MISSOURI COURT OF APPEALS
WESTERN DISTRICT

VICTOR D. VICKERS, JR., Appellant,
v.
STATE OF MISSOURI, Respondent.

DOCKET NUMBER WD87435

DATE: May 27, 2025

Appeal From:

Jackson County Circuit Court
The Honorable John M. Torrence, Judge

Appellate Judges:

Division Four: Anthony Rex Gabbert, Chief Judge Presiding, W. Douglas Thomson, Judge, and Janet Sutton, Judge

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Attorneys:

Victor Vickers, Jr., Bowling Green, MO, Appellant acting pro se.

Alex Beezley, Jefferson City, MO, counsel for Respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

VICTOR D. VICKERS, JR., Appellant,
v.
STATE OF MISSOURI, Respondent.

WD87435 Jackson County

Before Division Four Judges: Anthony Rex Gabbert, Chief Judge Presiding, W. Douglas Thomson, Judge, and Janet Sutton, Judge

Victor Vickers (Vickers) was initially charged with first-degree murder, first-degree assault, and two counts of armed criminal action. Vickers was found guilty after a jury trial, and his convictions and sentences were affirmed on direct appeal.

Vickers timely filed a *pro se* Rule 29.15 motion which included a claim that he was denied effective assistance of counsel at trial because his lawyer failed to conduct a reasonable investigation of his alibi defense and that such failure resulted in the exclusion of his sole alibi witness. Vickers' convictions and sentences were vacated and a new trial was ordered.

The State filed a new information charging Vickers with voluntary manslaughter, second-degree assault, and two counts of armed criminal action. Vickers entered an Alford plea pursuant to a plea agreement, and the second armed criminal action charge was dismissed.

Vickers timely filed a *pro se* Rule 24.035 motion which contained two claims. Vickers argued, *inter alia*, (1) that he was denied his rights to due process of law, a fair trial, right to effective assistance of counsel, and was subjected to cruel and unusual punishment when plea counsel misadvised him that the sentencing court could credit his sentence with all of his previously-served time, and (2) that he was denied his rights to due process of law, a fair trial, effective assistance of counsel, and was subjected to cruel and unusual punishment when plea counsel misadvised him that if he received the maximum sentence of fifteen years, he had to be conditionally released after serving 66% of his sentence.

An evidentiary hearing was held in November 2023. The motion court entered its judgment in July 2024 which denied Vickers' Rule 24.035 motion. The motion court's judgment stated Vickers "offer[ed] one claim," and it did not provide any findings of fact or conclusions of law for his second claim. Vickers appeals *pro se*.

DISMISSED AND REMANDED.

Division Four holds:

Rule 24.035(j) requires a motion court to issue findings of fact and conclusions of law on all issues presented. Additionally, in the context of post-conviction motions, a motion court's failure to "acknowledge, adjudicate, or dispose" of all claims in its judgment mandates dismissal because it is not a final judgment under Rule 74.01. *Rogers v. State*, 610 S.W.3d 733, 736 (Mo. App. E.D. 2020) (citation omitted). Vickers raised two points in his Rule 24.035 motion. However, the motion court specifically stated in its judgment that Vickers "offere[d] one claim," only included conclusions of law for the first claim, and did not acknowledge the second claim. Based on the motion court's failure to rule on Vickers' second claim, we find that the motion court's judgment is not a final, appealable judgment. On remand, we direct the motion court to rule on all of the claims in Vickers' Rule 24.035 motion.

Opinion by: Janet Sutton, Judge May 27, 2025

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