

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

DISTRICT COURT DEPARTMENT
CONCORD DIVISION
DOCKET NO.

COMMONWEALTH

v.

DEFENDANT’S REQUEST FOR JURY INSTRUCTION ON SELF-DEFENSE

A person is allowed to use reasonable force in self-defense when this is necessary to protect herself from physical harm. And therefore it is not a crime to strike at another person if this is done in reasonable self-defense. If there is any evidence of self-defense in this case, the Commonwealth must prove beyond a reasonable doubt that the defendant did not act in self-defense. In other words, if you have a reasonable doubt whether or not the defendant acted in self-defense, your verdict must be not guilty.

For the defendant to have acted in self defense, she must have reasonably believed that she was being attacked or was immediately about to be attacked; that she took reasonable steps to avoid physical combat before resorting to force; and that she used no more force than was necessary.

Citations:

Commonwealth v. Mann, 116 Mass. 58 (1874)

Commonwealth v. A Juvenile, 396 Mass. 108, 113 (1985) (when the issue of self-defense is properly raised either by the Commonwealth’s case-in-chief or by the defense case, the Commonwealth has the burden of proving beyond a reasonable doubt that the defendant did not act in self defense)

Commonwealth v. Deagle, 10 Mass.App.Ct. 748, 750 & n. 2 (1980) (self defense is a jury question if there is some evidential basis for the claim)

Respectfully submitted,
the defendant,
***** ***,
by her attorney:

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