

Supreme court of the united states and self-defense essay sample

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This essay will attempt to clarify when it is legal to defend yourself and when defending yourself becomes criminal behavior. There is some confusion on this subject. The United States Court of Appeals, Second Circuit addressed this issue in the case *United States v. Thomas*. The defendant stated he shot and killed a man in self-defense while attempting to rob him so therefore in the defendant's mind he cannot be charged with murder. The content of this essay will include discussion on what three elements constitute a criminal act and the protections of the Second and the Fourteenth Amendments. In conclusion, the essay will address the issue of the logic behind the statement in the transcript of the case, *United States v. Thomas*; " It has long been accepted that one cannot support a claim of self-defense by a self-generated necessity to kill." (*United States v. Thomas*, 1994).

Question One: In *United States v. Thomas*, 34 F. 2D. 44 (1994, 2nd Cir), the court stated, " It has long been accepted that one cannot support a claim of self-defense by a self-generated necessity to kill." What is the logic behind this principle? Do you agree with it? Why or why not? When is self-defense indeed self-defense. When in fact, is the Second Amendment enacted to protect us and when does protecting ourselves become criminal behavior? The Second Amendment reads as follows; " A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed (Barton, 2010)." Some American people interpret this amendment to mean that self-defense is a human necessity; that the Second Amendment is the individual right that protects all the other rights; and that the right to self-defense is a basic human need, so fundamental that it can be traced back to the caveman (Minitier, 2011).

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Regarding the case *United States v. Thomas*, 34 F. 2D 44(1994, 2nd Cir) a man shot another man in self-defense but because of the circumstances around the case the Court would not allow the self-defense plea and the Second Circuit Court agreed with the lower Court.

In review of the case, on October 30, 1990 a police officer was working undercover for the Federal Drug Enforcement Administration (DEA). The officer was shot and killed during a cocaine “ buy-bust” (*United States v. Thomas*, 1994). The federal agent was partnered with a confidential informant named Luther Gregory. The informant and the federal agent were set up to buy \$40, 000. 00 worth of cocaine from a drug dealing group ran by Dean Thomas (*United States v. Thomas*, 1994). According to testimony at the trial, the group led by Dean Thomas conspired to rob Gregory of the \$40, 000. 00. The federal agent and Gregory suspected that a robbery might take place at the “ buy-bust”. The buy-bust was scheduled in a public parking lot. Gregory and the agent showed up for the “ buy-bust” in the parking lot at the scheduled time. When two members of the group showed up, Gregory left and went with members of the group to test the quality of the cocaine. Once at the apartment, Gregory was overpowered. The two men bound and gagged Gregory.

The individuals from Dean Thomas’s group then proceeded to leave the apartment and go back to the parking lot where the agent sat in Gregory’s car awaiting Gregory’s return (*United States v. Thomas*, 1994). One individual came up and sat in the driver’s seat; another individual was behind the front seat on the passenger’s side just outside the backseat

passenger door. The individual in the driver's seat pulled his . 22 handgun and tried to shoot the agent, but was unsuccessful because no round was in the chamber. The agent fired back with his gun. He got three rounds off from his gun; one round hit the individual in the driver's seat in the shoulder. The individual behind the agent outside the car on the passenger's side of the car fired a . 357. A round from this gun hit the officer in the back head killing him instantly. The individual firing the . 357 said he fired his gun because he was in fear of his life because the officer was firing his weapon at the individual in the driver's seat of the vehicle (United States v. Thomas, 1994).

The individual firing the weapon and the conspirators claim that the jury did not receive the full instructions from the judge to deem this act an act of self-defense. Because of the lack of instructions, the jury could only find the individual, Robert Lawrence and the rest of the conspirators guilty of Counts VI, VII, and I for narcotics conspiracy, felony murder committed in furtherance of a robbery, and intentional killing of a federal agent (United States v. Thomas, 1994). Although there are several parts of this case that can be looked at and analyzed, the part this essay will address is whether the judge gave the jury the instructions they needed to rule on the case justly and whether Lawrence's act was an act of self-defense. Indeed the most important factor to confirm is that the jury received the instructions appropriate to rule on the case. This is important because when the jury sets down a conviction that conviction needs to be determined according to the procedures of due process or the Fourteenth Amendment, which is a civil right for every American citizen. The section of the Fourteenth Amendment that applies to the importance of jury instructions reads as follows; " Section <https://assignbuster.com/supreme-court-of-the-united-states-and-self-defense-essay-sample/>

1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (Barton, 2010). This amendment says in short, that all people that are within the jurisdiction of the United States or are naturalized citizens of the United States have an inalienable right to the protection of the laws of the United States of America no matter their behavior or choices. Therefore, to sum up the task set before the Second Circuit Court regarding the Appeal of the lower court’s decision is to determine if an error was made by the judge because both parties; the federal officer that was killed and the shooter, Mr. Lawrence are equally protected by the Fourteenth Amendment. The first step the Second Circuit Court had to do regarding this case was to determine if Mr. Lawrence’s act was indeed self-defense. The case transcripts describe the shooting as follows; “ According to trial testimony, Stewart had the loaded . 22 in his hand, and tried to shoot, but was unsuccessful because no round had been placed in the chamber. Agent Howard got three shots off, one of which struck Stewart in the shoulder. Lawrence, who was standing at the rear passenger side of the vehicle, behind Agent Howard, fired the . 357 at Agent Howard, striking him in the rear of the head and killing him” (United States v. Thomas, 1994).

All the members of the conspiracy were charged, convicted and sentenced for the Criminal Counts listed in previous paragraphs, so the defendants contended that the district court erred in not specifically instructing the jury that it is the government's obligation to prove the absence of self-defense beyond a reasonable doubt. The appellants based their appeal regarding this error of the court on the case *United States v. Alvarez*, 755 F. 2d 830, (11th Cir) (*United States v. Thomas*, 1994). It is unclear, but for whatever reason the district judge did not pass along the last two paragraphs of the instructions as set down in *United States v. Alvarez* to the jury. The last two paragraphs of the jury instructions set in *United States v. Alvarez* states as follows; " If evidence of self-defense is present, the government must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the government has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty.

In other words, if you have a reasonable doubt whether or not the defendant acted in self-defense, your verdict must be not guilty" (*United States of America, Plaintiff-appellee, v. Augustin Alvarez, Oscar Hernandez, Mario C. Simon, Rolandorios, Ramon Raymond, Eduardo Portal, Victorianoconcepcion, A/k/a " macho" Defendants-appellants*, 1985). To determine if Lawrence's act was a crime or self-defense we need to look at the behavior and mental components that constitute a crime. The three behavior and mental components that have to be present before the state can constitute an individual's actions as criminal are actus reus, mens rea, and concurrence (*Schmallegger*, 2011). Actus reus is when the act is in violation of criminal law

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(Schmallegger, 2011). Mens rea refers to the defendant's mental state at the time of the behavior in question. There are four levels or types of mens rea used by the courts to describe the mental state of a defendant. The first state is purposeful intention, the second is knowing, the third is reckless, and the final is negligent mens rea. Concurrence is the act and the mental state of the defendant occurring together for the crime to take place (Schmallegger, 2011). In this case, the actus reus is Lawrence shooting the officer in the back of the head and killing him.

The action may qualify as a criminal act because it is against the criminal code to kill another individual. To complete the analysis it needs to be determined what the mens rea or the mental state of Lawrence when he fired the fatal shot and then determine if it fit under or coincides with one of the four levels of mens rea listed previously. The Court's definition of the term intent is as follows; " The intent of a person at any given time may not ordinarily be proved directly because there is no way of directly scrutinizing the workings of the human mind. In determining the issue of what a person intended at a particular time, you may consider in the statements made or acts done or omitted by that person and all other facts and circumstances received in evidence, which may aid you in your determination of that person's intent. You may infer, but you are certainly are not required to infer, that a person intends the natural and probable consequences of acts knowingly done or knowingly committed. In other words, if the act itself was knowingly done, you may infer, but you're not required to infer, that the defendant intended the natural and probable consequences of that act" (United States v. Thomas, 1994).

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Under these circumstances then, an individual's act of knowingly bringing a .357 gun to a set place with the intent to rob someone infers that the person will kill or gravely harm the intended victim if necessary. Lawrence as well as the other conspirators believes Lawrence shot in self-defense, which if true, would not constitute a crime, but only because the second component of what constitutes a crime is not met. The next step is to look at Self-Defense law and the criteria that deem an action as legal self-defense. The simple definition of self-defense law is as follows; " the right of a person to protect oneself with reasonable force against another person who is threatening to inflict force upon one's person" (Self defense, 2013). The legal definition of self-defense law is more complicated and requires that five principles be satisfied before an act is judged as legal self-defense. When a defendant is pursuing a self-defense defense there are five elements or principles that must be proven. The burden of the proof is on the defense.

The proof and/or evidence is required to be beyond a reasonable doubt to a jury before a self-defense action is labeled as legal self-defense. If the defense cannot prove self-defense beyond a reasonable doubt, the prosecution is not required to disprove the action. The first of the five elements of self-defense law is the principle of innocence. The principle of innocence refers to the fact that a person who initiates a conflict should not be permitted to justify his use of force as self-defense (Branca, 2013). The second principle is imminence. This principle states that a person can only use force to prevent a danger that is about to happen to them at that particular moment (Branca, 2013). The third principle is the principle of proportionality. Proportionality refers to the concept that the degree of force

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to defend one's self needs to be in direct proportion with the degree of force with which you are threatened (Branca, 2013). The fourth principle is the principle of avoidance. This principle states that an individual should not use force in self-defense if the individual can avoid the need to do so by making a safe retreat. The last and final principle is the principle of reasonableness that ties the other four principles together.

The reasonableness test is whether the individual claiming the self-defense defense perceptions and conduct in self-defense were those of a reasonable and prudent person under the same and similar circumstances. Therefore, if the individual believed the other person was an aggressor, but a reasonable person would not have believed this, the individual did not act in lawful self-defense. If the perceptions and conduct are not in line with this principle, any claims of self-defense are null and void (Branca, 2013). The counter to the self-defense defense is that the government is required to prove that the elements of self-defense did not exist in the action, beyond a reasonable doubt. Upon appeal, the conspirators said the government did not prove that the elements of self-defense did not exist beyond a reasonable doubt in district court. In addition, because the jurors did not receive the last two paragraphs of the instructions that told them such, the jury had no other recourse but to find the conspirators guilty of intentionally killing a federal agent (United States v. Thomas, 1994). First, the circumstances around the killing of the federal agent only met two of the five principles of the self-defense law regarding Mr. Lawrence's actions and choices. The danger to Lawrence was imminent and the use of force by the agent and Lawrence

were in proportion with each other. Lawrence was not innocent to the situation he chose to take part.

In fact, there was testimony in the trial stating that Lawrence's role in the conspiracy was as a seller of the drugs and was the "muscle" of the group. He was functioning in the capacity of the "muscle" of the group at the time of this incident. According to testimony at the trial Lawrence was behind and outside on the passenger's side of the car when Agent Howard fired upon the individual sitting in the driver's seat of the car. Lawrence's physical location would have provided Lawrence with a safe escape route that Lawrence chose not to take. Lawrence did not attempt in any way to avoid the imminent danger. Last, yet most importantly, the reasonableness principle is not met either. A reasonable and prudent person would not see Agent Howard as the aggressor. Agent Howard did not draw or fire his weapon until he was threatened by the individual sitting in the driver's seat of the car. He, Agent Howard, was in imminent danger at that very moment. Agent Howard had no safe retreat; Lawrence was standing outside the car on the passenger's side of the car behind Agent Howard. Howard did not initiate the dangerous and illegal circumstances. Agent Howard's return use of force was proportionate with the use of force against his person. Last, a reasonable and prudent person would have seen the person in the driver's seat of the car as an aggressor with the intent to kill or cause grave bodily injury when the individual raised his weapon and tried to shot Agent Howard.

Agent Howard's behavior and choices satisfied all the elements of the self-defense law where Mr. Lawrence's behavior and choices failed the fifth

element of reasonableness that disqualifies the act as self-defense. The actus reus and mens rea of Mr. Lawrence occurred concurrently. The three elements that constitute a crime are satisfied in this act; therefore, the prosecution was not required to prove that the elements of self-defense did not exist in the action. The act was a crime not self-defense. Because Mr. Lawrence's act was criminal, although it may have been an error on the part of the judge, there was no need for the district judge to give the jury the complete instructions for ruling on a self-defense defense. Therefore, the Second Circuit Court did not deem the error an error that would justify a reversing the lower court's decision. In summary, the claim of self-defense by a self-generated necessity to kill is not legal self-defense in a Court of Law because the act meets the three elements that constitute a crime and the act does not satisfy the five principles of self-defense law. Defending one's self is a natural and normal human reaction when a person feels threatened. It is a desire of survival as stated in the first paragraph of this essay.

The logic behind the five principles of the self-defense law, the first principle being the topic of this essay, is that the Courts needs to have guidelines to access one's as either acceptable to society or not acceptable to society. Mr. Lawrence may very well have felt threatened at that moment when he fired his weapon and killed the agent; his action may have very well been in self-defense. Even though Mr. Lawrence's action is understood, natural, and justifiable, the action that the Courts cannot condone or justify is the action that Mr. Lawrence took to initiate and participate in the life threatening circumstances that created the need for him to defend one's self. If self-defense were deemed as a legal act under these types of circumstances, the

American Criminal Justice System would experience chaos as well as become less credible and unreliable in their pursuit of justice.

In conclusion, almost every state has established codes of law that allow a person to defend one's home and person, this protection is an inalienable right forwarded to us by the Second Amendment of the United States Constitution. The circumstances surrounding the situation in which we find ourselves participating in hide the key factors as to whether a person is defending one's self or committing a criminal act. Self-defense cases are charged with emotion, prejudices, and mind processes, all of which are ever changing and very difficult for the individual experiencing the phenomenon to decipher, let alone a Court and a Jury. Claiming self-defense even under illegal circumstances is a form of defending one's self from a threatening situation. The Courts need to have boundaries in which to evaluate an individual's self-defense behavior. The cases referenced in this essay and other cases have established those boundaries or precedents so the Courts can be effective and efficient in their endeavors.

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