

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Shaw v. York

187 So. 2d 397 (Fla. Dist. Ct. App. 1966) · No. No. G-301 · Decided April 26, 1966

SUMMARY

The Florida First District Court of Appeal reviewed a negligence judgment arising from a rear-end collision. The court held that giving a jury instruction concerning the presumption of negligence in rear-end collision cases was error because the defendant had introduced evidence rebutting the presumption, but concluded that the error was not harmful in light of the other instructions and affirmed the judgment.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Carroll, J.; Rawls, C.J.; Johnson, J.
JURISDICTION	Florida
DECIDED	April 26, 1966
DOCKET	No. G-301
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a final judgment entered on a jury verdict for the plaintiff in a negligence action arising from a rear-end collision, challenging two jury instructions.
STANDARD OF REVIEW	The court reviewed the challenged jury instructions for harmful or reversible error and considered the instructions as a whole.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	William Shaw v. Miles Bartow York

TOPICS

- jury instructions
- negligence
- presumptions
- harmless error
- appellate procedure

PRACTICE AREAS

- torts
- civil procedure
- evidence

QUESTIONS PRESENTED

1. Whether the trial court committed harmful error by instructing the jury that a presumption of negligence arose against Shaw when his vehicle collided with the rear of York's vehicle, despite Shaw's evidence explaining the collision.
2. Whether the trial court committed reversible error by giving or allegedly giving the plaintiff's requested instruction concerning damages and losses.

HOLDINGS

1. It was error to give the requested instruction informing the jury that a presumption of negligence arose from the rear-end collision and that, absent a reasonable explanation, the jury could find for the plaintiff on those facts alone. Once the defendant introduced evidence fairly and reasonably tending to rebut the presumed negligence, the presumption was dissipated and the negligence issue had to be decided from the evidence and permissible inferences without the aid of the presumption.
2. The erroneous rear-end-collision presumption instruction did not constitute harmful error warranting reversal because the instructions, considered together, placed the burden on York to prove Shaw's negligence and stated that no presumption of negligence arose merely from the accident or resulting damage.
3. The damages-instruction challenge did not warrant reversal. The transcript did not show that the trial court gave the instruction described in Shaw's brief, and even if it had been given, the instructions as a whole adequately stated that York had to prove Shaw's negligence and proximate causation by a preponderance of the evidence.

KEY QUOTATIONS

"We think that such testimony was legally sufficient to "rebut" or "dissipate" the presumption of negligence that arises in rear-end collision cases" (187 So. 2d at 398)

"We conclude, therefore, that the trial court's giving of plaintiff's requested charge number 8 constituted error but not such harmful error that would justify our reversal of the judgment appealed from herein." (187 So. 2d at 401)

FACTUAL BACKGROUND

In 1963, William Shaw was driving an International truck and trailer carrying approximately 17,000 pounds southbound on U.S. Highway 19. During highway construction, Miles Bartow York passed Shaw's vehicle, moved in front of it while avoiding a northbound car, and turned off the road, leaving the tailgate of his truck protruding into the paved highway. Shaw attempted to stop and veer left, but the right front portion of his trailer struck York's tailgate.

PROCEDURAL HISTORY

The Circuit Court for Dixie County entered final judgment for York after a jury verdict. Shaw appealed, arguing that the trial court erred in giving the plaintiff's requested instruction concerning the presumption of negligence in rear-end collisions and an instruction concerning recoverable damages. The District Court of Appeal held that

giving the rear-end-collision presumption instruction was error, but that the error was not sufficiently harmful to warrant reversal, and it found no reversible error concerning the damages instruction.

DISPOSITION

affirmed

CASES CITED

- McNulty v. Cusack, 104 So. 2d 785 (Fla. App. 1958)
- Bellere v. Madsen, 114 So. 2d 619 (Fla. 1959)
- Pensacola Transit Co. v. Denton, 119 So. 2d 296 (Fla. App. 1960)
- Greyhound Corp. v. Ford, 157 So. 2d 427 (Fla. App. 1963)
- Gulle v. Boggs, 174 So. 2d 26 (Fla. 1965)
- Johnson v. Mills, 37 So. 2d 906 (Fla. 1948)
- Leonetti v. Boone, 74 So. 2d 551 (Fla. 1954)
- Tyrrell v. Prudential Insurance Co., 109 Vt. 6, 192 A. 184, 115 A.L.R. 392
- Thomason v. Miami Transit Co., 100 So. 2d 620 (Fla. 1958)
- Atlantic Coast Line Railroad Co. v. Voss, 136 Fla. 32, 186 So. 199 (1939)
- Jeskey v. Yellow Cab Co., 136 So. 2d 376 (Fla. App. 1961)
- Rianhard v. Rice, 119 So. 2d 730 (Fla. App. 1960)