

Stand your ground law report sample

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The Stand Your Ground Law as the law that governs issues and legal position with regard to self-defense. The general definitions of the law covers two basic perspectives, that is, one, that there is practical believe or certain threat to an individual and that secondly, that the option or obligation to retreat is beyond the individual. The legal concepts as provided by the Stand your ground law allows an individual to use lethal force and at the same time act as immunity or a basis for defense against criminal charges. Goodnough, (2005) argues that legal aspects as provided by the immunity and basis for defense are quite varied. The concept of immunity implies that no agent, either government or private will be entertained for a suit against a plaintiff in any court. On the other hand, basis for defense implies that the plaintiff has a plausible argument against any suits. Several states in the United States have adopted the laws provided under the “ Stand Your Ground” doctrines. This research paper reviews the legal concepts as defined by the doctrines of “ Stand Your Ground”. The research paper will provide a succinct history of the development of the legal doctrine as well as providing its current application.

History of the Doctrine

The doctrines of Stand your Ground law dates backs to the late 19th century. In the 1895 case *Beard v. U. S.* heard before the United States Supreme Court, the court was adamant in setting the first judicial precedent in regard to criminal charges within the presets of self-defense. The court provided the precedent with particular attention to the circumstance of the case. The premise for the case was that the defendant was on his premises when under attack. Secondly, the defendant did not provoke or assault the

aggressive party. Thirdly, there considerable belief that the defendant was under a life threatening attack or the attack would result in grave body harm. Finally, the defendant was found to be in state that he could not retreat and therefore all that he was left to do was to stand his ground. The court held that such a right to self-defense was a plausible basis for defense against criminal charges such as assault or homicide .

The doctrines of Stand Your Ground have also been likened to the Castle Doctrines as applied in several states within the United States. The castle doctrine implies that should an individual come under attack in his home, such an individual has no duty to retreat . Other states have extended the location under the castle doctrines to include some specific public locations.

Several states in the United States have developed based on either doctrine. Some of these states include Texas, Alabama, Ohio, Kansas, Arizona, Tennessee, Florida, Oklahoma, South Carolina, Kentucky, Alaska, California, Utah, Mississippi, North Dakota, South Dakota and Louisiana. These are just some of the states that have legislation that have direct relation to self-defense or the stand your ground doctrine. Neyland, (2008) argues that the development or the enactment of different laws tend to have far reaching implication on the society. The stand your ground law has had several implications on the American society, particularly affecting the crime or death rate based on the doctrine. Several studies have been carried out on the impacts of the stand your ground law on the American public with varying results. On one hand, some of studies indicate that states that have enacted or adopted the stand your ground doctrine have had plausible

result. Goodnough, (2005) argues that in some states the murder rate reduced by about 9% with the crime related to violence reducing by a more than 10%.

On the other hand, Kopel, (2000) paints a different picture of the effects of the law on the crime rate in the country. Here, there are concerns that the law would lead to increased incidence of crime. With several Americans allowed to carry guns, several incidences of crime have reported with the defendants relying on the law as the first line of defense . The homicide incidences, that have been reported to be on the rise, have been attributed to instances where deadly force was used yet there appears to be no real threat. The laws that allow citizens to have guns allow normal citizens to respond with lethal forces despite the fact that the circumstance does not warrant such lethal force.

Conclusion

The concepts of Stand your ground were developed with the rights to individuals in mind. The idea of someone else violently invading another only calls for the aggressed to defense. The extent to which an aggressed person defends himself may vary from serious assault or even death. The Supreme Court has provided precedence with regard to such incidences. The court has since allowed the presentation of self-defense as a reasonable defense. Therefore the use of stand your ground as a basis of defense may be used in both criminal and civil cases.

References

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