

SUPREME COURT OF MISSOURI

State of Missouri v. Christopher Eric Hunt

451 S.W.3d 251 (Mo. banc 2014) · No. SC94081 · Decided December 23, 2014

SUMMARY

The Supreme Court of Missouri reversed Christopher Eric Hunt’s convictions for first-degree burglary and second-degree property damage because the evidence was insufficient to establish the required elements and the officer’s forced entry was privileged under Missouri’s knock-and-announce statute. The court also reversed his third-degree assault conviction and remanded for a new trial because the jury instructions misleadingly treated his law-enforcement authority as a factual issue and misstated the governing reasonable-force standard. The opinion was issued per curiam after transfer from the court of appeals.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Per curiam
JURISDICTION	Missouri
DECIDED	December 23, 2014
DOCKET	SC94081
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from convictions for first-degree burglary, second-degree property damage, and third-degree assault; the Supreme Court of Missouri granted transfer after the court of appeals issued its opinion.
STANDARD OF REVIEW	Sufficiency of the evidence is reviewed to determine whether the State introduced sufficient evidence from which a reasonable juror could find each element beyond a reasonable doubt, viewing the evidence and reasonable inferences in the light most favorable to the verdict and disregarding contrary evidence and unreasonable inferences. Unpreserved instructional and evidentiary claims are reviewed for plain error under Rule 30.20. Evidentiary rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.

TOPICS

criminal procedure

jury instructions

standard of review

appellate procedure

statutory interpretation

PRACTICE AREAS

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law enforcement use of force

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Hunt's first-degree burglary conviction when the State had to prove both a knowingly unlawful entry and an intent to assault the suspect.
2. Whether the evidence was sufficient to support Hunt's second-degree property-damage conviction when he damaged the door while making an arrest after officers announced their presence and were refused admittance.
3. Whether the unpreserved jury instructions for third-degree assault plainly misdirected the jury by treating Hunt's status and authority as law-enforcement officer issues for the jury and by failing to properly instruct on the reasonable-force justification.
4. Whether the trial court plainly erred by excluding proposed testimony concerning whether the suspect's injuries were consistent with law-enforcement training.

HOLDINGS

1. The burglary conviction was not submissible because the evidence could not establish both that Hunt knowingly entered unlawfully and that he intended to commit assault. If Hunt reasonably believed the suspect was inside, he subjectively believed he had authority to enter; if he did not believe the suspect was inside, he could not have formed the intent to assault that suspect.
2. The property-damage conviction was not submissible because Hunt was legally privileged under section 544.200 to damage the door while making an arrest after officers announced their presence and were refused admittance.
3. Instructions 7 and 8 were plainly erroneous because they permitted the jury to decide whether Hunt was a law-enforcement officer and whether he was making a lawful arrest, rather than treating his statutory authority as a legal matter and requiring the jury to decide whether he exceeded the force reasonably believed immediately necessary to effect the arrest.
4. The Supreme Court declined plain-error review of the exclusion of Corporal Clay's proposed testimony because the claim was unpreserved and any error was not evident, obvious, and clear on the record.

KEY QUOTATIONS

"the burglary elements are mutually exclusive here because the predicate crime is assault." (451 S.W.3d at 257-258)

“In other words, the question for the jury was not whether Deputy Hunt had authority, but whether he exceeded it.” (451 S.W.3d at 264)

“Because the jury convicted Deputy Hunt without being required to find all the essential elements of the offense, the errors affected the verdict and manifest injustice or miscarriage of justice resulted.” (451 S.W.3d at 266)

FACTUAL BACKGROUND

Deputy Christopher Hunt participated in an operation to arrest a suspect who had two felony arrest warrants. Hunt forcibly entered a trailer after officers had knocked and announced their presence, then helped subdue the suspect during the arrest using control strikes. Hunt was convicted of burglary based on unlawful entry with intent to assault, property damage based on kicking in the door, and third-degree assault based on the physical struggle.

PROCEDURAL HISTORY

Hunt was charged in the Circuit Court of Montgomery County and convicted by a jury on all three counts. He received an aggregate five-year prison sentence. The Supreme Court of Missouri granted transfer after the court of appeals issued an opinion. The Supreme Court reversed the burglary and property-damage convictions for insufficient evidence, and reversed and remanded the assault conviction because of plainly erroneous jury instructions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The burglary and property-damage convictions are reversed. The assault conviction is reversed and remanded for a new trial or other further proceedings.

CASES CITED

- State v. Nash, 339 S.W.3d 500, 508-09 (Mo. banc 2011)
- State v. Langdon, 110 S.W.3d 807, 811-12 (Mo. banc 2003)
- State v. Cooper, 215 S.W.3d 123, 127 (Mo. banc 2007)
- State v. Chandler, 635 S.W.2d 338, 341-42 (Mo. banc 1982)
- State v. Letica, 356 S.W.3d 157, 166 (Mo. banc 2011)
- State v. Lovelady, 432 S.W.3d 187, 191 (Mo. banc 2014)
- United States v. Boyer, 574 F.2d 951, 952-54 (8th Cir. 1978)
- State v. Novak, 428 S.W.2d 585, 592-93 (Mo. 1968)
- State v. Bryson, 506 S.W.2d 358 (Mo. 1974)
- State v. Baumruk, 280 S.W.3d 600, 607-08 (Mo. banc 2009)

- State v. Ousley, 419 S.W.3d 65, 75 (Mo. banc 2013)
- State v. Miller, 372 S.W.3d 455, 470 (Mo. banc 2012)
- State v. Shockley, 410 S.W.3d 179, 195 (Mo. banc 2013)
- Hancock v. Shook, 100 S.W.3d 786, 802 (Mo. banc 2003)
- State v. Tisius, 92 S.W.3d 751, 767-68 (Mo. banc 2002)
- Karashin v. Haggard Hauling & Rigging Inc., 653 S.W.2d 203, 205 (Mo. banc 1983)
- Moore v. Ford Motor Co., 332 S.W.3d 749, 766 (Mo. banc 2011)

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