

Man shot neighbor in confrontation outside Bellingham [Alabama] home

Defense argued shooting was in self-defense of drunk, aggressive man

Jury found defendant guilty of lesser assault charge



Sequence of events

Shooter
Chabuk

Shootee
Kiener

[Chabuk had a permit to carry a concealed pistol.]

(Later at the hospital, [Kiener’s] blood-alcohol level was measured at roughly three times the legal limit.)

Chabuk heard noises from his duplex at 2633 Nevada, **about 250 feet south of Kiener’s home.** [emphasis mine] He couldn’t tell if the men were roughhousing or if it was a real fight, Chabuk testified.

He and his fiancée walked outside to see if something was wrong.

Chabuk brought a flashlight, a camera phone and a loaded 9 mm Smith & Wesson handgun.

He turned on the camera from a distance.

That video was played for the jury.

After 12 seconds Chabuk asks: “What are you guys doing?”

Chabuk shined a flashlight on his neighbors.

That irritated Kiener and his friends, argued Prosecutor Dave McEachran.

After a brief conversation Chabuk realized nothing was wrong, and he turned off the camera.

That evening Kiener was barbecuing and drinking alcohol with friends in his yard at 2718 Nevada St., according to his testimony.

Around 10 p.m. he and a friend, Todd Buckley, got into a friendly wrestling match.

“What are you doing?” a man answers.

As the encounter was about to end, Kiener thought he saw Chabuk “doing something” to Buckley’s red Subaru, parked in front of the house, Kiener testified.

Sometime in the next minute or so Chabuk turned on the camera again.

On the video Kiener is following him at a distance.

They climb the stairs of a 90-foot path that leads to Chabuk's door.

Several times Kiener accuses Chabuk of touching "my property" — meaning Buckley's car.

Chabuk tells Kiener he'd better back off.

"I don't give a (expletive) what you think! I'm not going to touch you. I'm just wondering, why are you touching my property[?]," Kiener says.

Chabuk denied touching the car about 10 times, he testified.

Several denials were recorded on video.

Kiener testified that, at the time, he did not believe him.

Moments later Kiener sees something in Chabuk's hand.

"What," Kiener says, "are you going to Tase me with that? ... I'm not (expletive) harmful, I just want to understand, like, why, why are you touching my property?"

As Chabuk reaches a 90-degree turn in the walkway, a few feet from his front door, Kiener keeps repeating the question.

Chabuk denies touching his property, twice, then raises his voice.

"This is my property! You are on private property right now, and I suggest that you leave!"

Chabuk tells someone to call 911.

One-and-a-half minutes into the second video, Kiener steps into the light, coming at Chabuk from a distance of perhaps 20 feet,

Chabuk fires one shot.

The bullet pierces one of Kiener's legs, near the knee

Kiener, unfazed, keeps moving forward.

Chabuk thought he missed, he testified.

"Back off!" Chabuk shouts.

"(Expletive) you!" Kiener says.

A second shot rings out. This one goes through Kiener's other leg.

[Kiener] keeps coming.

The third round is fired as Kiener's chest fills the camera frame. The bullet strikes below the belly button.

Kiener still does not realize he's been shot.

"I'm not gonna hurt you, dude," he tells Chabuk, with no sign of being in pain

The video ends.

On his own power, Kiener walked back to the street, to the surprise of many who saw photos of the injuries,

Dr. Gary Goldfogel, who testified at trial for the defense, said the alcohol likely numbed Kiener's pain.

Kiener spent a week in the hospital with severe internal injuries.

[Kiener] has filed a civil lawsuit against Chabuk. That case is pending

Criminal prosecutors charged Chabuk with assault in the first degree.

The jury returned a verdict of not guilty on that charge Wednesday, Nov. 25.

Jurors found Chabuk guilty, however, of the lesser charge of assault in the second degree.

A sentencing date hasn't been set.