

INDIANA SUPREME COURT

Anthony Gammons, Jr. v. State of Indiana

20S-CR-22 · No. 20S-CR-22 · Decided June 26, 2020

SUMMARY

The Indiana Supreme Court held that a jury instruction improperly stated the law by providing that a defendant could not claim self-defense if committing a crime directly and immediately related to the confrontation. The court reaffirmed that self-defense is barred only when there is an immediate causal connection between the crime and the confrontation. Because the instructional error was not harmless, the court reversed Gammons’s convictions and remanded for a new trial.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice Massa; Chief Justice Rush; Justice David; Justice Slaughter; Justice Goff
JURISDICTION	Indiana
DECIDED	June 26, 2020
DOCKET	20S-CR-22
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Gammons appealed his convictions for attempted murder and carrying a handgun without a license after the trial court gave a self-defense instruction stating that a person could not use force while committing a crime directly and immediately related to the confrontation. The Indiana Court of Appeals affirmed on harmless-error grounds. The Indiana Supreme Court granted transfer.
STANDARD OF REVIEW	Jury instructions are ordinarily reviewed for abuse of discretion, but an instruction challenged as an incorrect statement of law is reviewed de novo. An erroneous instruction presumptively affects the verdict, and reversal is required unless the verdict would have been the same under a proper instruction.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential
PARTIES	Anthony Gammons, Jr. v. State of Indiana

TOPICS

self defense

jury instructions

criminal procedure

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standard jury instructions

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the trial court's instruction that self-defense was unavailable when the defendant was committing a crime directly and immediately related to the confrontation accurately stated Indiana law.
2. Whether the instructional error was harmless beyond the possibility that it affected the jury's verdict.

HOLDINGS

1. Indiana self-defense is barred by the statutory commission-of-a-crime limitation only when there is an immediate causal connection between the defendant's crime and the confrontation; merely being related to or connected with the confrontation is insufficient.
2. The instructional error was not harmless because the court could not conclude that the jury would have reached the same verdict under a correct instruction.

KEY QUOTATIONS

“there must be an immediate causal connection between the crime and the confrontation.” (p. 1)

“this “but for” test is too broad.” (p. 5)

“But we cannot categorically bar those jurors from considering the defense when a crime is merely “related to” or “connected to” a confrontation—rather, as we held in Mayes, there must be an immediate causal connection between the two.” (p. 8)

FACTUAL BACKGROUND

Gammons encountered Derek Gilbert, whom he described as intoxicated and aggressive, outside a relative's home while Gammons's ten-year-old son was present. Gilbert allegedly squared up to Gammons, pulled at his waistband, and asked whether Gammons was "casket ready," prompting Gammons to draw and fire a handgun. Gammons testified that Gilbert continued advancing and reaching toward his waistband, and that Gammons stopped shooting when Gilbert retreated; Gilbert disputed this account and testified that Gammons shot him while his back was turned.

PROCEDURAL HISTORY

The Marion Superior Court entered guilty verdicts against Gammons on attempted murder and carrying a handgun without a license; the carrying conviction was merged with the attempted-murder conviction at sentencing. The Indiana Court of Appeals affirmed, concluding that any instructional error was harmless. The Indiana Supreme Court granted transfer, reversed, and remanded for a new trial.

DISPOSITION

REMAND INSTRUCTIONS

Remand for a new trial with a correct self-defense instruction requiring an immediate causal connection between the crime and the confrontation.

CASES CITED

- Mayes v. State, 744 N.E.2d 390, 393-397 (Ind. 2001)
- Cardosi v. State, 128 N.E.3d 1277, 1284 (Ind. 2019)
- Batchelor v. State, 119 N.E.3d 550, 554 (Ind. 2019)
- Kane v. State, 976 N.E.2d 1228, 1232 (Ind. 2012)
- Hawkins v. State, 100 N.E.3d 313, 319 (Ind. Ct. App. 2018)
- Hernandez v. State, 45 N.E.3d 373, 378 (Ind. 2015)
- Coleman v. State, 946 N.E.2d 1160, 1165 (Ind. 2011)
- Girl Scouts of S. Illinois v. Vincennes Indiana Girls, Inc., 988 N.E.2d 250, 254 (Ind. 2013)
- State v. Leaks, 103 S.E. 549, 551 (S.C. 1920)
- Schlegel v. State, 238 Ind. 374, 383, 150 N.E.2d 563, 567 (1958)
- Hood v. State, 877 N.E.2d 492, 494, 496-497 (Ind. Ct. App. 2007), trans. denied
- Brand v. State, 766 N.E.2d 772, 776-777 (Ind. Ct. App. 2002), trans. denied
- Randolph v. State, 755 N.E.2d 572, 574 (Ind. 2001)
- Brown v. State, 738 N.E.2d 271, 272 (Ind. 2000)
- Miller v. State, 720 N.E.2d 696, 700 (Ind. 1999)
- Birdsong v. State, 685 N.E.2d 42, 46 (Ind. 1997)
- Hill v. State, 532 N.E.2d 1153, 1153 (Ind. 1989)
- Almodovar v. State, 464 N.E.2d 906, 909 (Ind. 1984)
- James v. State, 96 N.E.3d 615, 617 (Ind. Ct. App. 2018), trans. denied
- Fuentes v. State, 952 N.E.2d 275, 279 (Ind. Ct. App. 2011), trans. denied
- Simpson v. State, 915 N.E.2d 511, 515 (Ind. Ct. App. 2009), trans. denied
- Patton v. State, 837 N.E.2d 576, 581 (Ind. Ct. App. 2005)