Missouri Court of Appeals
Southern District

In Division

STATE OF MISSOURI,

Respondent,

v.

KALEB M. RAMSEY,

Appellant.

Case Number SD39007

Filed: July 31, 2026

APPEAL FROM THE CIRCUIT COURT OF MISSISSIPPI COUNTY

Honorable D. Blake Pearson, Judge

AFFIRMED AND REMANDED WITH INSTRUCTIONS

A Mississippi County jury found Appellant Kaleb Ramsey guilty of one count of second-degree murder, three counts of first-degree assault, and one count of unlawful use of a weapon. The trial court sentenced Ramsey to life imprisonment for second-degree murder (Count I); life imprisonment for one count of first-degree assault (Count II), to run consecutively to Count I; fifteen years' imprisonment for each of the other counts of first-degree assault (Counts III and IV), to run concurrently with each other,

but consecutively to Count II; and fifteen years' imprisonment for unlawful use of a weapon (Count V), to run consecutively to the other counts.

Ramsey raises three points on appeal. First, he claims his conviction for first-degree assault of Victim 2 was not supported by sufficient evidence. Second, he asserts plain error in the admission of a photograph into evidence that showed a "F**k Gun Control" bumper sticker on a car present at the crime scene. Third, he seeks remand because the trial court's written judgment differed materially from the trial court's oral pronouncement of sentence. We remand the case to the trial court for entry of a written judgment *nunc pro tunc* correcting a clerical error and conforming to the oral pronouncement of sentence, and we affirm the judgment of the trial court in all other respects.

Factual Background[1]

Victim 1 replied to a social media post made by Ramsey's co-defendant ("Co-defendant"), and Co-defendant felt disrespected by the reply. The online exchange

[1] We view the facts as the law requires.

> We accept as true all evidence and reasonable inferences favorable to the verdict, disregarding contrary inferences unless they are such a natural and logical extension of the evidence that a reasonable juror would be unable to disregard them. We do not weigh the evidence or decide the credibility of witnesses, but defer to the trial court. The trier of fact may believe all, some, or none of the testimony of a witness when considered with the facts, circumstances, and other testimony in the case.

State v. Robinson, 711 S.W.3d 921, 926 (Mo.App. E.D. 2025) (citation modified).

escalated, and ultimately, Victim 1 and Co-defendant agreed to meet and engage in a fistfight at Rotary Park ("the Park") in Sikeston, Missouri. Victim 1 arrived at the Park in a white Chevrolet Malibu (the "Malibu") with three friends, including Victim 2. Victim 1 and two of the friends left the vehicle to wait for Co-defendant on or around nearby playground equipment in the Park. Victim 2 remained in the car.

Co-defendant, Ramsey, and Co-defendant's girlfriend arrived at the Park in a black SUV (the "SUV"). Co-defendant had a gun in the SUV. Co-defendant's brother and another friend followed Co-defendant and Ramsey to the Park in a black Dodge Charger (the "Charger"). A bumper sticker affixed to the back of the Charger read "F**k Gun Control."

Upon seeing Ramsey and Co-defendant arrive, the three individuals on the playground equipment started moving toward the Malibu, in which Victim 2 was still sitting. As they arrived at the Malibu, shots rang out. When one passenger ("Passenger") from the Malibu heard the shots, he ducked down outside the vehicle on the rear passenger's side. He retrieved his gun from the back seat of the Malibu. At the same time, he heard Victim 1 say, "I'm hit." Passenger began shooting over the back of the Malibu's trunk. Victim 1 grabbed Passenger's shoulder and said, "we gotta go, we gotta go." Passenger stopped shooting and helped Victim 1 into the Malibu, then lay on top of him to protect him from the ongoing gunshots. Passenger felt Victim 1 fall

unconscious, then got up and moved Victim 1's feet fully into the vehicle and shut the door.

Victim 2 had been shot in her forehead. Passenger removed his shirt and applied it to Victim 2's head wound. The driver of the Malibu returned to the driver's seat from outside and drove away through the Park. Once the Malibu returned to the main road outside of the Park, Passenger flagged down a police car. Victim 1 died from a gunshot wound to the chest. Victim 2 survived, but sustained serious and lasting injuries from being shot in the head.

Ramsey testified that when he, Co-defendant, and Co-defendant's girlfriend arrived at the Park, Ramsey saw three people walking. Co-defendant told Ramsey he heard shots. Co-defendant handed his gun to Ramsey and told Ramsey to shoot. Ramsey rolled down the window and began shooting.

Point I

Ramsey argues the trial court erred in denying his motion for judgment of acquittal for first degree assault against Victim 2 in that the State presented insufficient evidence to demonstrate that Ramsey was aware of Victim 2's presence in the Malibu, thus the jury could not have found beyond a reasonable doubt that it was his specific intent to cause her physical injury.

Sufficiency of the Evidence

We review "whether there is sufficient evidence to support the charged crime, based on the elements of the crime as set forth by the statute and common law and the evidence adduced at trial." ***State v. Eggleston***, 728 S.W.3d 432, 436 (Mo. banc 2026) (quoting ***State v. Winter***, 719 S.W.3d 738, 745 (Mo. banc 2025)). We view the evidence "in the light most favorable to the prosecution," and ask whether "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." ***Id.*** (quoting ***Winter***, 719 S.W.3d at 746). We do "not weigh the evidence but accept as true all evidence tending to prove guilt together with all reasonable inferences that support the verdict and ignore all contrary evidence and inferences." ***State v. Jackson-Bey***, 690 S.W.3d 181, 185 (Mo. banc 2024) (citation modified), *as modified on denial of reh'g* (July 9, 2024). We give "great deference to the trier of fact." ***Eggleston***, 728 S.W.3d at 436 (quoting ***Winter***, 719 S.W.3d at 746). We "will not weigh the evidence anew since the fact-finder may believe all, some, or none of the testimony of a witness when considered with the facts, circumstances[,] and other testimony in the case." ***State v. Nash***, 339 S.W.3d 500, 509 (Mo. banc 2011) (quoting ***State v. Freeman***, 269 S.W.3d 422, 425 (Mo. banc 2008). We ask, simply, "whether there was sufficient evidence from which the trier of fact reasonably could have found the defendant guilty." ***State v. Claycomb***, 470 S.W.3d 358, 362 (Mo. banc 2015), *as modified* (Aug. 4, 2015) (quoting ***State v. Latall***, 270 S.W.3d 561, 566 (Mo. banc 2008)).

First-Degree Assault

"A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to another person." Section 565.050.1 RSMo.[2] "The language used in section 565.050 is in the disjunctive, indicating that a person commits the crime of first[-]degree assault if he either (1) attempts to kill; (2) knowingly causes serious physical injury to another person; *or* (3) attempts to cause serious physical injury to another person." ***State v. Harris***, 684 S.W.3d 385, 389 (Mo.App. E.D. 2024) (alteration in original) (quoting ***State v. Thomas***, 972 S.W.2d 309, 312 (Mo.App. W.D. 1998)). A person acts knowingly "[w]ith respect to a result of his or her conduct when he or she is aware that his or her conduct is practically certain to cause that result." Section 562.016.3(2). "Intent is rarely susceptible to direct proof and is usually inferred through circumstantial evidence." ***State v. Keathley***, 707 S.W.3d 718, 721 (Mo.App. S.D. 2024), *transfer denied* (Apr. 1, 2025) (citation modified) (quoting ***State v. Smith***, 668 S.W.3d 605, 608-09 (Mo.App. S.D. 2023)). We presume "that a person intends the natural and probable consequences of his acts." ***State v. Morse***, 498 S.W.3d 467, 471 (Mo.App. W.D. 2016) (quoting ***State v. Polson***, 145 S.W.3d 881, 888 (Mo.App. W.D. 2004)).

[2] Unless otherwise indicated, statutory references are to RSMo. Cum. Supp. (2017).

Discussion

The Second Amended Information charged that defendant "*knowingly caused* physical injury to [Victim 2] by shooting towards a car that [Victim 2] was in, and in the course thereof defendant inflicted serious physical injury on [Victim 2]." (Emphasis added.) In other words, the Second Amended Information charged Ramsey pursuant to the second of the three ways a defendant could be charged with first-degree assault as described in ***Harris***, *supra*.[3]

[3] The verdict director submitted to the jury for Count II indicated an attempt offense, meaning it used the third of the three ways a defendant could be charged with first-degree assault as described in ***Harris***, *supra*. Ramsey's argument is based upon comparing the evidence to the elements of this third version of assault in the statute and the mental state described in the submitted verdict director.

Missouri law is unambiguous. We review sufficiency of the evidence claims "by comparing the evidence to the elements of the charged offense as set forth in the statute creating that offense." ***State v. Canday***, 732 S.W.3d 869, 874 (Mo.App. S.D. 2026) (citing ***Winter***, 719 S.W.3d at 745-46). "Sufficiency of evidence review, however, "'does not rest on how the jury was instructed.'" ***Jackson-Bey***, 690 S.W.3d at 186 (quoting ***State v. Zetina-Torres***, 482 S.W.3d 801, 809 (Mo. banc 2016) *abrogated on other grounds by* ***Eggleston***, 728 S.W.3d 432). We compare the elements of the crime as set forth in the statute *not* to the verdict director, but to the offense as it was charged. ***State v. Baum***, 711 S.W.3d 498, 505 n.8 (Mo.App. W.D. 2025), *transfer denied* (May 27, 2025). *See also* ***State v. Marks***, 670 S.W.3d 135, 141 (Mo.App. W.D. 2023) (citing ***Zettina-Torres***,482 S.W.3d at 809). To the extent that there is a difference between the charging document and the verdict director, it does not change the sufficiency analysis. ***Canday***, 732 S.W.3d at 874.

Because Ramsey did not raise instructional error in the trial court and does not request plain error review of the verdict-directing instruction on appeal, we review only for sufficiency of the evidence to support the elements of first-degree assault as charged in the second amended information. *See* ***State v. Guthrie***, 733 S.W.3d 421, 425 (Mo. banc 2026).

Two cases guide our review. In ***State v. Scott***, 769 S.W.2d 149 (Mo.App. W.D. 1989), the defendant argued with a bar patron. ***Id.*** at 150. The argument escalated, and the defendant pulled out a gun and shot the bar patron in the head. ***Id.*** The defendant then fired a shot in the direction of the victim's friends. ***Id.*** The bullet hit a bystander. ***Id.***

The defendant in ***Scott*** argued "there was insufficient evidence put forth that the defendant knew [the bystander], shot, or intended to shoot her." ***Id.*** at 151. After setting out the "knowingly causes" standard for *mens rea*, the court determined:

> There was evidence that [the defendant] deliberately turned towards the east (where [victim's] group had been sitting) and discharged the weapon. It could be inferred from [defendant's] conduct that he intended to cause harm to someone with [the victim]. [Defendant's] intent to harm that person would be transferred to [the bystander] for purposes of fixing the grade of the offense.

Id.

Similarly, in ***Bell v. State***, 497 S.W.3d 880 (Mo.App. E.D. 2016), the defendant attempted to shoot a victim. ***Id.*** at 881. His shot missed, however, and struck--and seriously injured--a bystander. ***Id.*** at 881. The ***Bell*** court, citing ***Scott***, *supra*, determined that "by utilizing the legal fiction of transferred intent," the defendant could be "charged with the Class A felony [of assault] even though [the defendant] missed [his] intended target and hit an innocent bystander." ***Id.*** at 884.

Victim 2 being shot in the head was a "natural and probable consequence[]" of Ramsey's shooting into the group walking toward or standing near the car in which

Victim 2 was sitting. *See* ***Morse***, 498 S.W.3d at 471 (quoting ***Polson***, 145 S.W.3d at 888). Shooting a firearm into a group of people is "practically certain to cause" one of those persons to be shot. *See* § 562.016.3(2). As in ***Scott*** and ***Bell,*** Ramsey knowingly shot in the direction of the people near and walking toward the car in which Victim 2 was sitting, so Ramsey's knowledge that Victim 2 was in the car at which he shot is of no consequence in our sufficiency analysis. The fact that Ramsey intended to shoot at the three individuals moving toward or standing near the car is sufficient to support the finding of guilt as to Victim 2. Ramsey's intent to shoot at the three individuals transferred, as in ***Scott*** and ***Bell***, to Victim 2, who was sitting in the car. Point I is denied.

Point II

Ramsey argues that the trial court abused its discretion in admitting into evidence a photograph of a vehicle at the crime scene in which a bumper sticker reading "F**k Gun Control" was visible. Ramsey's counsel stipulated to the admission of the exhibit at trial. This stipulation precludes even a plain error review of Ramsey's claim. ***St. v. Quick***, 334 S.W.3d 603, 609 (Mo.App. W.D. 2011). *See also* ***State v. Johnson***, 479 S.W.3d 762, 766 (Mo.App. E.D. 2016). Thus, we decline plain error review of Point II.

Point III

The trial court orally pronounced Ramsey's sentence as follows:

> As to Count I, I'm going to sentence the Defendant to life imprisonment.
>
> As to Count II, the same, life imprisonment, with each Count I and II running consecutive[ly].

> On Count III and IV, I'm going to sentence the Defendant to 15 years on both counts, those two counts to run concurrent[ly] with each other but consecutive[ly] to Count II.
>
> As to Count V, I'm going to sentence the Defendant to 15 years to run consecutive[ly] to prior Counts III and IV. Basically[,] for it to -- like I said, III and IV concurrent[ly] to each other, consecutive[ly] to II, with Count V running consecutive[ly] to those counts.

The amended written judgment states the sentence length for Counts I and II as 9999 years. The text accompanying the sentence for Count I reads, "LIFE IN PRISON: Y Yes." The text accompanying the sentence for Count II reads, "Defendant sentenced to life in D[OC]."

"The written sentence and judgment of the trial court should reflect the oral pronouncement of sentence." ***State v. Turner***, 609 S.W.3d 92, 101 (Mo.App. S.D. 2020) (quoting ***State v. Lewis***, 582 S.W.3d 162, 166-67 (Mo.App. W.D. 2019)). When a court's oral pronouncement of sentence materially differs from its written judgment, the oral pronouncement controls. ***State v. Bittick***, 727 S.W.3d 166, 173 (Mo.App. S.D. 2025) (citing ***State v. Rost***, 690 S.W.3d 573, 591 (Mo.App. S.D. 2024)). "Sentences of life and 999 years are materially different because, among other things, they have a different effect in determining parole eligibility dates." ***State v. Pardee***, 700 S.W.3d 42, 54 (Mo.App. W.D. 2024) (citing ***State v. Fewins***, 638 S.W.3d 36, 38 (Mo.App. S.D. 2021)). Although the amended judgment here indicates a sentence of "9999 years," unlike the "999 years" referenced in ***Pardee***, *supra*, the material difference and the error are identical.

Errors of this nature are clerical and may be corrected *nunc pro tunc*. ***Id***. at 53. Accordingly, we remand the case to the trial court for entry of a written judgment *nunc pro tunc* correcting the clerical error and conforming to the oral pronouncement of sentence. In all other respects, the judgment of the trial court is affirmed.

JACK A. L. GOODMAN, J. – OPINION AUTHOR

BECKY J. WEST, C.J. – CONCURS

JOSEPH L. HENSLEY, J. – CONCURS