

Criminalized Lawful Acts

By: Killain Jones on July 13, 2011

LOS ANGELES - There is a familiar maxim in American jurisprudence that “[a]ll men are created equal ...” Laws are formulated and created with that notion in mind. Modernly, the term “men” would include women too. This is an easy progression with the addition of two letters that appease the most politically correct individual. (Let’s keep it simple and not add the other variables such as race.) The same is not true of lawful acts committed by any person. In this case, there is no easy fix with the addition of letters. The issue is much more complex.

The first paragraph is cryptic but so is the concept it is introducing. Nothing in the law is straight forward. Let us begin with a little story to help set the stage. John is an average guy in the big city and lives in a neighborhood that some may find uncomfortable. One day John is walking his normal route to the bus stop with the intention of going to work. Thanks to John’s average looks, he is mistaken by Joe as being his biggest enemy. Joe previously warned his biggest enemy that words would not be exchanged, only fists, the next time Joe ran into him. Joe can easily be described as someone of small stature and a Napoleon complex. So with those intentions in mind, Joe runs up to John from behind while he is walking to the bus stop and violently pushes John to the floor. Joe proceeds to try and kick John while he is on the ground. No one comes to John’s aid. Once John gets over the initial shock of being attacked he composes himself and begins to fight back. Eventually, John gets the better of Joe and is evidenced by the fact that Joe took more physical damage.

In the aftermath of this confrontation, the police arrest John for felony battery since visibly he looked like the aggressor and being the arbiters of neutrality, the police are not interested in justification for John’s actions.

Now, it is fairly common knowledge that people are allowed to defend themselves from being seriously injured or killed. The term “self-defense” is a concept that is not foreign to society. What is commonly overlooked is what the term implies in a legal sense. Self-defense is just that, a defense. A defense also implies that you have been charged with a crime and you are trying to convince a jury of your peers that what you did was justified under the law because you were only defending yourself from harm. In the case above the victim has become the alleged criminal and the criminal is viewed as the victim.

Many of us avoid confrontation at all costs and this a great idea. But in the case of the hypothetical story about John and Joe. The choice is made independently of John’s choice. Even if John is successful in his defense, he will always be someone charged with a felony.