



In the Missouri Court of Appeals Eastern District

DIVISION TWO

IN THE INTEREST OF: W.M.H.

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No. ED113152

FILED: December 9, 2025

Appeal from the Circuit Court of St. Charles County The Honorable Brittney R. Smith

Before: Michael S. Wright, Presiding Judge, Philip M. Hess, Judge, and Virginia W. Lay, Judge.

Introduction

W.M.H. appeals the juvenile court's judgment committing him to the custody of the Division of Youth Services (DYS) following his adjudication as delinquent of the offenses of second-degree tampering and possession of a controlled substance under section 211.031.1(3).¹ W.M.H. alleges the juvenile court erred in finding he committed second-degree tampering because there was insufficient evidence to prove beyond a reasonable doubt W.M.H. purposely or knowingly rode unlawfully in or upon another's automobile. The Juvenile Officer (Respondent) concedes this point. Because the record lacks sufficient evidence W.M.H. acted with the requisite

¹ This Court uses "the term 'juvenile court,' even though the juvenile division is not a separate court but is instead a division of the circuit court, because the term 'juvenile court' is defined in chapter 211 to refer to the 'court' with statutory authority to adjudicate criminal charges against a 'child' as defined in that chapter." *J.N.W. v. Juv. Officer*, 643 S.W.3d 618, 623 n.1 (Mo. App. W.D. 2022). All section references are to RSMo (Cum. Supp. 2023), unless otherwise indicated.

culpable mental state, we reverse and enter a judgment of acquittal on the second-degree tampering count pursuant to Rule 84.14.²

Factual and Procedural Background

On May 24, 2024, Victim noticed her Toyota Prius was missing from her driveway and reported it stolen. Officer K.F. received a notification of a Flock³ camera hit in the area of South Outer 40 and Fox Trotter Drive in St. Charles on May 25, 2024, which indicated the detection of a license plate that had been reported stolen. Officer K.F. responded to the area and located the Prius parked in front of a residence. The vehicle's interior was a mess, the rear bumper was missing, and the vehicle was caked in mud. Officers observed three people, including W.M.H., sitting on the front porch of a neighboring house. Two of the individuals, including W.M.H., were taken into custody. W.M.H. was caked in mud from the knees down. The other arrested individual had the key fob to Victim's Prius on his lap.

Respondent filed its first amended petition alleging W.M.H. committed second-degree tampering, delivery of a controlled substance, possession of a controlled substance, stealing, and unlawful use of a weapon. The juvenile court held the adjudication hearing on September 23, 2024, at which Respondent called nine witnesses and introduced four exhibits, including a surveillance video from an address on Hillside Meadows. Detective K.A., while investigating a separate case of a stolen firearm on May 28, 2024, identified two juvenile suspects, including W.M.H., after reviewing security footage from the hospital where the firearm had been recovered. Detective K.A. learned tampering cases had recently been filed against the two juveniles and reviewed information about the Prius. Using Flock and license plate reader cameras, Detective

² All rule references are to the Missouri Supreme Court Rules (2024).

³ Detective K.A. explained Flock cameras are set up at various points throughout St. Charles County to capture vehicles and license plates that pass by. Officer K.F. explained vehicles can be listed as wanted or stolen, and law enforcement agencies will receive an alert if that license plate is detected by Flock cameras.

K.A. identified the Prius at four locations on the morning of May 24, 2024, including the address on Hillside Meadows. Detective K.A. obtained surveillance video from that location, which was played at the adjudication hearing. The video showed a passenger, who was wearing a dark top and dark pants with a white or light color stripe, exit the Prius and pull on nearby car door handles. Detective K.A. testified the pants appeared to be the same pants worn by W.M.H. in the hospital footage, but he did not positively identify W.M.H. in the Hillside Meadows footage.

The juvenile court found only the allegations of second-degree tampering and possession of a controlled substance to be proven true beyond a reasonable doubt. The juvenile court held a disposition hearing on October 21, 2024, and later entered judgment committing W.M.H. to the custody of DYS for an indefinite term. This appeal follows.

Standard of Review

“Juvenile proceedings are reviewed in the same manner as other court-tried cases.” *D.C.M. v. Pemiscot Cnty. Juv. Office*, 578 S.W.3d 776, 786 (Mo. banc 2019) (internal quotation omitted). We will affirm the judgment in a juvenile proceeding “unless it is not supported by the evidence, is against the weight of evidence, or erroneously declares or applies the law.” *Id.* For a challenge to the sufficiency of the evidence, “the evidence, including all reasonable inferences therefrom, is considered in the light most favorable to the judgment, disregarding all contrary inferences.” *Id.* (internal quotation omitted). “When a juvenile is alleged to have committed an act that would be a criminal offense if committed by an adult, the standard of proof, like that in criminal trials, is beyond a reasonable doubt.” *Id.*

Discussion

W.M.H. argues the juvenile court erred in finding he committed second-degree tampering because there was insufficient evidence to prove beyond a reasonable doubt W.M.H. purposely or knowingly rode unlawfully in the Prius. We agree.

An individual commits second-degree tampering if he or she “[u]nlawfully rides in or upon another’s automobile[.]” Section 569.090.1 RSMo (2016). W.M.H. does not dispute he rode in an automobile without the owner’s consent. Instead, W.M.H. claims there was insufficient evidence to prove he *knew* he did not have the owner’s consent to ride in the vehicle.

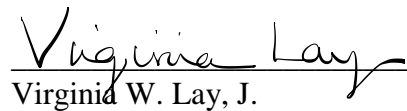
“Direct proof of a required mental state is seldom available and such intent is usually inferred from circumstantial evidence.” *State v. Randle*, 456 S.W.3d 535, 539 (Mo. App. E.D. 2015) (internal quotation omitted). “A defendant’s mental state may be determined from evidence of his conduct before the act, from the act itself, and from his subsequent conduct.” *Id.* Intent to commit a crime can be inferred by circumstances such as the “defendant’s presence, opportunity, companionship, conduct, and flight.” *Id.* (internal quotation omitted). That an occupant of a vehicle knew it was stolen could be inferred from “a destroyed ignition, stolen license plates, or an altered VIN,” as well as flight. *Int. of D.L.T.*, 673 S.W.3d 844, 850 (Mo. App. E.D. 2023); *see also State v. Goodman*, 531 S.W.2d 777, 778 (Mo. App. 1975) (that the defendant operated a vehicle knowing he did not have owner’s consent could be inferred by punched out ignition and twisted wires hanging from dashboard); *State v. Costello*, 546 S.W.2d 22, 23-24 (Mo. App. 1976) (intent could be inferred by damage to door lock, repainting of a section of a car, and the defendant’s exclusive and unexplained possession of the recently stolen vehicle).

Here, Respondent did not introduce any direct evidence W.M.H. knew he was unlawfully riding in the Prius, and the circumstantial evidence is insufficient. Respondent concedes this point.

There was no evidence presented of the usual indicators of car theft, such as a destroyed ignition or exposed wires, repainting, stolen license plates, or an altered VIN. W.M.H. did not have possession of the key, nor did he attempt to flee when approached by police. W.M.H. points to two facts that could support the juvenile court's finding—the damage to the Prius and the Hillside Meadows surveillance footage—and argues neither supports the conclusion he knew the vehicle was stolen. We agree. The damaged bumper is not an indication the Prius was stolen, as it would not aid a perpetrator in gaining entry to or starting a vehicle, as seen in *Goodman and Costello*, 531 S.W.2d at 778; 546 S.W.2d at 23. A messy interior and dirty exterior likewise do not indicate a stolen vehicle. Regarding the Hillside Meadows video, Detective K.A. did not identify W.M.H. as the individual exiting the Prius. Even in light most favorable to the judgment, the evidence would not permit a rational fact-finder to find W.M.H. guilty of second-degree tampering beyond a reasonable doubt. *See D.C.M.*, 578 S.W.3d at 786; *State v. Nash*, 339 S.W.3d 500, 509 (Mo. banc 2011). Point granted.

Conclusion

For the reasons set forth above, we reverse the juvenile court's judgment only as to the second-degree tampering and enter a judgment of acquittal on the second-degree tampering pursuant to Rule 84.14. The juvenile court's judgment is otherwise affirmed.


Virginia W. Lay, J.

Michael S. Wright, P.J., concurs.
Philip M. Hess, J., concurs.