MISSOURI COURT OF APPEALS
WESTERN DISTRICT

WD88180

STATE OF MISSOURI,
Respondent,

v.

ROBERT PETERSON,
Appellant.

Opinion Filed: November 10, 2026

Appeal from the Circuit Court of Henry County, Missouri
The Honorable M. Brandon Baker, Judge

Before Division Two Judges: Mark D. Pfeiffer, Presiding Judge,
Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge

Mr. Robert Peterson ("Peterson") appeals from the judgment of the Circuit Court of Henry County, Missouri ("trial court"), convicting him of first-degree murder, armed criminal action, and felony tampering with physical evidence. We affirm.

Factual and Procedural History[1]

On the afternoon of Sunday, May 14, 2023, Peterson drove to Victim's[2] home and they began drinking alcohol together. The two continued drinking for hours and became

[1] On direct appeal from a criminal conviction, the "[e]vidence is reviewed in the light most favorable to the verdict[.]" *State v. Taylor*, 298 S.W.3d 482, 491 (Mo. banc 2009) (quoting *State v. Johns*, 34 S.W.3d 93, 103 (Mo. banc 2000)).

[2] Pursuant to the directive of section 509.520.1(4) (Supp. IV 2025), we do not use the names of any victims in this opinion. All statutory references are to THE REVISED

intoxicated. In the early morning hours of May 15, Peterson drove Victim to his residence in the same neighborhood. Peterson and Victim continued drinking throughout the day. Around 5:00 a.m. the next morning, Peterson left his home and visited his mother in Marshall, Missouri, about sixty miles away.

In the days that followed, Victim's friend, Mr. Shawn Young, became worried about Victim because Victim's dog would not stop barking. After Mr. Young and his girlfriend could not find Victim, they notified police that Victim was missing. On May 17, Peterson's next-door neighbor, Ms. Roxann Carroll, saw Ms. Kerri Adkins and Ms. Felicia Collins, other friends of Victim, at Peterson's home. Ms. Adkins noticed that Peterson's doors were locked and that his windows were covered with plastic, which was unusual because Peterson generally left his doors unlocked and his blinds open. Ms. Adkins and Ms. Carroll forcibly entered Peterson's home through the front door in search of Victim, and shortly thereafter, they ran out of Peterson's house, exclaiming that there was a body wrapped in garbage bags. Ms. Carroll called 911 and police responded to the scene.

When police arrived, they found a body wrapped in garbage bags and blankets that were fastened together with paracord, along with a large amount of dried or drying blood throughout the home. Police found the same paracord on top of Peterson's refrigerator. An air rifle and a pile of bloody clothes were found near the body. Subsequent DNA

STATUTES OF MISSOURI (2016), as supplemented through May 18, 2023, unless otherwise indicated.

testing revealed that the rifle was covered in both Victim's and Peterson's blood. The clothing items included a black Carhartt T-shirt, denim jeans, and underwear. The underwear contained Victim's and Peterson's DNA. Police cut out sections of the flooring in Peterson's home that contained bloody footprints. In Peterson's backyard, police found a mannequin wearing human clothing with holes in the head caused by orange-tipped pellets from an air rifle. Police found a roll of black garbage bags similar to the ones used to wrap Victim in the back bedroom of Peterson's home and in his truck.

On May 19, Peterson was arrested in Marshall, Missouri, and was subsequently charged with, as pertinent to this appeal, first-degree murder, tampering with physical evidence, and armed criminal action. Police seized the boots that Peterson was wearing when he was arrested, and subsequent laboratory comparisons indicated that Peterson's boots matched at least one of the bloody footprints found in his home.

A four-day jury trial began on March 31, 2025. During the State's presentation of testimony from Peterson's neighbor, Ms. Carroll, the following exchange took place when the prosecutor questioned Ms. Carroll about what occurred after she called 911.

> [PROSECUTOR]: And did—did police respond?
>
> [CARROLL]: Yes, they did.
>
> [PROSECUTOR]: To the scene? And did you ever go into the Defendant's house that day?
>
> [CARROLL]: No, sir.
>
> [PROSECUTOR]: You—you stayed at—stayed over at your house while everything was going on next door?
>
> [CARROLL]: Yes, sir. I had a restraining order against Mr. Peterson—

Peterson's counsel objected, arguing Ms. Carroll's comment was unfairly prejudicial because it insinuated that Peterson was dangerous. Peterson moved the trial court to declare a mistrial. After dismissing the jury for the evening, the trial court heard argument from the parties on the issue. The trial court denied the motion for mistrial.

Before the trial resumed the next morning, the trial court explained to the parties that it had planned to give a curative instruction to the jury to not consider Ms. Carroll's previous comment, but Peterson's counsel insisted that he did not want the court to give a curative instruction and, instead, to admonish the witness outside the presence of the jury to only answer questions posed by the prosecutor or defense counsel and not to elaborate. The trial court did as Peterson requested and did not provide a curative instruction but did admonish the witness.

Later in the trial, Ms. Kathryn Burmahl, who lived two lots south of Peterson, testified. Ms. Burmahl testified that she saw Peterson driving his truck with a woman in the passenger seat on May 15, and she saw them enter Peterson's home. When asking her why she had paid attention to Peterson's truck, the following exchange occurred:

> [PROSECUTOR]: And can you describe for us, what you—what first got your attention about him?
>
> [BURMAHL]: As he rode—would come around the corner, we have gravel roads. And he was driving a little over the speed limit. And that got my attention. Because I—what I understood was rehab—

Peterson's counsel objected, arguing that Ms. Burmahl's comment regarding rehab was unfairly prejudicial because it referred to Peterson's mental health or addiction issues. Peterson, again, moved the court to declare a mistrial. The prosecution responded

that it had specifically instructed the witness not to talk about Peterson's alcohol use during her testimony. The trial court overruled Peterson's motion for mistrial.

The State's final witnesses testified about the physical evidence found at Peterson's home.

The State's firearms expert, Andrew Marbaker ("firearms expert") testified that the rifle used to kill Victim was a single-shot air rifle that had to be re-loaded and re-cocked after each firing.

The State's last witness, Ms. Tiffany Hollenbeck, a medical examiner ("medical examiner"), testified regarding Victim's autopsy. The medical examiner testified that Victim was wrapped in multiple layers of blankets and garbage bags bound together with paracord. Multiple cuts and bruises appeared on Victim's limbs. Victim's abdomen had green discoloration, a sign of early decomposition. The medical examiner determined that Victim's death was caused by gunshot wounds and that the manner of her death was homicide. Victim's neck and head contained over twenty gunshot wounds that were inflicted while Victim was alive or while she was dying. Metallic fragments and orange tips were recovered from Victim's cranial cavity and brain.

The medical examiner testified that she was unable to determine the time of Victim's death because her time of death depended on the temperature she was exposed to at various stages of decomposition. Thus, the timing of when Victim was wrapped in blankets and bags shortly after she died would have an impact on the timing of the decomposition process.

Peterson testified in his own defense. Peterson stated that he and Victim were drinking together on May 15 but that he went to sleep around midnight while Victim stayed awake drinking in the living room. Peterson claimed that when he left early the next morning for Marshall, Missouri, Victim was still in the living room, intoxicated and half-asleep. Peterson denied killing Victim.

Peterson testified that he kept a home security camera system. The camera footage showed Peterson and Victim entering the house, and on May 15, it showed Peterson wearing the same black Carhartt T-shirt and jeans that were later found with Victim's blood on them. He admitted to walking out of his house Tuesday, May 16 at 1:49 a.m., again at 1:52 a.m., and again at 2:06 a.m. Peterson also admitted that a few minutes later, at 2:13 a.m., he walked out of his house again, this time to *disconnect* his security cameras. He also agreed that the final clip of the security camera footage showed him walking toward the camera shortly before he disconnected it.

Peterson admitted that the air rifle, the orange-tipped pellets that were used to shoot the mannequin, the garbage bags, the blankets, and the paracord were his. He testified that the pile of clothing found in the living room was his but that they did not have blood on them when he took them off.

During direct examination, Peterson admitted that he had convictions for second-degree assault and third- or fourth-degree assault. During cross-examination, the prosecutor asked:

Q. So you testified on direct about this prior conviction?

A. Yes, sir.

Q. And that prior conviction was for assault on a law enforcement officer?

Peterson objected, arguing that the prosecutor's question was an unfairly prejudicial misstatement of Peterson's prior conviction for second-degree assault. Peterson moved for a mistrial. The prosecutor responded that it was accurate that Peterson was initially charged with assault on a law enforcement officer, but it was later amended to assault in the second-degree. The trial court overruled Peterson's motion, instructed the prosecutor to withdraw the question, and directed the prosecutor to stay within the bounds of what Peterson had pleaded guilty to. The prosecutor withdrew the question and apologized for misstating Peterson's conviction.

The jury found Peterson guilty of first-degree murder, felony tampering with physical evidence, and armed criminal action. Peterson filed a motion for a new trial, asserting the trial court erred in failing to declare a mistrial and the motion was denied. The trial court found Peterson to be a prior offender and sentenced him to life imprisonment without the possibility of parole for the first-degree murder charge, a consecutive ten-year sentence for the armed criminal action charge, and a four-year sentence for the felony tampering with physical evidence charge, which was ordered to run concurrently with the other two sentences.

Peterson appealed.

Analysis

Peterson raises four points on appeal. Point I argues that there was insufficient evidence to support his conviction for felony tampering with evidence. Points II-IV argue that the trial court abused its discretion in overruling Peterson's motion for a mistrial in three separate instances over the course of the trial.

Point I: Sufficiency of the Evidence

A. 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. This Court accepts as true all evidence tending to prove guilt together with all reasonable inferences that support the verdict, and ignores all contrary evidence and inferences. In reviewing whether sufficient evidence supports a criminal conviction, the Court does not act as a super juror with veto powers, but gives great deference to the trier of fact. This Court, however, cannot supply missing evidence, or give the state the benefit of unreasonable, speculative or forced inferences.

State v. Guthrie, 733 S.W.3d 421, 423 (Mo. banc 2026) (citation modified).

B. Analysis

Point I argues there was insufficient evidence presented at trial to sustain Peterson's conviction for felony tampering with evidence under section 575.100.

Section 575.100 states:

> 1. A person commits the offense of tampering with physical evidence if he or she:
>
> (1) Alters, destroys, suppresses or conceals any record, document or thing with purpose to impair its verity, legibility or availability in any official proceeding or investigation; or

(2) Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

"The offense of tampering with physical evidence is a class A misdemeanor, unless the person *impairs or obstructs the prosecution or defense of a felony*, in which case tampering with physical evidence is a class E felony." § 575.100.2 (emphasis added).

In this case, the State charged Peterson with felony tampering with physical evidence by concealing the body of Victim. Thus, the elements of the offense pertaining to this case are: "(1) the destruction, suppression, or concealment of Victim's [body], (2) with purpose, (3) to impair its availability in an investigation, and this tampering (4) resulted in the impairment or obstruction of a prosecution or defense of a felony." *State v. Russell*, 656 S.W.3d 265, 282 (Mo. App. W.D. 2022). All four elements "must be proved beyond a reasonable doubt." *State v. Patterson*, 489 S.W.3d 907, 913 (Mo. App. W.D. 2016).[3]

Peterson argues that the evidence presented at trial was insufficient to show that "concealing [Victim's] body impaired or obstructed the prosecution of Mr. Peterson for first-degree murder"—the fourth element of felony tampering with physical evidence.[4]

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[3] "[T]he state's burden of proof beyond a reasonable doubt begins and ends with the statutory elements of the crime and applicable sentence." *Colby v. State*, 737 S.W.3d 883, 899 (Mo. App. W.D. 2026) (quoting *State v. Winter*, 719 S.W.3d 738, 746 (Mo. banc 2025)).

[4] Peterson does not argue that the State failed to present sufficient evidence of the three remaining elements. Thus, only the fourth element is at issue here.

Specifically, Peterson contends that the evidence was insufficient because the covering of Victim's body "did nothing to impair or obstruct the charge of first-degree murder."

Here, the evidence presented at trial demonstrated that after Peterson killed Victim, he went to great lengths to conceal Victim's body so that it would not be discovered, and in turn, Peterson would not be investigated or prosecuted for Victim's murder. After Peterson shot and killed Victim, he wrapped her in a blanket, used paracord to secure the blanket, placed another blanket around her, and placed two garbage bags over her—one starting at her head and another starting at her feet. And not only did Peterson wrap the Victim's body, but he also covered the windows of his home with plastic and newspaper to prevent a person standing outside of the home from seeing the wrapped corpse inside of his home. When Peterson left his home with the deceased Victim inside, he secured his residence by locking his doors although he did not generally lock his doors. Peterson also disabled his security camera to prevent it from videotaping his actual time of departure from his home on the morning of May 16.

Furthermore, the investigation of the timing of Victim's murder was impaired or obstructed by Peterson's wrapping of Victim's body in the manner that he did. The medical examiner testified that her ability to determine the Victim's time of death was highly dependent on "the temperature [Victim] was exposed to." Wrapping Victim in the garbage bags could have sped up the decomposition process of Victim's body if Peterson placed Victim in the bags shortly after she was killed because of the heat trapped inside of them. But if Peterson placed Victim in the bags after her body had cooled, the

decomposition process could have proceeded at a normal pace. Because the medical examiner was unable to determine the temperature Victim had been exposed to inside of the blankets and garbage bags, it was not possible to determine the precise time of Victim's death aside from the medical examiner's general conclusion that Victim had died at least twenty-four to thirty-six hours before the autopsy. The evidence presented at trial was sufficient to prove that by wrapping Victim, Peterson impaired or obstructed the investigation and subsequent prosecution of Victim's murder by making it more difficult to determine when Victim died.

In fact, the resulting impairment in this case resembles that of *State v. Samsinak*, 688 S.W.3d 259, 262 (Mo. App. S.D. 2024), where the Southern District of this Court held that the state had presented sufficient evidence of impairment or obstruction required to convict the defendant of felony tampering of evidence. In *Samsinak*, the defendant was charged with felony tampering with evidence in connection with defendant bludgeoning the victim to death in her living room and subsequently lighting her house on fire. *Id.* at 262-63. The state alleged that the defendant tampered with evidence—the baseball bat that was believed to be the murder weapon—when he lit the house on fire and the fire caused damage to the bat. *Id.* at 264. The Southern District held that sufficient evidence of resulting impairment was established at trial because:

> The bat was highly relevant to Samsinak's murder and armed criminal action charges. . . . Although no direct testimony established an inability to test the bat, it reasonably could be inferred that alteration of the bat by the fire precluded testing the bat for the presence of Victim's blood, which would tend to show it was the murder weapon, or Samsinak's fingerprints, which would connect him to the bat. With the evidence it had,

> the State could not argue the baseball bat was in fact the dangerous instrument Samsinak used to kill Victim, only that it was consistent with the object that inflicted deadly, blunt force trauma.

Id. at 264.

The same principles apply here. Victim's body, and its condition when discovered, was highly relevant evidence (perhaps even the core evidentiary item) in the investigation and prosecution of her murder. Peterson's wrapping of the Victim prevented the State from establishing her precise time of death or at least impaired the State's ability to argue that Peterson was the only person who was with Victim at the time of her death. Like the defendant in *Samsinak*, Peterson impaired or obstructed the prosecution of Victim's murder by altering physical evidence that was highly relevant to prosecuting Victim's murder and establishing Peterson's guilt. *See also Jenkins v. State*, 738 S.W.3d 149, 158 (Mo. App. S.D. 2026) (holding defendant impaired or obstructed a felony prosecution when he altered a rock of methamphetamine into powder and dispersed it across the floorboard of a law enforcement officer's vehicle because "[d]ue to [his] actions, law enforcement could not obtain an accurate measurement of the amount of methamphetamine in [his] possession at the time of his arrest.").

Therefore, the State presented sufficient evidence that Peterson's concealment of Victim's body impaired or obstructed the prosecution of the felony of first-degree murder.

Point I is denied.

Points II-IV: Failure to Declare a Mistrial

Each of Points II, III, and IV argue that the trial court abused its discretion in overruling Peterson's motions to declare a mistrial after improper evidence was presented at trial.[5]

A. Standard of Review

> The ruling on a request for a mistrial is left to the sound discretion of the trial court because it is in the best position to observe the impact of the problematic incident. This Court reviews the trial court's refusal to grant a mistrial for an abuse of discretion. An abuse of discretion occurs when the trial court's ruling is clearly against the logic of the circumstances then before it and when the ruling is so arbitrary and unreasonable as to shock one's sense of justice and indicate a lack of careful consideration. This Court reviews the trial court's decision for prejudice, not mere error, and will reverse only if the error was so prejudicial that it deprived the

[5] Points II and III clearly state Peterson's claim of error: that the trial court abused its discretion in overruling Peterson's motions to declare a mistrial. Point IV states that the trial court abused its discretion "when it denied the claim in the motion for new trial." However, the argument section that follows does not set forth the applicable rule and analysis for this Court's review of a denial of a motion for new trial—it only discusses the trial court's failure to declare a mistrial. Because the claim of error in Point IV is not developed in the argument section of that point, Point IV is not preserved for appellate review, and this Court may dismiss the point. *See Lamy v. Stahl Speciality Co.*, 649 S.W.3d 330, 336 (Mo. App. W.D. 2022) ("If a point relied on is not developed in the argument portion of the brief by showing how the principles of law and facts of the case interact, it is deemed abandoned. And claimed errors that are raised only in the argument portion of the brief but not contained in a point relied on are not preserved for our review." (citation omitted)). "However, while briefing deficiencies support dismissal of an appeal, we are permitted to reach the merits of the case in those limited scenarios where the brief gives notice of the issue presented on appeal, so long as doing so will not require us to step into the role of advocate." *Id.* Here, although Point IV is deficient, Peterson's actual claim of error is readily discernable from the argument portion of his brief: that the trial court allegedly abused its discretion overruling Peterson's motion for mistrial when Ms. Carroll made a comment about the restraining order against Peterson. Therefore, we exercise our discretion to review the substance of Point IV.

> defendant of a fair trial. Granting a mistrial is a drastic remedy and should be exercised only in extraordinary circumstances.

State v. Latin, 710 S.W.3d 584, 590 (Mo. App. W.D. 2025) (citation modified).

B. Analysis

"Evidence must be logically and legally relevant to be admissible." *State v. Prince*, 534 S.W.3d 813, 817 (Mo. banc 2017). "Legal relevance weighs the probative value of the evidence against its costs—unfair prejudice, confusion of the issues, misleading the jury, undue delay, waste of time, or cumulativeness." *Id.* at 818 (quoting *State v. Collings*, 450 S.W.3d 741, 756 (Mo. banc 2014)). "If the prejudice of the logically relevant evidence outweighs its probative value, it should be excluded." *Id.* "The determination [of] whether evidence is legally relevant is firmly within the [trial] court's discretion." *State v. Pulse*, 725 S.W.3d 686, 694 (Mo. App. W.D. 2025) (quoting *State v. McWilliams*, 564 S.W.3d 618, 632 (Mo. App. W.D. 2018)).

"On direct appeal, this Court reviews the trial court's rulings on admission of evidence for *prejudice*, not mere error, and will reverse only if the error was so prejudicial that it deprived the defendant of a fair trial." *State v. Boedecker*, 717 S.W.3d 225, 238 (Mo. App. W.D. 2025) (emphasis added) (quoting *State v. Moore*, 687 S.W.3d 1, 6 (Mo. App. W.D. 2024)). "Trial court error resulting from the admission of evidence is prejudicial 'if the error so influenced the jury that, when considered with and balanced against all of the evidence properly admitted, there is a reasonable probability that the jury would have reached a different conclusion without the error.'" *Id.* (quoting *Moore*, 687 S.W.3d at 6). "[A] defendant seeking reversal has the burden of showing both error

and resulting prejudice." *Id.* at 239 (quoting *State v. Stafford*, 589 S.W.3d 705, 712 (Mo. App. E.D. 2019)).

"Overwhelming evidence of guilt may lead an appellate court to find that a defendant was not prejudiced by trial court error." *McWilliams*, 564 S.W.3d at 630 (citation modified) (quoting *State v. Banks*, 215 S.W.3d 118, 121 (Mo. banc 2007)). "'[O]verwhelming evidence of guilt' means at a minimum that there is sufficient evidence to support a conviction without consideration of the inadmissible evidence[.]" *State v. Dexter*, 954 S.W.2d 332, 342 (Mo. banc 1997). "There must be no reasonable doubt that appellant committed the crime[.]" *Id.*

In Points II, III, and IV, Peterson argues that the following evidence presented at trial was so unfairly prejudicial to Peterson as to deprive him the right to a fair trial: (II) Ms. Burmahl's testimony that Peterson had participated in rehab,[6] (III) the prosecutor's mischaracterization of Peterson's second-degree assault conviction as a conviction for assault on a law enforcement officer, and (IV) Ms. Carroll's testimony that she had a restraining order against Peterson.

In this case, the trial court did not abuse its discretion in overruling Peterson's motions for a mistrial pertaining to Points II, III, and IV.

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[6] Point II is premised on Peterson's claim that Ms. Burmahl "testified [that Peterson] had been in rehab." Given that Ms. Burmahl's exact testimony was only: "Because I—what I understood was rehab—[,]" we are hesitant to agree with Peterson's characterization. Nevertheless, our discussion of Point II assumes (without deciding) that Peterson's characterization is correct.

The decision of whether to grant Peterson's requests for a mistrial was a decision "left to the discretion of the trial court" because "it is in the best position to determine whether the incident had a prejudicial effect on the jury." *See State v. Blurton*, 484 S.W.3d 758, 779 (Mo. banc 2016) (quoting *State v. Ward*, 242 S.W.3d 698, 704 (Mo. banc 2008)). "Under most circumstances, a trial court acts within its discretion and cures error in the admission of evidence by withdrawing the improper evidence and instructing the jury to disregard it, rather than declaring a mistrial." *State v. Rice*, 573 S.W.3d 53, 74 (Mo. banc 2019).

In each instance where a mistrial was sought by Peterson, the trial court quickly intervened to stop any impermissible lines of questioning and was purposeful in directing relief the trial court deemed appropriate to cure any prejudice to Peterson. The trial court admonished the witnesses and the prosecutor; and, every allegedly impermissible comment was very brief, limited in substance, and there was no indication that the prosecutor had acted in bad faith. *See State v. Johnston*, 957 S.W.2d 734, 749 (Mo. banc 1997) ("Unsolicited statements that are brief and limited in substance do not amount to reversible error in the absence of evidence that the prosecutor intentionally tried to inject unfair prejudice into the trial.").

Peterson fails to allege any facts to overcome this presumption or otherwise convince this Court that any of these instances present the kind of "extraordinary circumstance[]" that could only be cured by declaring a mistrial. *Latin*, 710 S.W.3d at 590.

The trial court's failure to declare a mistrial was not clearly against the logic of the circumstances or otherwise arbitrary or unreasonable to indicate a lack of careful consideration. Accordingly, the trial court did not abuse its discretion in denying Peterson's motions for mistrial.

That said, even if we had found error in the trial court's rulings on Peterson's motions for mistrial (which we do not), Points II-IV likewise fail because Peterson cannot demonstrate that he suffered reversible prejudice due to the overwhelming evidence of his guilt established at trial through other admissible evidence.

Here, although Peterson's testimony was that he did not kill Victim and that he was in Marshall, Missouri, at the time of the killing, looking at the entirety of the record,[7] we find there was overwhelming additional evidence of his guilt. Peterson even *admits* that the circumstantial evidence against him was "strong."

In addition, there was an overwhelming quantity of physical and electronic evidence supporting Peterson's guilt for the charged offenses.[8] Victim was found shot

[7] Peterson cites to *State v. Walter*, 479 S.W.3d 118 (Mo. banc 2016), and argues that the holding of this case is that where a defendant testifies at trial that he did not commit the crime, this results in the categorical conclusion that the evidence can never be deemed to be "overwhelming" on the issue of guilt since the jury could have believed the defendant's self-serving testimony. We disagree. The *Walter* court merely reiterated the principle that the reviewing court must look at "the entirety of the record" to determine if the evidence of guilt is overwhelming. *Id.* at 126. In our analysis today, we have done so.

[8] The offense of felony tampering with evidence was previously defined in this Court's discussion of Point I. "A person commits the offense of murder in the first degree if he or she knowingly causes the death of another person after deliberation upon the matter." § 565.020.1. "Any person who commits any felony under the laws of this

more than twenty times in Peterson's home. The murder weapon was a single-shot air rifle that required each pellet to be loaded individually after each shot. Each shot also required re-cocking the gun, which required an amount of physical effort that the State's firearms expert struggled with. When Victim was found in Peterson's home, her blood was strewn about the walls and floors. The boots that Peterson was wearing when arrested matched at least one of the bloody footprints found in the home. The murder weapon was covered in Victim's and Peterson's blood. A pile of Peterson's clothing found near Victim's body tested positive for Victim's blood. Peterson admitted that the murder weapon and the materials used to wrap Victim's body—the paracord, the blankets, and the garbage bags—were his. Peterson himself argues in his Point I argument that his covering or wrapping Victim's body *helped* the State prove his deliberation. Finally, Peterson kept a home security camera system that captured multiple angles. It showed Peterson and Victim walking into his home on May 15. Peterson admitted that at 2:13 a.m. on May 16, he walked out of his house and disconnected his security cameras.

Though Peterson maintains he did not kill Victim and was out of town at the time of the killing, we fail to see how that makes the evidence set forth above any less overwhelming given that his version of events was completely unsupported by the abundance of physical, electronic, and circumstantial evidence presented at trial. *See*

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state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action[.]" § 571.015.1.

State v. Buechting, 633 S.W.3d 367, 379-80 (Mo. App. E.D. 2021) (finding overwhelming evidence of defendant's guilt for his second-degree murder conviction, even though defendant testified and denied having killed Victim, because of the "substantial circumstantial evidence" of his guilt presented at trial and despite the fact that medical expert testimony contradicted defendant's "version of events").

The evidence of Peterson's guilt—without reference to the evidence he complains of in Points II, III, and IV—was overwhelming. Thus, Peterson has failed to demonstrate that he suffered reversible prejudice.

Points II, III, and IV are denied.[9]

Conclusion

Peterson's convictions identified in the judgment of the trial court are affirmed.



Mark D. Pfeiffer, Presiding Judge

Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge, concur.

[9] In each of Peterson's points relied on and the argument sections that follow for Points II, III, and IV, he argues that the *cumulative impact* of the allegedly improper comments was so unfairly prejudicial as to deprive Peterson of his right to a fair trial. We note that this argument is distinct from his argument that each comment was unfairly prejudicial on its own, and so at a minimum, each of Peterson's points relied on are impermissibly multifarious. *See Macke v. Patton*, 591 S.W.3d 865, 870 (Mo. banc 2019). But perhaps more importantly, we find no cumulative error here. "Numerous non-errors cannot add up to error. Having determined that none of [Peterson's] previous points amount to reversible error, there can be no reversible error attributable to their cumulative effect." *State v. Buchli*, 152 S.W.3d 289, 309-10 (Mo. App. W.D. 2004) (quoting *State v. Gray*, 887 S.W.2d 369, 390 (Mo. banc 1994)).