

SUPREME COURT OF ARKANSAS

Flake v. State

156 Ark. 34 (1922) · Decided November 27, 1922

SUMMARY

The Arkansas Supreme Court held that the defendant could rely on both insanity and self-defense under a general plea of not guilty. Because the State introduced the defendant's statements as confessions, the jury should have been permitted to consider those statements in evaluating self-defense and whether they were freely and voluntarily made. The court also held that the jury should have been instructed to disregard the confession if the defendant's mental condition or the effects of drugs prevented him from understanding what he was saying, and it reversed and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Wood, J.
JURISDICTION	Arkansas
DECIDED	November 27, 1922
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellant was convicted of first-degree murder after the trial court refused requested jury instructions concerning self-defense, voluntary manslaughter, and the voluntariness and reliability of his confession. He appealed.
STANDARD OF REVIEW	The Supreme Court reviewed the trial court's refusal to give supported jury instructions for reversible error.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential
PARTIES	Flake v. State

TOPICS

- criminal procedure
- self defense
- jury instructions
- evidence

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Evidence

QUESTIONS PRESENTED

1. Whether a defendant who pleads not guilty may rely simultaneously on insanity and self-defense when the evidence supports both defenses.
2. Whether the jury should have been permitted to consider the defendant's confession in determining whether the killing was committed in self-defense.
3. Whether the trial court was required to instruct the jury on voluntary manslaughter when the evidence supported that instruction.
4. Whether the jury should have been instructed to disregard the confession if the defendant's mental condition or the drugs he had taken rendered him unable to understand what he was doing or saying.

HOLDINGS

1. Under a general plea of not guilty, a defendant may rely on any defenses supported by the evidence, including both insanity at the time of the killing and self-defense; the defenses are not legally inconsistent merely because both are asserted.
2. When a confession is admitted into evidence, the jury must be permitted to consider the confession in its entirety, including the portion asserting that the killing was in self-defense, when determining whether the killing was justified.
3. The trial court erred by refusing supported instructions on self-defense and voluntary manslaughter.
4. When a confession is admitted but evidence supports that the defendant was so affected by drugs, disease, or mental condition that he did not understand what he was doing or saying, the jury must be instructed to determine whether the confession was freely and voluntarily made and, if not, to disregard it.

KEY QUOTATIONS

“Under the general plea of not guilty the appellant had the right to avail himself of any defenses which the testimony adduced in the cause tended to establish.”

“These positions in a criminal case, under the plea of not guilty, are not inconsistent in the sense that, if the appellant avails himself of one, he cannot avail himself of the other.”

“Even an insane man may avail himself of the plea of self-defense if the testimony tended to prove that he acted in self-defense.”

“Having permitted the confessions to be submitted to the jury in determining whether or not the appellant killed Wilson, the court should have allowed the jury also to consider them in determining whether or not the killing was done in self-defense.”

“There was testimony upon which to predicate prayer for instruction No. 11, and the court erred in not granting it.”

FACTUAL BACKGROUND

Flake and Wallace Wilson went to a woods-lot near Flake's home, after which Flake returned alone and said Wilson had decided to leave the country. Two days later, Flake attempted suicide by ingesting poison and, while ill, stated that he had killed Wilson with an ax after Wilson attacked him with an ax, asserting that he acted in self-defense. A note in Flake's handwriting led to the discovery and identification of Wilson's body. The evidence raised issues concerning Flake's sanity at the time of the killing, whether the statements were conscious and voluntary, and whether the killing was justified or constituted voluntary manslaughter.

PROCEDURAL HISTORY

Flake was indicted for first-degree murder in the killing of Wallace Wilson and pleaded not guilty. The evidence supported submission to the jury of insanity and self-defense issues, and the court admitted Flake's post-poisoning statements as confessions. The jury convicted him, and the Arkansas Supreme Court held that the refusal of the requested instructions constituted reversible error.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded for a new trial.

CASES CITED

- Bell v. State, 120 Ark. 530
- Hankins v. State, 133 Ark. 38
- Kelly v. State, 146 Ark. 509
- Woodall v. State, 149 Ark. 33
- Sease v. State, 155 Ark. 130
- Gibson v. State, 135 Ark. 520, 526
- Fraser v. State, 42 Ark. 70
- Williams v. State, 69 Ark. 599