

Use of Deadly Force 101

Defense of Self: You may use deadly force to protect yourself if you *reasonably* fear being the victim of *immediate* great bodily harm, if you are the *innocent* party, use *no more force than necessary*, and have *no safe and reasonable means of escape**. In other words, you follow the five elements of self-defense. *You have no requirement to escape your “castle,” although it may be a good idea.

Defense of Others: Your right to defend another is only justified to the degree that they would have the right to defend themselves. This is known as the “alter ego directive.” If you come across a stranger in peril, do you know they were the innocent party, etc.?

Defense of Property: You may not use deadly force to defend property unless it is a highly defensible property like your domicile. You may presume someone who violently, riotously, or tumultuously enters your highly defensible property has the purpose of committing great bodily harm. That person must show why you should not have feared being the victim of great bodily harm. NOTE: Pets are personal property. Your yard, garage, etc. is NOT your domicile. Your tent, RV or hotel room may be.

Self-Defense Immunity: A judge may rule you to be immune from prosecution in pre-trial proceedings if you are shown to have legally used deadly force. Unfortunately, California has no self-defense immunity laws. If a California District Attorney charges you, you will face a full trial.

Consciousness of Guilt: If you modify evidence because you feel it may be incriminating, you are acting as though you think you are guilty.

Speaking with Law Enforcement: You have three choices: Say nothing at all. Say what is on the back of your card, or blab. If you are not capable of restricting what you say to just what is on the back of your card, you are advised to say nothing at all. Never just blab. 911 IS law enforcement.

Perfect vs. Imperfect Self Defense: “Perfect self-defense” means a person acted reasonably and honestly to defend themselves against an imminent threat, potentially leading to a complete acquittal, while “imperfect self-defense” occurs when someone genuinely believed they were in danger but their response was unreasonable, resulting in a lesser charge like manslaughter, as they did not meet all the legal requirements for a full self-defense claim.