In the Missouri Court of Appeals
Eastern District

DIVISION FOUR

STATE OF MISSOURI,	)	No. ED113311
	)	
Respondent,	)	
	)	
vs.	)	Cause No. 24WA-CR00398-01
	)	
CHRISTOPHER M. GRIMES,	)	
	)	
Appellant.	)	FILED: January 13, 2026

APPEAL FROM THE CIRCUIT COURT OF WASHINGTON COUNTY
The Honorable Wendy L. W. Horn

Opinion

Christopher M. Grimes (Grimes) appeals from the trial court's judgment following jury convictions on two counts of sexual abuse in the first degree. Grimes brings two points on appeal, both of which allege the State's evidence was insufficient to convict him because no reasonable juror could have found that that his contacts with Victim were the result of forcible compulsion. Because there was sufficient evidence that Grimes applied physical force that overcame Victim's reasonable resistance, a reasonable juror could find that Grimes' conduct constituted forcible compulsion. Accordingly, this Court affirms the trial court's judgment.

Background

The facts in this matter are "viewed in the light most favorable to the verdict." *State v. McLemore*, 574 S.W.3d 342, 344 (Mo. App. S.D. 2019) (internal citation omitted). Between the evening hours of April 6, 2024 and the early morning hours of April 7, Victim, a fourteen-year-old girl, was spending the night at her friend's (Friend) home in order to socialize with Friend and Friend's boyfriend (Boyfriend). The homeowner was Friend's mother (Mother). Mother had several guests at her home, one of which was Grimes, earlier in the day on April 6. Victim had never met Grimes before that day and did not have any interaction with him on April 6. The following day, at approximately 4:45 a.m., Mother told Victim and Friend she was leaving the house, and that she had told any remaining guests they also needed to leave the house. As a result, Victim believed no one except herself, Friend, and Boyfriend were still in the home. Around 5:15 a.m. in the morning, not wanting to sleep on the floor, Victim decided to go to sleep on one of the couches in the living room, as there was not an additional bed for her in Friend's bedroom.

While lying on the couch and using her phone, Victim saw Grimes come out of Mother's bedroom and go into the kitchen. Grimes then exited the kitchen, approached Victim, and without saying a word to her grabbed her hand, and placed it on his genitals over his clothes. Victim initially froze but then pulled her hand away. Grimes walked away, but later returned. When he returned, Grimes asked Victim how old she was, and she indicated she was fourteen by lifting her hands, and putting "one" finger up on her left hand and "four" fingers up on her right. Grimes took her hands and switched the

order, showing "forty-one." This made Victim feel like "something could possibly happen to [her]" and Grimes was going to continue touching her. Grimes tried to talk to Victim for a few more minutes while Victim scrolled on her phone trying to ignore him. Grimes then went back into Mother's room.

Again, Grimes exited Mother's room and went to the kitchen. This time, after leaving the kitchen, Grimes entered the living room with two cups of Kool-Aid and handed one to Victim. Victim took the cup of Kool-Aid, intending to place it on the table next to her, but spilled it on herself and the couch. Victim stood up to get a towel and change her wet clothes. She went to Friend's bedroom, but did not tell her what occurred because she "was in shock and [] didn't know what to do." When Victim returned to the living room, Grimes was sitting in the room on another couch. Victim placed the towel on the couch, but the Kool-Aid seeped through it, so she went to retrieve another towel in the kitchen. To do so, Victim had to walk past Grimes, and when she walked by him, he grabbed her hand, pulled her down onto his lap, slid his hand up Victim's thigh and touched her genitals over her clothes. Victim believed Grimes was trying to sexually assault her. She told Grimes she needed to get another towel and left the living room, but instead of getting a towel, Victim went to Friend's room and told her what happened. Friend called the police, and when an officer arrived, Victim was "visibly distraught" and "hyperventilating." When she calmed down, Victim told the officer what happened. By the time the officer arrived, Grimes had already left the scene.

The State charged Grimes with two counts of first-degree sexual abuse.[1] The case proceeded to trial and the trial court gave the jury the following verdict director for Count 1 first-degree sexual abuse pursuant to Section 566.100:[2]

> … if you find and believe from the evidence beyond a reasonable doubt:
> First, that on or about April 7, 2024, in the State of Missouri, the defendant knowingly caused [Victim] to touch defendant's genitals through the clothing, and
> Second, the defendant did so for the purpose of arousing or gratifying his own sexual desire, and
> Third, that defendant did so by the use of forcible compulsion
> then you will find the defendant guilty … of sexual abuse in the first degree under this instruction.
> However, unless you find and believe from the evidence beyond a reasonable doubt each and all of these propositions, you must find the defendant not guilty of that offense.
> As used in this instruction, "forcible compulsion" means physical force that overcomes reasonable resistance or a threat, express or implied, that places a person in reasonable fear of death or serious physical injury or kidnapping of himself or another person.
> As used in this instruction, the term "sexual contact" means any touching of another person with genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person.

Jury Instruction Nos. 5, MAI-CR 4th 420.40.[3]

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[1] Grimes was charged with additional sexual offenses which the trial court acquitted him of at the close of all the evidence. Those offenses are not pertinent to the issue on appeal and will not be discussed here.

[2] All references to RSMo (2016) unless otherwise indicated.

[3] Jury Instruction No. 8 is the verdict directing instruction that corresponds to Count 2 for sexual abuse first-degree. Instruction No. 8 is identical to instruction No. 5 with the exception that No. 5 describes Grimes knowingly causing Victim to touch his genitals and No. 8 describes Grimes knowingly touching Victim's genitals, both verdict directors require a finding that the touching was accomplished by forcible compulsion. For brevity we have only reproduced the language of instruction No. 5 in the body of this opinion.

The jury found Grimes guilty of both counts of sexual abuse in the first degree, and the trial court sentenced him to sixteen year's imprisonment. This appeal follows.

Standard of Review

"When considering the sufficiency of the evidence on appeal, this Court must determine whether sufficient evidence permits a reasonable juror to find guilt beyond a reasonable doubt." *State v. Hardcastle*, 690 S.W.3d 519, 522 (Mo. App. S.D. 2024) (quoting *State v. Boyd*, 659 S.W.3d 914, 925 (Mo. banc 2023)). "This is not an assessment of whether the Court 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. Nash*, 339 S.W.3d 500, 509 (Mo. banc 2011) (internal quotation omitted). Great deference is given to the jury and this Court does not reweigh the evidence. *Hardcastle*, 690 S.W.3d at 522 (internal quotation omitted). As such, this Court "accepts all facts and inferences reasonably drawn therefrom in the light most favorable to the state, and all contrary facts and inferences are disregarded." *State v. Copeland*, 95 S.W.3d 196, 198 (Mo. App. S.D. 2003) (internal citation omitted).

Discussion

Grimes does not contest the State established the sexual contact element of the crimes beyond a reasonable doubt. His sole argument is that the evidence was insufficient to convict him because no reasonable juror could have found he (1) placed Victim's hand on his genitals over his clothes and (2) slid his hand up Victim's thigh and

touched her genitals through her clothes by "forcible compulsion." Because the arguments are the same for both points we consider them together for ease of analysis.

A. Use of physical force

Under Section 566.100, "[a] person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion." Section 566.100.1. As relevant to this matter, the State's allegations against Grimes and the evidence in the record were that he used forcible compulsion to commit the offense, and "forcible compulsion" is "physical force that overcomes reasonable resistance."[4] *State v. Vandevere*, 175 S.W.3d 107, 108 (Mo. banc 2005) (internal quotation omitted); Section 556.061(27), RSMo (2020). "Physical force is simply force applied to the body." *State v. Flores-Martinez*, 654 S.W.3d 402, 414 (Mo. App. S.D. 2022) (internal quotation omitted). "The force involved need not come after the victim has physically resisted. Rather, the force used must be calculated to overcome the victim's resistance" and "complete the charged sexual act." *Vandevere*, 175 S.W.3d at 108 (internal quotation omitted); *State v. Sanders*, 449 S.W.3d 812, 817 (Mo. App. S.D. 2014) (internal quotation omitted).

Victim's testimony that Grimes grabbed her hand, and placed it on his genitals over his clothes permit a reasonable fact-finder to find that he applied physical force to

[4] "Forcible compulsion" is defined as either: "(a) physical force that overcomes reasonable resistance; or (b) a threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of such person or another person." Section 556.061(27), RSMo (2020).

Victim's body. Similarly, Victim's testimony that Grimes grabbed her hand and pulled her down onto his lap, then slid his hand up Victim's thigh and touched her genitals permits a reasonable juror to find that Grimes applied physical force to Victim's body.

B. Force sufficient to overcome reasonable resistance

Having determined that Grimes used physical force against Victim, we now turn to the determination of whether such force was sufficient to overcome reasonable resistance. This Court does not rely on "any single fact but [on] the totality of the circumstances," when analyzing whether the force used is sufficient to overcome reasonable resistance. *Sanders*, 449 S.W.3d at 817 (internal citation omitted).

"Reasonable resistance is that which is suitable under the circumstances." *Hardcastle*, 690 S.W.3d at 522 (internal quotation omitted). In discerning the circumstances of a particular case, we consider "whether violence or threats precede the sexual act; the relative ages of the victim and accused; the atmosphere and setting of the incident; the extent to which the accused was in a position of authority, domination, and control over the victim; and whether the victim was under duress." *State v. Niederstadt*, 66 S.W.3d 12, 15 (Mo. banc 2002) (internal citation omitted).

In this case, Victim testified to some resistance on both occasions Grimes grabbed her. It is important to note, "the law does not require or expect the utmost resistance to sexual assault when it appears that such resistance would be futile or would provoke more serious injury." *State v. R-- D-- G--*, 733 S.W.2d 824, 827 (Mo. App. S.D. 1987) (internal citation omitted). At the time of the first incident of abuse, Victim testified she froze but then pulled her hand away. Grimes continued to talk to her despite Victim's

best attempts at ignoring him in hopes that he would leave her alone. Yet Grimes continued to sit in the living room and grabbed Victim again when she tried to walk past him, this time, forcing her to sit on his lap so that he could touch her genitals. Despite her resistance to his initial assault, his conduct escalated, and he assaulted her again while on his lap. *See Hardcastle*, 690 S.W.3d at 523 (finding a reasonable fact-finder could conclude the defendant's actions in continuing to touch the victim's genitals and breasts after the victim pushed his hand away were calculated to overcome the victim's resistance and complete the sexual act by forcible compulsion). A reasonable juror could have concluded Victim's initial response, temporarily freezing and yanking her hand away, after Grimes grabbed her hand and placed it on his genitals, was reasonable resistance. A reasonable juror could also have found that Victim's conduct, finding an excuse to leave the room and alerting Friend after the second offense constituted reasonable resistance.

Alternatively, at least in regards to the first offense, a reasonable juror could have found that Grimes' conduct was so sudden and unexpected that Victim had no opportunity to resist. Grimes caught Victim completely off guard by his very presence in Friend's house as she believed that the only other occupants at that time were Friend and Boyfriend. Further adding to the startling nature of the initial assault, Victim testified that when Grimes first grabbed her hand and placed it on his genitals, he did so without uttering a single word to her. *See Flores-Martinez*, 654 S.W.3d at 415 (finding the defendant gave the victim no opportunity to reasonably resist until after the offense was completed because the defendant approached the victim from behind while she was

unaware and while she was standing in front of store shelving that prevented her from moving forward, and placing his hands over her eyes while simultaneously touching his genitals to her body. As such, the victim could only turn around to look and swat at the defendant after he had already completed the touching).

Turning now to additional factors pertinent to determining whether the physical force used by Grimes was sufficient to overcome reasonable resistance, first we analyze the disparities between Grimes and Victim. At the time of the offense, Victim was a fourteen-year-old girl, and Grimes was a twenty-seven-year-old man.[5] In further assessing the power dynamics between the two, Victim testified she had never met Grimes until the previous day and that she had never spoken to him. Grimes was a complete stranger to her. Grimes had been one of Mother's guests the previous day. Victim observed Grimes, an adult male, coming out of Mother's bedroom; consequently, a reasonable fact-finder could have inferred Victim felt Grimes was in a position of authority over her and others in the home. Next, we analyze whether a reasonable juror could have reasonably inferred Victim was under duress given the circumstances surrounding these offenses. Victim testified Grimes' actions left her in shock and that after Grimes rearranged her hands to indicate that she was "41" instead of "14" she was concerned Grimes would attempt to assault her, which he did. It is certainly possible that

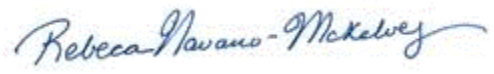
[5] Although at trial the State presented no specific evidence as to Grimes' age at the time of the offenses against Victim, the jury was able to observe the physical appearance of both individuals and could make a reasonable inference that Grimes was considerably older than Victim. Victim did in fact testify as to her age at the time of the assault. This Court has reviewed the record on appeal including the sentence and judgment form that lists Grimes' date of birth.

a reasonable juror could have found Victim was under duress, and that further resistance by her could have escalated the nature of the assault. Lastly, we review the impact of the setting. The record indicates that the only other people in the home that could have come to the aid of Victim were in a totally different part of the home, so she was alone with Grimes and isolated in the living room. The first incident was so sudden and unexpected Victim did not have the opportunity to react. Furthermore, due to the nature of the incident and her youthfulness, she was in shock and was unsure of what to do. The second incident was even more insidious than the first such that a reasonable juror could have concluded that yelling for help at that moment could have resulted in an even more severe assault.

Given the circumstances surrounding these offenses, the disparities between Grimes and Victim, and the duress Victim appeared to be under, a reasonable fact-finder could have found beyond a reasonable doubt that Victim's resistance was "suitable under the circumstance" and was all the resistance Victim reasonably was capable of. *Hardcastle*, 690 S.W.3d at 522 (internal quotation omitted). Under the totality of the circumstances, the force exerted by Grimes was calculated to overcome Victim's reasonable resistance and complete sexual contact with her. For the reasons stated, there was sufficient evidence to permit a reasonable fact-finder to conclude beyond a reasonable doubt that Grimes (1) placed Victim's hand on his genitals over his clothes and (2) slid his hand up Victim's thigh and touched her genitals through her clothes by the use of forcible compulsion. Points I and II are denied.

Conclusion

The trial court's judgment is affirmed.



Rebeca Navarro-McKelvey, P.J.

Gary M. Gaertner, Jr., J and
James M. Dowd, J., concur.