

SUPREME COURT OF KANSAS

State v. Qualls

439 P.3d 301 (Kan. 2019) · No. No. 115,648 · Decided April 19, 2019

SUMMARY

The Kansas Supreme Court held that James A. Qualls was entitled to a jury instruction on self-defense because his testimony provided competent evidence supporting both the subjective and objective components of the defense. The court concluded that the trial court's refusal to give the instruction was not harmless error, reversed Qualls' first-degree murder conviction, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Kansas
WRITING FOR THE COURT	Rosen, J.; Michael J. Malone, Senior Judge, assigned; Beier, J., not participating
JURISDICTION	Kansas
DECIDED	April 19, 2019
DOCKET	No. 115,648
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from Qualls' conviction for premeditated first-degree murder following a retrial. Qualls challenged, among other issues, the district court's refusal to give a self-defense instruction.
STANDARD OF REVIEW	Instructional issues are reviewed through a four-step analysis: reviewability and preservation under an unlimited standard; legal appropriateness under an unlimited standard; factual appropriateness by determining whether sufficient evidence, viewed in the light most favorable to the defendant, supported the instruction; and, if error occurred, harmlessness under the test stated in State v. Ward.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Kansas; precedential.
PARTIES	James A. Qualls III v. State of Kansas

TOPICS

- self defense
- jury instructions
- harmless error
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether Qualls presented sufficient competent evidence to require a jury instruction on statutory self-defense.
2. Whether the district court's refusal to give the requested self-defense instruction was harmless.

HOLDINGS

1. A defendant is entitled to a self-defense instruction when competent evidence, including the defendant's own testimony, could allow a rational fact-finder to conclude that the defense applies. Qualls' testimony describing Beier's prior attacks, the chokehold, the threatening circumstances, and Beier's reaching toward his waist was sufficient to support the instruction.
2. The refusal to give the requested self-defense instruction was error and was not harmless.

KEY QUOTATIONS

“A defendant is entitled to an instruction on every affirmative defense that is supported by competent evidence. Once the defendant satisfies the burden of producing such evidence, the State has the burden of disproving the defense beyond a reasonable doubt.” (at 1)

“A defendant may meet his or her burden of showing that a reasonable person in his or her circumstances would have perceived the use of deadly force as necessary for self-defense, even if the only evidence supporting the defendant's theory consists of the defendant's own testimony, which may be contradicted by all other witnesses and by physical evidence.” (at 1)

“Error in refusing to give a requested self-defense instruction is subject to harmless error analysis.” (at 1)

FACTUAL BACKGROUND

During a dispute at a bar, Joseph Beier struck Qualls twice after a confrontation involving Qualls' wife. A bartender placed Qualls in a chokehold, causing him to fall and briefly lose consciousness, and Qualls testified that after getting up he saw Beier reach toward his waist as if reaching for a gun. Qualls then fired approximately twelve shots from a pistol into Beier, killing him; surveillance video was too indistinct to confirm or disprove Qualls' account.

PROCEDURAL HISTORY

Qualls was originally convicted of premeditated first-degree murder after shooting Joseph Beier. The Supreme Court of Kansas reversed the original conviction because the trial court failed to give lesser included offense instructions. On retrial in 2014, Qualls was again convicted of premeditated first-degree murder. He appealed directly, and the court addressed his claim that the district court improperly refused a self-defense instruction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Shawnee District Court for further proceedings consistent with the holding that Qualls was entitled to a self-defense instruction. The court did not reach Qualls' other appellate issues.

CASES CITED

- State v. Qualls, 297 Kan. 61, 298 P.3d 311 (2013)
- State v. Plummer, 295 Kan. 156, 283 P.3d 202 (2012)
- State v. Ward, 292 Kan. 541, 256 P.3d 801 (2011)
- State v. Knox, 301 Kan. 671, 347 P.3d 656 (2015)
- State v. Salary, 301 Kan. 586, 343 P.3d 1165 (2015)
- State v. McCullough, 293 Kan. 970, 270 P.3d 1142 (2012)
- State v. Haygood, 308 Kan. 1387, 430 P.3d 11 (2018)
- State v. Staten, 304 Kan. 957, 377 P.3d 427 (2016)
- State v. Gonzales, 282 Kan. 73, 145 P.3d 18 (2006)