Self-defense as a Legal Defense Under California Criminal Law

The legal defense of self-defense in California law means that you can't be found guilty of a violent crime that you committed in order to protect yourself, as long as your conduct was reasonable under the circumstances.¹
For purposes of the self-defense legal defense, “reasonable under the circumstances” means that you need to have:

1. Reasonably believed that you were in imminent danger of being killed, injured, or touched unlawfully,

2. Being taunted, laughed at, made fun of, or any verbal assault is NEVER a reason to initiate physical conflict. Slander is verbal abuse with lies and the remedy is court or exposure of the truth. Physical attack is never justified by verbal abuse. Libel is putting lies into print and this is still not justification to hurt someone physically.

3. Reasonably believed that you needed to use force to prevent being killed, injured, or touched unlawfully from happening, and

4. Used no more force than was necessary to prevent that from happening. Moreover, thanks to California’s so-called “stand your ground laws,” you are under no obligation to “retreat” – that is, to run away or try to escape – before you use self-defense to protect yourself.

Self-defense can be a useful legal defense to a number of California crimes, including:

- Murder,
- Assault with a deadly weapon,
- Aggravated battery, and
- Battery on a peace officer.
Examples

Here are some examples of criminal defendants who may be able to plead self-defense:

- Bill is walking home at night when he is approached by a man holding a knife. The man demands that Bill hand over his wallet under threat of attack. Bill pulls out a small handgun that he carries everywhere. He shoots and kills the man. Self-defense may mean that Bill is not guilty of Penal Code 187 PC murder.

- When searching for a woman accused of killing a police officer, the police accidentally arrest Mary, who is not the suspect but looks like her. One of the arresting officers, who is outraged over the killing, chokes and hits Mary. Mary fights back, hitting and kicking the officer. Because she was acting in self-defense, Mary may be able to avoid a conviction for battery on a peace/police officer.

- At a party, Tracy is approached by a very drunk man who grabs her arm aggressively and tells her he is going to rape her. Tracy pushes him down a flight of stairs, which leads to him breaking his leg. But Tracy may be able to escape a conviction for aggravated battery causing serious bodily injury by using the legal defense of self-defense. In order to help you better understand California self-defense laws, our California criminal defense attorneys will address the following topics:

  1. Legal Definition of California Self-Defense

     1.1. Imminent danger

     1.2. Of being killed, seriously injured, or unlawfully touched

     1.3. Reasonable belief in threat

     1.4. Reasonable response

  2. California's “Stand Your Ground” Laws

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     3.1. Defense of others/defense of property

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4. Self-defense applied to specific crimes

4.1. Battery

4.2. Battery on a Peace officer

4.3. Resisting Arrest

4.4. Robbery

4.5. Rape

4.6. Murder

4.7. Burglary

If, after reading this article, you have additional questions, we invite you to contact us.

You may also find helpful information in our related articles on Common Legal Defenses to California Crimes; California Violent Crimes Defense; Penal Code 187 PC Murder; Battery on a Peace/Police Officer Penal Code 243(b) and 243(c)(2) PC; Battery Causing Serious Bodily Injury Penal Code 243(d) PC; The Legal Definition of Great Bodily Injury/Harm Penal Code 12022.7; Penal Code 261 PC Rape; The Crime of Mayhem in California Law Penal Code 203 & 205 PC; Penal Code 240 PC Assault; Sexual Battery & Sexual Assault Penal Code 243.4 PC; California Domestic Abuse Defense Attorneys; Penal Code 459 PC Burglary; California Vandalism Law Penal Code 594 PC; California Criminal Trespassing Laws Penal Code 602 PC; and Penal Code 192 PC Voluntary Manslaughter.

1. Legal Definition of California Self-Defense

If you are accused of a crime for something you did to protect yourself, you may be able to take advantage of the California legal defense of self-defense.

California self-defense law requires the following “elements” of the defense to be true:

1. When you committed your crime, you reasonably believed that you were in imminent danger of being killed, seriously injured, or unlawfully touched;

2. You reasonably believed that immediate force was necessary to prevent that danger; and

3. You used no more force than was necessary to defend against that danger. 4
On all of these requirements, the prosecutor is the one who bears the burden of proof. In other words, if the evidence could support a self-defense legal defense, the prosecutor must prove beyond a reasonable doubt that self-defense does not apply. ⁵

Let's take a closer look at some of the key terms in this legal definition of self-defense in order to better understand how a self-defense argument would work.

### 1.1. Imminent danger

To assert the legal defense of self-defense, you must successfully show that someone else was about to kill, injure, rape, or unlawfully touch you imminently – that is, immediately or right away. ⁶

In other words, you may not argue self-defense if you acted only because of a threat of future harm – no matter how credible the threat or how severe the harm. ⁷

*Example:* Mike regularly beats his wife, Louise. Mike threatens to burn Louise if she doesn't confess to sleeping with Mike's brother. When Louise denies the accusation, Mike takes his lit cigarette and starts to walk toward Louise.

To defend herself, Louise grabs a frying pan and hits Mike over the head with it so that she can escape to call the police.

Louise was facing an immediate threat of being injured with the cigarette. Under these circumstances, Louise's conduct would likely be excused as self-defense.

**BUT**

*Example:* Let's say that, instead of threatening to burn Louise with a lit cigarette he is holding in his hand, Mike threatens to burn Louise if he ever catches her sleeping with his brother. Louise then decides to hit him with a frying pan to avoid being burned at a later time.

Given these facts, Louise's actions would not be justified as self-defense since there was no immediate threat of harm – only a future threat.

### 1.2. Of being killed, seriously injured, or unlawfully touched
You may only use self-defense as a legal defense to the crime of *murder* if you were defending yourself against what is known as a “forcible and atrocious crime.” Forcible and atrocious crimes include:

- Murder or manslaughter,

- Being attacked in a way that would cause *great bodily injury*,

- Rape,

- **Mayhem** (that is, the act of maiming someone else), and

- Robbery. In other words, you may only *kill* another person in self-defense if you are trying to protect yourself against one of those forcible and atrocious crimes.

However, you are permitted to use non-deadly force – that is, to commit crimes other than murder – to defend yourself from less extreme threats.

For instance, self-defense applies as a legal defense to charges of Penal Code 240 PC **assault** if you were defending yourself against *any* bodily injury (even if it was not serious) or any unlawful touching.

*Example:* Christine is accosted in a mall parking lot by a man who threatens to fondle her breasts without her consent. (This would be the crime of sexual battery.) There is no reason for Christine to believe that he is going to rape or otherwise injure her.

Christine would probably not be able to use self-defense as a legal defense if she pulled out a gun and killed the man, because sexual battery is not a forcible and atrocious crime.

However, she would be able to use self-defense as a legal defense against charges of assault if she used martial arts moves to injure the man.
1.3. Reasonable belief in threat

In order to plead self-defense successfully, you must have had an honest and reasonable belief that you faced imminent harm and needed to use force to defend yourself. It does not matter whether that belief was correct or not, as long as it was reasonable.

In deciding whether or not your belief was reasonable, the jury is supposed to use what is called an objective standard. This means that they are supposed to ask themselves whether a reasonable person in your shoes would have believed they were in danger—not whether you personally believed you were in danger.

So a person with a mental illness, phobia, or other psychological disorder may have trouble claiming self-defense—if s/he acted in a way that a person without that disorder would not have acted.

Example: Steve is in prison. He has a mental illness that causes him to hear voices telling him that the guards are planning to kill him. So he kills a guard, believing that he has no choice if he wants to save himself.

Steve genuinely believed that he needed to kill the guard in self-defense, but this belief wasn't reasonable. A reasonable person who didn't hear voices because of mental illness would not have believed the same thing. So he cannot escape a murder conviction based on self-defense.

Battered woman's syndrome

But there is one exception to the rule that a defendant's mental illness or psychological problems won't be considered in determining whether s/he acted reasonably. That is the condition known as battered woman's syndrome, which is attributed to women (and men) involved in relationships characterized by domestic violence.

In California, juries are allowed to consider the effects of domestic abuse on a defendant in deciding whether or not s/he acted reasonably in self-defense.

Example: Evelyn is married to Albert. Albert has been beating Evelyn for years, and lately he has been threatening to kill her. One day, he gets drunk and shoots a gun at her, but misses. A bit later, Albert begins hitting her again. Evelyn finds the gun where Albert left it and uses it to shoot and kill him.

Evelyn may be able to argue self-defense. A normal person who had been subjected to regular beatings and death threats by their spouse might reasonably have believed that Albert was about to inflict severe harm on her at that moment.

Presumption of reasonable threat from home invasion
California self-defense law creates a presumption that you reasonably feared death or great bodily harm if someone broke into your house "unlawfully and forcibly" — provided that person was not a member of your household or family.  

In other words, if you are the victim of Penal Code 459 PC burglary, and you use force against the burglar, a prosecutor would bear the burden of trying to prove that you should be convicted of a crime for your use of force — rather than being excused based on self-defense.

1.4. Reasonable response

The general rule under California self-defense law is that you are only allowed to use as much force as is necessary to combat the force being used against you.

However, if you have previously been threatened by your attacker, you are entitled to act more quickly and with more force than someone who has not been threatened.

2. California's “Stand Your Ground” Laws

So-called “stand your ground” laws became a significant topic of national debate in 2013, following the trial of Florida man George Zimmerman for the killing of a teenager named Trayvon Martin.

“Stand your ground” laws are actually just a variation on the legal defense of self-defense. If a state's self-defense law says that the defendant has no duty to retreat before using force to defend him- or herself, then that state has a “stand your ground" law.
California self-defense law is a “stand your ground” law. In California, you may use reasonable force to defend yourself even if you also had the option of escaping the threat by running away. You may even pursue your attacker until the danger has passed.

Example: One night at a bar, Bruce exchanges some hostile words with Tommy. Later, when Bruce has left the bar and is just about to get into his car, he sees Tommy coming after him. It looks as if Tommy has a knife.

Tommy is obese and is very drunk that night, so he moves slowly. Bruce would have had plenty of time to get into his car and drive away before Tommy reached him. But instead Bruce reaches into his car, pulls out a gun he keeps in the glove compartment, and shoots Tommy.

Under California’s “stand your ground” laws, Bruce may be able to argue successfully that he acted in self-defense – even though he probably could have escaped from Tommy instead of confronting him.

BUT even under California’s “stand your ground” law, you still can’t claim the self-defense privilege once the person you are defending yourself against is no longer a threat.

Example: Let's go back to the example of Bruce and Tommy. While Bruce is reaching for the gun in his glove compartment, the bouncer at the bar grabs Tommy and removes the knife from his hand. Bruce would not then be justified in walking up to Tommy and shooting him – since Tommy wouldn't pose a threat to him any longer.

3. California Self-defense and Special Situations

3.1. Defense of others/defense of property

Defense of others
California self-defense law doesn't just allow you to act to defend yourself from harm. You can also use self-defense as a legal defense when you acted to defend someone else. 30

The requirements for defending others are the same as for defending yourself. You must:

1. Reasonably believe that the other person is in imminent danger of being killed, injured, or touched unlawfully, Reasonably believe that you need to use force to prevent this, and

2. Use no more force than necessary. 31

Defense of property

California self-defense law also encompasses the right to use force to defend your property from harm. This right covers both real property (like a house or land) and personal property (money, cars, jewelry, etc.) 32

In order to use the "defense of property" version of self-defense as a legal defense, you must be able to show that:

1. The threat of harm to your property was imminent (that is, immediate), and

2. You used only reasonable force to defend your property. 33

Example: Toby spots his angry ex-girlfriend Carrie approaching his car with a sledgehammer. It is clear that Carrie is about to commit California vandalism on Toby's car. So Toby uses physical force to restrain Carrie. She fights back, and he is forced to punch and kick her a few times.

Toby is probably not guilty of assault for punching and kicking Carrie, because of the extension of self-defense to the defense of property.

California self-defense law also provides that you have the right to use reasonable force to make someone who is trespassing on your property leave. 34
But for this version of self-defense to apply, you need to:

1. first request that the trespasser leave the property, and

2. reasonably believe that s/he poses a threat either to the property or to the people occupying it.\(^{35}\)

### 3.2. Self-defense and third parties

Previous threats from a third party are one factor that a jury can consider in determining whether or not you acted in self-defense – as long as the third party is someone you reasonably associated with the person against whom you defended yourself.\(^{36}\)

This is true even if you were mistaken in associating the person who threatened you with the person against whom you defended yourself.\(^{37}\)

*Example:* Todd is dating a woman who left her husband (John) for Todd. John has sent emails to Todd threatening to “get him back” and “make him sorry.”

One night outside a bar, Todd sees John’s brother Mike coming toward him. Mike has a threatening look on his face and has several friends with him. Convinced that Mike is about to attack him on John’s behalf, Todd pulls out a gun and shoots Mike.

Todd may be able to use self-defense as a legal defense even if it turns out that Mike meant him no harm…because he reasonably associated Mike with John, and John had made threats against him.

### 3.3. Self-defense and the initial aggressor

You may be surprised to learn that you can plead self-defense even if you were the one who started a fight—at least in some situations.\(^{38}\)

Self-defense is available to you as a legal defense even if you were the aggressor in a fight, as long as one of the following two things occurred:

1. You made a good-faith effort to stop fighting and *clearly* indicated to the other person that you were trying to do so (but s/he didn’t stop fighting), OR

2. You initially attacked with non-deadly force but the other person responded with deadly force.\(^{39}\)

*Example:* At a Dodgers-Giants baseball game, Steve, a Dodgers fan, exchanges some aggressive words with Juan, a Giants fan. Steve then punches Juan in the face. Juan pulls out a knife and moves to stab Steve with it.

In this situation, Steve might be justified in pulling out a gun and shooting Juan in self-defense. This is because, even though Steve started the fight, Juan was the one who “upgraded” the fight to deadly force.
Also, you may still use the self-defense legal defense even if you knowingly went to a place where you were likely to face an attack…and then were forced to use force to defend yourself.\textsuperscript{40}

3.4. Imperfect self-defense

As we discussed in Section 1 above, California self-defense law will only completely excuse your actions if you \textit{reasonably} believed that you faced an imminent threat.\textsuperscript{41}

But if you honestly but \textit{unreasonably} believed in the threat, you are not entirely out of luck. California self-defense law offers a theory called “imperfect self-defense” to people facing murder charges.\textsuperscript{42}

Imperfect self-defense applies when:

1. A defendant actually believed that s/he or someone else was in imminent danger of death or great bodily injury,

The defendant honestly believed that deadly force was necessary to defend against that threat, AND

2. One or both of those beliefs was unreasonable.\textsuperscript{43}

Unlike regular self-defense, imperfect self-defense won’t completely excuse you from criminal liability. Instead, it may reduce your charge from Penal Code 187 PC murder to \textbf{Penal Code 192 PC voluntary manslaughter}…a less serious offense with significantly reduced penalties.\textsuperscript{44}

4. Self-defense applied to specific crimes

There are a variety of criminal charges that commonly invite self-defense claims. These are typically California violent crimes, generally seen in domestic violence situations (which have been addressed in examples above), battery, battery on a peace officer, resisting arrest, burglary, robbery, and, of course, murder.

4.1. Penal Code 242 battery

\textbf{Penal Code 242 battery} is simply defined as the unlawful touching of another. A battery can therefore range from offensive contact like spitting on someone to violent contact like a punching someone in the face. As discussed, you are permitted to respond reasonably to a threat of imminent danger causing \textit{injury}…but what about a simple imminent \textit{touching}?

If you are in imminent danger of being unlawfully touched, you are permitted to use force that is reasonable to sufficiently protect against the touching, even though you don’t fear imminent bodily harm.\textsuperscript{45}
Incidentally, the legal doctrine of "transferred intent" applies to self-defense situations. This means that, if while you are defending yourself, you accidentally injure someone other than the person whom you are defending against, you will not be prosecuted for injuring that individual. 46

4.2. Penal Code 243 battery on a police officer

Penal Code 243 battery on a police officer prohibits exactly that – unlawfully touching an officer. 47 If an officer uses unreasonable or excessive force against you or unlawfully arrests you, you are entitled reasonably to protect yourself without being punished for this offense.

California self-defense law will even protect you as a prisoner if a correctional officer uses unreasonable or excessive force against you, so long as you only use reasonable force to protect yourself. 48

4.3. Penal Code 148 resisting arrest

Penal Code 148 resisting arrest prohibits willfully resisting, delaying, or obstructing an officer while he/she is performing his/her duties. Similar to battery on a peace officer, if you physically resist an unlawful procedure or resist against excessive force, you will be acquitted of this charge if you reasonably protected yourself. That said, if the officer's excessive force was in response to your unjustified resistance, California self-defense law will not protect you.

4.4. Penal Code 211 robbery

Penal Code 211 robbery is defined as the taking of another's property from his/her possession or immediate presence accomplished by force or fear. 49 As a "forcible and atrocious crime," it will be presumed that you acted reasonably if you defended yourself while you were being robbed.

Using deadly force in self-defense will be excused if a gun or other weapon was used during the commission of the robbery.

4.5. Penal Code 261 rape

Penal Code 261 rape is defined as nonconsensual intercourse accomplished by force or fear. 50 If you reasonably believe that you are in imminent danger of being raped, your actions in defending yourself will be excused.

Depending on the situation, it is very likely that deadly force will be necessary to defend yourself under these circumstances and will be excused when it is.

4.6. Penal Code 187 murder
Penal Code 187 murder is defined as intentionally killing another with a state of mind known as malice aforethought. Malice aforethought is defined as an unlawful intention to kill or acting with a reckless disregard for human life.

If you are in imminent danger of being killed, you may take whatever measures are necessary to prevent that from happening. Deadly force is obviously expected and will be excused so long as the requirements that have been explained throughout this article are satisfied.

4.7. Penal Code 459 burglary

Penal Code 459 burglary is defined as entering a structure with the intent of stealing or committing another felony once inside.\textsuperscript{51} If, while someone is burglarizing your home or business, you attempt to defend yourself…and use reasonable force to do so…you will be entitled to an acquittal of any criminal charges (under California self-defense law).

Depending on the circumstances of the break in, burglary may be considered a forcible and atrocious crime, entitling you to a presumption that you acted reasonably when you were confronted by a burglar.\textsuperscript{52}

Call Us for Help...

For more information about California self-defense law, please don't hesitate to contact us at Shouse Law Group.

We have local criminal law offices in and around Los Angeles, Long Beach, Pasadena, San Diego, Orange County, Riverside, San Bernardino, Ventura, San Jose, Oakland, Sacramento, the San Francisco Bay area, and several nearby cities.
For more information on Nevada self-defense laws, please visit our page on Nevada "self-defense" laws.

Legal References:

1. Judicial Council of California Criminal Jury Instruction ("CALCRIM") 505 – Justifiable Homicide: Self-Defense or Defense of Another. ("The defendant is not guilty of (murder/ [or] manslaughter/attempted murder/ [or] attempted voluntary manslaughter) if (he/she) was justified in (killing/attempting to kill) someone in (self-defense/ [or] defense of another). The defendant acted in lawful (self-defense/ [or] defense of another) if: [1] The defendant reasonably believed that (he/she/ [or] someone else/ [or] {insert name or description of third party}) was in imminent danger of being killed or suffering great bodily injury [or was in imminent danger of being raped/maimed/robbed/ {insert other forcible and atrocious crime})]; [2] The defendant reasonably believed that the immediate use of deadly force was necessary to defend against that danger; AND [3] The defendant used no more force than was reasonably necessary to defend against that danger.")

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). ("The defendant is not guilty of (that/those crime[s]) if (he/she) used force against the other person in lawful (self-defense/ [or] defense of another). The defendant acted in lawful (self-defense/ [or] defense of another) if: [1] The defendant reasonably believed that (he/she/ [or] someone else/ [or] {insert name of third party}) was in imminent danger of suffering bodily injury [or was in imminent danger of being touched unlawfully]; [2] The defendant reasonably believed that the immediate use of force was necessary to defend against that danger; AND [3] The defendant used no more force than was reasonably necessary to defend against that danger.")

2. See same.

3. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. ("[A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of (death/great bodily injury/ {insert forcible and atrocious crime}) has passed. This is so even if safety could have been achieved by retreating."]")

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). ("[A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of (death/bodily injury/ {insert crime}) has passed. This is so even if safety could have been achieved by retreating."]")

4. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another, endnote 1, above.

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide), endnote 1, above.

See also People v. Humphrey, (1996) 13 Cal.4th 1073, 1082. ("For killing to be in self-defense, the defendant must actually and reasonably believe in the need to defend. ( People v. Flannel (1979) 25 Cal.3d 668, 674, 160 Cal.Rptr. 84, 603 P.2d 1.)…As the Legislature has stated, [T]he
circumstances must be sufficient to excite the fears of a reasonable person…” (Pen. Code, § 198; see also § 197, subds. 2, 3.) Moreover, for either perfect or imperfect self-defense, the fear must be of imminent harm. “Fear of future harm—no matter how great the fear and no matter how great the likelihood of the harm—will not suffice. The defendant’s fear must be of imminent danger to life or great bodily injury.”

5. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. (“The People have the burden of proving beyond a reasonable doubt that the [attempted] killing was not justified.”)

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). (“The People have the burden of proving beyond a reasonable doubt that the defendant did not act in lawful (self-defense/ [or] defense of another).”)

6. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another, endnote 1, above.

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide), endnote 1, above.

7. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. (“Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was imminent danger of death or great bodily injury to (himself/herself/ [or] someone else).”)

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). (“Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was (imminent danger of bodily injury to (himself/herself/ [or] someone else)/[or] an imminent danger that (he/she/[or] someone else) would be touched unlawfully).”)

8. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another, endnote 1, above.

9. See same.

See also People v. Ceballos, (1974) 12 Cal.3d 470, 478. (“Examples of forcible and atrocious crimes [for purposes of self-defense law] are murder, mayhem, rape and robbery.”)

10. See same.

11. CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide), endnote 1, above.

12. See same.

13. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. (“Defendant's belief must have been reasonable and (he/she) must have acted only because of that belief.”)

14. See same. (“If the defendant's beliefs were reasonable, the danger does not need to have actually existed.”)

15. See same. (“When deciding whether the defendant's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed.”)
16. People v. Jefferson, (2004) 119 Cal.App.4th 508, 519. (“The issue is not whether defendant, or a person like him, had reasonable grounds for believing he was in danger. The issue is whether a "reasonable person" in defendant's situation, seeing and knowing the same facts, would be justified in believing he was in imminent danger of bodily harm. By definition, a reasonable person is not one who hears voices due to severe mental illness. In blunt fashion, our Supreme Court long ago defined a reasonable person as a "normal person." (Katz v. Helbing (1928) 205 Cal. 629, 638, 271 P. 1062.) The reasonable person is an abstract individual of ordinary mental and physical capacity who is as prudent and careful as any situation would require him to be.”)

17. Loosely based on the facts of the same.

18. People v. Humphrey, (1996) 13 Cal.4th 1073, 1088-89. (“We…hold that evidence of battered women’s syndrome is generally relevant to the reasonableness, as well as the subjective existence, of defendant's belief in the need to defend [and whether the self-defense defense applies], and, to the extent it is relevant, the jury may consider it in deciding both questions.”)

19. See same.

20. Based on the facts of the same.

21. Penal Code 198.5 PC – Use of deadly force [in self-defense] by any person within his or her residence against an intruder. (“Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.”)

See also CALCRIM 3477 – Presumption [for self-defense law] that Resident Was Reasonably Afraid of Death or Great Bodily Injury. (“The law presumes that the defendant reasonably feared imminent death or great bodily injury to (himself/herself), or to a member of (his/her) family or household, if: 1 An intruder unlawfully and forcibly (entered/ [or] was entering) the defendant's home; 2 The defendant knew [or reasonably believed] that an intruder unlawfully and forcibly (entered/ [or] was entering) the defendant's home; 3 The intruder was not a member of the defendant's household or family; AND 4 The defendant used force intended to or likely to cause death or great bodily injury to the intruder inside the home.”)

22. See same.

23. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. (“The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If the defendant used more force than was reasonable, the [attempted] killing was not justified.”)

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). (“The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If the defendant used more force than was reasonable, the defendant did not act in lawful (self-defense/ [or] defense of another).”)

24. People v. Torres, (1949) 94 Cal.App.2d 146, 151. (“One who has received information of threats against his life or person made by another is justified in acting more quickly and taking harsher
measures for his own protection [in self-defense] in the event of assault either actual or threatened, than would be a person who had not received such threats…”)


26. See same.

27. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. (“[A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of {death/great bodily injury/ {insert forcible and atrocious crime}} has passed. This is so even if safety could have been achieved by retreating.]”)

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). (“[A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of {death/bodily injury/ {insert crime}} has passed. This is so even if safety could have been achieved by retreating.]”)

28. See same.

29. CALCRIM 3474 – Danger No Longer Exists or Attacker Disabled. (“The right to use force in (self-defense/[or] defense of another) continues only as long as the danger exists or reasonably appears to exist. [When the attacker (withdraws/[or] no longer appears capable of inflicting any injury), then the right to use force ends.]”)

30. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another, endnote 1, above.

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide), endnote 1, above.

31. See same.

32. CALCRIM 3476 – Right to Defend Real or Personal Property [variation on self-defense]. (“The owner [or possessor] of (real/[or] personal) property may use reasonable force to protect that property from imminent harm. [A person may also use reasonable force to protect the property of a (family member/guest/master/servant/ward) from immediate harm.] Reasonable force means the amount of force that a reasonable person in the same situation would believe is necessary to protect the property from imminent harm. When deciding whether the defendant used reasonable force, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant’s beliefs were reasonable, the danger does not need to have actually existed. The People have the burden of proving beyond a reasonable doubt that the defendant used more force than was reasonable to protect property from imminent harm. If the People have not met this burden, you must find the defendant not guilty of {insert crime}.”)

33. See same.

34. CALCRIM 3475 – Right to Eject Trespasser From Real Property [variation on self-defense]. (“The (owner/lawful occupant) of a (home/property) may request that a trespasser leave the (home/property). If the trespasser does not leave within a reasonable time and it would appear
to a reasonable person that the trespasser poses a threat to (the (home/property)/ [or] the (owner/ [or] occupants), the (owner/lawful occupant) may [exercise self-defense and] use reasonable force to make the trespasser leave."

35. See same.

36. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another. ("[If you find that the defendant received a threat from someone else that (he/she) reasonably associated with {insert name of decedent/victim}, you may consider that threat in deciding whether the defendant was justified in acting in (self-defense/ [or] defense of another).]

See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide). ("[If you find that the defendant received a threat from someone else that (he/she) reasonably associated with {insert name of victim}, you may consider that threat in deciding whether the defendant was justified in acting in (self-defense/ [or] defense of another).]

37. People v. Minifie, (1996) 13 Cal.4th 1055, 1068. ("...[California self-defense] law recognizes the justification of self-defense not because the victim "deserved" what he or she got, but because the defendant acted reasonably under the circumstances. Reasonableness is judged by how the situation appeared to the defendant, not the victim. As the Court of Appeal noted, "Because [i]justification does not depend upon the existence of actual danger but rather depends upon appearances' (People v. Clark (1982) 130 Cal.App.3d 371, 377, 181 Cal.Rptr. 682; see also CALJIC No. 5.51), a defendant may be equally justified in killing a 'good' person who brandishes a toy gun in jest as a 'bad' person who brandishes a real gun in anger." If the defendant kills an innocent person, but circumstances made it reasonably appear that the killing was necessary in self-defense, that is tragedy, not murder. The test, therefore, is not whether the victim adopted the third-party threats, but whether the defendant reasonably associated the victim with those threats."

38. CALCRIM 3471 – Right to Self-Defense: Mutual Combat or Initial Aggressor. ("A person who (engages in mutual combat/ [or who] starts a fight) has a right to self-defense only if: 1 (He/She) actually and in good faith tried to stop fighting; [AND] 2 (He/She) indicated, by word or by conduct, to (his/her) opponent, in a way that a reasonable person would understand, that (he/she) wanted to stop fighting and that (he/she) had stopped fighting(./) {Give element 3 in cases of mutual combat.} [AND 3 (He/She) gave (his/her) opponent a chance to stop fighting.] If the defendant meets these requirements, (he/she) then had a right to self-defense if the opponent continued to fight. [However, if the defendant used only non-deadly force, and the opponent responded with such sudden and deadly force that the defendant could not withdraw from the fight, then the defendant had the right to defend (himself/herself) with deadly force and was not required to try to stop fighting(./ or) communicate the desire to stop to the opponent[, or give the opponent a chance to stop fighting].] [A fight is mutual combat when it began or continued by mutual consent or agreement. That agreement may be expressly stated or implied and must occur before the claim to self-defense arose.]

39. See same.

40. People v. Gonzales, (1887) 71 Cal. 569, 577. ("A man who expects to be attacked is not always compelled to employ all the means in his power to avert the necessity of [California] self-defense before he can exercise the right of self-defense. For one may know that if he travels along a certain highway he will be attacked by another with a deadly weapon, and be compelled
in self-defense to kill his assailant, and yet he has the right to travel that highway, and is not
compelled to turn out of his way to avoid the expected unlawful attack.”)

41. CALCRIM 505 – Justifiable Homicide: Self-Defense or Defense of Another, endnote 1, above.
See also CALCRIM 3470 – Right to Self-Defense or Defense of Another (Non-Homicide),
endnote 1, above.

42. CALCRIM 571 – Voluntary Manslaughter: Imperfect Self-Defense or Imperfect Defense of
Another. (“A killing that would otherwise be murder is reduced to voluntary manslaughter if the
defendant killed a person because (he/she) acted in (imperfect self-defense/ [or] imperfect
defense of another). If you conclude the defendant acted in complete (self-defense/ [or] defense
of another), (his/her) action was lawful and you must find (him/her) not guilty of any crime. The
difference between complete (self-defense/ [or] defense of another) and (imperfect self-defense/
[or] imperfect defense of another) depends on whether the defendant's belief in the need to use
deadly force was reasonable. The defendant acted in (imperfect self-defense/ [or] imperfect
defense of another) if: 1 The defendant actually believed that (he/she/ [or] someone else/ (insert
name of third party)) was in imminent danger of being killed or suffering great bodily injury; AND
2 The defendant actually believed that the immediate use of deadly force was necessary to
defend against the danger; BUT 3 At least one of those beliefs was unreasonable.”)

43. See same.

44. In re Christian S., (1994) 7 Cal.4th 768, 773. (“An honest but unreasonable belief that it is
necessary to defend oneself from imminent peril to life or great bodily injury negates malice
aforethought, the mental element necessary for murder, so that the chargeable offense is
reduced [under the theory of imperfect self-defense] to Penal Code 192 manslaughter.”)

See also Penal Code 192 PC – Manslaughter [charge reduction from murder through theory of
imperfect self-defense]. (“Manslaughter is the unlawful killing of a human being without malice. It
is of three kinds: (a) Voluntary--upon a sudden quarrel or heat of passion…”)

See also Penal Code 193 PC – Manslaughter [charge reduction from murder through theory of
imperfect self-defense]; punishment. (“(a) Voluntary manslaughter is punishable by
imprisonment in the state prison for 3, 6, or 11 years.”)

45. People v. Myers, (1998) 61 Cal.App.4th 328, 335. (“It follows that an offensive touching,
although it inflicts no bodily harm, may nonetheless constitute a battery, which the victim is
privileged to resist with such force as is reasonable under the circumstances. The same may be
said of an assault insofar as it is an attempt to commit such a battery. To hold otherwise would
lead to the ludicrous result of a person not being able to lawfully resist or defend against a
continuing assault or battery [under California self-defense], such as the act defendant alleged
here.”)

authorities and analyses, we conclude that the doctrine of [California] self-defense is available
to insulate one from criminal responsibility where his act, justifiably in self-defense, inadvertently
results in the injury of an innocent bystander.”)

47. California Penal Code 243 battery on a peace officer prohibits battering a peace officer who is
engaged in the performance of his/her duties when you know or reasonably should have known
that the individual is an officer.
48. People v. Coleman, (1978) 84 Cal.App.3d 1016, 1022. ("Where such an officer is making a lawful escort, if the inmate being escorted has knowledge, or by the exercise of reasonable care should have knowledge, that he is being escorted by a correctional officer, it is the duty of such inmate to refrain from using force or any weapon to resist such escort unless unreasonable or excessive force is being used to make the escort...If an officer does use unreasonable or excessive force in making an escort, the person being escorted may lawfully use reasonable force to protect himself [in self-defense].")

49. California Penal Code 211 – Robbery defined. ("Robbery is the felonious taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.")

50. California Penal Code 261 rape defines a variety of situations where raped may be charged.

51. California Penal Code 459 burglary lists a variety of structures, buildings, and other enclosed locations that may be the subject of a burglary if they are entered by a person who intends to steal or commit a felony once inside.

52. California Penal Code 198.5 – Use of deadly force by any person within his or her residence against an intruder; presumption of fear of death or great bodily injury. ("Any person using force intended or likely to cause death or great bodily injury within his or her residence shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occ

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**IMUNE**
**Protecting Natural Medicine with Evidence Based Professional Education**
Sarah McKinley exercised her God-given right of self-defense when a home invader attacked her with a knife.

**Step One:** FREEZE! Stand with legs shoulder length apart. Hands out in front with palms facing your attacker. Yell "Stop" or "Get Back".

**Step Two:** PALM STRIKE! Use the heel of your palm to strike his nose, eyes, cheek or forehead.

**Step Three:** GROIN KICK! Kick your attacker in the groin area.

**Step Four:** HEAD STRIKE! If your attacker is bent over from step three Grab the attacker's head and lift your knee to strike their face. Then RUN to safety!

Sarah McKinley is an 18-year-old new mother and widow. Her husband died from cancer on Christmas. Sarah was home alone with her three-month-old baby on New Year’s Eve when an armed attacker crashed through her front door.

McKinley’s mother said the deceased had begun tracking her daughter two years ago, and evidence indicates he resumed stalking after her husband died. He showed up at her door earlier in the day, claiming he was a neighbor wanting to say hello, but something nudged her to turn him away. Later that day, he returned with an accomplice, and began pounding on her front door.

Sarah barricaded the door with a sofa, and dialed 911. Before he broke in, Sarah spent 21 minutes talking to two different dispatchers, asking permission to shoot the intruder.
“I’ve got two guns in my hand. Is it OK to shoot him if he comes in this door?”

“Well, you have to do whatever you can do to protect yourself,” dispatcher Diane Graham responded. “I can’t tell you that you can do that, but you do what you have to do to protect your baby.”

A Vancouver woman said she used her martial art skills to defend herself after she says she was groped by one stranger and verbally harassed by another last week.

Priscilla Dang was out for a run in her own neighborhood when she says the incident happened on Padden Parkway between 94th and Andresen Road last Friday.

Two teens came up to her on their bikes.

“One went in front and made eye contact with me like a smirk, like I thought he was saying ‘hi.’ The next thing I knew I was pretty much groped on my bottom behind left side,” Dang said.

She fought back and defended herself using her training in martial arts that she’s been studying for 18 years. She’s been mastering the skills of Kung Fu from her older brother. The family owns Summit Wushu Academy in Clackamas that teaches Chinese martial arts.

“So I grabbed him and said, ‘You need to apologize, and he did,’” Dang said.

But it escalated when she says the second teen started swearing at her.

“It just made something snap in me – it’s not OK. It’s so disrespectful,” Dang said.

That’s when her Kung Fu background really kicked in as she punched him twice in the face.

“He started coming in for a few, and I was lucky enough to dodge his shots. I came up for another one and I got him good, and I think that upset him,” she said.
After the second hit, Dang said the teen pulled out a four-inch blade.

“That was when my instinct came in to back off – don’t get so close because he might grab me,” she said.

Cops were then called and the two thugs were arrested. They picked on the wrong girl.

Man Assaults Female Jogger In Van Nuys; USSD Karate Student Defends Herself

From dailynews.com in LA: Valley woman wouldn’t give in to attacker. Emily McDivitt of Van Nuys, who fought off a man who attacked her while she was jogging, trains at the United Studios of Self Defense in Encino.

"In a terrifying moment that would have paralyzed most other people, Emily McDivitt’s mind raced with life-saving techniques learned in self-defense classes and at home with her husband, a retired Marine."
At IMUNE we believe in Physical fitness and self-defense as a way of teaching and achieving physical fitness. This is for defense only and a way to train the body and mind to be one. On the hard drive there are courses in self-defense to teach fitness and confidence but be careful not arrogant.
When small minds attack
Natural Medicine IMUNE stands
Firm on the Bridge and Says
"You will NOT Pass"