in the car; that she attempted to burn her vehicle by lighting a book on fire and throwing it in the vehicle, and then fleeing with her children into the woods to avoid capture by the police. Evidence was presented that her children noticed blood on the inside of the vehicle, which Price falsely attributed to hitting a deer and putting the deer in the vehicle. In fact, Price concedes this evidence was relevant. Son 1 testified that he saw Price putting purple nail polish on the blood spots in the vehicle, and Son 2 informed the forensic interviewer that he saw the same. Price further agrees this evidence was relevant. Evidence of Price altering or concealing blood evidence in the Suburban in an attempt to impair its availability in the official investigation into Victim's murder is directly related to her charge of tampering with physical evidence.

Price also concedes that the evidence of her fleeing the police stop was admissible as consciousness of her guilt. Although Price argues that "nothing else [related to her children] was necessary" and that "[t]he children's ordeal in the woods was irrelevant[,]" evidence regarding the extent of Price's attempts to avoid capture by abandoning the Suburban after she attempted to set it on fire, leading her children to hide in the woods, and the resulting harm to and suffering of her children including dehydration, scratches, and extensive insect bites is relevant evidence of Price's intent and motive to have committed the charged offenses. The evidence provides a complete and coherent picture of the events surrounding Victim's death up until the time Price was arrested, and is also

evidence of the quality and depth of her consciousness of guilt, particularly in a case such as this based on circumstantial evidence.

Further, the trial testimony of multiple CAC staff, together with exhibits detailing the children's injuries, health conditions, and the personal account of events from Sons 1 and 2, evidenced Price's intent, motive, and consciousness of guilt. Son 1 testified that they remained in the woods for three days without food and water and that Price covered them with branches overnight to ensure they were hidden because they were trying to avoid the police, which further evidenced the consciousness of her guilt for the charged offenses, including Victim's killing. The evidence was part of a continuous sequence of events resulting in Price's arrest which gave the jury a complete picture of Price's flight and the full extent she went to, ignoring her own children's suffering and discomfort, in an effort to escape and evade the police and further evidences her consciousness of guilt to having killed Victim.

Additionally, Price erroneously contends in Point VIII that the quantity of evidence admitted regarding the children sleeping in the woods and their injuries resulted in such evidence becoming more prejudicial than probative, and that the trial court should have granted her request for a mistrial. Price fails, however, to pinpoint the tipping point at which the evidence became more prejudicial than probative. This tipping point is within the province of the trial court. ***State v. Emery***, 701 S.W.3d 585, 605-06 (Mo. banc 2024). Identifying the line of where evidence becomes more prejudicial than probative and "weighing the probative value against any unfair prejudice is the day-to-day work of circuit courts." ***Id.***

This Court will not find error absent a clear showing that the trial court abused its discretion. Price failed to do so here. The trial court did not abuse its discretion in overruling Price's objections and admitting evidence of the children sleeping in the woods and their resulting injuries or in denying Price's motion for a mistrial based on the admission of this evidence.

Points I through VIII are without merit and are, therefore, denied.

Point IX

In Point IX, Price claims the trial court erred in admitting statements into evidence made by Victim to C.M. – that Price was "doing him wrong[,] "had his truck," and she "had stolen some money from him." Price claims the statements were hearsay and she "did not forfeit her objection by any wrongdoing[.]" Because these statements were not offered to prove the truth of the matter asserted, that Price was in fact "doing him wrong[,]" "had his truck," and "had stolen some money from him," the statements were not hearsay. Even if the statements were hearsay, other similar statements made by Victim to others were also admitted at trial without objection and Price was not prejudiced by their admission.

Additional Facts Related to Point IX

Prior to trial, Price filed a Second Motion in Limine seeking to exclude, among other things, certain out-of-court statements made by Victim to C.M., his friend, shortly before Victim went missing that Price "had his vehicle and would not return it." Price argued the statement was hearsay not within any exception, potential evidence of uncharged prior bad acts of Price, and that Price was an owner of the vehicle per the title.

During a pretrial hearing, the State argued that the statements were admissible based on "forfeiture by wrongdoing,"[8] stating that Victim "might possibly be testifying" about the theft of his vehicle since he sought law enforcement involvement but that Price made him unavailable to do so by killing him. The trial court took the motion under advisement at that time.

The trial court took up the matter again during a second hearing. The State added to its previous argument stating that it was "actually not even offering those statements for the truth to show that [Price], in fact, stole a vehicle, but rather that's what [V]ictim believed[,]" therefore the statements showed Victim's state of mind when he made the statements. The trial court found the statements "could go towards motive and certainly can be used … for something other than to prove the truth of the matter asserted" and denied Price's motion.

C.M., Victim's friend, testified at trial over Price's renewed "as stated before" objection,[9] which the trial court overruled, that he had seen Victim "a couple of times" that month, "once right before" he went missing. He testified that Victim "told [him] that

[8] The forfeiture by wrongdoing exception to the general rule that hearsay statements are inadmissible allows hearsay testimony if a witness is unavailable by the defendant's wrongful acts: "if a witness is absent by [defendant's] own wrongful procurement, [defendant] cannot complain if competent evidence is admitted to supply the place of that which he has kept away." ***State v. Buechting***, 633 S.W.3d 367, 377-78 (Mo. App. E.D. 2021) (quoting ***State v. McLaughlin***, 265 S.W.3d 257, 271 (Mo. banc 2008)).

[9] The defense previously objected to said testimony as hearsay in Price's Second Motion in Limine.

[Price] was doing him wrong and she had his truck, and stole some money and stuff from him" and that he "did not know [Price] personally."

Analysis

"Any out-of-court statement used to prove the truth of the matter asserted and that depends on the veracity of the statement for its value is hearsay." ***State v. Christianson***, 642 S.W.3d 793, 799 (Mo. App. S.D. 2022). As a general rule, hearsay statements are inadmissible:

> because they lack the conventional indicia of reliability: they are usually not made under oath or other circumstances that impress the speaker with the solemnity of his statements; the declarant's word is not subject to cross-examination; and he is not available in order that his demeanor and credibility may be assessed by the [fact finder].

State v. Moore, 721 S.W.3d 893, 899 (Mo. App. S.D. 2025) (quoting ***Chambers v. Mississippi***, 410 U.S. 284, 298 (1973)).

"If out-of-court statements are not offered for the truth of the matter asserted, however, the statements do not constitute hearsay, and 'there is no basis for requiring the proponent of the testimony to fit within an exception to the hearsay rule[.]'" ***State v. Hollowell***, 643 S.W.3d 329, 337 (Mo. banc 2022) (quoting ***State v. Bell***, 62 S.W.3d 84, 89 (Mo. App. W.D. 2001)). "The testimony of a witness regarding the statement of another is hearsay only when the statement is offered as proof of the matters stated therein." ***State v. Joiner***, 823 S.W.2d 50, 55 (Mo. App. E.D. 1991).

> Not all out-of-court statements are hearsay. The hearsay rule only prohibits admission of evidence of out-of-court statements offered to prove the truth of the out-of-court declaration. … Utterances made contemporaneously with or immediately preparatory to an act which is material to the litigation that tends to explain, illustrate or show the object

> or motive of an equivocal act and which are offered irrespective of the truth of any assertion they contain, are not hearsay and are admissible.

State v. Copeland, 928 S.W.2d 828 (Mo. banc 1996), *rev'd on other grounds by* ***Joy v. Morrison***, 254 S.W.3d 885, 888 n.7 (Mo. banc 2008).

Here, the State did not offer Victim's out-of-court statements to C.M. for the truth of the matter asserted. Rather, the evidence was offered to show knowledge and motive, which was a permissible use of the statements. Because the statements were not offered to prove the truth of the matter asserted, the statements do not constitute hearsay and were admissible. The statements were relevant to show discord between Victim and Price right before he disappeared, and that Price might have had a motive to kill Victim. In addition, other evidence admitted at trial showed the Suburban was titled in both Victim's and Price's names, refuting an inference that the Suburban was Victim's alone or that Price did not have a right to the vehicle.

Moreover, even if the statements constituted inadmissible hearsay and the trial court erred in admitting the statements, Price was not prejudiced. Admission of "[e]vidence that is cumulative to other properly admitted evidence is not prejudicial." ***Christianson***, 642 S.W.3d at 800. Here, C.M.'s testimony mirrored other testimony from Sister and Corporal Harber, which Price does not challenge. Sister testified that Victim told her on the last day she saw him alive that Price had been gone since the weekend with the Suburban. Corporal Harber testified that Victim had gone to the police station on July 5 and reported that Price would not return the Suburban he had purchased. Also,

other evidence admitted at trial showed Price's name was on the vehicle's title,[10] which negated any prejudicial effect of the out-of-court statement that she had stolen the vehicle.

Point IX is denied.

Point X

In her final point on appeal, Point X, Price claims the trial court abused its discretion in admitting expert testimony at trial after denying her request for a *Daubert* hearing regarding LMG testing that indicated spots in the Suburban were presumptively blood. Price claims admission of expert testimony that the spots were presumptively blood violates section 490.065 and her right to due process in that the expert's testimony was not shown to be the "product of reliable principles and methods."

Additional Facts Related to Point X

On the morning of trial, Price filed a Sixth Motion in Limine requesting a *Daubert* hearing be held relating to LMG testing the MSHP crime laboratory conducted to determine the reliability of the LMG test that indicated spots found in the Suburban were presumptively blood. Defense counsel argued they needed to have a *Daubert* hearing about the reliability of the test, but informed the trial court the defense was not disputing the qualifications of the State's expert witness, Diane Higgins, a criminalist with the MSHP crime lab, to testify. Defense counsel argued that if the trial court found the

[10] Sister testified that during the traffic stop Price produced the title to the Suburban which listed both Price's and Victim's names as owners. An additional witness, a friend of Price, likewise testified that the Suburban was titled in both Price's and Victim's names.

requirements under *Daubert* to be met, that the trial court instruct the State to refer to the spots as presumptively blood, but not confirmed blood. The State argued that a *Daubert* hearing was not necessary or required, and stated that Ms. Higgins would testify that the LMG test is reasonably relied upon by experts in the field, it is part of her procedures, and that the test was reasonably and reliably implemented in the present case. The trial court denied Price's motion.

Ms. Higgins testified at trial that she performed LMG presumptive testing for blood on swab samples taken from the Suburban. Ms. Higgins stated that she had sufficient material, facts, and data to conduct the test and that she applied reliable methods and tests that are accepted in her field. Ms. Higgins explained that the LMG test is a presumptive test for the presence of blood; that the test cannot determine if a substance is 100% blood; and that the LMG test is a step in the approved process for determining if a sample is blood. Ms. Higgins explained that the hemoglobin in blood has a "peroxidase[-]like activity" that "when it comes in contact with the LMG, the hydrogen peroxide can get oxidized, and it turns a bluish green color[.]" Ms. Higgins acknowledged that a reaction can occur if the test "sits too long" and false positive results can occur with other substances such as chlorine, Borax, rust, bleach, horseradish, or any other substance that oxidizes. Ms. Higgins testified that the sample swabs tested presumptively positive for blood under the LMG test. Ms. Higgins reiterated that the LMG test does not definitively tell one if a substance is blood. Following the positive LMG test, Ms. Higgins took a sample directly for DNA testing according to protocol. The sample developed a male DNA profile.

Analysis

Section 490.065.2 governs the admissibility of expert testimony in the majority of cases. Section 490.065.2 provides:

> 2. In all actions except those to which subsection 1 of this section applies:
> (1) A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:
> (a) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
> (b) The testimony is based on sufficient facts or data;
> (c) The testimony is the product of reliable principles and methods; and
> (d) The expert has reliably applied the principles and methods to the facts of the case[.]

Section 490.065.2. "Under [section] 490.065.2, admissibility of expert testimony requires simply that it be relevant, reliable, and proffered by a qualified expert." ***State v. Aaron***, 665 S.W.3d 401, 406 (Mo. App. E.D. 2023); *see* ***State v. Schwarz***, 702 S.W.3d 129, 139 (Mo. App. W.D. 2024) (holding section 490.065.2 "involves a three-part test: (1) whether the expert is qualified, (2) whether the testimony is relevant, and (3) whether the testimony is reliable"). Section 490.065 does not require the trial court to hold a formal hearing to determine if these requirements are met. *See* ***State v. Mills***, 623 S.W.3d 717, 731 (Mo. App. E.D. 2021) ("A formal ***Daubert*** hearing is not required by statute.")

Here, Price does not dispute the qualifications of the State's expert witness, Ms. Higgins, to testify and conceded she is an expert in her field. In arguing for exclusion of Ms. Higgins's testimony surrounding the LMG test results, Price only challenged the "reliability" of the LMG test results on the basis that they were presumptive, rather than conclusive.

Our Supreme Court has previously held that a test being "presumptive" is not a basis for exclusion. *See* ***State v. Taylor***, 298 S.W.3d 482, 500 (Mo. banc 2009) ("[P]resumptive blood tests are admissible as long as the test is accurately described so it is helpful to the jury."). The Court held:

> Scientific tests do not have to be conclusive to be admissible. Although some states require that the test be conclusive, other states have held that presumptive blood tests are admissible as long as the test is accurately described so it is helpful to the jury. *See State v. Canaan*, 265 Kan. 835, 964 P.2d 681, 694 (1988); *State v. Stenson*, 132 Wash.2d 668, 940 P.2d 1239, 1264-65 (1997). If the jury is fully informed, the fact that the test may react positively to substances other than blood affects the weight given to the evidence, not its admissibility. *See State v. Ferguson*, 20 S.W.3d 485, 495 (Mo. banc 2000); *Canaan*, 964 P.2d at 694.[]
>
> The test results were relevant and admissible. Although a conclusive test for blood was not performed, the scientific testimony at trial informed the jury that the phenolphthalein test was only a presumptive test, indicating only the possible presence of blood, and that no confirmatory test had been performed because of the size of the sample. The evidence of the test results was not misleading because the jury was informed of the size of the sample and the nature and limitations of the test performed and the respective results.

Id. at 500-01 (footnote omitted).

Here, like in ***Taylor***, the trial court did not abuse its discretion in admitting Ms. Higgins's expert testimony that the spots found in the Suburban screened positive for blood using the LMG test under the limiting conditions of such presumptive testing. Ms. Higgins first testified as to her education, qualifications, and training as an expert in crime lab testing and further stated she had sufficient materials, facts, and data to conduct the testing and that she used reliable methods that are accepted in her field in conducting her tests. Ms. Higgins explained that her testimony regarding LMG testing would illustrate to the jury how she screens blood and provides DNA profiles. She testified

repeatedly that the LMG test was only presumptive for the presence of blood and was not conclusive. She instructed the jury that further testing was required to conclude that blood was present and the quantity of blood was insufficient to do so. Ms. Higgins specifically testified that she was "not telling this jury it's definitely blood." Ms. Higgins acknowledged that a reaction can occur if the test "sits too long" and false positive results can occur with other substances such as chlorine, Borax, rust, bleach, horseradish, or any other substance that oxidizes. Because the jury was well informed that the test results from the Suburban indicated only the possible presence of blood, not that the samples were conclusively blood, the trial court did not abuse its discretion in admitting the testimony regarding the presumptive test results. In addition, because a formal *Daubert* hearing was not required, the trial court did not commit error by not holding one. Point X is denied.

Respondent's Point on Cross-Appeal

The State cross-appeals. In a sole point on appeal, the State claims the trial court erred in granting Price's Motion for Judgment of Acquittal as to Count I, involuntary manslaughter in the first degree. The State claims there was sufficient evidence to support the jury's verdict finding Price guilty of involuntary manslaughter in the first degree in that there was evidence from which a reasonable jury could have found Price recklessly caused Victim's death including evidence that Price abandoned Victim's corpse, tampered with "evidence of Victim's blood" in her vehicle, fled from police, attempted to set her vehicle on fire, evaded arrest for three days by hiding in the woods, and made incriminating statements, as well as Dr. Deidiker's determination that Victim's cause of

death was homicide and the fact that Victim had suffered "an apparent fractured hyoid bone." We agree.

Additional Relevant Facts and Procedural History

At the close of the State's evidence at trial, Price filed a Motion for Judgment of Acquittal at the Close of State's Evidence. The trial court denied the motion noting that "deliberation may be inferred from the certain circumstances surrounding the crime." Price filed a Motion for Judgment of Acquittal at the Close of All Evidence. Again, the trial court denied the motion.

Before closing arguments, the trial court instructed the jury it must find Price guilty or not guilty of murder in the first degree, murder in the second degree, involuntary manslaughter in the first degree, abandonment of a corpse, and tampering with physical evidence.

Following closing arguments, the jury returned verdicts of guilty on Count I, involuntary manslaughter in the first degree, Count II, abandonment of a corpse, and Count III, tampering with physical evidence, which the trial court accepted.

Price then filed her Motion for Judgment of Acquittal seeking acquittal on all three verdicts. As to the verdict finding Price guilty of Count I, Price argued the State failed to present sufficient evidence of one or more essential elements of that offense. The trial court granted Price's post-verdict Motion for Judgment of Acquittal as to Count I. In doing so, the trial court found that the corpus delicti of a homicide case requires evidence, which can be circumstantial, that the criminal agency of another caused the death; that the criminal agency of another cannot be established unless there is evidence

that the death was not self-inflicted, of natural causes, or by accident, relying on ***State v. Byrd***, 389 S.W.3d (Mo. App. E.D. 2012).

The trial court then permitted the State to make further argument on a motion to reconsider its decision. The State argued:

> [Price's] intent can be inferred from circumstantial evidence and from her actions surrounding a crime. And such an inference would be supported by a lack of concern for and a failure to attempt to aid [V]ictim, because there's no evidence she tried to get [Victim] care if it really was one, so some sort of accidental death of a rational person would have called an ambulance. [sic]

The State then outlined all the circumstantial evidence presented to the jury for the trial court again. The State then argued:

> Your Honor, I've had the time to look up *State v. Byrd*. During this time, I would just stress to this court that the exact quote that the Court noted earlier specifically says that the elements may be proven by circumstantial evidence. All of what [the State] went through is a litany of circumstantial evidence that not only [Price] committed involuntary manslaughter, but first-degree murder.

The trial court concluded it would "stand by its earlier ruling."

Standard of Review

> "Where, as here, a trial court grants a motion for judgment of acquittal notwithstanding a jury's guilty verdict because the court believed the evidence to be insufficient to support the verdict, the issue on review 'is whether ... the evidence, viewed in the light most favorable to the jury's verdict, was sufficient for reasonable persons to find the defendant guilty beyond a reasonable doubt with matters of credibility and inconsistencies in testimony being left to the jury's consideration.' *State v. Magalif*, 131 S.W.3d 431, 434 (Mo. App. W.D. 2004). 'This is not an assessment of whether the [appellate c]ourt believes that the evidence at trial established guilt beyond a reasonable doubt but rather a question of whether, in light of the evidence most favorable to the State, any rational fact-finder could have found the essential elements of the crime beyond a reasonable doubt.' *State*

> *v. Davidson*, 521 S.W.3d 637, 642 (Mo. App. W.D. 2017) (quoting *State v. Nash*, 339 S.W.3d 500, 509 (Mo. banc 2011)).
>
> 'In reviewing the sufficiency of the evidence, all evidence favorable to the State is accepted as true, including all favorable inferences drawn from the evidence[, and a]ll evidence and inferences to the contrary are disregarded.' *Id*. at 642-43 (quoting *Nash*, 339 S.W.3d at 509). 'When reviewing the sufficiency of evidence supporting a criminal conviction, the [appellate c]ourt does not act as a 'super juror' with veto powers, but gives great deference to the trier of fact.' *Id*. at 643 (quoting *Nash*, 339 S.W.3d at 509). The court 'will not weigh the evidence anew since the fact-finder may believe all, some, or none of the testimony of a witness when considered with the facts, circumstances and other testimony in the case.' *Id*. (quoting *Nash*, 339 S.W.3d at 509). However, the court 'may not supply missing evidence, or give the [State] the benefit of unreasonable, speculative or forced inferences.' *State v. Clark*, 490 S.W.3d 704, 707 (Mo. banc 2016) (quoting *State v. Whalen*, 49 S.W.3d 181, 184 (Mo. banc 2001))."

State v. Rainey, 545 S.W.3d 916, 923 (Mo. App. W.D. 2018).

Analysis

"A person commits the offense of involuntary manslaughter in the first degree if he or she recklessly causes the death of another person." Section 565.024.1. "Reckless" is the conscious disregard of a substantial and unjustifiable risk constituting a gross deviation from a reasonable standard of care. ***State v. Belton***, 153 S.W.3d 307, 309 (Mo. banc 2005). "Recklessness resembles knowing conduct in one respect in that it involves awareness, but it is an awareness of risk, that is, of a probability less than a substantial certainty." ***Id.*** (citing ***State v. Beeler***, 12 S.W.3d 294, 299 (Mo. banc 2000)).

Contrary to the trial court's findings in granting Price's Motion for Judgment of Acquittal as to Count I, there was sufficient evidence before the jury to find each element of the crime beyond a reasonable doubt. It is undisputed, and the trial court also correctly determined, that the evidence established that Victim died. Dr. Deidiker testified that

Victim's manner of death was "homicide by undetermined method" rather than natural causes, accident, suicide, or an undetermined manner. Dr. Deidiker's conclusion was based on his physical examination of Victim's body, the toxicology results, the scene investigation, and the lack of any other evidence as to a cause of death. There was also evidence Victim suffered a broken rib which could be consistent with trauma or a blow to that location, a possible fracture of his hyoid bone which is often seen with manual strangulation and can cause death, and that there was "significant decomposition and tissue loss" in the neck area, which could be evidence of injury that caused it to decompose more rapidly. Based on this evidence, the jury could have reasonably inferred Victim suffered a traumatic assault and his cause of death was homicide. The trial court should have ignored, and this Court must ignore, any other possible inferences not consistent with the jury's verdict.

There was also sufficient evidence before the jury to support a finding that Price was the person who caused Victim's death: Price's vehicle was stuck in the mud on a remote trail in the Mark Twain National Forest near where Victim's body was found during the time frame Victim died; blood with a male DNA profile was found inside Price's vehicle in multiple spots, including the area of the passenger's seat; Price attempted to cover the presumed blood spots with purple nail polish; Price fled from law enforcement during a traffic stop at high speed and led officer's on a high-speed pursuit for 25 to 30 minutes before they abandoned the pursuit during the time frame Victim was missing and had died; Price made incriminating statements to her children while fleeing from the police; Price attempted to burn the Suburban by lighting a book on fire and

throwing it in the Suburban when she abandoned it following the police pursuit; and Price hid from law enforcement with her children in the woods for three days without shelter, food, and water, which caused injuries to the children.

The jury could have reasonably inferred that Price abandoned Victim's corpse in the remote location inside the Mark Twain National Forest to prevent anyone from finding Victim's body so it would not be found quickly and used as evidence of his homicide. The jury could have also reasonably inferred that she abandoned Victim's corpse because she committed the homicide and so she would benefit from the decreased likelihood of his body being found quickly, or at all.

The jury could have also reasonably inferred that Price tampered with the evidence of Victim's blood in her vehicle by painting nail polish all over it and lied about hitting a deer because she knew the blood was evidence of Victim's homicide, she would benefit from preventing the blood from being used as evidence, and she would benefit from the unavailability of that evidence because she committed the homicide. Her actions further evidenced her consciousness of guilt. Circumstantial evidence is sufficient to support a guilty verdict for manslaughter. *See* ***State v. Harris***, 709 S.W.3d 475, 479 (Mo. App. E.D. 2025) (quoting ***State v. McClain***, 685 S.W.3d 35, 39 (Mo. App. E.D. 2024)) ("Because direct evidence of a defendant's mental state rarely exists, circumstantial evidence is sufficient.").

Moreover, the jury presumably pieced all the evidence in the case together and agreed with Sergeant Johnson's assessment of the case in that he testified that as a result of the investigation, the investigators ultimately determined that Price caused Victim's

death. The jury had before it Sergeant Johnson's testimony that Victim's hyoid bone was damaged, that his rib was damaged, that the excessive amount of insect activity around his throat was consistent with trauma to that location, and that there was an "excessive amount of blood in the vehicle," which contributed to "an array of evidence that paints the picture that [Price] … killed [Victim] in her vehicle, and disposed of his body." The jury could have also inferred that because Price was in possession of the Suburban during the time frame of Victim's death, along with the extreme measures she took and engaged in to flee and hide from law enforcement, together with the fact that the lab reports Sergeant Johnson reviewed concluded that Victim's blood was found in the Suburban, that Price did in fact kill Victim.

Viewed in the light most favorable to the verdict in accordance with our standard of review, there was sufficient evidence before the jury for it to find each essential element of the offense of involuntary manslaughter in the first degree beyond a reasonable doubt. The trial court erred in granting Price's Motion for Judgment of Acquittal related to Count I. The State's Point is granted.

Price's Unresolved Motion for New Trial

At the time Price filed her Motion for Judgment of Acquittal, she also filed a Motion for New Trial. This Court has reviewed the record on appeal and finds that the trial court specifically denied Price's Motion for New Trial as to paragraphs 13 and 18 therein. However, this Court cannot discern that the trial court ruled on the entirety of Price's Motion for New Trial. The Eastern District of this Court reasoned in ***State v. Richardson***, 22 S.W.3d 753 (Mo. App. E.D. 2000), that because "[c]riminal rules 27.07

and 29.11 are substantially the criminal equivalents of civil rule 72.01[,]" the trial court was required to rule on a motion for new trial when ruling on a motion for judgment of acquittal notwithstanding the verdict the same way Rule 72.01 requires the trial court to rule on a motion for new trial at the same time it rules on a motion for judgment notwithstanding the verdict in a civil case. ***Id.*** at 758. Citing our Supreme Court's holding in ***Taylor v. F.W. Woolworth Co.***, 641 S.W.2d 108 (Mo. banc 1982), the ***Richardson*** court held that "[u]pon our reversal of the trial court's grant of judgment notwithstanding the verdict, justice is not complete unless the trial court is allowed to decide whether a new trial should be granted." ***Richardson***, 22 S.W.3d at 758 (citing ***Taylor***, 641 S.W.2d at 110). As such, the trial court in this case must rule on Price's Motion for New Trial.

Conclusion

Price's points on appeal are denied. The trial court's judgment is affirmed with regard to Price's convictions and sentences as to Counts II and III, abandonment of a corpse and tampering with physical evidence. The State's point on appeal is granted. We reverse the trial court's granting of Price's Motion for Judgment of Acquittal as to Count I, involuntary manslaughter in the first degree, and remand to the trial court with directions to accept the jury's verdict as to Count I and sentence Price on that conviction, and for further proceedings consistent with this opinion and the law, including to rule on Price's Motion for New Trial.

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

DON E. BURRELL, J. – CONCURS

JACK A. L. GOODMAN, J. – CONCURS