MISSOURI COURT OF APPEALS EASTERN DISTRICT
OPINION SUMMARY

STATE OF MISSOURI,	)	No. ED111282
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
vs.	)	
	)	Honorable Katherine M. Fowler
CYREZ JONES,	)	
	)	
Appellant.	)	FILED: March 5, 2024

Cyrez Jones ("Jones") appeals from the trial court's judgment following a jury conviction for unlawful use of a weapon. Jones raises three points on appeal. In Point One, Jones contends the trial court erred in denying his motion for acquittal because the State failed to adduce sufficient evidence to prove beyond a reasonable doubt that Jones did not act in self-defense or in defense of another. In Point Two, Jones alleges the trial court plainly erred in failing sua sponte to instruct the jury on defense of another. Point Three similarly asserts the trial court plainly erred in failing sua sponte to instruct the jury on self-defense.

REVERSED AND REMANDED.

DIVISION TWO HOLDS: The trial court plainly erred by failing to instruct the jury on use of force in defense of another. Substantial evidence showed that Jones may have reasonably believed that an aggressor threatened Jones's car passenger with a firearm and posed an imminent threat to the passenger such that Jones may have been justified in using deadly force on the passenger's behalf. In light of evidence supporting the instruction, argument by both attorneys that Jones acted to "stand his ground," and the jury's inquiry to the trial court as to the role of "stand your ground" law, we find manifest injustice resulted from the trial court's failure to so instruct. The judgment is reversed and the matter is remanded for a new trial.

Opinion by: Kurt S. Odenwald, P.J.
Michael E. Gardner, J., and Renée D. Hardin-Tammons, J., concur.

Attorney for Appellant: David R. Angle

Attorney for Respondent: Garrick F.D. Aplin

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.