MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
CURTIS CARL BENENHALEY, JR., Appellant.

DOCKET NUMBER WD87942

DATE: July 28, 2026

Appeal From:

Henry County Circuit Court
The Honorable Michael Brandon Baker, Judge

Appellate Judges:

Division Two: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

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Attorneys:

Jedd Schneider, Columbia, MO, for Appellant.

Riley O'Shaughnessy, Jefferson City, MO, for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
CURTIS CARL BENENHALEY, JR., Appellant.

WD87942 Henry County

Before Division Two Judges: Janet Sutton, Presiding Judge, Lisa White Hardwick, Judge, and W. Douglas Thomson, Judge

Curtis Benenhaley (Benenhaley) appeals the judgment of the Circuit Court of Henry County (trial court) convicting him, after a jury trial, of two counts of first-degree statutory sodomy, two counts of incest, and one count of tampering with a victim.

At Benenhaley's trial, the State was permitted, pursuant to article I, section 18(c), of the Missouri Constitution, to introduce propensity evidence in the form of documents relating to Benenhaley's prior 2005 sex offense convictions for second-degree statutory rape and incest. The documents were the felony information, the sentence and judgment, and a probable cause statement detailing the allegations supporting Benenhaley's prior convictions.

Benenhaley raises one point on appeal challenging the trial court's admission of propensity evidence, arguing that the propensity evidence was too dissimilar and too remote to have probative value and that it was unduly prejudicial.

AFFIRMED.

Division Two holds:

1. The trial court did not abuse its discretion in admitting the propensity evidence. The propensity evidence was legally relevant in that its probative value was not outweighed by the danger of unfair prejudice.

2. As to whether the propensity evidence had probative value, courts examine whether the defendant actually had a propensity to commit the charged crime, and several factors may be considered by the court such as: the similarity between the prior and charged conduct, the amount of time between the two, and the State's need for the propensity evidence to prove its case.

3. In this case, there was sufficient evidence for the jury to conclude that Benenhaley committed the prior offenses as he had pleaded guilty to the previous charges, removing any doubt as to whether he had committed the criminal act. Additionally, there was similarity between the prior and the charged conduct, and the gap in time between the prior offenses and the charged offenses, approximately seventeen years, was not too remote in time. Finally, the State had a need for the propensity evidence to prove its case.

4. Benenhaley failed to demonstrate that the danger of unfair prejudice of the propensity evidence substantially outweighed its probative value. The jury could fairly infer that Benenhaley was punished for his past criminal acts, the State presented the propensity evidence in one of the least inflammatory ways possible, the prior criminal act did not overshadow or eclipse the evidence of the charged crimes, and the State did not spend undue time emphasizing the prior conduct.

Opinion by: Janet Sutton, Presiding Judge July 28, 2026

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