Summary of SC101233, *State of Missouri v. Desmond Harris*
Appeal from the St. Louis circuit court, Judge Michael W. Noble
Argued and submitted March 10, 2026; opinion issued June 23, 2026

Attorneys: Harris was represented by Faith Katz of the public defender's office in St. Louis, (314) 340-7662. The state was represented by Dora A. Fichter of the attorney general's office in Jefferson City, (573) 751-3321.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A man appeals his judgment of conviction, alleging the circuit court improperly considered charges of which he was acquitted when sentencing him. In a unanimous decision written by Judge Paul C. Wilson, the Supreme Court of Missouri affirms the judgment. The man failed to establish he should be granted relief under plain error review for his claim, which is unpreserved and depends entirely on speculation.

Facts: In June 2022, a man was held at gunpoint; had his wallet, car keys, and a bag containing a gun taken; and was shot multiple times. He identified Desmond Harris as the perpetrator. The state charged Harris. A jury found Harris guilty of first-degree robbery, first-degree assault, and two counts of armed criminal action. A presentencing report listed additional crimes for which Harris had been arrested. The report noted he had been placed on probation for his first felony (fist-degree tampering with a motor vehicle) and, within two months of his probation beginning, had been arrested twice and charged with the felonies in the current case plus six unrelated felonies. The presentencing report did not include any disposition for the latter felonies. During the sentencing hearing, neither Harris nor the state made any changes to the report, nor did they offer any other evidence. In response to a question from the circuit court about a prior trial involving Harris, the prosecutor described the facts as alleged but explained the state had dismissed two charges and the jury acquitted Harris of the third. As mitigating factors, defense counsel argued Harris had been raised by his mother because his father had been incarcerated and Harris intended to rehabilitate himself. Before sentencing Harris to consecutive terms totaling 50 years in prison, the circuit court made statements that this was not just a "one-off" incident with the criminal justice system and that the sentencing report showed "a series of bad decisions." Harris appeals.

AFFIRMED.

Court en banc holds: Harris failed to establish this Court should grant him relief under plain error review. Given that sentencing decisions are reviewed only for abuse of discretion, Harris failed to show the circuit court committed any error in sentencing him. Because judges are presumed to know what evidence is sufficient to establish facts relevant to sentencing, judge sentencing is fundamentally different from jury sentencing, and this Court's prior cases regarding jury sentencing should not be read to apply to judge sentencing. Even if this Court believed the circuit court's remarks concerning the unrelated charges focused on whether Harris committed those crimes – despite the fact he was acquitted of all charges the state did not dismiss – Harris failed to show any prejudice or manifest injustice resulted. No experienced

judge would take the prosecutor's bare recitation of the unrelated allegations as evidence of Harris' conduct, and the crimes for which Harris was convicted – especially when they occurred so soon after he was placed on probation – merited the sentences imposed. Finally, Harris' claim is ill-suited for plain error review. It is based entirely on a handful of comments the circuit court made, in less than a minute, before pronouncing sentence, and depends entirely on a speculated inference. This Court declines discretionary review.