

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)