

*Katko vs. Briney*, 183 N.W.2d 657 (1971)

Facts:

In 1967, Marvin Katko and his companion, Marvin McDonough, (Plaintiffs) broke into an uninhabited old house that they believed was long abandoned to look for old jars and bottles. The Defendants (Edward Briney and Bertha L. Briney) had set up a spring loaded shotgun in an upstairs bedroom just days before. Upon entering the upstairs bedroom, Marvin Katko triggered the spring loaded shotgun and was shot in the leg. Mr. Katko was severely injured, incurred medical costs, and lost two years of wages.

Procedural Facts:

Katko brought a complaint for damages to the Mahaska District Court in Iowa. During the trial, The Defense contended that the law allowed a man to protect his property, using a spring loaded shotgun, from theft or burglary. The law contends that a man may not use reasonable force to protect his property, except for a felony with use of violence or that which would cause great bodily harm.

The presiding Judge, Harold, Fleck J. gave the jury seven instructions for deliberation, two, five and six of which were under main contention by the Defendant.

Two: The court referred to precedent cases that outlined the law prohibiting the use of spring loaded guns, unless there is a need to prevent felony violence and where life is in imminent danger. The court included in the instruction to the jury that breaking and entering is not a felony.

Five: The court gave the jury the instruction that a property owner may use reasonable force, but this right was subject to qualification that one may not use such force as to result in death or great bodily injury. The rule applies even if the suspect is trespassing or committing a crime.

Six: An owner of premises is prohibited from taking measures that would willfully or intentionally injure a trespasser by means of using force that would result in death or great bodily harm.

During the trial, the defense stated their main point of contention that the law states the use of spring guns is allowed but did not object or make any exception to the instructions given to the jury, which ruled that the defendants acted with malice and reckless behavior. The jury awarded Plaintiff with both actual and punitive damages.

Issue:

Were there errors made by the jury or trial courts that justify the Supreme Court's reversal of the lower court's ruling, if no objections were raised at that time?

Rule of Law:

Questions that were not presented or objected to at the trial court cannot be raised or reviewed by Iowa State Supreme Court.

Analysis:

The Iowa Supreme Court affirmed the decisions of the trial court for two main reasons. First, it contended there were no mistakes made by the trial courts, and that the Plaintiff presented its case beyond a preponderance of evidence, and that since no errors were made, it was bound by the findings of the lower court. It also said that the Defendants acted with malice and reckless

behavior that was beyond what was reasonable to protect its property, and that laws have always valued life over property.

Conclusion:

Defendants' contentions on appeal have no relevant errors. Affirmed.