In the
Missouri Court of Appeals
Western District

LARRY D. RATLIFF,	)	
	)	
Appellant,	)	**WD87922**
	)	
V.	)	**OPINION FILED:**
	)	**JULY 28, 2026**
STATE OF MISSOURI,	)	
	)	
Respondent.	)	

Appeal from the Circuit Court of Clay County, Missouri
The Honorable Shane Terril Alexander, Judge

Before Division One: Gary D. Witt, Presiding Judge, Mark D. Pfeiffer, Judge and Thomas N. Chapman, Judge

Larry D. Ratliff ("Ratliff") appeals the judgment of the Circuit Court of Clay County, Missouri ("motion court"), denying, after an evidentiary hearing, Ratliff's amended motion for post-conviction relief pursuant to Rule 29.15.[1] On appeal, Ratliff claims the motion court clearly erred in denying his amended post-conviction motion because Ratliff's trial counsel was constitutionally ineffective by failing to request that the trial court submit MAI-CR section 410.06, Confession or Admission of Defendant, to the jury. We affirm the judgment of the motion court.

[1] All rule references are to the Missouri Supreme Court Rules (2024), unless otherwise noted.

Factual and Procedural Background[2]

Ratliff was charged and convicted of murder in the first degree and armed criminal action in the death of his wife ("Wife").[3] Ratliff does not dispute that he killed Wife by stabbing her four times on January 4, 2016.

Ratliff and Wife were married for forty-seven years; they separated in 2015. After their separation, Wife stayed at her sister's house. A few days before killing Wife, Ratliff set fire to the marital home in order to receive the insurance coverage on the home. Ratliff testified that Wife wanted $80,000, half the value of the home, in the divorce and that he intended to pay her from the insurance proceeds. After the house fire, Ratliff stayed at a hotel provided by the insurance company.

In the weeks leading up to the murder, Ratliff stalked Wife at her sister's house. He purchased binoculars to watch her from afar, sat inside his truck parked a distance from the house, and on several occasions sat inside a blue truck which was parked in his sister-in-law's backyard. On the evening of January 3, 2016, Ratliff drove his truck to a location near his sister-in-law's house and sat there for thirty-five minutes. He then returned to his hotel room and wrote a note addressed to his children and grandchildren. The note, dated January 3, 2016, read:

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[2] "On appeal from the motion court's denial of a Rule 29.15 motion, we view the facts in the light most favorable to the underlying criminal conviction as those facts bear upon the motion court's judgment." *Sisemore v. State,* 731 S.W.3d 261, 264 n.2 (Mo. App. W.D. 2026) (internal quotation omitted).

[3] The factual underpinning of this case was set forth in *State v. Ratliff,* 622 S.W.3d 736 (Mo. App. W.D. 2021) ("Ratliff's direct appeal"). We incorporate this Court's previous factual recitation from Ratliff's direct appeal without further attribution or citation. *Shockley v. State,* 579 S.W.3d 881, 890 n.2 (Mo. banc 2019).

> With all my heart I love each and every one of you. I have such a hole in my heart and soul since your mother left me and I can never be with her again. I cannot live another day or night with this pain that is . . . unbearable[.] [My] soul, my thoughts, my total reason for living. . . . Please try to get along as best you can and love each other without hurting each other. Remember, your mother just lost her heart for me. It's not her fault, but we cannot go on without each other. Love, love, Dad.

At 1:00 a.m. on January 4, 2016, Ratliff drove his truck back to his sister-in-law's house and sat outside for thirty minutes before returning to the hotel.

Later that morning, Ratliff once again drove to the area near his sister-in-law's house. He parked his truck at the edge of a field on the highway and walked approximately a quarter of a mile through a frozen and muddy soybean field to his sister-in-law's property. After reaching the backyard at about 6:40 a.m., Ratliff again sat inside the blue truck, watching the house. He remained there for approximately two hours and made several unanswered phone calls, including calling his sister-in-law's landline once and her cell phone twice.

Still inside the blue truck, Ratliff called Wife at 8:49 a.m. During the four-minute call, Ratliff asked Wife if they could get back together. Wife declined and hung up. Ratliff then walked into the garage and through the kitchen door of sister-in-law's house. Wife saw Ratliff as he entered the kitchen and told him to leave. In response, Ratliff slapped Wife and began beating her while he straddled her on the floor. Eventually Ratliff took his knife from its sheath on his belt and stabbed Wife four times in the chest. Three of the stab wounds were independently fatal. Wife also suffered abrasions on her forehead and contusions to her scalp and legs.

At 9:04 a.m., Ratliff began placing phone calls. Ratliff called his daughters several times, but they did not answer. He left one of his daughters a voicemail stating that he had killed her mother. At 9:05 a.m., Ratliff called his brother and told him that he had killed Wife; his brother instructed him to call 911. At 9:30 a.m., Ratliff called 911.

When police officers arrived, they found Ratliff standing on the driveway. He told police that he killed Wife by stabbing her in the heart. Officers located Wife's body on the floor in the kitchen and found a pair of gloves and a bloody knife on the table. Ratliff was taken into custody. Later, police found Ratliff's binoculars on the ground next to the blue truck.

On January 5, 2016, after Ratliff was transported to police headquarters, Ratliff declined an interview and requested an attorney. The following day, January 6, 2016, Ratliff asked to speak with the police. Detectives interviewed Ratliff at the Clay County Detention Center the same day.

In the interview, which was recorded, Ratliff was advised of his *Miranda*[4] rights, he stated he understood them, and he signed a written waiver of his rights. There were no threats, promises, physical contact, or guns present during the interview. Ratliff admitted to killing Wife and detailed his actions in the weeks leading up to the murder. He provided detailed descriptions of the ways in which he stalked Wife, and he described how he beat and stabbed her. Ratliff reported that he had no remorse and that he had

[4] *Miranda v. Arizona,* 384 U.S. 436 (1966).

been planning to kill Wife for weeks if she did not agree to reunify their marriage. Ratliff asked for the death penalty.

During the interview, Ratliff appeared to be dressed in an anti-suicide smock, and he noted that he was on suicide watch at the jail; however, he denied that he was suicidal or that he had any mental health issues. He told detectives that in 2009 he was committed to a psychiatric hospital on two occasions but again denied that he was suffering from mental health issues at the time of the murder or interview.

Trial

At trial, before Ratliff's videotaped interview was played for the jury, one of the detectives was questioned by the State about whether the detective had previously encountered individuals "who suffer from mental illness or defect." After the detective responded "yes," the detective was asked if, during Ratliff's interview, he observed "Ratliff exhibit[ing] any signs that he was suffering from any mental disease?" The detective replied, "no."

Ratliff testified in his own defense at trial. Ratliff's counsel elicited testimony from Ratliff concerning his mental health in an attempt to establish that Ratliff was suffering from mental health issues during his interview with detectives "which resulted in him explicitly confessing to deliberation before killing [the Wife]." Ratliff testified that when he and Wife separated, he was depressed, and he experienced suicidal thoughts and homicidal "urges" toward Wife. Ratliff stated that he sought help from his family physician, who changed his prescription medications. Ratliff also testified that in 2009,

he attempted suicide two times, and as a result he was committed to a psychiatric hospital each time.

Ratliff testified that, after he killed Wife, he told his brother and one of his daughters that he intended to try to get the police to shoot him when they arrived. Specifically, Ratliff said that he planned "to take the knife and run at the police officer . . . [and] have him shoot me." Ratliff's brother and daughter convinced him otherwise. He also testified that he told a judge on the day after the murder to "please move me to the front of the execution line. I want to die." Ratliff said that he agreed to speak with detectives two days after the murder because he "still wanted to die" and that he "said some exaggerating things [to the detectives in order] to get put to death."

At trial, Ratliff acknowledged that his trial testimony conflicted with his police interview where he expressly stated that he deliberated before killing Wife. Specifically, Ratliff testified that he lied to detectives in his interview about deliberating before killing Wife because he wanted to be put to death. Ratliff was consistent in his interview statement and trial testimony that he had killed Wife and that, prior to her murder, he had stalked Wife for over a week and a half.

The jury found Ratliff guilty of murder in the first degree and armed criminal action. The State did not seek the death penalty, and Ratliff was sentenced to life in prison without the possibility of parole for the charge of murder in the first degree and a consecutive sentence of forty years in prison for the charge of armed criminal action, consistent with the recommendations of the jury. This Court affirmed Ratliff's convictions and sentences.

Post-Conviction Proceedings

Ratliff prematurely filed a *pro se* motion for post-conviction relief. The motion court appointed counsel to represent Ratliff. Ultimately, after this Court issued its mandate on June 9, 2021, post-conviction counsel timely filed an amended motion.

At the hearing on the motion, trial counsel testified that "there was a very, very damning confession . . . and we explored a number of ways to mitigate that and we looked into a number of different defenses." Trial counsel testified that he was familiar with the MAI 410.06 4th instruction on voluntary confessions, but he did not believe he considered requesting it because he saw no evidence that supported an argument that Ratliff's confession was coerced.

After the evidentiary hearing, the motion court issued findings of facts and conclusions of law and issued its order denying Ratliff's post-conviction motion. The motion court found that trial counsel was not ineffective by failing to request submission of MAI-CR 4th 410.06 on the voluntariness of Ratliff's confession.[5] Ratliff appeals the judgment of the motion court.

Standard of Review

This Court reviews the denial of post-conviction relief "to determine whether the motion court's findings of fact and conclusions of law are clearly erroneous." *Shockley v. State*, 579 S.W.3d 881, 892 (Mo. banc 2019) (applying Rule 29.15(k)). The motion

[5] Ratliff's second claim for post-conviction relief was that trial counsel was ineffective for failing to pursue a defense of diminished capacity. The motion court denied that claim, and Ratliff does not appeal that decision.

court's findings are presumed correct and we defer to those findings. *Anderson v. State*, 564 S.W.3d 592, 600 (Mo. banc 2018).

Analysis

Ratliff's sole point on appeal claims that the motion court clearly erred in denying Ratliff's motion for post-conviction relief because his trial counsel failed to request the jury be given MAI-CR 4th 410.06 regarding the voluntariness of Ratliff's confession. We disagree.

MAI-CR 4th 410.06 Confession or Admission of Defendant ("Voluntary Confession Instruction") provides:

> Evidence has been introduced that the defendant made certain statements relating to the offense for which he is on trial.
>
> If you find that a statement was made by the defendant (, and that at that time he understood what he was saying and doing), and that the statement was freely and voluntarily made under all of the circumstances surrounding and attending the making of the statement, then you may give it such weight as you believe it deserves in arriving at your verdict.
>
> However, if you do not find and believe that the defendant made the statement (, or if you do not find and believe that he understood what he was saying and doing), or if you do not find and believe that the statement was freely and voluntarily made under all of the circumstances surrounding and attending the making of the statement, then you must disregard it and give it no weight in your deliberations.

Including the Voluntary Confession Instruction would have asked the jury to determine whether Ratliff's statement was freely and voluntarily made under all the circumstances. In its Order and Judgment, the motion court identified two questions asked of Ratliff's trial counsel at the motion hearing relevant to the Voluntary Confession Instruction. First, trial counsel was asked if he was familiar with MAI-CR 4th 410.06, to

which trial counsel responded, "yes." Second, when asked if he considered requesting MAI-CR 4th 410.06, trial counsel replied, "I don't believe so."

Although Ratliff testified at the motion hearing, he made no mention of his confession to detectives or anything about his state of mind when he gave the statement. Ratliff's physician also testified at the motion hearing but offered no opinion on the voluntariness of Ratliff's statement to law enforcement.

After the hearing, the motion court denied Ratliff's post-conviction claim. The court found that Ratliff presented no evidence to support his contention that his trial counsel should have requested the Voluntary Confession Instruction. "Failure to introduce sufficient supporting evidence at the evidentiary hearing is fatal to [a] post-conviction claim." *Brandolese v. State,* 715 S.W.3d 587, 597 (Mo. App. W.D. 2025) (internal quotation omitted).

Furthermore, the motion court found Ratliff failed to satisfy either the performance or prejudice prong of the *Strickland* test. To prevail on a motion for post-conviction relief based on a claim of ineffective assistance of counsel, a movant must establish both that: 1) trial counsel failed to exercise the level of skill and diligence that reasonably competent counsel would use in a similar situation; and 2) that he was prejudiced by counsel's failure. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). If the movant fails to establish either the performance prong or the prejudice prong, this Court need not consider the other. *Sisemore*, 731 S.W.3d at 268.

Applying the *Strickland* performance prong, the motion court found that Ratliff's trial counsel's trial strategy was reasonable. "Reasonable choices of trial strategy, no

matter how ill-fated they appear in hindsight, cannot serve as a basis for a claim of ineffective assistance." *Hosier v. State,* 593 S.W.3d 75, 81 (Mo. banc 2019) (internal quotation omitted).

Ratliff's trial counsel testified that his strategy was to portray Ratliff's statement to law enforcement as an exaggeration rather than trying to convince the jury that Ratliff somehow did not know what he was saying or that his statement was involuntary. Trial counsel justified his decision based on his years as a criminal defense attorney and his belief that "if the jury thinks you're BSing them, they're not going to listen to anything you're trying to tell them."

Viewing the record as a whole, we agree that trial counsel's strategy was reasonable. The record reflected that Ratliff confessed to the murder on multiple occasions. In addition to his January 6, 2016 confession, he also confessed immediately after the murder: first to his brother over the phone; then in a voicemail to one of his daughters; and again when she called him back. He also confessed to police when they arrived at the murder scene.

Specific to the January 6, 2016 confession, Ratliff voluntarily asked to speak with police after previously declining to do so, he was read his *Miranda* warnings, acknowledged them, signed a written waiver, and spoke without coercion, inducements, or force. There was no evidence to support an argument that his confession was involuntary. Defense counsel may reasonably decline to request the Voluntary Confession Instruction when doing so would be contrary to the chosen trial strategy. *Winfield v. State,* 93 S.W.3d 732, 741 (Mo. banc 2002) (affirming motion court's denial

of post-conviction relief when trial counsel failed to request the Voluntary Confession Instruction because the "instruction would serve only to direct attention to an obviously voluntary confession"). Further, "[f]oregoing an instruction that is inconsistent with the defense's theory falls within the wide range of what may be considered objectively reasonable performance by counsel." *McNeal v. State,* 500 S.W.3d 841, 845 (Mo. banc 2016) (holding no ineffective assistance in failing to request an instruction even if requesting the instruction would have "relatively little downside").

Because Ratliff failed to meet his burden to show that trial counsel performed ineffectively, we need not analyze the *Strickland* prejudice prong. *See Russell v. State,* 699 S.W.3d 495, 503 (Mo. App. E.D. 2024). Nonetheless, we agree with the findings of the motion court that Ratliff failed to prove prejudice. "Prejudice occurs when there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Hosier,* 593 S.W.3d at 81 (internal quotation omitted).

Ratliff argued in his post-conviction motion that if the Voluntary Confession Instruction had been given to the jury, the result would have been different. MAI-CR 410.06 requires the jury to disregard a confession ***if*** the jury fails to find: 1) the defendant made the statement; 2) the defendant understood what he was saying and doing at the time he made the statement; and 3) the statement was freely and voluntarily given under all the circumstances. Ratliff does not dispute that he made the statement and that he voluntarily asked to meet with detectives. Further, the motion court found that the evidence presented at trial overwhelmingly showed that Ratliff knew what he was saying

and doing when he made the statement. His statement was long, detailed, and repeated the events of January 4, 2016, at least twice; the interviewing detective testified that she observed nothing about Ratliff suggesting he was suffering from any mental disease when he gave his statement; and Ratliff offered no evidence that he was suffering from any mental disease at the time he gave his statement. Further, as to the elements of the offenses, Ratliff's trial testimony was very consistent with his confession to the detectives. Thus, we agree with the motion court that even if the jury had received the proposed instruction, the jury's verdict would not have changed. *See Winfield*, 93 S.W.3d at 741 (affirming circuit court's finding that movant was not prejudiced by counsel's failure to request the Voluntary Confession Instruction, where movant "has not set forth any evidence that his statements to police were coerced or uninformed").

For all the foregoing reasons, the motion court did not err in denying Ratliff's amended motion for post-conviction relief. The point is denied.

Conclusion

The judgment of the motion court is affirmed.



Gary D. Witt, Presiding Judge

All concur