

Time To Play Defense Like a Super Bowl Champ CLE

Use of force in defense of premises(30 minutes)

Time: 1:00 to 1:30

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. When can you use force in defense of your premises?
2. How do you develop it?
3. Are there any limitations to its use?
4. How do you go about developing it at trial?
5. What is an effective way to explain the defense to a jury?
6. What type of jury instruction do you use? Do you have your own you use or another sample instruction?

Use of force in defense of property(30 minutes)

Time: 1:30 to 2:00

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. When can you use force in defense of your property?
2. How do you develop it?
3. Are there any limitations to its use?
4. How do you go about developing it at trial?
5. What is an effective way to explain the defense to a jury?
6. What type of jury instruction do you use? Do you have your own you use or another sample instruction?

Self defense(30 minutes)

Time: 2:00 to 2:30

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. When are you justified in using self-defense?
2. When are you not justified in using non-deadly force?
3. When are you justified in using deadly force?
4. Are there any limitations to its use?
5. How do you go about developing it at trial?
6. What is an effective way to explain the defense to a jury?
7. What type of jury instruction do you use? Do you have your own you use or another sample instruction?

BREAK:

Time: 2:30 to 2:40

Defenses and Affirmative Defenses(10 minutes)

Time: 2:40 to 2:50

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. What is the difference?
2. Is there a burden difference between a general defense and affirmative defense?

Competing Harms(20 minutes)

Time: 2:50 to 3:10

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. What are examples of when a competing harms defense can be used?
2. Can a competing harms defense be used to avoid imminent physical harm to another?
3. Is it true that a competing harms defense is not in play merely because a defendant subjectively believes that a threat of imminent physical harm to person or property exists; it is further requisite that it be shown as a fact that such physical harm is imminently threatened?
4. What would be considered "imminent physical harm"?
5. What are the leading cases to cite when considering a competing harm defense?
6. Are there any specific instances of when this defense is not available?
7. How do you use raise the defense at trial?
8. What is the best way to explain the defense to a jury?
9. Is it true the "competing harms" justification does not become eligible for consideration by the fact-finder unless and until a defendant meets the burden of ensuring the presence of evidence sufficient to raise a reasonable doubt as to each of the elements of the defense?

Duress(20 minutes)

Time: 3:10 to 3:30

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. What is the duress defense?
2. What are examples of when a duress defense can be used?
3. Are there any specific instances of when this defense is not available?
4. How do you use raise the defense at trial?
5. What is the best way to explain the defense to a jury?

Involuntary conduct(20 minutes)

Time: 3:30 to 3:50

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. What are examples of when a involuntary defense can be used?
2. When is an omission or act considered involuntary?
3. What would be imminent physical harm?
4. What are the leading cases to cite when considering a competing harm defense?
5. Are there any specific instances of when this defense is not available?
6. How do you use raise the defense at trial?

Consent(20 minutes)

Time: 3:50 to 4:10

Presenters: Scott Gardner, Esq. & Robert LeBrasseur, Esq.

1. When can you use consent as a defense?
2. In what instances are you prohibited from using consent as a defense?
3. When has someone “consented”?
4. How do you explain a defense to a jury?