

Self-defense law

Law



Post | Self-Defense Law | A WSJ Article by Joe Palazzolo and Rob Barry | | Robert Hallam| 4/1/2012| LAW-13 Paper #2 | Self-defense laws, also known as “ stand your ground laws”, have been a significant aspect of many court cases. However, like most other laws, these laws can be used improperly and cause excess controversy around a case. Joe Palazzolo and Rob Barry’s article titled “ More Killings Called Self-Defense” from the March 31st edition of Wall Street Journal brings attention to these self-defense laws.

The case discussed in the article is an example of self-defense laws causing controversy, as many protestors believe these laws were used improperly. This is also a common issue as the number of justifiable homicides seems to be on the rise. Are these “ stand your ground laws” truly being abused? This is the main issue causing the debate surrounding cases around the country. The article describes a case of homicide in which 17-year-old Trayvon Martin was shot and killed by supposed neighborhood watchman, George Zimmerman. This case has become very controversial for several reasons.

Much debate has been sparked as to whether this homicide was actually an intentional hate crime, as Martin was a black teenager, who supposedly posed no real threat to the killer. Despite lack of evidence against Martin, Zimmerman still claims that his act was out of self-defense and he has not been charged or arrested. Zimmerman claims he was walking to his car and Martin approached him and punched him in the face, breaking his nose. Recent evidence shows that there was virtually no damage inflicted on Zimmerman’s face or nose.

Zimmerman also claims that Martin had bashed his head into the ground, leaving him with serious head injuries. New video evidence goes against his

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claim, revealing no head injuries (Zerlina, 2012). His lawyer has yet to make any further comments. Although it cannot be assumed that race was a main factor in this case, it is still the cause of much debate. Since Martin supposedly posed no real threat to the killer, protestors believe that this is not considered justifiable homicide and the self-defense law is being used improperly.

The article provides statistics regarding justifiable homicide and self-defense laws, as well as the relationship between the two. According to the information provided in the article, the data on the relationship between the two has not been sufficiently studied, thus many questions surrounding the issue are still left unanswered. For instance, according to criminal scientists, “ the data on justifiable homicide and their relationship to “ stand your ground laws” has not been rigorously studied”... So the question remains unanswered if “ a rise in justifiable homicides reflects killings that otherwise wouldn't have happened. Other questions are left unreciprocated as well. What is the typical relationship between the killers and the victims in these sorts of cases? These types of questions remain debatable, according to the statistics and data provided. Many other statistics are mentioned in the article, such as data regarding methods of murder (weapons; guns being the most popular in cases of justifiable homicide), age of victims, and as mentioned previously, race. It appears that many self-defense laws are far too susceptible to abuse (Richard A Mann, Barry S Roberts , 2010).

The newer concept commonly seen in stand your ground laws follow the obscene Florida variation that “ not only eliminates the duty to retreat, but also presumes that a person who uses deadly force in his home or vehicle

had a reasonable fear of harm, and it immunizes the killer from civil lawsuits" (palazzolo, 2012) ; as opposed to the common standard " Castle Doctrine" system in which individual home owners were perfectly justified in using deadly force against home intruders.

The opposition to these new laws asserts that a legal statute was even included in said doctrine that " you can shoot to kill if your life is in peril, period. " However that does not give you the right to pursue possibly innocent non-immediate threats and that those situations are best handled by notifying authorities. According to the legal definition of self-defense, the harm of another person is only justifiable " if a person reasonably believes that such force is necessary to prevent death or great bodily harm" (lectric law).

So, according to this definition, homicide is only justified if there is a present danger and an attack is being made to avoid such danger. The defense must be done to prevent a crime which would amount to a felony if committed (lectric law). These laws are intended to allow an individual to prevent real harm on his or her self. In short, was the case concerning the murder of Martin truly a case of self-defense, or should Zimmerman be charged with homicide? Here is where the debate comes into play.

In this case, it appears that there is no evidence collected against Martin, and so the homicide should not yet be considered justifiable. This is an example of the self-defense laws being too susceptible to abuse. If an act of homicide is going to be deemed justified, there should always be a sufficient amount of evidence. The possibility of Zimmerman's case being a hate crime still exists, but there is not enough evidence to support this either. Although

self-defense laws are helpful to many cases, these powers can clearly be abused.

Since proper evidence has not been provided, it is improper to make official conclusions, but it seems that Zimmerman's case may be an example of the self-defense laws being too susceptible to exploitation. Zimmerman's case does not seem to follow the legal definition of self-defense, yet he was not charged or arrested. Protestors are fighting for Zimmerman's arrest, as not enough evidence has been found against Martin, the victim of gunfire who supposedly presented a threat to the attacker. These protestors are rallying nationwide in support of Zimmerman's conviction.

Works Cited (n. d.). Retrieved april 2, 2012, from lectric law : <http://www.lectlaw.com/def/d030.htm> palazzolo, j. (2012). more killings called self defense. wall street journal , 1-2. Richard A Mann, Barry S Roberts . (2010). Essentials of business law and the legalenvironment. Mason: Sout-Western Cengage Learning. Zerlina. (2012, march 29). feninisting. com. Retrieved march 25, 2012, from <http://feministing.com/2012/03/29/george-zimmermans-self-defense-story-of-trayvon-martin-shooting-falls-apart/>