



LEGAL DEFENSE
FOR
SELF DEFENSE

3 CRITICAL MISTAKES TO AVOID

OHIO CASTLE DOCTRINE



The 3 Legal Mistakes We See Made All Too Often...

- Using deadly force because someone is on my property
- Applying the Castle Doctrine to my entire property
- Thinking that I can't get sued because of the Castle Doctrine



Ohio's Castle Doctrine

Your door gets kicked in by an intruder brandishing a weapon. Does the law require you to retreat before defending your home?

No.

Under Ohio law, you have no duty to retreat before using deadly force against such an intruder. But these legal protections have specific limits.

So how do you protect yourself when using deadly force? Under the Castle Doctrine, here's how you stay on the right side of the law:

You are justified in using deadly force if:

- You're in your occupied permanent or temporary habitation (residence/dwelling), your vehicle, or the vehicle of an immediate family member; and
- Someone tries to forcefully and unlawfully enter or remove you from that castle.

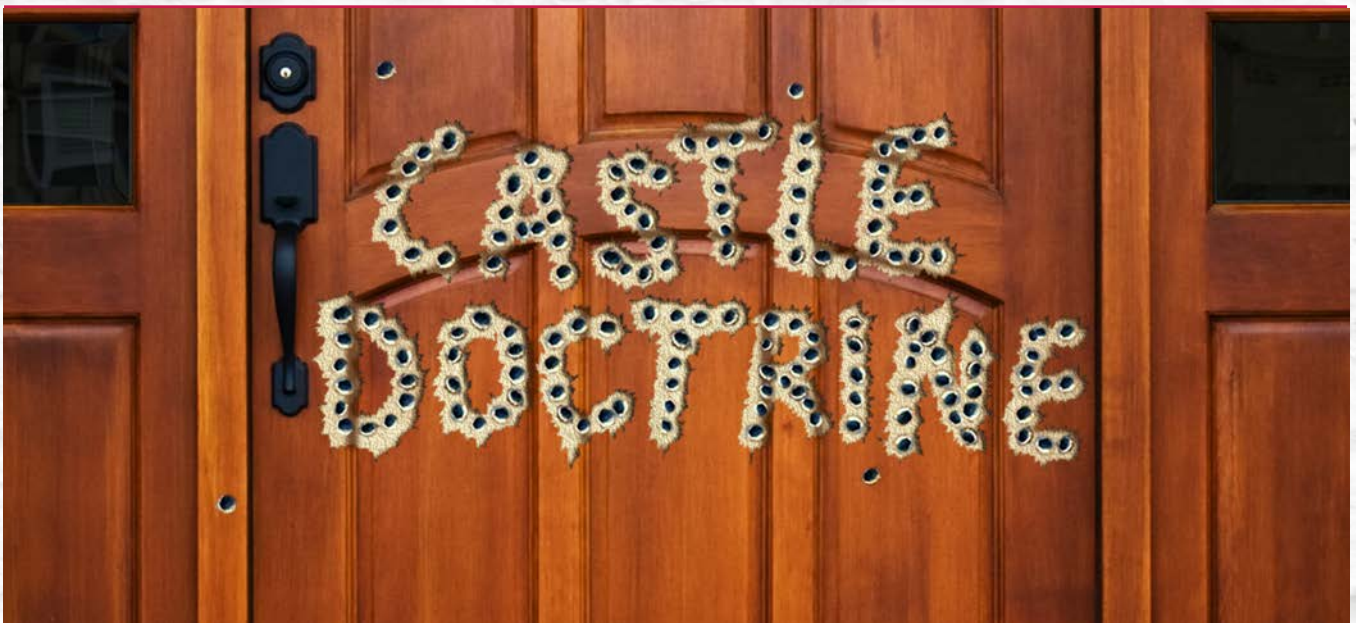
#1

USING DEADLY FORCE BECAUSE SOMEONE IS ON MY PROPERTY.

Deadly force against a mere trespasser is not protected under the Castle Doctrine. Whether teenagers are cutting across your river-front property to go tubing, folks are using your backyard as a shortcut, walking on your lawn, or hunters set up and occupy a deer stand in your wooded field; the law does not allow you to use deadly force to remove them.



Property owners have the right to request trespassers to leave their property, but they are limited to using non-deadly force to remove a mere trespasser.



Mistake #2

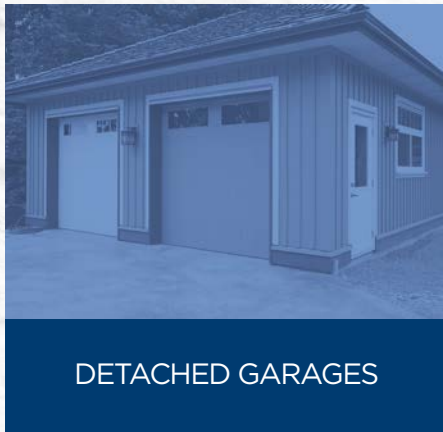
#2

APPLYING THE CASTLE DOCTRINE TO MY ENTIRE PROPERTY.

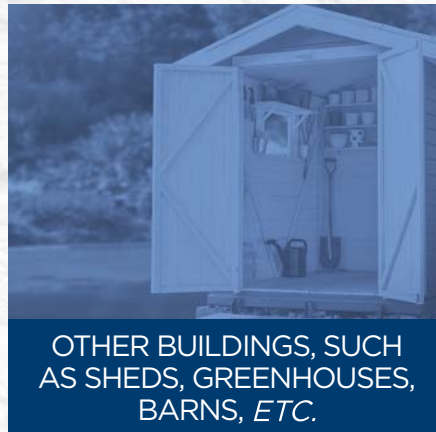
The “Castle” in “Castle Doctrine” is defined in the Ohio Revised Code as only including the “residence... dwelling” or the “permanent or temporary habitation” you actually occupy and/or “your vehicle or the vehicle of an immediate family member in which you are an occupant.”



THE CASTLE DOCTRINE DOES NOT EXTEND TO:



DETACHED GARAGES



OTHER BUILDINGS, SUCH AS SHEDS, GREENHOUSES, BARNs, ETC.

These are NOT part of your "Castle" under the law and thus, are outside of this protection.

#3

THINKING THAT I CAN'T GET SUED BECAUSE OF THE CASTLE DOCTRINE.

It is a common misconception that if your use of deadly force was found to be justified, even under the “Castle Doctrine,” then the presumptions of reasonableness and no duty to retreat from your criminal case apply and you can’t be sued in a civil case.

While Ohio has some protection under O.R.C. §2305.40 against civil damages when a person acts in justified self-defense against an intruder in one’s home (residence/dwelling) —it is NOT an immunity from being sued. The protections are litigated during the course of the civil case with the outcome potentially being determined by a judge or a jury at your trial on the matter.



Q “Ok, what does the Castle Doctrine mean in practice? What is the ‘presumption of reasonableness’ and why is it so important in a self-defense case?”

- David, U.S. LawShield Member from Columbus

A “If you find yourself charged with a crime such as murder or felonious assault and are claiming self-defense, the ‘Castle Doctrine’ may be the legal shield that keeps you out of prison.

Why? Because if you and your conduct fall within its parameters, the prosecutor that is trying to put you in prison cannot legally argue to the jury in your trial that you should have or could have retreated before using deadly force.

The judge will instruct the jury that your conduct is presumed to be reasonable in defending yourself or another and that you had no duty to retreat from your home or your vehicle before resorting to deadly force in self-defense. These presumptions are very powerful legal defense tools in any Castle Doctrine case.”

- Wilkes R. Ellsworth, U.S. Law Shield Independent Program Attorney for Ohio.



LEGAL DEFENSE
FOR
SELF DEFENSE

FOR SELF-DEFENSE,
**WE'VE GOT
YOUR BACK**



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