Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI,

Plaintiff-Respondent,

v.

ASHLEY L. NEWKIRK,

Defendant-Appellant.

Filed: November 13, 2026

Case Number SD39240

Missouri Court of Appeals
Southern District

APPEAL FROM THE CIRCUIT COURT OF BUTLER COUNTY
Honorable Steven F. Lynxwiler

AFFIRMED

Ashley L. Newkirk ("Defendant") was convicted after a jury trial of one count of possession of a controlled substance (§ 579.015), a class-D felony.[1] Defendant's sole point on appeal contends the State's evidence at trial was insufficient to prove beyond a reasonable doubt that she knowingly possessed methamphetamine found in her jacket pocket during a search incident to her arrest. Finding the evidence sufficient to support Defendant's conviction, we affirm.

[1] Unless otherwise indicated, all statutory references are to RSMo 2016, including, as applicable, statutory changes effective Jan. 1, 2017.

Standard of Review

"[T]his Court reviews whether there is sufficient evidence to support the charged crime, based on the elements of the crime as set forth by statute and common law and the evidence adduced at trial." ***State v. Eggleston***, 728 S.W.3d 432, 436 (Mo. banc 2026) (alteration in original) (internal quotation omitted). "In determining whether there is sufficient evidence to support a judgment of conviction, 'the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" ***Id.*** (quoting ***State v. Winter***, 719 S.W.3d 738, 746 (Mo. banc 2025)). "[T]he Court does not act as a 'super juror' with veto powers, but gives great deference to the trier of fact." ***Id.*** (alteration in original) (internal quotation omitted). "This Court accepts as true all evidence tending to prove guilt together with all reasonable inferences that support the verdict, and ignores all contrary evidences and inferences." ***Id.*** (internal quotation omitted). "This Court may not supply missing evidence, or give the [s]tate the benefit of unreasonable, speculative or forced inferences." ***Id.*** (alteration in original) (internal quotation omitted). The State may rely upon either "direct or circumstantial evidence connecting the defendant to each element of the crime." ***State v. Howell***, 143 S.W.3d 747, 752 (Mo. App. W.D. 2004) (citation omitted).

Background

On October 29, 2022, at around 9:30 a.m., city and county law enforcement officers responded to a residential call. The officers were unaware of the reason for the call. When they arrived, two officers contacted a male standing outside the residence

who was in a domestic dispute with his girlfriend. Another officer peeked inside the windows of a vehicle parked outside the residence. The vehicle was occupied by Defendant in the driver's seat and another occupant in the passenger seat, both of whom appeared to be sleeping. The officer called in the vehicle's plates and then stepped away from the vehicle to assist with the domestic dispute.

After addressing the domestic dispute, the officer returned to the vehicle's occupants because the plates were reported stolen. Defendant ostensibly woke up and asked to use the restroom, but her request was denied. While law enforcement checked Defendant and the other occupant for warrants, Defendant admitted that she had an outstanding warrant for a traffic violation. Law enforcement confirmed the warrant and directed Defendant to exit the vehicle to place her under arrest. Defendant complied but asked again to use the restroom. Law enforcement again denied the request. An officer asked Defendant if she had any drugs on her, which she denied.

When the officer searched Defendant incident to her arrest, he found a glass smoking pipe with white residue in the right pocket of the jacket Defendant was wearing. The residue tested positive for methamphetamine. When the officer found the pipe, another officer asked Defendant in jest "you don't do drugs?" because she had just denied having drugs on her. Defendant again denied having any drugs on her, and added that she did not know about the pipe. She explained that she borrowed the jacket and her pants from someone else and thought maybe she was set up. Defendant asked again to use the restroom, but the request was denied. At trial, the officer testified he denied Defendant's multiple requests to use the restroom because sometimes suspects will use

that excuse to flee or hide evidence. Additionally, a hidden baggie of marijuana was found in Defendant's bra when she was booked. Defendant also told law enforcement that she used methamphetamine in the past week, but she denied using it regularly.

The jury returned a guilty verdict that was accepted by the circuit court. Defendant was sentenced to five years' imprisonment subject to the provisions of § 559.115 (RSMo Cum. Supp. 2022, eff. Aug. 28, 2022).

Discussion

Defendant argues that the evidence was insufficient to support her conviction because the State failed to prove that she possessed the methamphetamine in her jacket pocket "knowingly." Defendant's argument is premised on her statements to law enforcement expressly denying that she knew about the methamphetamine. Defendant contends that because she did not admit to possessing the methamphetamine, the State's evidence, and the reasonable inferences therefrom, were insufficient to prove she possessed the methamphetamine "knowingly." She maintains "the jury could not reasonably infer that her request to use the restroom was evidence of consciousness of guilt." Further, she maintains that she must not have known about the methamphetamine because she did not seize the opportunity to hide the methamphetamine while law enforcement addressed the domestic dispute. We disagree.

"The statute defining the offense of possession of a controlled substance provides: 'A person commits the offense of possession of a controlled substance if he or she knowingly possesses a controlled substance[.]'" ***Eggleston***, 728 S.W.3d at 437 (quoting § 579.015.1). "The elements of the offense are whether a person 1) knowingly, 2)

possessed, 3) a controlled substance." ***Id.*** A reviewing court "should begin with whether there was actual possession of the controlled substance under section 195.010(38)."[2] ***Id.*** at 439-40. "Assuming there is actual possession under section 195.010(38), the person still must have acted 'knowingly' under section 556.061(31)." ***Id.*** at 440. "In section 556.061(31)(a), the legislature defined 'knowingly,' when used with respect to '[c]onduct or attendant circumstances,' as meaning 'a person is aware of the nature of his or her conduct or that those circumstances exist[.]'" ***Id.*** at 437 (alteration in original) (quoting § 556.061(31)). "[W]hether the person acted 'knowingly' will almost always be based on circumstantial evidence[.]" ***Id.***

Here, Defendant only challenges the sufficiency of the evidence as to the "knowingly" element of the offense. The fact that the methamphetamine was found in the pocket of her jacket, which she was wearing, is sufficient to prove she possessed the methamphetamine "knowingly." The reasonable inference from that evidence is that Defendant was aware of the methamphetamine. *See* ***id.*** ("[I]t is … difficult to envision a circumstance when 'knowingly' will not follow based on the requirements for actual possession."); *see also* ***State v. Jones***, No. ED 113690, 2026 WL 2396310, at *4 (Mo. App. E.D. Aug. 18, 2026) (finding the evidence sufficient under the *Eggleston* framework when the methamphetamine was found inside the defendant's shirt pocket even though the defendant testified he had "no idea" that methamphetamine was inside

[2] "A person has actual possession if he [or she] has the substance on his or her person or within easy reach and convenient control." ***Id.*** (alteration in original) (quoting § 195.010(38), RSMo Cum. Supp. 2018, eff. Aug. 28, 2018)).

his pocket). Under our standard of review, we reject the evidence contrary to the verdict that she did not know about the methamphetamine and we reject the contrary inferences she draws from the other evidence at trial. *See* ***Eggleston***, 728 S.W.3d at 436.

Conclusion

We deny Defendant's sole point on appeal and affirm the circuit court's judgment.

JOSEPH L. HENSLEY, J. – OPINION AUTHOR

JACK A. L. GOODMAN, J. – CONCURS

BRYAN E. NICKELL, J. – CONCURS