MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI, Respondent,
v.
ROBERT PETERSON, Appellant.

DOCKET NUMBER WD88180

DATE: November 10, 2026

Appeal From:

Henry County Circuit Court
The Honorable M. Brandon Baker, Judge

Appellate Judges:

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

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Attorneys:

Catherine L. Hanaway, Attorney General, and Nathan J. Aquino, Assistant Attorney General, Jefferson City, MO, for Respondent.

Damien de Loyola, District Defender, Kansas City, MO, for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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WD88180 Henry County

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.

On May 14, 2023, Peterson drove to Victim's home, and they began drinking alcohol together. In the early morning hours of May 15, Peterson drove Victim to his residence in the same neighborhood and the two continued drinking throughout the day. Around 5:00 a.m. the next morning, Peterson left his home and visited his mother in Marshall, Missouri.

In the days that followed, Victim's friends and neighbors became concerned when they could not find Victim and, eventually, the neighbors discovered Victim's dead body in Peterson's residence.

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 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 first-degree murder, tampering with physical evidence, and armed criminal

action. The boots that Peterson was wearing when he was arrested matched at least one of the bloody footprints found in his home.

A jury trial began on March 31, 2025. During the State's presentation of evidence, Ms. Carroll testified that she had a restraining order against Peterson. Peterson's counsel objected, arguing Ms. Carroll's comment was unfairly prejudicial. Peterson moved the court to declare a mistrial, but the trial court overruled the motion. Peterson's counsel rejected the court's offer to give a curative instruction to the jury and requested that the court only admonish the witness outside of the presence of the jury to answer only the questions asked. The trial court did as Peterson requested.

Later in the trial, Ms. Kathryn Burmahl, who lived two lots south of Peterson, 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 asked why Ms. Burmahl noticed Mr. Peterson's truck, she stated: "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, and counsel moved for a mistrial. The trial court overruled the motion.

The State's final witnesses testified about the physical evidence found at Peterson's home. The State's 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 medical examiner that had performed an autopsy on Victim's body testified that Victim's death was caused by gunshot wounds and Victim's neck and head contained over twenty gunshot wounds that were inflicted while she was alive or dying. Metallic fragments and orange tips were recovered from Victim's cranial cavity and brain. The medical examiner 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 and denied killing Victim. He claimed that Victim was alive when he left his home on May 16. Peterson admitted that his home security 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. Peterson admitted that on May 16 at 2:13 a.m., he walked out of his home and disconnected the security camera. 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 if Peterson's conviction was for "assault on a law enforcement officer." Peterson's counsel objected, arguing that the prosecutor's question was an unfairly prejudicial misstatement of Peterson's conviction, and Peterson moved for a mistrial. 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.

The jury found Peterson guilty of first-degree murder, felony tampering with physical evidence, and armed criminal action.

Peterson appealed.

AFFIRMED.

Division Two holds:

1. The elements of felony tampering with physical evidence as pertains 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. Point I argues that the evidence presented at trial was insufficient to show that concealing Victim's body impaired or obstructed the prosecution of first-degree murder—the fourth element of felony tampering with physical evidence. Here, the State presented sufficient evidence that 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. Peterson covered the windows of his home with plastic and newspaper, he secured his residence by locking his doors, and he also disabled his security camera to prevent such camera 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 Victim's body in the manner that he did. 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 when she was 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. 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.

2. Evidence must be logically and legally relevant to be admissible. If the prejudice of the logically relevant evidence outweighs its probative value, it should be excluded. 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. Overwhelming evidence of guilt may lead an appellate court to find that a defendant was not prejudiced by trial court error. 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, (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. Here, in each instance where Peterson sought a mistrial, 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. 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. 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, Points II-IV likewise fail because Peterson cannot demonstrate that he suffered reversible prejudice due to the overwhelming quantity of physical and electronic evidence presented at trial that supported his guilt for the charged offenses. Points II, III, and IV are denied.

Opinion by: Mark D. Pfeiffer, Presiding Judge November 10, 2026

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