

SUPREME COURT OF MINNESOTA

State v. Baird

654 N.W.2d 105 (Minn. 2002) · No. C1-01-894 · Decided December 5, 2002

SUMMARY

The Supreme Court of Minnesota held that its rule in *State v. Glowacki*, eliminating the duty to retreat from one's home when acting in self-defense against a co-resident, applies retroactively. The court further held that the erroneous duty-to-retreat jury instruction was plain, prejudicial error affecting substantial rights. The court affirmed the court of appeals' reversal of Jeffrey Baird's third-degree assault conviction and remand for a new trial.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Minnesota                                                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Russell A. Anderson, Justice                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | Minnesota                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | December 5, 2002                                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | C1-01-894                                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | The State appealed from the court of appeals' reversal of Baird's third-degree assault conviction and remand for a new trial based on an unobjected-to jury instruction stating that self-defense included a duty to retreat from one's home.                                                                                                               |
| STANDARD OF REVIEW    | The retroactivity issue was reviewed de novo. Because Baird did not object to the jury instruction or move for a new trial on that basis, the instruction was reviewed for plain error: error, plainness, effect on substantial rights, and, if those prongs are met, whether review was necessary to ensure fairness and the integrity of the proceedings. |
| PRECEDENTIAL VALUE    | published, precedential Minnesota Supreme Court opinion                                                                                                                                                                                                                                                                                                     |
| PARTIES               | State of Minnesota v. Jeffrey Warren Baird                                                                                                                                                                                                                                                                                                                  |

TOPICS

- self defense
- jury instructions
- preservation of error
- harmless error
- appellate procedure

## PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

jury instructions

self-defense

## QUESTIONS PRESENTED

1. Whether *State v. Glowacki*, which held that a person acting in self-defense has no duty to retreat from the person's own home even when the aggressor is a co-resident, applies retroactively to Baird's case.
2. Whether the district court's erroneous duty-to-retreat jury instruction constituted plain, prejudicial error requiring a new trial.

## HOLDINGS

1. *State v. Glowacki* applies retroactively to Baird's pending criminal case.
2. The district court plainly erred by instructing the jury that Baird had a duty to retreat from his home before using self-defense against a co-resident, and the error affected substantial rights and required a new trial.

## KEY QUOTATIONS

*"We hold that the Glowacki rule applies retroactively. Further, we hold that the district court's erroneous instruction that respondent had a duty to retreat constitutes plain error and requires a new trial."* (654 N.W.2d at 105)

*"It seems patently unfair to us to apply different rules to Glowacki and Baird—two similarly situated defendants—simply because Glowacki's appeal reached us first."* (654 N.W.2d at 113)

*"Fairness requires that Baird be given an opportunity to present his account of the facts to a jury under the proper instructions."* (654 N.W.2d at 114)

## FACTUAL BACKGROUND

Baird and James Nelson lived together in Baird's motor home at a campground. After the group returned from a bar, Baird confronted Nelson during a dispute involving Baird's ex-wife and continued fighting with Nelson both outside and inside the motor home. Baird claimed self-defense, including that Nelson approached him with a screwdriver, but acknowledged that he could have left the motor home. The jury was instructed that self-defense included a duty to retreat and convicted Baird of third-degree assault.

## PROCEDURAL HISTORY

Baird was convicted by a jury of disorderly conduct, fifth-degree assault, and third-degree assault after an altercation with a co-resident in Baird's motor home. He appealed the third-degree assault conviction. The Minnesota Court of Appeals held that the duty-to-retreat instruction was plain, prejudicial error under *State v. Glowacki* and reversed and remanded for a new trial. The Minnesota Supreme Court affirmed.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The court affirmed the court of appeals' reversal of the third-degree assault conviction and its remand to the district court for a new trial.

## CASES CITED

- State v. Glowacki, 630 N.W.2d 392 (Minn. 2001)
- State v. Glowacki, 615 N.W.2d 843 (Minn. App. 2000)
- State v. Carothers, 594 N.W.2d 897 (Minn. 1999)
- State v. Hennum, 441 N.W.2d 793 (Minn. 1989)
- State v. Morrison, 351 N.W.2d 359 (Minn. 1984)
- Hoff v. Kempton, 317 N.W.2d 361 (Minn. 1982)
- State v. Costello, 646 N.W.2d 204 (Minn. 2002)
- Baker v. State, 590 N.W.2d 636 (Minn. 1999)
- State v. Hamm, 423 N.W.2d 379 (Minn. 1988)
- Linkletter v. Walker, 381 U.S. 618 (1965)
- Griffith v. Kentucky, 479 U.S. 314 (1987)
- State v. Olsen, 258 N.W.2d 898 (Minn. 1977)
- Stovall v. Denno, 388 U.S. 293 (1967)
- Chevron Oil Co. v. Huson, 404 U.S. 97 (1971)
- Turner v. IDS Financial Services, Inc., 471 N.W.2d 105 (Minn. 1991)
- American Trucking Associations v. Smith, 496 U.S. 167 (1990)
- United States v. Johnson, United States v. Johnson, 457 U.S. 537 (1982)
- James B. Beam Distilling Co. v. Georgia, 501 U.S. 529 (1991)
- Harper v. Virginia Department of Taxation, 509 U.S. 86 (1993)
- State v. Cross, 577 N.W.2d 721 (Minn. 1998)
- State v. Crowsbreast, 629 N.W.2d 433 (Minn. 2001)
- State v. Malaski, 330 N.W.2d 447 (Minn. 1983)
- State v. Pendleton, 567 N.W.2d 265 (Minn. 1997)
- State v. Griller, 583 N.W.2d 736 (Minn. 1998)
- State v. Glidden, 455 N.W.2d 744 (Minn. 1990)

## INSTRUCTIONS FOR AN AI ASSISTANT

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