OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,	)	No. ED107254
	)	
Plaintiff/Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	
CHRISTOPHER ENDICOTT,	)	Honorable Jason M. Sengheiser
	)	
Defendant/Appellant.	)	Filed: February 25, 2020

Christopher Endicott (Appellant) appeals from the judgment of the trial court entered after a jury found him guilty of second degree murder and armed criminal action. Appellant was found guilty of shooting Jarrett Greene (Victim) to death outside a St. Louis saloon. Appellant makes three claims on appeal: (1) the trial court plainly erred by failing to define the term "lawful occupancy" in the jury instruction on use of force in self-defense of the occupant of a vehicle; (2) the trial court plainly erred by not *sua sponte* instructing the jury on use of force in defense of another; and (3) the trial court erred by sustaining the State's *Batson* challenge to Appellant's striking an African-American juror.

REVERSED and REMANDED.

Division Three Holds: The trial court plainly erred by not instructing the jury on use of force in defense of another. Substantial evidence showed that Appellant may have reasonably believed Victim was intoxicated, had threatened Appellant and his companions with a firearm, and posed a continuing threat to Appellant's companions such that Appellant may have been justified in using deadly force on their behalf. Because evidence injected into the trial supported such an instruction, the instruction was mandatory whether or not requested, and the trial court plainly erred by not *sua sponte* offering it to the jury.

Opinion by: Sherri B. Sullivan, J. Mary K. Hoff, P.J., and Angela T. Quigless, J., concur.

Attorney for Appellant: Michael A. Gross
Attorney for Respondent: Shaun J. Mackelprang

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