

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

STATE OF MISSOURI, ) ED101585  
 )  
 Respondent, ) Appeal from the Circuit Court  
 ) of Perry County  
v. )  
 ) Honorable Benjamin F. Lewis  
AARON AMSCHLER, )  
 )  
 Appellant. ) Filed: June 2, 2015

Aaron Amschler (Defendant) appeals the judgment entered upon his conviction by jury of one count of unlawful use of a weapon for discharging a firearm while intoxicated. He argues the trial court erred in refusing to instruct the jury regarding self-defense.

**REVERSED AND REMANDED.**

Division Three Holds: Defendant sufficiently injected the issue of self-defense such that the trial court should have instructed the jury that they could consider whether Defendant's actions were justified under the circumstances. There was evidence on the record that Clint Chandler was threatening Defendant and his father and refused to leave Defendant's father's property when asked to do so. There was also evidence Chandler had previously run over Defendant's leg with a truck and punched Defendant in the face, as well as evidence of Chandler's violence toward others. In this light, the jury should have been able to consider whether Defendant's belief that he was in imminent danger from Chandler was reasonable under the circumstances and justified Defendant firing a warning shot into the ground.

Opinion by: Gary M. Gaertner, Jr., J.  
Robert G. Dowd, Jr., J., concurs.  
Kurt S. Odenwald, P.J., dissents in a separate opinion.

Attorney for Appellant: Ellen H. Flottman  
Attorneys for Respondent: Chris Koster and Richard A. Starnes