

Jury instruction: NOT GIVEN TO JURY, refused  
in secret proceedings, unknown to Lazor:

DEFENDANT'S REQUEST INSTRUCTION NO. 2

One who has received threats against his life or person made by another is justified in acting more quickly and taking harsher measures for his own protection in the event of assault either actual or threatened, than would be a person who had not received such threats; and if in this case you believe from the evidence that the deceased made threats against the defendant and that the defendant because of such threats made previously to the transaction complained of had reasonable cause to fear greater peril in the event of an altercation with the deceased than he would have otherwise, you are to take such facts and circumstances into consideration in determining whether the defendant acted in a manner in which a reasonable person would act in protecting his own life or bodily safety.

PEOPLE v. BUSH, (1978) 84 CA 3. 294. 303

Footnote 2

GIVEN  
GIVEN AS MODIFIED  
REFUSED ✓  
WITHDRAWN  
COMMENT

  
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JUDGE

CLERK'S TRANSCRIPTS (CT), PAGE 359

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ADDED COMMENTARY

*THE JUDGE REFUSED TO LET THE JURY KNOW ABOUT THIS INSTRUCTION, BASED ON SCHROEDER AIDING THE PROSECUTOR IN CONCEALING THE FACTS OF ALLRED STALKING AND ATTACKING LAZOR, AND HIS THREATS RELATED TO THOSE ACTS. THE WORDING IN THIS INSTRUCTION SHOWS THAT ACQUITTAL OF MURDER WAS VIRTUALLY GUARANTEED HAD THE JURY KNOWN ABOUT THIS INSTRUCTION AND THE RELATED FACTS OF MR. ALLRED'S STALKING AND ATTACKS*

EXHIBIT

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