IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI,	)	
	)	
Respondent,	)	
	)	WD87896
v.	)	
	)	
JAMES FREDERICK WILSON,	)	Opinion filed: June 23, 2026
	)	
Appellant.	)	

APPEAL FROM THE CIRCUIT COURT OF
BOONE COUNTY, MISSOURI
HONORABLE J. HASBROUCK JACOBS, JUDGE

Division Two: W. Douglas Thomson, Presiding Judge,
Lisa White Hardwick, Judge, and Mark D. Pfeiffer, Judge

James Wilson ("Wilson") appeals the trial court's judgment after a jury convicted him of forcible rape and assault in the first degree. He argues that the trial court failed to accurately memorialize the orally pronounced sentence for both offenses in the written judgment. The State concedes error and we agree. We remand the case to the trial court for the sole purpose of entering a *nunc pro tunc* order correcting the trial court's written judgment to reflect its oral pronouncement.

Factual and Procedural History

In January 2023, Wilson was charged by indictment with the Class A felonies of forcible rape (Count I) and assault in the first degree (Count II) for acts he committed in March 1984. A jury found him guilty of both offenses in February 2025 and recommended a life sentence on each count. At the sentencing hearing, the trial court orally pronounced a sentence of life in prison for each offense, to run consecutively. In the written judgment, however, under both counts the "Length" field states: "LIFE IN PRISON," but the "Text" field states: "Defendant sentenced to 999 Years [DOC]." Wilson appeals in two points, with Point I addressing the rape charge and Point II addressing the assault charge.

Analysis

In both Point I and Point II, Wilson argues the trial court erred in designating the length of his sentence in its written judgment as "999 years" because such sentence materially differs from the trial court's oral pronouncement of sentence as "life in prison." The State concedes error.[1] Both parties agree the appropriate remedy is to remand the case to the trial court for the limited purpose of entering an order *nunc pro tunc* that conforms the written judgment to the trial court's oral pronouncement of sentence.

[1] The State also argues that because Wilson did not object to the trial court's written judgment, his claim may only be reviewed for plain error. Our Court, however, has repeatedly noted that whether a claim of failure to memorialize the pronounced sentence is decided under plain error review or under the court's authority to correct clerical mistakes pursuant to Rule 29.12(c), the analysis is the same. *See State v. Moots*, 727 S.W.3d 792, 793 n.1 (Mo. App. W.D. 2025); *State v. Pardee*, 700 S.W.3d 42, 53 n.6 (Mo. App. W.D. 2024); *State v. Robinson*, 685 S.W.3d 32, 34 n.1 (Mo. App. W.D. 2024); *State v. Denham*, 686 S.W.3d 357, 369 n.3 (Mo. App. W.D. 2024). We proceed accordingly.

"The [trial] court's written judgment should reflect its oral pronouncement of sentence before the defendant." *State v. Moots*, 727 S.W.3d 792, 793 (Mo. App. W.D. 2025) (citing *State v. Pardee*, 700 S.W.3d 42, 53 (Mo. App. W.D. 2024)). "If there is a material difference between the court's oral pronouncement of sentence and the written judgment, the oral pronouncement controls." *Id.* (quoting *State v. Clark*, 494 S.W.3d 8, 14 (Mo. App. E.D. 2016)). "The failure to accurately memorialize the decision of the trial court as it was announced in open court is a clerical mistake." *State v. Robinson*, 685 S.W.3d 32, 34 (Mo. App. W.D. 2024) (citing *State v. Davie*, 638 S.W.3d 514, 524 (Mo. App. W.D. 2021)). "Clerical errors in the sentence and judgment in a criminal case may be corrected by order *nunc pro tunc* if the written judgment does not reflect what was actually done." *Id.* (quoting *Davie*, 638 S.W.3d at 524); Rule 29.12(c). "Such clerical errors are 'the prototypical circumstance' for a *nunc pro tunc* order." *State v. Fielder*, 706 S.W.3d 303, 309 (Mo. App. W.D. 2025) (citing *State v. Bjorgo*, 571 S.W.3d 651, 661 (Mo. App. W.D. 2019)).

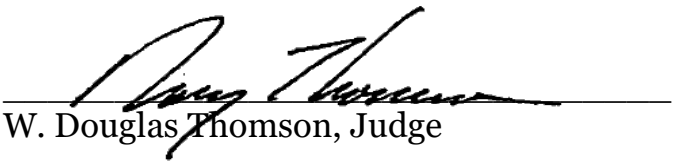
At the sentencing hearing, the trial court announced a sentence of life in prison for both Count I and Count II, with Count II running consecutive to Count I. However, in its written judgment, the trial court imposed a sentence of 999 years on each count. "Sentences of life and 999 years 'are materially different because, among other reasons, they have a different effect in determining parole eligibility dates.'" *Moots*, 727 S.W.3d at 793 (quoting *Clark*, 494 S.W.3d at 14); *Pardee*, 700 S.W.3d at 54. Further, Wilson was charged and convicted of the Class A felonies

of rape and assault.[2] *See* Section 566.030; 565.050. The authorized sentence for a Class A felony is "a term of years not less than ten years and not to exceed thirty years, or life imprisonment." Section 558.011.1(1). Thus, the sentences of 999 years' imprisonment contained in the written judgment are unauthorized for the felonies of rape and assault.

The trial court's written judgment does not conform to its oral pronouncement of sentence and therefore contains a clerical error, which may be corrected *nunc pro tunc*. *See Robinson*, 685 S.W.3d at 35. Points I and II are granted, and we remand to the trial court to enter a corrected judgment conforming to the court's oral pronouncement of sentence as life in prison for both counts.

Conclusion

The case is remanded to the trial court for the sole purpose of entering a *nunc pro tunc* order correcting the trial court's written judgment to reflect its oral pronouncement of a life sentence on Counts I and II, respectively, which are to be served consecutively. In all other respects, the judgment is affirmed.



W. Douglas Thomson, Judge

All concur.

[2] At the time Wilson committed the crimes in 1984, rape was still classified as a Class A or B felony. Section 566.030.

All statutory citations are to RSMo Cum. Supp. 1983.