

COURT OF APPEALS OF UTAH

State v. Thompson

Thompson, 2025 UT App 185 (Utah Ct. App. 2025) · No. Case No. 20240027-CA · Decided December 18, 2025

SUMMARY

The Utah Court of Appeals affirmed the denial of Rowdy Lee Thompson’s motion to clarify his sentence and obtain removal from the sex offender registry. The court held that the district court properly considered the victim’s statement and the entire record in determining that it could not find the offense involved no force or coercion. The court also held that any prosecutorial misstatement regarding force or coercion did not prejudice Thompson’s plain-error or ineffective-assistance claims.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Gregory K. Orme; John D. Luthy; Amy J. Oliver
JURISDICTION	Utah Court of Appeals
DECIDED	December 18, 2025
DOCKET	Case No. 20240027-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Thompson appealed the denial of his post-sentencing motion to clarify his sentence. He sought a finding that his sexual-abuse offense did not involve force or coercion so that he could qualify for removal from Utah's sex-offender registry under Utah Code section 77-41-105(3)(c)(iii)(A).
STANDARD OF REVIEW	The denial of the motion to clarify was reviewed for correctness because the district court's conclusion was based on the written record, which the appellate court was in the same position to assess. Claims of plain error and ineffective assistance of counsel were also reviewed for correctness.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Rowdy Lee Thompson v. State of Utah

TOPICS

- post-conviction relief
- criminal procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

criminal procedure

post-conviction relief

sex-offender registration

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court properly considered the victim's written statement and the other materials in the record when determining whether Thompson's offense involved force or coercion.
2. Whether the prosecutor's allegedly incorrect statement concerning force as an element or aggravating factor of child-sex offenses required reversal under plain-error review.
3. Whether trial counsel was ineffective for failing to object to the prosecutor's alleged misstatement of the law.

HOLDINGS

1. Because the plea agreement and Thompson's agreed factual account were silent regarding force or coercion, the district court properly considered the entire record, including the victim's written statement, in determining whether Thompson's offense involved force or coercion.
2. The prosecutor's statement that force did not appear in the elements or aggravating factors of the relevant child-sex offenses was legally incorrect, but it did not constitute reversible plain error because Thompson failed to show prejudice.
3. Thompson's ineffective-assistance claim failed because he did not establish prejudice from counsel's failure to object.

KEY QUOTATIONS

“Given the silence of the plea agreement concerning force or coercion, we conclude that the court correctly considered the other materials in the record before it, including Anna’s statement.” (¶ 17)

“Because Thompson has not shown that he was prejudiced, he “cannot succeed under the rubric of either plain error or ineffective assistance” and both claims fail.” (¶ 22)

FACTUAL BACKGROUND

In 2007, nineteen-year-old Thompson pleaded guilty to sexual abuse of a child based on an agreed factual account that he touched the thirteen-year-old victim's genitals with the intent to arouse or gratify his sexual desire. The plea agreement relied on Thompson's version of events and noted discrepancies in the victim's account, while the victim's police statement alleged that Thompson used force after she refused his advances. Thompson completed his jail sentence and probation but remained subject to lifetime sex-offender registration. After a statutory exception became available for certain offenders who were under twenty-one and whose offenses did not involve force or coercion, Thompson sought a finding that his offense met that condition.

PROCEDURAL HISTORY

Thompson pleaded guilty in 2007 to sexual abuse of a child and received a suspended prison term, 310 days in jail, and thirty-six months of probation. After his probation ended and after he had been on the sex-offender registry for more than ten years, he moved to clarify his sentence and requested a finding that the offense did not involve force or coercion. The Fourth District Court, Provo Department, denied the motion after reviewing the victim's written statement, and the Utah Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Jiminez-Wiss, 2015 UT App 36, ¶ 15, 345 P.3d 743
- State v. Samora, 2022 UT App 7, ¶ 16, 504 P.3d 195, cert. denied, 525 P.3d 1254 (Utah 2022)
- State v. Lightel, 2025 UT App 40, ¶¶ 10, 20, 567 P.3d 610, cert. denied, 574 P.3d 523 (Utah 2025)
- State v. Yates, 918 P.2d 136, 139 (Utah Ct. App. 1996)
- State v. Haar, 2021 UT App 109, ¶¶ 53-54, 500 P.3d 102