

SUPREME COURT OF VIRGINIA

Hancock-Underwood v. Knight, 277 Va. 127

670 S.E.2d 720 (2009) · No. Record No. 080425 · Decided January 16, 2009

SUMMARY

The Supreme Court of Virginia affirmed a judgment for Richard I. Knight arising from an automobile collision involving Melvin Ray Hancock. The court held that Virginia trial courts may not instruct juries on unavoidable accident and that the proposed sudden-emergency instruction was unsupported because Hancock became unconscious and took no action after the alleged medical crisis. The court also discussed the evidence required to support requested jury instructions.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Donald W. Lemons; All the Justices
JURISDICTION	Virginia
DECIDED	January 16, 2009
DOCKET	Record No. 080425
DISPOSITION	affirmed
PROCEDURAL POSTURE	The administrator appealed a judgment entered on a jury verdict for Knight in a negligence action, challenging the trial court's refusal to give unavoidable-accident and sudden-emergency jury instructions.
STANDARD OF REVIEW	When reviewing refusal of a jury instruction, the evidence is viewed in the light most favorable to the instruction's proponent, and the instruction must be supported by more than a scintilla of evidence. The content and legal accuracy of jury instructions are reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Virginia
PARTIES	Rhonda Hancock-Underwood, Administrator of the Estate of Melvin Ray Hancock, Deceased v. Richard I. Knight

TOPICS

- jury instructions
- instructions objections
- negligence
- standard of review
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court erred by refusing to give an unavoidable-accident jury instruction.
2. Whether the trial court erred by refusing to give the proffered sudden-emergency jury instruction when the evidence indicated that Hancock suffered a medical crisis and became unconscious.

HOLDINGS

1. It is error to instruct a jury on unavoidable accident; Virginia abandons its prior practice of permitting such instructions in narrow circumstances.
2. The trial court did not err in refusing the particular sudden-emergency instruction because the evidence showed that Hancock became unconscious and took no immediate action; the proposed instruction was therefore unsupported by the evidence.

KEY QUOTATIONS

“In consideration of the prevailing concerns of the states that have rejected the instruction—that it merely restates the law of negligence, overemphasizes the defendant's case, and is apt to confuse and mislead—we join those states and hold that it is error to grant an unavoidable accident instruction.” (725)

“For the reasons stated, we hold that it is error to instruct a jury on unavoidable accident. Further, the particular instruction tendered by the Administrator concerning sudden emergency was not supported by the evidence.” (727)

FACTUAL BACKGROUND

On May 21, 2005, Melvin Ray Hancock's van crossed the centerline of Route 130 in Amherst County and collided with Richard I. Knight's truck. Shortly before the collision, Hancock complained of a severe headache and then slumped over the steering wheel; medical testimony indicated that he likely suffered an acute intracranial hemorrhage. Hancock died, while Knight was severely injured. The estate argued that Hancock's medical emergency supported unavoidable-accident and sudden-emergency instructions, but the trial court refused both.

PROCEDURAL HISTORY

Knight sued Hancock's estate in the Circuit Court of Amherst County for injuries sustained in an automobile collision. After a one-day jury trial, the jury returned a \$490,000 verdict for Knight, and the trial court entered judgment. The Supreme Court of Virginia granted the administrator an appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- Rose v. Jaques, 268 Va. 137, 597 S.E.2d 64 (2004)
- Schlimmer v. Poverty Hunt Club, 268 Va. 74, 597 S.E.2d 43 (2004)
- Honsinger v. Egan, 266 Va. 269, 585 S.E.2d 597 (2003)
- Justus v. Commonwealth, 222 Va. 667, 283 S.E.2d 905 (1981)
- McClung v. Commonwealth, 215 Va. 654, 212 S.E.2d 290 (1975)
- Holmes v. Levine, 273 Va. 150, 639 S.E.2d 235 (2007)
- Molina v. Commonwealth, 272 Va. 666, 636 S.E.2d 470 (2006)
- Alcoy v. Valley Nursing Homes, Inc., 272 Va. 37, 630 S.E.2d 301 (2006)
- Holbert v. Evans, 209 Va. 210, 163 S.E.2d 187 (1968)
- Herr v. Wheeler, 272 Va. 310, 634 S.E.2d 317 (2006)
- Chodorov v. Eley, 239 Va. 528, 391 S.E.2d 68 (1990)
- Mawyer v. Thomas, 199 Va. 897, 103 S.E.2d 217 (1958)
- Marshall v. Goughnour, 221 Va. 265, 269 S.E.2d 801 (1980)
- Vahdat v. Holland, 274 Va. 417, 649 S.E.2d 691 (2007)
- Pickett v. Cooper, 202 Va. 60, 116 S.E.2d 48 (1960)
- Southern Passenger Motor Lines, Inc. v. Burks, 187 Va. 53, 46 S.E.2d 26 (1948)
- Velocity Express Mid-Atlantic, Inc. v. Huguenot, 266 Va. 188, 585 S.E.2d 557 (2003)
- Jones v. Ford Motor Co., 263 Va. 237, 559 S.E.2d 592 (2002)
- Garnot v. Johnson, 239 Va. 81, 387 S.E.2d 473 (1990)
- Bloxom v. McCoy, 178 Va. 343, 17 S.E.2d 401 (1941)
- Thibodeau v. Vandermark, 234 Va. 15, 360 S.E.2d 171 (1987)
- Driver v. Brooks, 176 Va. 317, 10 S.E.2d 887 (1940)
- Brinser v. Young, 208 Va. 525, 158 S.E.2d 759 (1968)