Nos. 26-1415, 26-1419

In the United States Court of Appeals for the Eighth Circuit

DENNIS BALL-BEY,
Plaintiff-Appellee/Cross-Appellant,

v.

KYLE CHANDLER, Police Officer, in his individual capacity,
Defendant-Appellant/Cross-Appellee.

On Appeal from the United States District Court
for the Eastern District of Missouri
Case No. 4:18-cv-01364-SPM (The Hon. Shirley Mensah)

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SUMMARY OF THE CASE AND REQUEST FOR ORAL ARGUMENT

This is an appeal and cross-appeal from a jury verdict after a five-day trial. The plaintiff, Dennis Ball-Bey, sued Officer Kyle Chandler for excessive force and wrongful death after Chandler killed his eighteen-year-old son, Mansur Ball-Bey, by shooting him in the back. Chandler's sole and unequivocal defense was that he saw Mansur point a gun at his partner, Officer Ronald Vaughan, so Chandler shot him.

But the evidence at trial showed that Mansur's body was found with a severed spine 164 feet from his gun. For Chandler's version of events to be true, the jury would've had to find several facts that were irreconcilable with the physical evidence: It would've had to believe that, contrary to eyewitness testimony, Mansur kept running for 125 feet and threw his gun at least 30 feet behind him *after* he was shot. It would've had to find that, contrary to medical expert opinions, Mansur's spinal cord was only bruised by the bullet (which then hit his heart) and wasn't severed until later. And it would've had to imagine that, contrary to the officers' own statements, Mansur was somehow moving his legs and resisting arrest after he collapsed.

After hearing the evidence, the jury expressly rejected Chandler's account. It awarded Dennis a total of $6.25 million in compensatory damages and $12.5 million in punitive damages. Given the jury's findings and the standard of review, this Court should largely affirm the decision below and reinstate the jury's full punitive-damages award. If the Court hears argument, the plaintiff requests time equal to Chandler's.

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INTRODUCTION

In many cases, deciding whether the police lawfully used deadly force requires a court to wade through a "factbound morass of reasonableness." *Scott v. Harris*, 550 U.S. 372, 383 (2007). Not this case. Despite Officer Kyle Chandler's efforts to muddy the waters on appeal, his defense at trial was clear: He testified that eighteen-year-old Mansur Ball-Bey was pointing a gun at his partner (Officer Ronald Vaughan) when Chandler fired at Mansur's back. If the jury credited his testimony, Chandler's use of deadly force would have been justified, and he would have prevailed at trial.

But the jury did not have to credit his testimony. As the judge below explained, "at trial, the jury was confronted with starkly different versions of the circumstances leading up to the shooting." Def.App. 115, Def.Add. 38, R.Doc. 616 at 4. One version was Chandler's account, which was supported by officer testimony but little else. The other—supported by forensic and medical evidence, plus other testimony—was that Chandler couldn't be telling the truth. On this version, Chandler shot Mansur in the back after "Mansur had discarded the gun," without ever raising it toward anyone, and as he was running away from the police, unarmed. *Id.* If the jury credited this version, Mansur would not have posed an immediate threat to the police or the public, and deadly force would not have been justified under clearly established law.

Because Chandler was adamant (and unequivocal) that Mansur was pointing a gun at Vaughan, and because the two possible versions of events were not remotely

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compatible, the jury's inquiry was narrow. It did not need to worry about whether Chandler might have been mistaken in his perception. It just had to decide between two radically different versions of the facts. And so, the parties agreed, the jury could largely decide this case by answering one question: Was Chandler's version true?

After a five-day trial, the jury "clearly disbelieved" Chandler's version of events, and instead "clearly believed" a version "in which Mansur had done nothing other than throw his gun away and run from officers" when he was shot in the back. Def.App. 122, Def.Add. 45, R.Doc. 616 at 11. The jury was entitled to make that call. It was entitled to give "more weight to the physical evidence and expert evidence" than to the officers' testimony. Def.App. 144, Def.Add. 67, R.Doc. 616 at 33.

Unhappy with the jury's findings, Chandler asks this Court to free himself from his own defense. Despite building his case around the theory that his version of the facts *had* to be true, Chandler now attempts a new strategy, seeking to evade his own choices and the jury's verdict. But this Court's role—even when confronted with post-trial motions—is not to second-guess the jury's findings of fact; it is to ensure that the court below faithfully applied the law. In almost all aspects, the district court here did. Its only misstep was its decision to reduce the jury's total punitive-damages award on substantive-due-process grounds. But a punitive-damages award of just two times the compensatory-damages award for highly reprehensible conduct is well within constitutional limits. This Court should reinstate the jury's award in full.

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JURISDICTIONAL STATEMENT

Dennis Ball-Bey sued Chandler asserting, among other claims, excessive force in violation of the Fourth and Fourteenth Amendments under 42 U.S.C. § 1983, and wrongful death in violation of Missouri law. Def.App. 70, R.Doc. 71. The district court had federal-question jurisdiction over the constitutional claim, 28 U.S.C. § 1331, and supplemental jurisdiction over the state-law claim, 28 U.S.C. § 1343. After a five-day trial, the jury ruled for Dennis on both claims. The court granted in part and denied in part Chandler's post-trial motions on February 6, 2026, Chandler timely appealed, and Dennis timely cross-appealed on March 9, 2026. Def.App. 65, R.Doc. 616; Def.App. 67, R.Doc. 630, 633. This Court has jurisdiction under 28 U.S.C. § 1291.

STATEMENT OF THE ISSUES

Immunity Rulings

1. Whether the district court should have given qualified immunity to an officer who, under the facts found by the jury, killed an unarmed eighteen-year-old by shooting him in the back after he (1) had discarded his gun 164 feet away, (2) never raised the gun or threatened to use it when he had it, and (3) was running away.

Fed. R. Civ. P. 50;
Tennessee v. Garner, 471 U.S. 1 (1985);
Luckert v. Dodge Cnty., 684 F.3d 808, 817 (8th Cir. 2012);
Wealot v. Brooks, 865 F.3d 1119 (8th Cir. 2017).

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2. Whether the district court should have given official immunity to an officer whom the jury found to have shot an unarmed, fleeing teenager and later lied about it.

State ex rel. Love v. Cunningham, 689 S.W.3d 489 (Mo. 2024);
Estate of Snyder v. Julian, 789 F.3d 883 (8th Cir. 2015).

Evidentiary Rulings

3. Whether the district court clearly and prejudicially abused its discretion by admitting evidence related to the police's post-shooting investigation that called into question the credibility of Chandler's version of events.

Woods v. City of St. Louis, 170 F.4th 1164 (8th Cir. 2026);
Burris v. Gulf Underwriters Ins. Co., 787 F.3d 875 (8th Cir. 2015).

4. Whether the district court clearly and prejudicially abused its discretion by excluding a few photographs of Mansur supposedly bearing on damages.

Hernandez v. City of Peoria, 135 F.4th 517 (7th Cir. 2025);
Russell v. Anderson, 966 F.3d 711 (8th Cir. 2020).

Reduction of Damages

5. Whether the district court erred in holding that the jury's $12.5 million punitive-damages award exceeds the amount permitted by the Fourteenth Amendment's Due Process Clause and must be reduced to $2 million—less than a third of the jury's total compensatory-damages award.

Mo. Stat. § 510.265(1);
Lee ex rel. Lee v. Borders, 764 F.3d 966 (8th Cir. 2014);
Poage v. Crane Co., 523 S.W.3d 496 (Mo. Ct. App. 2017).

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STATEMENT OF THE CASE

I. Factual background

A. The chase

One morning in August 2015, eighteen-year-old Mansur Ball-Bey was at his cousin's home in St. Louis. 2 Tr. 91; 4 Tr. 79, 95.[1] He had just graduated from high school and was working at FedEx. 4 Tr. 53, 56.

Just before noon, St. Louis police arrived at the home to execute a search warrant. 2 Tr. 87-89. Mansur was not the warrant's target. 2 Tr. 145. Two officers, Kyle Chandler and Ronald Vaughan, were assigned to wait near the backyard. 2 Tr. 87-89. As the warrant was served, Mansur and a "shorter person" ran out the back of the house and turned left down an alley. 2 Tr. 91. Vaughan noticed that Mansur had a handgun tucked into his waistband, and he started to pursue Mansur on foot. 2 Tr. 176-79. Chandler followed behind, yelling, "Drop the gun." 2 Tr. 146.

There was no video of what came next, and Mansur would not live to tell his side of the story. Only three people saw any part of the shooting: Chandler,

[1] Unless otherwise noted, all internal quotation marks, alterations, and citations are omitted from quotations throughout. This brief uses these abbreviations: "Add." for each addendum; "App." for each appendix; "Br." for Chandler's opening appellate brief; "Ex." for admitted trial exhibits included in the addendum or appendix (except for Pl.Ex. 98, which is a video, the substance of which is reproduced here, https://bit.ly/4xI2pCc); "R.Doc." for the docket below, *Ball-Bey v. Chandler*, No. 18-cv-1364 (E.D. Mo.); and "Tr." for volumes 2, 3, 4, and 5 of the trial transcripts found at R.Doc. 566, 567, 568, and 569, respectively.

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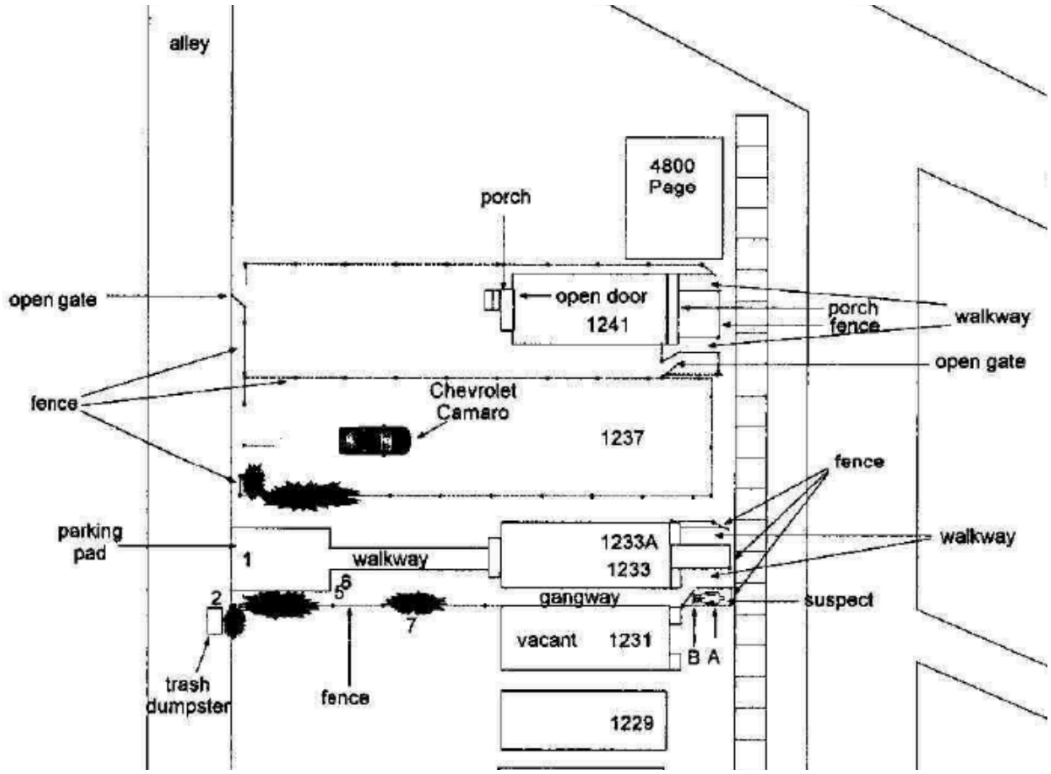
Vaughan, and Richard Booker, an off-duty officer who happened to be in a backyard across the alley. 2 Tr. 260-61. Booker was the only one who was interviewed that same day. 2 Tr. 267. He testified that, as he watched, he saw two individuals exit the backyard of the house; Mansur ran down the alley, with the officers in pursuit, and the other person peeled off. 2 Tr. 261-62, 267.

Booker also saw that, after Chandler ordered Mansur to drop his gun, Mansur did just that: "Mansur threw [his] gun at [a] dumpster while he was still in the alley." 2 Tr. 271, 280; Pl.App. 14, Pl.Add. 6, Pl.Ex. 97.9 (photograph from Booker's perspective, with "X" marking where Mansur was when he threw his gun, 2 Tr. 273); Pl.App. 16, Pl.Ex. 98 (animation). Mansur then turned to his left, toward the backyard of a neighboring house two lots over from his cousin's home. 2 Tr. 271.

That backyard began with a concrete parking pad, where the dumpster was off to the far right in the alley. It continued to a grassy area between the parking pad and the house. And it led to a gangway—a narrow, paved walkway between two houses—that opened into the neighbor's front yard. 2 Tr. 244; Pl.App. 8, Pl.Add. 1, Pl.Ex. 6.54 (photograph); Pl.App. 7, Pl.Ex. 6.36 (photograph). A diagram submitted at trial shows the area from above. (The cousin's house is street number 1241; the neighboring house is 1233; and the alley, with the dumpster, is to the left.)



2 Tr. 61-62; Pl.App. 12, Pl.Add. 4, Pl.Ex. 18 (diagram).

By this point, Mansur was unarmed. The gun had landed on the ground by the dumpster, which was off to his right, as Mansur turned left onto the parking pad of the neighboring house. Pl.App. 14, Pl.Add. 6, Pl.Ex. 97.9 (photograph from Booker's perspective). Later, the gun was found in that same spot, freshly damaged from striking the pavement. 2 Tr. 86; Pl.App. 6, R.Doc. 513 at 2; Pl.App. 9-10, Pl.Add. 2-3, Pl. Exs. 6.57.-.58 (photographs).

After Mansur dropped the gun, Chandler and Vaughan continued to chase him as he ran into the neighbor's backyard. 2 Tr. 95. Mansur ran past the concrete parking pad, past the grass, and through the gangway to the right of the house, with his back to the officers the entire way. 2 Tr. 244.

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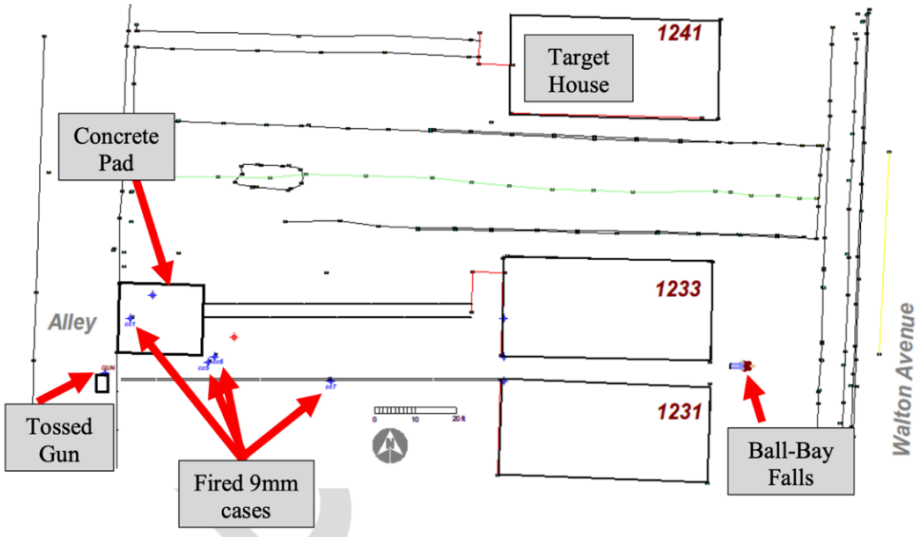
B. The shooting

Four shots were fired, and the physical evidence established when and where. The city's Shot Spotter, a system of microphones that records and times the sound of gunfire, captured these four separate gunshots over approximately 3.5 seconds: There was one shot, a pause of 1.5 seconds, then two more shots, another pause of 1.7 seconds, and one last shot. 3 Tr. 88-89, 104. Vaughan fired three times and missed. 2 Tr. 107-08; 3 Tr. 89. Chandler, who had overtaken Vaughan in the chase, fired once. *Id.* His was the final shot. 3 Tr. 104-05; Br. 2, 21.

The shell casings tell the rest of the story: One was found near the parking pad, two were just off the pad in the grass, and the fourth was more than 50 feet farther into the yard, at a spot with a clear sightline down the gangway. 2 Tr. 73-74, 161-62; 3 Tr. 68, 98. Vaughan later testified that the three shell casings clustered around the parking pad were his, making the fourth Chandler's. 2 Tr. 205-208.



Pl.App. 15, Pl.Add. 7, Pl.Ex. 53-1 (diagram).

Chandler's shot hit Mansur in the middle of the back right as he got to the end of the gangway. 2 Tr. 107; 3 Tr. 98, 103-05; Pl.App. 5, R.Doc. 513 at 1; Pl.App. 16, Pl.Ex. 98 (animation). The bullet severed Mansur's spinal cord at the T9 vertebra and "hit [his] heart," where it was recovered. 3 Tr. 144, 175. Dr. Ben Carlock, a spinal cord specialist who reviewed Mansur's autopsy, concluded with 99.5% certainty that the bullet severed Mansur's spine at the moment of impact, and with 100% certainty that Mansur suffered from spinal shock—that is, complete paralysis below the site of the injury, at the time of injury—"the second he was hit." 3 Tr. 183, 192-204. Mansur, in other words, collapsed "immediately" upon being shot. 3 Tr. 204, 213.

The city's chief medical examiner, Dr. Michael Graham, agreed. 3 Tr. 135-36, 163-64. After his office performed the autopsy the day after the shooting, 3 Tr. 271-74, Dr. Graham likewise determined that Mansur "would have gone to the ground immediately" at the moment of impact. 3 Tr. 164.

Mansur's body was 164 feet from the gun when he collapsed—more than the length of half a football field. 3 Tr. 66. The police handcuffed him as he lay on the ground, and he did not resist. 2 Tr. 110, 223-25. Mansur was "gasping for air" and bleeding from his chest, and he couldn't use his abdomen or legs. 3 Tr. 199; 4 Tr. 115, 152. But for a little while, his brain kept working, so he knew that he had been paralyzed from the chest down and was about to die. 3 Tr. 164, 198. An ambulance was called, and he was pronounced dead. 4 Tr. 79, 153. Later, Mansur's father,

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Dennis Ball-Bey, got a call that his son had been shot. 4 Tr. 79. After being sent from the hospital to the morgue to the police station and back to the morgue, he identified the body as his son. 4 Tr. 79-80.

C. The post-shooting investigation

The police waited two days to interview Chandler and Vaughan. 3 Tr. 271-72. By then, the officers had discussed the incident among themselves "five or ten times." 2 Tr. 125. The same union attorneys attended both interviews. 2 Tr. 121-23, 167.

Both officers maintained through trial that Mansur did not throw his gun while he was in the alley, as Booker testified. They said that they briefly lost sight of Mansur behind a pole at the corner of the yard, and by the time they swung around, Mansur was 10 to 15 feet ahead of them, running away. 2 Tr. 95-97, 184. The officers claimed that Mansur still had the gun when they came around the pole, and that Mansur kept his gun with him as he ran 10 to 15 feet past the parking pad and onto the grassy area. 2 Tr. 148, 243.

According to the officers, once Mansur was on the grass (as he was still "running fast" away), he "twist[ed]" his body backward and raised his gun toward Vaughan. 2 Tr. 100-04, 148, 191. Chandler said that he opened fire at that moment because Mansur "was going to shoot" Vaughan. 2 Tr. 148. Both officers said that they fired at the same time, from the parking pad, and that they stopped firing when the gun left Mansur's hand. 2 Tr. 115-16, 159-63, 213-14, 243-45, 255-56; Pl.App. 13, Pl.Add.

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5, Pl.Ex. 36-3-10 (photograph from Vaughan's perspective, with "X" marking Vaughan's location when he fired, 2 Tr. 190). Mansur "drop[ped] the gun," Chandler said, only after he was shot, doing so in "one continuous … motion." 2 Tr. 104-05.

On the officers' account, the gun didn't fall straight to the ground as it was "release[d]" from Mansur's hand. 2 Tr. 105. Nor was it propelled forward with the momentum of Mansur's body. *Id.* Instead, the officers claimed that they saw the gun "fl[y] backwards" some 30 feet over Vaughan's head, and that it must have skidded down the parking pad, slid over some leaves, and turned left to hit the dumpster, where it was later recovered. 2 Tr. 105-06; 3 Tr. 64-65; Pl.App. 16, Pl.Ex. 98 (animation); Pl.App. 9-10, Pl.Add. 2-3, Pl. Exs. 6.57.-.58 (photographs). Neither officer saw where the gun landed. 2 Tr. 105, 150, 245.

The officers also said that Mansur, whose spine had just been severed and whose body would have been bleeding profusely, "kept running" for 125 feet. 2 Tr. 149; *see* 2 Tr. 106-09; 3 Tr. 68. On their telling, Mansur ran through the gangway with a bullet in his back (Chandler was adamant that he did not shoot Mansur as he was in the gangway, 2 Tr. 150) and collapsed only when he got to the end. 2 Tr. 109, 219; 3 Tr. 71. No blood, however, was found in the gangway. 2 Tr. 74-75.

Booker gave his statement the same day as the shooting. 2 Tr. 267. His account matched his fellow officers' in one respect and differed from it in another. Like Chandler and Vaughan, Booker described Mansur raising his gun, the officers firing,

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and Mansur throwing the gun only after the shots; unlike them, he placed those events in the alley, said he took cover, and did not see the shots himself. 2 Tr. 274-75, 278-79. Booker acknowledged that no shell casings were found in the alley. 2 Tr. 275-76. But he was consistent about where he saw the gun left Mansur's hand—in the alley, toward the dumpster, before Mansur ran on. 2 Tr. 267-73, 280.

Roger Engelhardt, the supervisor of the unit that investigated police shootings, recognized that Chandler's and Vaughan's account was contradicted by Dr. Graham, the city's medical examiner whose office performed the autopsy the day after the shooting. 3 Tr. 271-74. Engelhardt wanted to figure out if Mansur's spinal cord was fully severed. 3 Tr. 276-79. So Mansur's body was retrieved from the funeral home, and a second autopsy was conducted. 3 Tr. 282-85. Engelhardt attended, and he saw that the spine was "completely severed," or split in two. 3 Tr. 286.

Engelhardt could see that Chandler and Vaughan's "stories d[id]n't match" the evidence because Mansur "couldn't have run with a severed spine," as the officers claimed. 3 Tr. 287-90. Referring to potential "civil unrest," Engelhardt "joke[d]" that the city's chief medical examiner should "get fire insurance." 3 Tr. 287-92. Before Engelhardt reported the "bad news" to his boss, the chief of police, Dr. Graham told him that "he ha[d] another theory" that was different from "his first opinion." 3 Tr. 293-94. Dr. Graham hypothesized that Mansur's spinal cord may have been only "nicked by the bullet," and that it "stretched and finally broke" after

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he ran for 125 feet. 3 Tr. 294-95. Dr. Graham described that "alternative" explanation as "plausible." 3 Tr. 170, 294. Instead of adopting it, Engelhardt offered his own "dog pile" theory, speculating that Mansur's spine was severed not by Chandler's fatal bullet, but by the officers who piled on top of him during his arrest. 3 Tr. 297-98.

At no point in his post-shooting interview (or at trial) did Chandler ever suggest that he might have been mistaken about whether Mansur was still armed when he fired into his back. His account, instead, was that he saw Mansur raise a gun toward Vaughan when he shot him, and his defense at trial rested on nothing else. Def.App. 117 n.1, 125, Def.Add. 40 n.1, 48, R.Doc. 616 at 6 n.1, 14.

II. Procedural background

Dennis sued Chandler, Vaughan, the police chief, and the City of St. Louis, asserting various claims under 42 U.S.C. § 1983 and Missouri state law. Def.App. 70, R.Doc. 71. Because the autopsy determined that the bullet in Mansur's back came from Chandler's gun, by the time of trial, only two claims against Chandler remained. Pl.App. 5-6, R.Doc. 513. One was excessive force; the other was wrongful death. Def.Add. 34, R.Doc. 435 at 34.

A. After a five-day trial, the jury finds Chandler liable on both excessive force and wrongful death.

At trial, Chandler's defense rested on a single theory—that his version of the facts had to be true. Contradicting eyewitness Booker's testimony that Mansur threw his gun while he was still in the alley, the officers adhered to their claim that they

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opened fire right as Mansur ran 10 to 15 feet past the parking pad and onto the grassy area, as he twisted his torso and raised his gun toward Vaughan. 2 Tr. 98, 100-04, 148, 191. And they continued to take the position that Mansur's gun flew out of his hand (and turned left) at least 30 feet behind him, and that Mansur kept running until he collapsed at the end of the gangway 125 feet away. 2 Tr. 105-09; 3 Tr. 64-68.

In presenting his account to the jury, Chandler insisted that, because Mansur was pointing a gun at Vaughan when the officers opened fire, deadly force was justified. 2 Tr. 48; 5 Tr. 50. The jury also heard everything unflattering about Mansur that Chandler's counsel could offer: that, although he wasn't the target, he was at a house being searched for guns and drugs, 2 Tr. 39, 145; that the house was in the territory of a violent gang, 2 Tr. 144; that he ran from the house with a gun, 2 Tr. 91-92; and that Mansur was guilty by association because his cousin and the individual he ran out with were both later killed, 5 Tr. 64. Chandler's counsel argued that "Mansur was a young man who was headed down a bad path," and asked the jury to "[m]ake them prove" every dollar of damages. 5 Tr. 64.

After a five-day trial, the jury rejected Chandler's account and ruled against him on both claims. 2 Tr. 82. The jury found that Mansur was not pointing a gun at Vaughan when Chandler shot him. 2 Tr. 83. As the district court later put it, the jury "gave more weight to the physical evidence and expert evidence than it did to the eyewitness testimony of the officers," Def.App. 144, Def.Add. 67, R.Doc. 616 at 33,

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and "clearly believed a version of events in which Mansur had done nothing other than throw his gun away and run from officers at the time Chandler intentionally shot him in the back," Def.App. 122, Def.Add. 45, R.Doc. 616 at 11.

The evidence at trial

A ballistics expert who measured the scene testified that, if Chandler's version of events were true, Mansur would have had to throw his gun (which weighed 2.8 pounds) backwards between 31 to 36 feet for it to land where it did. 3 Tr. 64-65, 71, 76. But after reviewing Mansur's autopsy, two different medical experts concluded that this couldn't have happened. Dr. Graham, the city's medical examiner, initially told the *New York Times* that Mansur would have collapsed immediately after being shot. 3 Tr. 136, 147-48. Dr. Carlock, a spinal cord specialist, determined that the bullet either severed Mansur's spine upon impact or that spinal shock—complete paralysis below the site of the injury, at the time of injury—set in immediately. 3 Tr. 183, 192-204, 213. Either way, because Mansur's spinal injury was in the T9 vertebra, right in the middle of his back, he wouldn't have been able to use his legs or abdomen. 3 Tr. 198-99. So Mansur couldn't have planted with his feet or twisted with his torso. 3 Tr. 211-12. He couldn't have kept running. *Id.* And he couldn't have thrown a nearly three-pound gun several yards behind him, much less 30 feet away. *Id.*

Other evidence contradicted Chandler's account, too. Both he and Vaughan claimed that they fired their shots from the same place, on the concrete parking pad.

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2 Tr. 99, 159, 214, 255-56. And they testified that they stopped shooting when Mansur threw his gun. 2 Tr. 160-62, 213. But only one shell casing was found on the parking pad, and two more were just off it. 3 Tr. 61-66, 68, 98. The fourth, which belonged to Chandler, was found more than 50 feet farther into the yard—well beyond where the officers claimed Mansur was when they opened fire. *Id.*; 2 Tr. 205-208.[2]

The officers also testified that they fired at once, right as Mansur pointed a gun at them. 2 Tr. 115-16, 243-45. Chandler said he did not recall hearing any gunshots before or after his own. 2 Tr. 149. But, again, the city's Shot Spotter captured four distinct gunshots—with a pause of 1.5 seconds between the first and second shots, and a pause of 1.7 seconds between the third and fourth. 3 Tr. 88-89. Those pauses, the ballistics expert explained, were far longer than the 0.3 seconds that typically elapse between shots when "someone fires a semi-automatic [handgun] as fast as they can." 3 Tr. 88. So on the officers' own testimony—that they stopped firing the moment the gun left Mansur's hand—Chandler's shot came after the threat they described had ended, from 50 feet farther away.

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[2] Because both officers claimed to have fired from the parking pad, only one casing was on the pad, and it belonged to the shot that was fired first, the ballistics expert presented two scenarios: one where the casing was Chandler's and he fired first, and one where Vaughan fired first and Chandler fired last from deep in the yard. 3 Tr. 93-105; Pl.App. 16, Pl.Ex. 98 (animation). The expert's remark that Chandler's shot "would be reasonable" applied only to this first scenario, 3 Tr. 102—the one where Chandler fired from the pad, at the start, before Mansur had thrown the gun on anyone's account. *Contra* Br. 22. The jury's answer to the special interrogatory, described below, is consistent only with the second scenario.

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The post-shooting investigation further undermined Chandler's credibility. Booker, who gave his statement the same day as the shooting, testified that he saw Mansur discard the weapon by the dumpster while he was still in the alley. 2 Tr. 267-73. Chandler and Vaughan, on the other hand, discussed the incident "five or ten times" before they were interviewed for the first time two days later; union counsel was present; and their interviews were audio-recorded rather than videotaped. 2 Tr. 121-25, 230-32; 3 Tr. 258, 271-72. And no one—not even the city's own chief medical examiner—believed that Mansur could have kept running after he was shot, until Engelhardt realized that Mansur had to have been able to for the officers' account to be true. 3 Tr. 271-74. The jury heard that the police chief was "worried" about the discrepancy between Dr. Graham's public statements and the officers' accounts, in the post-Michael Brown environment of heightened attention to police shootings, and that Engelhardt contacted Dr. Graham as a result. 3 Tr. 268; 4 Tr. 46-47. When asked if he had ever seen a group of officers lie to protect another officer, Engelhardt answered that "[p]eople lie," that this "[d]oesn't mean they're lying," and that "[e]verybody lies." 4 Tr. 49.

Nor was the evidence consistent with Dr. Graham's "alternative" theory (that Mansur's spinal cord was "nicked by the bullet" and "broke" after he ran) or with Engelhardt's competing lay opinion (that Mansur's spine was severed by the officers who piled on top of him during his arrest). 3 Tr. 294-95, 297-98. Dr. Graham's second

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examination found that the bullet entered and exited the bony spine without passing through the spinal canal, 3 Tr. 163, and he offered that as the basis for his later-tear theory, 3 Tr. 170. But as Dr. Carlock made clear, the bullet couldn't have merely bruised Mansur's spinal cord, with his spine splitting only after he ran for a while (or after the dog pile). 3 Tr. 193-99. Only forces of an "industrial scale"—like those from a hydraulic press or building dropping—can sever a spinal cord that's intact, even if it is bruised. 3 Tr. 194-95.

There were other discrepancies in the officers' testimony. None of Chandler's other witnesses actually saw the shooting. Gregory Klipsch and his partner Matt Manley were at the front of the house when they heard the shots. 4 Tr. 111-13, 149. Larry Stoddard was in the alley, right next to Chandler and Vaughan when the chase began, but he stumbled and "lost sight" of the officers during the shooting. 3 Tr. 16, 20-24. And James Joyner was inside the house when he heard the shots. 4 Tr. 155, 158. Joyner also managed to impeach himself at trial: He testified initially that he hadn't spoken with Engelhardt in a long time but later admitted, when specifically asked, that he had spoken with Engelhardt just two days earlier. 4 Tr. 173-74.

Klipsch, the officer who pinned Mansur down, stated in his post-shooting interview several days after the incident that Mansur was "kicking and thrashing" during his arrest. 4 Tr. 122, 141. But the medical evidence revealed that Mansur would have lost function of his legs immediately. 3 Tr. 199. And at their interviews two days

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after the shooting, Chandler and Vaughan were resolute that Mansur did not resist arrest, though Vaughan tried (unsuccessfully) to testify at trial that Mansur was "struggling" while being handcuffed anyway. 2 Tr. 109, 223-25. Klipsch also testified that he laid on top of Mansur, drove into his back, picked him up and slammed him down, and kept him pinned down, with his "entire upper body" touching Mansur's back. 4 Tr. 128-29. Yet Klipsch had no visible blood anywhere on his chest. 4 Tr. 138-40; Pl.App. 11, 17, Pl. Exs. 6.76-.77 (photographs). No blood was on the ground of the gangway either. 2 Tr. 74.

On damages, Mansur's parents testified about his relationship with his family—that he helped with chores, drove his mother on errands, helped care for his sister, who has cerebral palsy, and participated with the family at their temple. 4 Tr. 51-55, 64-77. Dennis identified four family photographs. 4 Tr. 64-68, 78. Chandler's counsel cross-examined both parents at length about the limits of what they knew, including whether Dennis had ever known Mansur to possess a gun. 4 Tr. 55-57, 91-98. Chandler sought to introduce five photographs that Mansur had posted to social media—photos of him holding a gun, photos of him smoking, and a social-media post captioned with the name of his rap group, "Trakcistan Mafia." 4 Tr. 10, 70-75; Br. 32. The district court initially indicated that the door had been opened; after further argument, it excluded the photographs. 4 Tr. 70, 84-91.

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The jury awards $6.25 million in compensatory damages.

After hearing the evidence, the jury was asked to determine if Chandler's account was true. Before trial, Chandler had proposed three special interrogatories, including one asking if he reasonably "even if mistakenly" believed that Mansur posed an imminent threat. 4 Tr. 212; Br. 34. Because Chandler "testified consistently" about what he saw, however, his counsel consented to the removal of the "even if mistakenly" language at the close of evidence. 4 Tr. 213-14. The parties ultimately agreed to submit a single interrogatory, which both parties had reached consensus on, and Chandler's own counsel described as "perfect":

> Based on the evidence, is it more likely than not that Mansur Ball-Bey was pointing a gun in the direction of Officer Ronald Vaughan when the defendant shot him?

5 Tr. 9-10; Pl.App. 44, Pl.Add. 10, R.Doc. 532 at 3.[3]

The jury deliberated for under two hours before answering "no" and ruling against Chandler on both claims. 5 Tr. 72, 80, 82-83. Dennis had asked for $15 million in compensatory damages, and the jury awarded $6.25 million—$3.75 million on the excessive-force claim and $2.5 million on the wrongful-death claim. 5 Tr. 50, 82.

[3] Plaintiff's counsel agreed to use the special interrogatory even though they had initially opposed using any as unnecessary. Pl.App. 1-4, R.Doc. 491.

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The jury awards $12.5 million in punitive damages.

The case then proceeded to the punitive-damages phase. The jury heard testimony that children lived in the neighborhood where Chandler shot Mansur, and that hollow-point bullets like the one Chandler used travel "until they stop." 5 Tr. 108-10. Chandler acknowledged that, had he missed, he could have hurt a child on the other side of the gangway. 5 Tr. 111.

The jury was also presented with evidence of three prior incidents. In 2009, also in a gangway, Chandler shot a man in the back and killed him. 5 Tr. 106-07, 115. In 2013, Chandler punched a man in the face who was handcuffed and defenseless. 5 Tr. 105-06. And in 2012, Chandler shot a man who—according to Chandler—ran past him, pointed a gun at him, and threw the gun away. 5 Tr. 102-04. That gun was never recovered. 5 Tr. 105.

The jury didn't hear still other instances of Chandler's misconduct, including allegations that he had previously lied for Vaughan and hurt other unarmed civilians. *See, e.g.*, 5 Tr. 87 (2011 phone call from Chandler's fiancée to 911 alleging he assaulted her); 5 Tr. 87, 90 (2011 allegation that Chandler lied for Vaughan); 5 Tr. 88 (2015 incident where young man had a cracked skull after being pulled over by Chandler and Vaughan, and later settled his lawsuit against the city); 5 Tr. 88 (2017 allegation that Chandler tased unarmed protestor). But the jury did learn that Chandler and Vaughan were both later fired for dishonesty. 2 Tr. 126-32, 233-34.

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After hearing the evidence that was admitted, the jury found that Chandler's conduct was "outrageous"—because he had acted with an "evil motive or reckless indifference to the rights of Mansur" by shooting him in the back after he had discarded his gun 164 feet away. Pl.App. 40-41, R.Doc. 530 at 23-24. The jury awarded Dennis $5 million in punitive damages on the excessive-force claim and $7.5 million in aggravating-circumstances damages on the wrongful-death claim. 5 Tr. 145.

B. The district court rejects Chandler's post-trial attempts to overturn the jury's liability findings.

Chandler made several efforts to sidestep the jury's findings before this appeal. The district court rejected each one. Def.App. 112-165, Def.Add. 35-88, R.Doc. 616.

Chandler's post-trial motion for judgment as a matter of law, like his Rule 50(a) motion at the close of evidence (and his defense at trial), 4 Tr. 183-86, was narrow. He argued only that he should receive qualified immunity because, contrary to the jury's special-interrogatory answer, Mansur was pointing his gun at Vaughan when Chandler shot him. Pl.App. 81-82, R.Doc. 550-1 at 35-36. Chandler sought official immunity, a parallel defense under Missouri law, for the same reason. Pl.App. 84-85, R.Doc. 550-1 at 38-39. He did not argue, on either defense, that he had reasonably but mistakenly believed Mansur to be armed when he opened fire.

The district court rejected both arguments, explaining that "the jury expressly rejected [Chandler's] version of the facts" after being "confronted with starkly different versions of the circumstances leading up to the shooting." Def.App. 115,

Def.Add. 38, R.Doc. 616 at 4. On one hand was Chandler's version: that Mansur was pointing a gun at Vaughan when Chandler shot him. *Id.* On the other was the version supported by "the locations of shell casings, Mansur's body, and the gun … , along with medical evidence regarding the likely impact the shot would have had on Mansur's ability to keep running." Def.App. 117, Def.Add. 40, R.Doc. 616 at 6. That account, which the jury accepted, indicated that Mansur had discarded his gun by the dumpster and was running through the gangway, unarmed, when Chandler shot him in the back. *Id.*

The jury, the district court explained, was left to choose between these "starkly different versions of the events." *Id.* "Chandler did not suggest at trial," the court underscored, "that there was any chance he might have been mistaken in believing that Mansur was still armed at the time Chandler shot him." Def.App. 117 n.1, Def.Add. 40 n.1, R.Doc. 616 at 6 n.1. "[N]or does any of the evidence presented appear to be consistent with such a version of events." *Id.* Rather, as the court put it elsewhere, "Chandler's only asserted reason for shooting Mansur was that Chandler saw Mansur pointing his gun at Vaughan." Def.App. 125, Def.Add. 48, R.Doc. 616 at 14. After hearing all the evidence over five days, the jury rejected Chandler's account, "clearly believ[ing] a version of events in which Mansur had done nothing other than throw his gun away and run from officers at the time Chandler intentionally shot him in the back." Def.App. 122, Def.Add. 45, R.Doc. 616 at 11. And the district court,

having presided over the trial, concluded that the evidence did not justify overturning the jury's determination as a matter of law. It therefore denied qualified and official immunity. Def.App. 117-18, 122, Def.Add. 40-41, 45, R.Doc. 616 at 6-7, 11.

The district court also denied Chandler's motion for a new trial in full. The court rejected his arguments—since abandoned on appeal—that the verdict was against the weight of the evidence, and that there was improper closing argument on punitive damages. Def.App. 142-53, Def.Add. 65-76, R.Doc. 616 at 31-42. And, as relevant here, the district court disagreed that it should have excluded evidence of the post-shooting investigation or admitted the prejudicial photographs of Mansur. Def.App. 122-38, Def.Add. 45-61, R.Doc. 616 at 11-27. The court found that plaintiff's counsel had used the investigation evidence only to challenge the credibility of Chandler's account; they had not suggested that the city was a bad actor or asked the jury to penalize Chandler for anyone else's conduct. Def.App. 131-32, Def.Add. 54-55, R.Doc. 616 at 20-21. And the court found that plaintiff's counsel had not opened the door to character evidence, and that the photos did not rebut the limited family testimony that was presented. Def.App. 136-38, Def.Add. 59-61, R.Doc. 616 at 25-27. Neither evidentiary ruling, the court explained, was improper or prejudicial. *Id.*

C. The district court reduces the jury's $12.5 million punitive-damages award to $2 million—less than a third of the jury's total compensatory-damages award.

Turning to the motion for remittitur, the district court denied Chandler's request—also abandoned on appeal—to reduce the compensatory-damages award. Def.App. 154-58, Def.Add. 77-81, R.Doc. 616 at 43-47. But the court granted his request to reduce the jury's $12.5 million punitive-damages award to $2 million ($1 million on each claim) on substantive-due process grounds. Def.App. 158-64, Def.Add. 81-87, R.Doc. 616 at 47-53.

The district court recognized that the evidence showed that Chandler "shot a fleeing, unarmed man in the back, absent any significant threat from him," and that the harm he caused was "physical—resulting in death—rather than economic." Def.App. 160, Def.Add. 83, R.Doc. 616 at 49. The court observed that "Chandler had a history of using force against citizens, sometimes under questionable circumstances." *Id.* And it didn't contest that "the 2:1 ratio of punitive damages to compensatory damages here is in line with, or below, ratios approved in other cases." Def.App. 161, Def.Add. 84, R.Doc. 616 at 50.

Yet the district court believed that it was constitutionally required to reduce the jury's award because, in its view, Chandler's conduct was only "somewhat" reprehensible—and because it could not find another Eighth Circuit case involving an individual officer that resulted in a punitive-damages award exceeding $2 million.

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Def.App. 160, 162-64, Def.Add. 83, 85-87, R.Doc. 616 at 49, 51-53. That reduction left Dennis with a $2 million punitive-damages award, a fractional ratio (0.32:1) of the jury's $6.25 million compensatory-damages award. *Id.* Dennis moved for reconsideration, and the district court denied his motion. Pl.App. 87-89, Pl.Add. 13-15, R.Doc. 651. This timely appeal and cross-appeal followed.

STANDARDS OF REVIEW

Judgment as a matter of law. This Court reviews de novo a district court's denial of a motion for judgment as a matter of law. *See Masters v. City of Independence*, 998 F.3d 827, 835 (8th Cir. 2021). Judgment as a matter of law is warranted only when "a reasonable jury [lacks] a legally sufficient evidentiary basis to find for the party on that issue." Fed. R. Civ. P. 50(a)(1). In making this assessment, the Court "must draw all reasonable inferences in favor of the nonmoving party, and it may not make credibility determinations or weigh the evidence." *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150 (2000). It "must disregard all evidence favorable to the moving party that the jury is not required to believe." *Id.* at 150-51.

The grounds on which judgment as a matter of law may be sought narrow at each stage. A Rule 50(a) motion "must specify the judgment sought and the law and facts that entitle the movant to the judgment." Fed. R. Civ. P. 50(a)(2). A renewed motion under Rule 50(b) is then "limited to [the grounds] asserted in the earlier Rule 50(a) motion," and it may not "introduce a legal theory not distinctly articulated" in

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that motion. *Conseco Fin. Serv. Corp. v. N. Am. Mortg. Co.*, 381 F.3d 811, 821 (8th Cir. 2004). And the appeal is limited to the grounds raised in the Rule 50(b) motion because "Rule 50(b) calls for the judgment in the first instance of the judge who saw and heard the witnesses and has the feel of the case which no appellate printed transcript can impart." *Unitherm Food Sys., Inc. v. Swift-Eckrich, Inc.*, 546 U.S. 394, 401 (2006).

When the jury answers a special interrogatory, this Court must "rely[] on the jury's factual findings on the special [interrogatory]" and view all other facts "in the light most favorable to the nonmoving party." *Ledbetter v. Helmers*, 133 F.4th 788, 793 (8th Cir. 2025); *see also Luckert v. Dodge Cnty.*, 684 F.3d 808, 817 (8th Cir. 2012). The Court draws "all reasonable inferences from the factual findings implicit in the jury's verdict." *Zebley v. Heartland Indus. of Dawson, Inc.*, 625 F.3d 449, 451 n.2 (8th Cir. 2010). And because "[q]ualified immunity is an affirmative defense," the defendant bears the "burden of proof" on any factual predicate. *Harrington v. City of Council Bluffs*, 678 F.3d 676, 679 (8th Cir. 2012).

A party in Chandler's position thus faces an "onerous burden." *Henderson v. Simmons Foods, Inc.*, 217 F.3d 612, 615 (8th Cir. 2000). Under this "extremely deferential" standard of review, *Dean v. Searcey*, 893 F.3d 504, 511 (8th Cir. 2018), this Court will not "overturn a jury verdict unless, after giving the nonmoving party the benefit of all reasonable inferences and resolving all conflicts in the evidence in the nonmoving

party's favor, there still exists a complete absence of probative facts to support [it]," *Bader Farms, Inc. v. BASF Corp.*, 39 F.4th 954, 966-67 (8th Cir. 2022).

New trial. This Court reviews a district court's denial of a motion for a new trial "with great deference," focusing on "whether a new trial is necessary to prevent a miscarriage of justice." *Hoffmeyer v. Porter*, 758 F.3d 1065, 1068 (8th Cir. 2014). For motions based on alleged evidentiary errors, the Court will reverse only if it finds "a clear and prejudicial abuse of discretion." *Woods v. City of St. Louis*, 170 F.4th 1164, 1174 (8th Cir. 2026). The claimed error must be more than just "detrimental to a party's case." *Id.* at 1175. To warrant a new trial, the admitted evidence must have been "so prejudicial that a new trial would likely produce a different result," *Burris v. Gulf Underwriters Ins. Co.*, 787 F.3d 875, 880 (8th Cir. 2015), or the excluded evidence must have been likely to have "substantially swayed" the jury, thereby affecting the trial's "fundamental fairness," *Russell v. Anderson*, 966 F.3d 711, 729 (8th Cir. 2020).

Remittitur. This Court reviews de novo the constitutionality of a jury's punitive-damages award, *see Masters*, 998 F.3d at 840, accepting the jury's "specific findings of fact" underlying the award. *Cooper Indus., Inc. v. Leatherman Tool Grp., Inc.*, 532 U.S. 424, 439 n.12 (2001). A jury's award violates substantive due process only if it "furthers no legitimate purpose and constitutes an arbitrary deprivation of property." *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 417 (2003).

SUMMARY OF ARGUMENT

I. Since 1985, the Supreme Court has held that deadly force may not be used against an unarmed suspect who flees from the police. After a five-day trial, the jury found that this was exactly what Chandler did: It rejected Chandler's sole and unequivocal defense that Mansur was pointing a gun at Vaughan when Chandler shot him, and, in doing so, necessarily found that Chandler was lying. The district court correctly relied on that finding—and all the other evidence that discredited Chandler's account—in denying him qualified and official immunity as a matter of law. Chandler's attempt to overturn that holding cannot be reconciled with the standard of review or the facts as found by the jury (both explicitly and implicitly).

II. The district court, having overseen the trial and witnessed the proceedings, also rightly denied Chandler's motion for a new trial. As relevant here, it correctly held that plaintiff's counsel had used evidence of the post-shooting investigation only to test Chandler's account, not to suggest that the city was a bad actor or that Chandler was responsible for anyone else's conduct. Nor did plaintiff's counsel open the door to character evidence. There was no basis, in other words, to introduce the prejudicial photographs of Mansur. Neither evidentiary ruling was even improper—much less a clear and prejudicial abuse of discretion.

III. The district court did, however, make one misstep. It granted Chandler's request to reduce the jury's total punitive-damages award from $12.5 million to $2

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million, mistakenly believing that substantive due process required that result. But the award here—representing a two-to-one ratio—is grounded in a centuries-long historical tradition of double, treble, or quadruple damages to deter and punish. It is also expressly authorized by a Missouri statute that provides a 5-to-1 cap on punitive damages and exempts wrongful-death cases like this one from that cap. Chandler thus unquestionably had fair notice that he could be liable for millions of dollars if he killed someone in an act of intentional malice, violating a clearly established constitutional right. Nothing more was necessary to comply with due process.

ARGUMENT

I. The district court did not err in denying Chandler's motion for judgment as a matter of law.

Chandler first argues that he is entitled to judgment as a matter of law because the district court wrongly denied him qualified and official immunity. Because his argument comes after trial, the "decisive question" is "whether the evidence favoring the party seeking relief is legally sufficient to overcome the defense." *Ortiz v. Jordan*, 562 U.S. 180, 184 (2011).[4] In answering that question, the "facts found by the jury," both expressly and implicitly, control. *Luckert*, 684 F.3d at 817.

Here, the jury expressly rejected the only justification that Chandler offered for using deadly force—that Mansur was pointing a gun at Vaughan. As the district

[4] Chandler declined to appeal the district court's qualified-immunity ruling after summary judgment. Def.App. 51, R.Doc. 452 (dismissing appeal).

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court explained, the jury "clearly disbelieved Chandler's and Vaughan's testimony that Mansur turned and pointed a gun at Vaughan, then threw the gun some distance behind him and continued running." Def.App. 149, Def.Add. 72, R.Doc. 616 at 38. Instead, the jury "clearly" found that "Chandler shot an unarmed man in the back, killing him, while the man was fleeing from him" and "posed no serious risk of harm to Chandler or others." *Id.* And by rejecting the testimony that Mansur raised his gun, the jury also "clearly" found that he never raised his gun *at all*, and "had done nothing other than throw his gun away and run from officers." Def.App. 122, Def.Add. 45, R.Doc. 616 at 11. Chandler does not challenge the sufficiency of the evidence underlying these findings, all of which foreclose his plea for immunity.

A. It was clearly established that an officer could not kill an unarmed teenager by shooting him in the back after he had discarded his gun and was running away.

1. Chandler begins by minimizing the significance of the jury's answer to the special interrogatory, and by suggesting that the district court applied an "incorrect" test for qualified immunity. Br. 41-42. Describing the jury's answer as "a single factual detail," Chandler says that the court should not have relied on it because the proper inquiry is whether, under the "totality of the … circumstances," it was "clearly established" that he used excessive force. Br. 42-43.

But the district court asked that very question. Def.App. 115, Def.Add. 38, R.Doc. 616 at 4. It considered "the totality of the circumstances," not simply "the

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situation at the precise time of the shooting." *Id.* (quoting *Barnes v. Felix*, 605 U.S. 73, 73 (2025)). And while it found that the jury's answer to the special interrogatory was particularly significant, that was because it was Chandler's only defense at trial. As the court explained, "Chandler did not suggest at trial that there was any chance he might have been mistaken in believing that Mansur was still armed at the time Chandler shot him, nor does any of the evidence presented appear to be consistent with such a version of events." Def.App. 117 n.1, Def.Add. 40 n.1, R.Doc. 616 at 6 n.1. The special interrogatory thus resolved the core factual dispute between the parties: Whose account of the shooting was correct, the plaintiff's or the defendant's? The jury's response made clear that it rejected Chandler's version. 5 Tr. 82-83. And the court correctly "view[ed] the facts in the light most favorable to [the plaintiff], relying on the jury's factual findings on the special [interrogatory] in making [its] qualified immunity ruling." *Ledbetter*, 133 F.4th at 793.

To the extent that Chandler (at 41) now quibbles with how "binary" the special interrogatory was—or asserts that it was "error" for the district court to reject other interrogatories—he has waived that argument by failing to raise it in his post-trial motion or develop it on appeal. *See Singelton v. Wulff*, 428 U.S. 106, 120 (1976). Anyway, the binary nature of the interrogatory reflected Chandler's own defense. Again, his theory at trial turned entirely on his assertion that Mansur was pointing a gun at Vaughan when Chandler shot him. 2 Tr. 48; 5 Tr. 50. Because Chandler was

unequivocal that he saw Mansur pointing a gun at Vaughan, 2 Tr. 149, the jury had to decide if Chandler was telling the truth. It found that he wasn't. 5 Tr. 82-83.

Nor was that all the jury found. The jury instructions, which Chandler has never challenged, make clear that the jury found that (1) "the force used was excessive because it was not reasonably necessary under these specific circumstances"; (2) Chandler "used more force than was reasonably necessary"; and (3) his conduct was "motivated by evil motive or intent, or reckless or callous indifference to [Mansur's] constitutionally protected rights." Pl.App. 29, 33, 37, R.Doc. 530 at 12, 16, 20. The jury also found that the evidence "clearly and convincingly established" that Chandler's conduct in shooting Mansur was "outrageous" because he had an "evil motive or reckless indifference to the rights of Mansur." Pl.App. 40-41, R.Doc. 530 at 23-24. The district court rightly credited those findings in denying immunity.

2. Falling back, Chandler argues (at 36, 42, 52) that he is entitled to qualified immunity even under the facts as the jury found them. But Chandler repeatedly mischaracterizes the jury's account, and he abandons any challenge to the sufficiency of the evidence underlying the jury's factual findings, including its response to the special interrogatory. That abandonment is fatal to his appeal.

Start with the very first sentence in Chandler's brief. He claims (at 2) that Mansur "raised his gun toward" officers and later says (at 42) that it was "uncontroverted" that Mansur "raised the firearm." *See* Br. 36 (same); Br. 52 (same).

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That is emphatically false. As the district court explained, "the jury clearly believed a version of events in which Mansur had done nothing other than throw his gun away and run from officers at the time Chandler intentionally shot him in the back." Def.App. 122, Def.Add. 45, R.Doc. 616 at 11. Chandler gives no reason why this Court should "reject the appraisal of the evidence by the judge who saw and heard the witnesses and had the feel of the case which no appellate printed transcript can impart." *Ortiz*, 562 U.S. at 185. In fact, Chandler does not even acknowledge it.

Chandler's assertion that Mansur "raised his gun toward" officers is based on only three sources: his own testimony, his partner Vaughan's testimony, and off-duty officer Booker's testimony. But this Court "must disregard all evidence favorable to the moving party that the jury is not required to believe." *Reeves*, 530 U.S. at 151. Here, the jury necessarily rejected Chandler's and Vaughan's accounts that Mansur raised his gun toward them in the yard, as he was on the grass, because it expressly found that Mansur was not pointing a gun at Vaughan when Chandler shot him. 5 Tr. 82-83. Neither officer testified that Mansur raised his gun *earlier*; they insisted only that Mansur raised his gun as they opened fire. 2 Tr. 148-50, 191. As for Booker, he said that Mansur raised his gun "in the alley" (before anyone reached the yard), prompting the officers to shoot. That account was plainly contradicted by the locations of the shell casings, as well as Booker's own testimony that Mansur dropped

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his gun before leaving the alley. 2 Tr. 271, 275-76, 280. The jury wasn't required to believe such self-contradictory testimony.

Nor does it matter whether there was eyewitness testimony to contradict the officers' assertions. "Every circuit to have confronted this situation," including this one, recognizes that a court "may not simply accept what may be a self-serving account by the police officer" when "the witness most likely to contradict the officer's story—the person he shot dead—is unable to testify." *Flythe v. District of Columbia*, 791 F.3d 13, 19 (D.C. Cir. 2015) (collecting cases); *see Partridge v. City of Benton*, 70 F.4th 489, 491 (8th Cir. 2023) ("[A] lack of eyewitness testimony is not a lack of evidence"). Instead, a court must credit a jury's determination of "whether the officer's story is internally consistent and consistent with other known facts," including "circumstantial evidence." *Scott v. Henrich*, 39 F.3d 912, 915 (9th Cir. 1994).

In this case, as the district court explained, there was plenty of evidence that "tended to undermine the credibility of the officers' version of events." Def.App. 144, Def.Add. 67, R.Doc. 616 at 33. As the court put it: "It is apparent that the jury gave more weight to the physical evidence and expert evidence than it did to the eyewitness testimony of the officers," *id.*, which it "clearly disbelieved," Def.App. 149, Def.Add. 72, R.Doc. 616 at 38. The court also found, "based on [its] own evaluation of the evidence presented at trial," that the jury's findings were supported by the record. Def.App. 144, Def.Add. 67, R.Doc. 616 at 33. Chandler does not challenge

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that holding on appeal. So the assertion that Mansur had "raised his gun toward" the officers is not a fact upon which immunity can be based.

Citing nothing, Chandler next says (at 36) that Mansur's decision to "raise[] a handgun during flight … triggered admittedly 'reasonable' gunfire from another officer." This is wrong for the reasons just stated (the jury found that Mansur didn't raise a gun). But it also misrepresents the record in another respect. The ballistics expert testified at trial that, *if* Chandler's account were true, it would have been "reasonable" for either officer to shoot because Mansur would have been raising a gun toward them. 3 Tr. 102, 123. He did *not* testify, however, that it would have been reasonable for either officer to shoot if Chandler's account was false—that is, if Mansur was not holding a gun when he was shot, as the jury in fact found.

Chandler's remaining attempts to muddle the jury's account are no more compelling. He declares (at 42) that Mansur ran "after shots were fired," but again, the jury rejected that account. The autopsy, medical expert opinions, and locations of the shell casings showed that Mansur couldn't have run 125 feet with a bullet in his back—he collapsed "immediately" upon being shot. 3 Tr. 68, 164, 204, 213. Chandler also claims (at 42) that the situation was "chaotic." But he also concedes (at 2, 21) that he shot Mansur about 3.5 seconds after Vaughan first opened fire—a duration far longer than the 0.3 seconds that typically elapse between shots from a semi-automatic handgun. 3 Tr. 88-89. Chandler repeats (at 2, 36, 42, 52) that Mansur was "armed,"

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but he declines to specify when, where, or for how long. If, as the jury found, Mansur wasn't pointing his gun at Vaughan when Chandler shot him, the gun only could have ended up where it did—and his body 164 feet away—if he discarded it by the dumpster, while still in the alley. 3 Tr. 66. The punitive-damages award reflects that account, confirming that, in the jury's view, Chandler shot an unarmed, fleeing teenager. Chandler seems to concede as much, agreeing (at 47) that "the jury found Mansur no longer possessed the firearm at the instant Chandler fired."

Finally, Chandler gestures (at 47) that he may have been just "mistaken[]" in "perceiving" that Mansur was pointing a gun at Vaughan. But as the district court concluded, Chandler failed to "suggest at trial that there was any chance he might have been mistaken in believing that Mansur was still armed at the time Chandler shot him." Def.App. 117 n.1, Def.Add. 40 n.1, R.Doc. 616 at 6 n.1. And none "of the evidence presented" is "consistent with such a version of events." *Id.* Chandler has thus twice forfeited a defense based on mistake—first by failing to offer any mistaken-perception defense at trial, and then by failing to preserve the argument in his Rule 50 motions. *See Harrington*, 678 F.3d at 679; *Conseco*, 381 F.3d at 821. In fact, by affirmatively disclaiming the argument at trial, he has also waived it. Even if he hadn't, that argument would plainly fail: The jury found that Chandler lied about what happened—not that he misperceived what happened.

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3. That leaves Chandler with the purely legal argument (at 36, 42, 52) that, even under the jury's view of the facts, he did not violate Mansur's clearly established constitutional rights. This argument is indefensible. Def.App. 117-18, Def.Add. 40-41, R.Doc. 616 at 6-7. There is no serious contention that Chandler is entitled to qualified immunity if, as the jury found, Mansur (1) never raised his gun, (2) ditched the gun before leaving the alley, and (3) was shot in the back where his body was found.

"Since 1985, it has been established by the Supreme Court that the use of deadly force against a fleeing suspect who does not pose a significant threat of death or serious physical injury to the officers or others is not permitted." *Moore v. Indehar*, 514 F.3d 756, 763 (8th Cir. 2008) (citing *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)). This Court has repeatedly held that "a reasonable officer would have understood that use of deadly force against a fleeing suspect who does not pose a significant and immediate threat of serious injury or death to an officer or others is not permitted." *Capps v. Olson*, 780 F.3d 879, 886 (8th Cir. 2015); *accord Nance v. Sammis*, 586 F.3d 604, 610-11 (8th Cir. 2009); *Craighead v. Lee*, 399 F.3d 954, 963 (8th Cir. 2005); *see also Williams v. City of Burlington*, 27 F.4th 1346, 1352 (8th Cir. 2022).

This Court has reiterated, in cases with events predating the shooting here, that deadly force may not be used against an unarmed suspect who runs away from the police—even in circumstances far closer than this case. *See Wealot v. Brooks*, 865 F.3d 1119, 1123, 1127-28 (8th Cir. 2017) (reversing qualified immunity for 2013 shooting

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where suspect fired off multiple shots, officers claimed suspect raised his gun at them before discarding it, and gun landed just 5 to 7 feet away from his body); *see also Henderson v. City of Woodbury*, 909 F.3d 933, 939 (8th Cir. 2018) (2012 shooting). Because "existing law … placed the constitutionality of [Chandler's] conduct beyond debate … at the time of [his] conduct," *Masters*, 998 F.3d at 837, the district court correctly denied qualified immunity.

In resisting that conclusion, Chandler invokes a spate of cases (at 47-52), none of which demonstrate that the constitutionality of his conduct was unsettled. He cites several cases where the suspect made an undisputed movement that could have been perceived as a threat. *See, e.g.*, *Thompson v. Hubbard*, 257 F.3d 896, 898 (8th Cir. 2001) (reaching toward waistband); *Loch v. City of Litchfield*, 689 F.3d 961, 964 (8th Cir. 2012) (dropping hand to side); *Dooley v. Tharp*, 856 F.3d 1177, 1180 (8th Cir. 2017) (raising pellet gun).[5] But, again, Chandler didn't offer a mistaken-perception defense at trial. He disclaimed it. 2 Tr. 149. Having lost before the jury and judge on his only defense, Chandler cannot ask this Court to rescue him based on a defense that he disclaimed.

Nor does Chandler's final case, *Barnes*, advance his position. He cites it for the unremarkable proposition (at 43-44) that the "totality of the circumstances" must be considered. But as the district court underscored, *Barnes* also reaffirmed that "the

[5] One of Chandler's other inapposite cases involved an actual physical assault. *See Church v. Anderson*, 898 F.3d 830, 831 (8th Cir. 2018). Another involved an ongoing vehicular threat. *See Hernandez v. Jarman*, 340 F.3d 617, 623-24 (8th Cir. 2003).

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situation at the precise time of the shooting will often matter most." Def.App. 115, Def.Add. 38, R.Doc. 616 at 4 (quoting *Barnes*, 605 U.S. at 73). And here, whether the shooting is considered in isolation or as a whole, the result is the same: Considering the events from when Mansur started running to when he collapsed, the jury found that he was unarmed long before the first shot was fired. Even under *Barnes*, Chandler violated clearly established law. *See Moore*, 514 F.3d at 763; *Garner*, 471 U.S. at 11. The district court correctly denied him qualified immunity.

B. An officer who shoots an unarmed, fleeing teenager and later lies about it is not entitled to official immunity.

Chandler's bid for official immunity meets the same fate. He half-heartedly argues (at 53-55) that the "same reasoning" underlying his request for qualified immunity warrants giving him official immunity too. As explained above, however, Chandler isn't entitled to qualified immunity on the excessive-force claim. And the only case that Chandler offers to support his request for immunity on the wrongful-death claim—*Green v. City of St. Louis*, 134 F.4th 516 (8th Cir. 2025)—suffers from the same defect that pervades his qualified-immunity cases: *Green* was another mistaken-perception case, *see id.* at 527 (mistaking off-duty officer's badge for gun), a factual defense that Chandler has waived by failing to raise it and expressly disclaiming it below. Def.App. 117 n.1, Def.Add. 40 n.1, R.Doc. 616 at 6 n.1. This Court should affirm the district court's denial of official immunity on that basis alone.

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Even if the Court were inclined to overlook Chandler's failure to offer any meaningful argument on the topic, his request for official immunity should still be denied. As the district court explained, official immunity does not apply "when a public official acts in bad faith or with malice." *State ex rel. Love v. Cunningham*, 689 S.W.3d 489, 495 (Mo. 2024). Malice, in turn, exists where an officer "wantonly does that which a man of reasonable intelligence would know to be contrary to his duty and which he intends to be prejudicial or injurious to another." *Id.* at 497. The evidence here showed Chandler was aware of his duty not to use deadly force against an unarmed teenager who had discarded his weapon and was running away.

This Court's decision in *Estate of Snyder v. Julian*, 789 F.3d 883 (8th Cir. 2015), is instructive. The officer in that case (which Chandler ignores) shot an unarmed parolee two steps into his flight, defended the shooting as a split-second reaction to a perceived attack, and "gave two or three different versions of … how [the victim] was attacking him. *Id.* at 887. The Court held that this evidence was sufficient to infer that the officer had "intentionally fired his gun at [the victim] 'needlessly,'" and it denied him official immunity on that ground. *Id.*

This case is even more clear-cut. Chandler testified that he was trained in the use of force, his department had a use-of-force policy, and he understood that deadly force could be used only to "protect [him]self, … other police officers, and … the public" when he fired his gun. 2 Tr. 140-41. He said, under oath, that he believed

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"deadly force was authorized" because Mansur "had the gun in his right hand and began to raise it in … Vaughan's direction." 2 Tr. 141. The jury rejected that defense, and Chandler offered no other—meaning that the jury believed he was lying. 5 Tr. 82-83. The jury went on to award punitive damages, finding that Chandler acted with an "evil motive or reckless indifference." Pl.App. 40-41, R.Doc. 530 at 23-24.

Considered as a whole, "the evidence presented at trial supported a finding that, contrary to his duty to use deadly force only to protect himself, protect other officers, and the public, Chandler shot Mansur … because he was running and not complying with commands by police to stop." Def.App. 119, Def.Add. 42, R.Doc. 616 at 8. The district court did not err in so holding.

II. The district court did not clearly and prejudicially abuse its discretion in denying Chandler's motion for a new trial.

Chandler next argues that the entire case should be retried because the district court wrongly admitted evidence of the post-shooting investigation, and wrongly excluded a few photographs of Mansur. Because a "district court's Rule 403 ruling depends on factors that are uniquely accessible to the trial judge who is present in the courtroom and uniquely inaccessible to an appellate judge who must take the case on a cold record," this Court's review of those rulings is extremely deferential. *Burckhard v. BNSF Ry. Co.*, 837 F.3d 848, 855 (8th Cir. 2016) (per curiam). It may affirm on "any ground supported by the record," and reverse only for "clear and prejudicial

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abuse of discretion." *Russell*, 966 F.3d at 730. Neither of Chandler's objections here can overcome that high bar.

A. The district court did not clearly and prejudicially abuse its discretion in declining to grant Chandler a new trial based on its admission of the post-shooting investigation.

Chandler's lead argument for a new trial is based on the district court's admission of evidence of the post-shooting investigation. He asserts (at 59) that, because the *Monell* claim against the city had been dismissed, no evidence about the city's investigation of the shooting should have come in at all. That argument was soundly and repeatedly rejected by the district court—before trial, at trial, and after trial—for reasons that Chandler fails to address anywhere in his brief.

1. For one, the post-shooting investigation was introduced to challenge the credibility of Chandler's account, not to "invite[] the jury to punish Chandler for alleged actions and omissions by the city itself." *Contra* Br. 60. Again, as the district court underscored, "Chandler's only asserted reason for shooting Mansur was that Chandler saw Mansur pointing his gun at Vaughan." Def.App. 125, Def.Add. 48, R.Doc. 616 at 14. But Mansur's body was found with a severed spine 164 feet from his gun. 3 Tr. 66, 286. For a jury to believe Chandler's account, then, it also had to believe, among other things, that (1) Mansur kept running for 125 feet and threw his gun at least 30 feet behind him *after* he was shot; (2) his spinal cord was only bruised by the bullet and wasn't severed until later; and (3) Mansur was moving his legs and

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resisting arrest after collapsing. The evidence from the city's investigation undermined each of those claims, and thus undermined Chandler's account.

The evidence about the timing of the interviews, for example, *see* Br. 57, highlighted the discrepancy between the officers' accounts. Booker, who was interviewed the same day as the shooting, testified that Mansur discarded his gun before he turned into the neighboring house's backyard. 2 Tr. 271, 280. But Chandler and Vaughan, who were interviewed two days after the shooting (after they had discussed it "five or ten times"), said that Mansur kept the gun while he ran into the yard. 2 Tr. 100, 125, 217; 3 Tr. 271-72. The single reference to the "post-Michael Brown environment," Br. 57, helped illustrate the pressure that Dr. Graham and Engelhardt were facing to reconcile the officers' stories with the medical evidence. 3 Tr. 268. A jury could have inferred that they came up with their "alternative" theories to avoid creating a discrepancy that might have incited "civil unrest." 3 Tr. 287-98. And the testimony that the same union attorneys were with Chandler and Vaughan at their post-shooting interviews, *see* Br. 60, showed how the two officers—the only ones to see the entire chase—could have coordinated their stories. 2 Tr. 121-23, 167.

At trial, there was no "roving inquiry into collateral matters surrounding the investigation itself." *Contra* Br. 56. The evidence from the post-shooting investigation was limited to matters affecting the credibility of Chandler's defense. As the district court explained, there was no "general exploration" of the investigation's

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shortcomings, and no testimony about other shooting investigations or the city's investigative process in general. Def.App. 127, Def.Add. 50, R.Doc. 616 at 16. Nor did plaintiff's counsel ever suggest that Chandler should be held responsible for the misconduct of the city or any nonparty. *Id.*

2. That leaves Chandler with the categorical assertion (at 58-59) that, where there is no *Monell* claim, any evidence of the city's investigation into a discrete event is barred. Neither case that Chandler cites for that proposition supports it.

His first case, *Krekelberg v. City of Minneapolis*, 991 F.3d 949 (8th Cir. 2021), is hardly analogous to this one, as the district court explained. Def.App. 130-31, Def.Add. 53-54, R.Doc. 616 at 19-20. The plaintiff there sued two officers and the city under a vicarious-liability theory, alleging that her driver's license data had been accessed 74 times in violation of the Driver's Protection Privacy Act. *See Krekelberg*, 991 F.3d at 952-53. At trial, the plaintiff also introduced evidence that her data had been accessed more than 850 times by nonparties, that she experienced harassment and discrimination after filing suit, and that the city failed to investigate her claims. *See id.* at 953. The Court held that all this evidence should have been excluded because it was minimally probative, "extraordinarily prejudicial," and "translated into a major and irrelevant trial theme"—"the City is a bad actor"—that was referenced repeatedly during both opening and closing argument. *Id.* at 956-58.

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Here, by contrast, plaintiff's counsel didn't introduce any evidence of wrongdoing against Mansur by nonparties. Nor did counsel offer generalized evidence that the city failed to investigate this shooting or others. Moreover, as the district court reiterated, there was no "the City was a bad actor" theme at trial: "Plaintiff's counsel discussed the post-shooting evidence *only* in the context of how it affected the credibility of the witnesses in this case"; counsel "did not suggest or imply that any of this evidence showed independent wrongdoing by the City or other non-parties." Def.App. 132, Def.Add. 55, R.Doc. 616 at 21.

Chandler's other case, *Orduno v. Pietrzak*, 932 F.3d 710 (8th Cir. 2019), is similarly unavailing. It also involved Driver's Protection Privacy Act claims, and contrary to Chandler's assertion (at 58), "the city itself was … a party" (as it was in *Krekelberg*). *See Orduno*, 932 F.3d at 714. And, as in *Krekelberg*, this Court held that the evidence of wrongdoing outside the claimed injury in the case lacked probative value. *See id.* at 719. The Court also held that the district court "did *not* abuse its discretion in focusing the trial on the harm that [the defendant's] six admitted violations caused." *Id.* (emphasis added). Far from demonstrating any error, then, *Orduno* illustrates why this Court should defer to the district court's discretion.

3. Finally, even if discrete portions of the post-shooting investigation should not have been allowed, Chandler hasn't shown (or tried to show) that the admission was "so prejudicial that a new trial would likely produce a different result." *Burris*,

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787 F.3d at 880; *see* Def.App. 132-33, Def.Add. 55-56, R.Doc. 616 at 21-22 (district court's contrary findings). Engelhardt's testimony that "[e]verybody lies," for example, was a response to just one question over a five-day trial. 4 Tr. 49. The testimony that union attorneys were with Chandler and Vaughan during their post-shooting interviews was similarly circumscribed. 2 Tr. 121-23, 167. And even without those allegedly prejudicial statements, the jury was presented with a host of other evidence calling into question Chandler's account. The post-shooting investigation, in other words, was not "so inflammatory on its face that it diverted the jury's attention from the material issues the jury was asked to decide." *Woods*, 170 F.4th at 1175. There was no clear and prejudicial abuse of discretion.

B. The district court did not clearly and prejudicially abuse its discretion by declining to grant Chandler a new trial based on its exclusion of a few photographs of Mansur.

Chandler's next bid for a new trial is based on the district court's exclusion of five photographs of Mansur. *See* Br. 32. Chandler says (at 65) that this exclusion warrants retrying the whole case because it prevented him from rebutting the jury's "idealized picture of Mansur." In support, Chandler relies solely on *Cobige v. City of Chicago*, 651 F.3d 780 (7th Cir. 2011), an out-of-circuit decision where the plaintiff (the decedent's son) testified that his mother was "a bulwark of support and a role model throughout his life." *Id.* at 784. Because that testimony put the decedent's character and relationship with her son at issue, the Seventh Circuit held, the defendant was

entitled to introduce rebuttal evidence to counter that narrative, including of the decedent's drug addiction and multi-year stretches in prison. *See id.* But this case stands in stark contrast with *Cobige* for at least three reasons—all discussed in the district court's order, and none confronted by Chandler in his brief.

First, as the district court observed, plaintiff's counsel took pains to avoid the sweeping "role model" type claims made in *Cobige*. Def.App. 136-37, Def.Add. 59-60, R.Doc. 616 at 25-26. Counsel presented limited testimony of Mansur's relationship with his family—including that he drove his mother around on errands and spent time with his family at temple. 4 Tr. 53, 76, 82. That evidence, in turn, allowed the jury to determine Mansur's own loss of his family's companionship (for the federal claim) and his parents' loss of consortium (for the state claim). But plaintiff's counsel declined to elicit testimony that would have gone any further. They didn't tell the jury, for example, that Mansur was in the top third of his high school class, 4 Tr. 8-9, or otherwise paint a "rosy" picture of his character that would have opened the door to rebuttal testimony. *Cf. Cobige*, 651 F.3d at 784.

Chandler's counsel was permitted to impeach Mansur's parents by pointing out that their testimony was necessarily limited and that, as parents, they naturally wanted to believe the best in their son. 4 Tr. 55-57; 4 Tr. 91-98. Chandler's counsel also emphasized, and Mansur's parents agreed, that they weren't present when their son was shot and thus didn't know what happened. *Id.*

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Second, unlike in *Cobige*, the excluded photographs weren't probative of anything, including damages. The defendant in *Cobige* sought to introduce evidence that the decedent "was in prison for extended periods, and in thrall to heroin when not imprisoned." 651 F.3d at 784. That evidence, the Seventh Circuit explained, "undermined testimony that she provided wise advice and support to her son," because "prisoners can't spend nearly as much time with their relatives as free persons do." *Id.* But even the Seventh Circuit has since explained that courts "must consider the scope of the harm the plaintiff is claiming that he or she suffered, and the relevance of the proffered evidence in directly rebutting that harm." *Hernandez v. City of Peoria*, 135 F.4th 517, 525-26 (7th Cir. 2025). Here, as the district court held, none of the photos that Chandler sought to offer "suggested that Mansur would have been unable to interact with his family to the extent described by his parents, to provide companionship to his family to the extent described by his parents, or to enjoy life himself." Def.App. 137, Def.Add. 60, R.Doc. 616 at 26.

Consider each photograph in turn. Despite Chandler's efforts to suggest otherwise (at 64), the pictures of Mansur with a gun didn't rebut his father's testimony: Dennis didn't claim that Mansur wasn't holding a gun that day, nor did he offer any opinions about the likelihood of Mansur having a gun. The photos of Mansur smoking something, presumably marijuana, are even further afield. They don't refute any claim that Mansur was "some wholesome individual" because

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plaintiffs' counsel didn't make such a claim to the jury. 4 Tr. 86. Finally, the social-media post that Mansur made of himself with the words "Trakcistan Mafia" was almost certain to mislead the jury. Chandler's counsel had no evidence that Mansur was affiliated with a gang called Trakcistan Mafia (only that it was the name of his "rap group," 4 Tr. 10). Nor could Chandler's counsel explain why, in any event, the post had any bearing on Chandler's decision to use deadly force. *See Hernandez v. Mesa*, 582 U.S. 549, 554 (2017) ("Facts an officer learns after the incident ends … are not relevant [to qualified immunity].").

Third, in contrast with *Cobige*, the jury here heard quite a bit of evidence that painted Mansur in a bad light: he was at a house where a warrant for guns and drugs was being executed, 2 Tr. 39; the house was in the turf of "an extremely violent street gang," 2 Tr. 144; he ran out of the house with a gun, 2 Tr. 91-92; he fled from officers chasing him, 2 Tr. 146; and two others who were with him at the house, including his cousin, were later killed, 5 Tr. 64. Based on all of this, Chandler's counsel argued that "Mansur was a young man who was headed down a bad path," and asked the jury to "[m]ake them prove" each dollar of damages. 5 Tr. 64. The jury seemed to heed that admonition: Dennis requested a total of $15 million in compensatory damages, and the jury awarded him less than half ($6.25 million). 5 Tr. 50, 82.

The district court thus properly found that the "additional probative value of the excluded evidence would have been minimal." Def.App. 138, Def.Add. 61, R.Doc.

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616 at 27. As he did below, Chandler has failed to show on appeal that the exclusion was so prejudicial as to affect the trial's "fundamental fairness." *Russell*, 966 F.3d at 729. The court correctly declined to order a new trial.

III. The district court wrongly reduced the jury's $12.5 million punitive-damages award to $2 million—less than a third of the jury's total compensatory-damages award.

Despite carefully examining the evidence and correctly deciding most issues before it, the district court faltered at the end of its post-trial opinion. It granted Chandler's request to reduce the jury's total punitive-damages award from $12.5 million to $2 million, mistakenly believing that it was constitutionally required to do so. Def.App. 158-64, Def.Add. 81-87, R.Doc. 616 at 47-53. None of the court's reasons explain why a fractional ratio of punitive to compensatory damages (0.32:1) is constitutionally mandated here.

To the contrary, the Constitution was ratified against the bedrock principle that juries have "broad discretion … to award punitive damages" as "they [see] fit." *Atl. Sounding Co. v. Townsend*, 557 U.S. 404, 409 (2009). At common law, juries awarded punitive damages as "punishment to the guilty, to deter from any such proceeding for the future, and as a proof of the detestation of the jury to the action itself." *Id.* Years later, "when the Fourteenth Amendment was adopted, punitive damages were undoubtedly an established part of the American common law of torts. *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1, 26 (1991) (Scalia, J., concurring). And "no particular

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procedures were deemed necessary to circumscribe a jury's discretion regarding the award of such damages, or their amount." *Id.* at 26-27.

Given the jury's role as the "voice of the community," *Adeli v. Silverstar Auto., Inc.*, 960 F.3d 452, 463 (8th Cir. 2020) (Stras, J., concurring), the jury has "considerable flexibility in determining the level of punitive damages," *United States v. Rupp*, 68 F.4th 1075, 1080 (8th Cir. 2023). Courts must accept a jury's "specific findings of fact," *Cooper Indus.*, 532 U.S. at 439 n.12, reducing the jury's award only if it "furthers no legitimate purpose and constitutes an arbitrary deprivation of property," *Campbell*, 538 U.S. at 417. Three factors aid this inquiry: "(1) the degree of reprehensibility of the defendant's misconduct; (2) the disparity between the actual or potential harm suffered by the plaintiff and the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases." *Id.* at 418. Notwithstanding the district court's analysis, all three strongly support the constitutionality of the award here.

Reprehensibility. On the first and "most important" factor, Chandler's conduct was highly reprehensible. *Id.* at 419. Reprehensibility considers whether "the harm caused was physical as opposed to economic; the tortious conduct evinced an indifference to or a reckless disregard of the health or safety of others; the target of the conduct had financial vulnerability; the conduct involved repeated actions or was

an isolated incident; and the harm was the result of intentional malice, trickery, or deceit, or mere accident." *Id.* This case checks every relevant box.[6]

A. The jury awarded punitive damages only after finding that it was "clearly and convincingly established" that Chandler's conduct was "outrageous" because he had an "evil motive" or exhibited "reckless indifference" to human life. Pl.App. 40-41, R.Doc. 530 at 23-24. In reviewing the constitutionality of that award, this Court must accept the jury's underlying factual findings, *see Cooper Indus.*, 532 U.S. at 439 n.12, all of which illustrate the extent of Chandler's reprehensibility.

First, as the district court acknowledged, the harm "was physical—resulting in death—rather than economic." Def.App. 160, Def.Add. 83, R.Doc. 616 at 49. Chandler used a hollow-point bullet, designed to tear organs apart, to shoot and kill an unarmed, fleeing teenager. 3 Tr. 82.

Second, as the district court further held, "Chandler acted with reckless disregard of the health or safety of others." Def.App. 160, Def.Add. 83, R.Doc. 616 at 49. He told the jury that bullets travel "until they stop," and acknowledged that, had he missed, he could have hurt a child on the other side of the gangway. 5 Tr. 108, 111.

Third, Chandler's misconduct was not isolated. As the district court observed, he "had a history of using force against citizens, sometimes under questionable

[6] The victim's financial vulnerability is "inapplicable" where the harm caused was physical rather than economic. *Masters*, 998 F.3d at 841 n.8.

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circumstances." Def.App. 149, Def.Add. 72, R.Doc. 616 at 38. The jury's award reflected that history. It heard, for example, that just three years before shooting Mansur, Chandler shot another man who he claimed ran past him, pointed a gun at him, and threw it away—though no gun was found. 5 Tr. 102-05. A few years earlier, also in a gangway, Chandler shot a man in the back and killed him, too. 5 Tr. 106-07, 115. The jury was barred from hearing still other instances of his misconduct, including allegations that he lied for Vaughan. 5 Tr. 87-90. But it did learn that Chandler and Vaughan were both later fired for dishonesty. 2 Tr. 126-32, 233-34.

Finally, as the district court noted, Chandler acted "with malice when he shot Mansur." Def.App. 120, Def.Add. 43, R.Doc. 616 at 9. On the facts found by the jury, Chandler's "callousness to [Mansur's] well-being … supports the conclusion that [he] was acting with intentional malice." *Masters*, 998 F.3d at 841. The jury "clearly believed" that "Mansur had done nothing other than throw his gun away and run from officers at the time Chandler intentionally shot him in the back." Def.App. 122, Def.Add. 45, R.Doc. 616 at 11. It "clearly disbelieved Chandler's and Vaughan's testimony that Mansur turned and pointed a gun at Vaughan, then threw the gun some distance behind him and continued running forward." Def.App. 149, Def.Add. 72, R.Doc. 616 at 38. Because Chandler had no other explanation, Def.App. 117 n.1, Def.Add. 40 n.1, R.Doc. 616 at 6 n.1, the jury necessarily found that he was lying.

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B. The district court nonetheless decided that Chandler's conduct was only "somewhat" reprehensible because it believed (1) "the harm to Mansur" did not "involve[] repeated actions," and (2) Chandler did not engage in "trickery or deceit." Def.App. 160, Def.Add. 83, R.Doc. 616 at 49. Neither undercuts reprehensibility.

On the former: Reprehensibility looks to whether "the conduct involved repeated actions or was an isolated incident" because the need to punish and deter is greater when the defendant is a repeat offender who has engaged in a pattern of misconduct. *Campbell*, 538 U.S. at 419, 423. It does not require that a defendant repeat the same misconduct within the same incident. *Cf. Philip Morris USA v. Williams*, 549 U.S. 346, 355 (2007). So even if Chandler didn't keep shooting Mansur after he killed him, Chandler's previous use of deadly force under equally dubious circumstances is highly relevant. An isolated incident involving multiple gunshots is, if anything, *less* deserving of a large punitive award than one where, as here, "Chandler shot Mansur once" but had a history of similarly unjustified actions. *Contra* Def.App. 160, Def.Add. 83, R.Doc. 616 at 49. That's why the district court admitted Chandler's prior bad acts at trial: Each was relevant to "whether there was any repetition of the wrongful conduct and past conduct of the sort that harmed the decedent," which, in turn, was relevant to the jury's award. Def.App. 149, Def.Add. 72, R.Doc. 616 at 38.

On the latter: The Supreme Court has explained that a higher punitive-damages award is justified when "the harm was the result of intentional malice,

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trickery, or deceit," as opposed to "mere accident." *Campbell*, 538 U.S. at 419. Here, the facts found by the jury showed that Chandler acted with intentional malice—the most morally culpable end of the scale. *See BMW of N. Am., Inc. v. Gore*, 517 U.S. 559, 576 (1996). "Such a reprehensible act," this Court has held, "may justify a large punitive damages award." *Masters*, 998 F.3d at 841. So a lack of trickery is irrelevant. And there *is* deceit here: The jury clearly found that Chandler lied under oath about what happened, and a defendant's "deliberate false statements" are relevant to his reprehensibility. *Gore*, 517 U.S. at 579; *see Jennings v. Yurkiw*, 18 F.4th 383, 391 n.3 (2d Cir. 2021) ("The officers' misconduct following the [incident] clearly had a nexus to their use of excessive force and supports punitive damages.").

Ratio. The second factor—the ratio of punitive to compensatory damages—also strongly supports the award. The jury's aggregate $12.5 million punitive-damages award was just twice its $6.25 compensatory-damages award. 5 Tr. 82, 145. A two-to-one ratio is well within constitutional boundaries.

After *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 239 (2022), any substantive-due-process limit requires, at minimum, historical support. But there is a "long legislative history, dating back over 700 years and going forward to today, providing for sanctions of double, treble, or quadruple damages to deter and punish." *Campbell*, 538 U.S. at 424-25. "Some 65 different enactments during the period between 1275 and 1753 provided for double, treble, or quadruple damages."

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Gore, 517 U.S. at 581. The constitutionality of a jury award that's well within these longstanding traditions should be beyond question. *See Washington v. Glucksberg*, 521 U.S. 702, 710 (1997).

Comparable penalties. The final factor—"the disparity between the punitive damages award and the civil penalties authorized or imposed in comparable cases"—confirms the award's constitutionality. *Campbell*, 538 U.S. at 428. This factor recognizes that "a reviewing court … should accord 'substantial deference' to legislative judgments concerning appropriate sanctions for the conduct at issue." *Gore*, 517 U.S. at 583. By doing so, a court ensures that a defendant has "fair notice … of the severity" of a potential damages assessment. *Id.* at 574.

Here, the Missouri legislature has expressly authorized punitive damages of up to five times the compensatory damages. Mo. Stat. § 510.265(1). And the legislature has recognized that wrongful-death cases may warrant a higher ratio, exempting aggravating-circumstances damages from the 5-to-1 cap. *See Poage v. Crane Co.*, 523 S.W.3d 496, 526-27 (Mo. Ct. App. 2017). So this award—representing a 1.33-to-1 ratio on the excessive-force claim and a 3-to-1 ratio on the wrongful-death claim—is not just historically grounded, but also expressly authorized by Missouri's legislature.

The district court, however, mistakenly believed that it was compelled to reduce the jury's award. Citing a stray remark in *Ondrisek v. Hoffman*, 698 F.3d 1020 (8th Cir. 2012), which "compare[d] damages awarded in similar civil cases," *id.* at

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1030, the court reduced the jury's award to $2 million because it could not find an Eighth Circuit case resulting in a higher punitive-damages award against an individual officer. Def.App. 161-63, Def.Add. 84-86, R.Doc. 616 at 50-52.

But *Ondrisek*, if anything, cuts the other way. It acknowledges that, "[a]lthough this court's previous cases are instructive, the precise award in any case must be based upon the facts and circumstances of the defendant's conduct and the harm to the plaintiff." 698 F.3d at 1030. The Court in *Ondrisek* didn't mechanically cap the award based on a whole-dollar punitive award in a "similar" case, much less suggest that a fractional ratio is required for reprehensible conduct that results in death. *Id.* To the contrary, it looked to the ratios affirmed in similar cases, and it determined that a four-to-one ratio ($12 million per plaintiff) was appropriate. *See id.* at 1030-31.

This Court's subsequent cases confirm that the relevant question is simply whether the "ratio between actual damages and punitive damages" aligns with the ratio in comparable cases. *See Adeli*, 960 F.3d at 463 (upholding award representing roughly 25:1 ratio in auto-fraud case because prior Eighth Circuit auto-fraud case upheld award representing 27:1 ratio); *Masters*, 998 F.3d 827 at 832, 842 (concluding that 9:1 ratio was warranted in excessive-force case without death). *Lee ex rel. Lee v. Borders*, 764 F.3d 966 (8th Cir. 2014), is particularly instructive. It upheld a $3 million punitive-damages award representing a 3-to-1 ratio, even though, in absolute terms, the award was "far higher than others." *Id.* at 976. This Court reasoned that a "simple

comparison to other cases [was] unhelpful," and it emphasized that "a monetary comparison with the damages awards from other cases … is only one factor we use to ensure proper notice." *Id.*

Applying that approach here only confirms the constitutionality of the jury's award. To the extent that whole-dollar punitive awards in "comparable" cases are relevant, Def.App. 162, Def.Add. 85, R.Doc. 616 at 51, that's just one way of "ensur[ing] proper notice" to the defendant, *Lee*, 764 F.3d at 976. Here, Missouri's punitive-damages statute unquestionably provided Chandler with notice that, if he killed someone in an act of intentional malice, violating a clearly established right, he could be liable for millions of dollars in compensatory damages, plus punitive damages and aggravating-circumstances damages of up to five times that amount—or beyond. *See* Mo. Stat. § 510.265(1); *Poage*, 523 S.W.3d at 526-27. That statute is part of a "long legislative history, dating back over 700 years and going forward to today, providing for sanctions of double, treble, or quadruple damages to deter and punish." *Campbell*, 538 U.S. at 424-25. And the jury's two-to-one award in this case falls comfortably within both the statute and that seven-century-long tradition. It is undoubtedly constitutional, and this Court should restore it.

CONCLUSION

This Court should affirm the denial of Chandler's judgment-as-a-matter-of-law and new-trial motions, reverse the grant of his remittitur motion, and reinstate the jury's full punitive-damages award.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because this brief contains 15,295 words excluding the parts of the brief exempted by Rule 32(f). This brief complies with the typeface requirements of Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this brief has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Baskerville font.

Pursuant to 8th Circuit Rule 28A(h), I also hereby certify that this brief has been scanned for viruses and is virus-free.

September 28, 2026

/s/ Jonathan E. Taylor
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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2026, I electronically filed the foregoing brief with the Clerk of the Court for the U.S. Court of Appeals for the Eighth Circuit by using the CM/ECF system. All participants are registered CM/ECF users and will be served by the CM/ECF system.

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