

SUPREME COURT OF KANSAS

State v. Stewart

281 Kan. 594 (2006) · Decided April 28, 2006

SUMMARY

The Kansas Supreme Court affirmed Sturgeon Stewart’s conviction for riot under K.S.A. 21-4104(a), holding that the statute does not require proof of an express or implied agreement among the participants. The court concluded that sufficient evidence showed Stewart used force or violence, acted with five or more persons, and acted without authority of law.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Allegretti, J.
JURISDICTION	Kansas
DECIDED	April 28, 2006
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stewart appealed his conviction for riot after a bench trial in the district court. The case was transferred from the Kansas Court of Appeals to the Supreme Court of Kansas on the court's motion.
STANDARD OF REVIEW	When sufficiency of the evidence is challenged in a criminal case, the appellate court reviews all evidence in the light most favorable to the prosecution and asks whether a rational factfinder could have found the defendant guilty beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Kansas Supreme Court opinion; precedential
PARTIES	Sturgeon Stewart v. State of Kansas

TOPICS

- criminal procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate law

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support Stewart's conviction for riot under K.S.A. 21-4104(a).
2. Whether K.S.A. 21-4104(a) requires the State to prove an express or implied agreement among five or more participants to breach the peace.

HOLDINGS

1. The evidence was sufficient for a rational factfinder to find beyond a reasonable doubt that Stewart used force or violence resulting in a breach of the public peace while acting in a group of five or more persons and without authority of law.
2. K.S.A. 21-4104 does not require the State to prove an express or implied agreement among the members of the group to breach the peace.

KEY QUOTATIONS

“When the sufficiency of the evidence is challenged in a criminal case, the standard of review is whether, after review of all the evidence, viewed in the light most favorable to the prosecution, the appellate court is convinced that a rational factfinder could have found the defendant guilty beyond a reasonable doubt.” (at 597)

“Under the common law, the crime of riot did not require proof of an agreement to breach the peace.” (at 597)

“Although some shared intent would be intrinsic in the element of acting in a group, the statute does not require the State prove an agreement among the group members.” (at 599)

FACTUAL BACKGROUND

At the Hutchinson Correctional Facility, groups of Hispanic and African-American inmates formed near a recreation-area metal detector and appeared to square off. Fighting began when an inmate charged the African-American group, and witnesses testified that Stewart participated from the beginning, exchanged punches with other inmates, and continued fighting after being ordered to stop. The disturbance lasted between approximately 16 and 35 minutes, injured two officers and one inmate, and ended after additional officers used pepper spray; a sharpened plastic shank and bloody gloves were later found.

PROCEDURAL HISTORY

Stewart, an inmate at the Hutchinson Correctional Facility, was convicted by the district court of one count of riot, a class A person misdemeanor, and sentenced to one year in the Reno County jail consecutive to his existing sentence. He challenged the conviction on the ground that the evidence was insufficient, specifically arguing that the State had to prove an agreement among the participants. The Supreme Court of Kansas granted or accepted the transfer from the Court of Appeals and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Calvin, 279 Kan. 193, 198, 105 P.3d 710 (2005)
- State v. Dargatz, 228 Kan. 322, 614 P.2d 430 (1980)
- Commonwealth v. Apriceno, Appellant, 131 Pa. Super. 158, 161, 198 A. 515 (1938)
- Com. v. Safis et al., Appellants, 122 Pa. Super. 333, 340, 186 A. 177 (1936)
- State v. Sexton, 232 Kan. 539, 542-43, 657 P.2d 43 (1983)
- State v. Young, 55 Kan. 349, 356, 40 P. 659 (1895)
- State v. Doyen, 224 Kan. 482, 488, 580 P.2d 1351 (1978)

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