

SUPREME COURT OF NORTH CAROLINA

Warren v. Pilot Life Insurance Co., 215 N.C. 402

2 S.E.2d 17 (1939) · Decided April 12, 1939

SUMMARY

The North Carolina Supreme Court considered an action seeking double indemnity under an accident insurance policy after the insured was shot and killed. The court addressed the burden of proof, the effect of a related criminal conviction, and the admissibility of testimony concerning the shooting. It held that certain testimony was improperly admitted and ordered a new trial because the submitted jury issue did not determine whether the death fell within the policy's coverage.

CASE DETAILS

COURT	Supreme Court of North Carolina
JURISDICTION	North Carolina
DECIDED	April 12, 1939
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment entered on an adverse jury verdict in an action seeking double indemnity under an accident-insurance provision.
STANDARD OF REVIEW	The court reviewed the trial court's jury instructions and evidentiary rulings for reversible error, assessing whether improperly admitted evidence was material and prejudicial.
PRECEDENTIAL VALUE	Published state supreme court opinion; precedential
PARTIES	Pilot Life Insurance Co. v. Warren

TOPICS

insurance coverage

burden of proof

evidence

appellate procedure

standard of review

PRACTICE AREAS

insurance law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly instructed the jury concerning the burden of proof on the issue of accidental death under the accident-insurance provision.

2. Whether evidence of Willie Tate's murder conviction and execution was admissible to establish that Warren's death resulted from intentional injuries.
3. Whether Miss Phelps was competent to testify that Tate was a stranger to Warren and that Tate would have shot her but for her raising her arm.
4. Whether the submitted jury issue established that Warren's death fell within the policy's coverage for death from external, violent, and accidental means.

HOLDINGS

1. Although the burden of proving death by accidental means remains on the plaintiff in an action involving insurance against accidental death, the court would not hold the challenged instructions erroneous because the instructions had been approved on the prior appeal and therefore constituted the law of the case.
2. The trial court properly excluded the record and judgment showing that Willie Tate had been convicted of murdering Warren, because the plaintiff was not bound by the criminal verdict and judgment and was not estopped from proving that Warren's death was accidental.
3. Miss Phelps's testimony that Tate was a stranger to Warren was incompetent because it stated a fact beyond her personal knowledge, and its admission was material because it supported the contention that the shooting was accidental.
4. Miss Phelps could testify that Tate pointed the pistol at her and that it was later discharged into Warren's body, but she could not testify from her own knowledge that Tate would have shot her or intended to shoot her.
5. The issue asking whether Warren's death resulted from bodily injuries intentionally inflicted by another person did not determine whether the death was covered under the policy's requirement of death from external, violent, and accidental means; an affirmative finding of policy coverage was therefore required.

KEY QUOTATIONS

“but that the burden of the issue of death by accidental means still remains upon the plaintiff.” (404)

“It is apparent that this issue does not determine the question of the liability of the defendant under the accident indemnity provision of the policy.” (405)

FACTUAL BACKGROUND

Alexander Warren died after Willie Tate fired a pistol during an encounter involving witness Miss Phelps. The insurance policy provided double indemnity for death resulting from external, violent, and accidental means. The central factual dispute was whether Tate intentionally inflicted the fatal injuries on Warren or accidentally shot him while attempting to assault or shoot Phelps.

PROCEDURAL HISTORY

The case had previously been before the Supreme Court of North Carolina, and the court's instructions concerning the burden of proof had become the law of the case. On the present appeal, the court upheld

exclusion of evidence concerning the alleged killer's criminal conviction but held that the admission of certain witness testimony was prejudicial and ordered a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

A new trial was ordered because of the erroneous admission of material witness testimony.

CASES CITED

- Warren v. Pilot Life Insurance Co., 212 N.C. 354, 193 S.E. 293
- Gorham v. Insurance Co., 214 N.C. 526
- N. Y. Life Ins. Co. v. Gamer, 303 U.S. 161
- Jefferson Standard Life Ins. Co. v. Clemmer, 79 F.2d 724
- 210 N.C. 613
- Bank v. McCaskill, 174 N.C. 362, 93 S.E. 905
- Whitaker v. Insurance Co., 213 N.C. 376, 196 S.E. 328