

PED 129
Class 3 – Legal Aspects of Self-Defense

Introduction

Self-Defense is a privilege

Self-Defense issues can be raised in two contexts:

1. Civil (monetary damages)
2. Criminal (jail time/fine)

Definition of Assault and Battery

1. Assault = causing another imminent apprehension of bodily harm
2. Battery = carrying through on threat of physical harm by bodily contact

Requirement of “Apprehension”

1. A person must have a reasonable fear of being assaulted
2. Relative age, size, strength all factor into a finding of reasonable

Duty to Warn

1. Must warn if there is reason to believe a warning would deter/delay attack
2. Safe course is to let an aggressor know you have had some training

Duty to Retreat

1. No duty to retreat in a simple A&B case
2. Duty to retreat may exist prior to defending yourself w/deadly force
3. No duty to retreat on own premises (Castle Doctrine)
4. No duty to retreat if you cannot do so safely