OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI, Respondent, v. DARYL CLEMMONS, Appellant.	)))))))))	ED113421 Filed: July 28, 2026

Appeal from the Circuit Court of the City of St. Louis
The Honorable Calea Stovall-Reid, Judge

SUMMARY:
Daryl Clemmons (Clemmons) appeals from the trial court's judgment following jury convictions for Assault in the First Degree and Armed Criminal Action (ACA). Clemmons raises three points on appeal. First, Clemmons argues that the trial court erred in denying his motion for judgment of acquittal because the State failed to establish that he did *not* act in lawful self-defense. Second, Clemmons claims that the trial court plainly erred in sentencing him to ten years' imprisonment pursuant to the court's mistaken belief that probation, suspended imposition, or suspended execution of sentence were not permitted dispositions for first-degree assault. Third, Clemmons contends that the trial court plainly erred in sentencing him because under section 557.045, a jury must make the finding beyond a reasonable doubt that his offense involved the use of a deadly weapon, not the court.

AFFIRMED.

DIVISION FOUR HOLDS:
As to Point One, because a reasonable jury could have found that Clemmons lacked the reasonable belief that deadly force was necessary to prevent the use of unlawful force against him, we affirm. As to Points Two and Three, we decline Clemmons' request for plain error review because he failed to establish facially evident, obvious, and clear errors affecting substantial rights.

Opinion by: Rebeca Navarro-McKelvey, Presiding Judge
Gary M. Gaertner, Jr., Judge; James M. Dowd, Judge, concur.

Attorney for Appellant: Nathan T. Swanson

Attorney for Respondent: Garrick F. D. Aplin

This summary is not part of the opinion of the court. It has been prepared for the convenience of the reader and should not be quoted or cited.