

What to Expect: After Lethal Force Is Used

Wednesday, 28 November 2012 01:00 Written by Michael Hill

This article presents information regarding the legal, ethical, and moral issues after the use of lethal force, in both the pre-SHTF and post-SHTF scenarios. Because of the assumed distinct differences between the two situational periods, this information will be divided to address both in a more logical order.



Lethal Force

Lethal force, also referred to as deadly force, is defined as: an amount of force that is likely to result in either serious bodily injury or death to another person.

When lethal force is used by a private citizen, the citizen must be able to prove that a felony occurred or was being attempted, and that the felony caused or was threatening to cause serious bodily harm. In layman's terms; you may legally use lethal force to protect your own life or the life of any other person. But, you must be able to prove the reasonableness of your decision to authorities.

There is no other legal justification for using lethal force in America. Not even to protect animals or property, regardless of value.

NOTE: It is in your best interests to thoroughly review and understand the local and state laws of your home location, as they pertain to the exact legal parameters that justify the use of lethal force. Further, I strongly recommend you also review the more recent case law pertinent to your area, for an insight into current court decision trends.

In The Pre-SHTF World

Let's assume you are at home, it's early to mid-evening, and suddenly you hear noises that are obviously those of someone forcing their way inside. You quickly retrieve a nearby shotgun and prepare for the invader(s) to make entry. As two masked males burst through the door, they bring their pistols up to point arms, and in your direction. You fire off two rounds and kill both males. You then call the police. Now what should you expect?

Forget everything you have ever seen in the movies or on television. What happens next, in the real world, will be the start of a very long series of changes in the rest of your life.

Despite Castle Doctrine and Stand Your Ground laws, where applicable, you can expect to be taken into custody and transported to the police department. You will be fingerprinted, photographed, then hustled off to a fairly small room; where you are going to be interviewed and re-interviewed several times over. At some point in time, the questions will stop and you can then expect to be held in jail until the next available court work day.

Generally, it is not a matter for the police to decide if your actions were justified and give you a pass to walk (as appears to be the case with George Zimmerman in the death of Trayvon Martin). The police investigate crimes, or possible crimes, then present their evidence to a prosecutor (or state's attorney).

At a minimum, you could expect to be bound over to a Grand Jury, to determine if there is sufficient evidence to charge you with a crime (such as murder, manslaughter, etc.). If not, the prosecutor can dismiss any further proceedings and send you on your way. In many cases, however, it is up to the prosecutor to decide if there is enough evidence to arraign you in court. Understand, the evidence will have to be very cut and dry, in your favor, to avoid going to trial.

Typically, that first appearance in court (the arraignment) will allow you an opportunity to plead guilty / not guilty, then a trial date will be assigned, and a decision made in the matter of a bond. You could be held without bond, released after posting the full cash amount of the bond, released after posting a percentage of the bond in cash, released after arranging for surety through a bonds-person, or be released on your own recognizance. It is up to the judge and the recommendation of the prosecutor.

The best advice is; call an attorney before calling the police, and do not make any statements to the police when they arrive. Be careful not to make any statements out of excitement or stress... "This son of a skunk kicked in my door and I blasted his butt" can be extremely damning for you. Police are not obligated to tell you the truth and are likely to use any psychological trick to get you to talk, even after you have refused to answer without an attorney at your side. When asked, just politely say you have already spoken with an attorney and been advised not to answer any questions without the attorney present. **And Then Don't Say Another Word!!!**

In The Courtroom

Over the course of the last few years, our judicial system appears to have become something akin to the inmates running the asylum. There are often times no rhyme or reason behind some of the verdicts and sentences handed out. So, when / if you do appear in court, the manner in which you present yourself will be critical.

The most important job you will have in court is convincing a jury that you were in fear for your life, or the life of another. It can be a herculean task when you consider the number of anti-gun proponents in this country, and those who will find your actions unconscionable, as we are a society that considers human life most precious above all else; even when we are talking about taking a life to preserve life.

Prosecutors, and trial lawyers in civil cases, will go to any lengths to make you appear to be the bad guy. They will attempt to portray you as hot headed. Or, they will attempt to confuse you so as to make you appear unable to keep your story straight. You must remember, our justice system is adversarial based, and you are the prey. Remain calm at all times and take your time answering all questions. And don't be surprised if you are

asked, “Did you warn them that you were armed before they got inside and you gunned them down?” You can probably see how a jury might lean if you answer to the negative.

Always look at the jurors when answering questions, and project yourself as being honest and open, and say the words, “I was in fear for my life.” Say it several times in order to get the point across.

In Your Personal Life

You can expect to rack up some major expenses for legal counsel.

Regardless of whether you are released on bond or declared justified in using lethal force, know that your personal life, including that of your spouse and children, will never be the same. Friends and neighbors will start to distance themselves from you because of the stigma associated with you having killed someone. It isn't about why you did, merely that you did. And, people will be very uncomfortable about that. Your children will be tormented by kids at school and deserted by their friends. The news media will print whatever sells the news, so the truth won't matter.

A wide area around where you live is likely to see a large picture of you on TV or in the newspapers. Whack jobs will find out where you live and cause trouble or do damage to your property. They may learn your phone number and call you at all hours of the day or night. You might have to move and, even if you do, your spouse may still divorce you to escape the stigma. Your children may resent you for years, if not for life.

Even if you might be declared justified by a criminal court, you can still expect a wrongful death suit, to be filed against you in civil court, by the family of the lowlife you had to defend yourself from. And even if they lose the case, your attorney will be sending you Christmas cards from the Cayman Islands every year with, “Thanks for Your Business” in 24 karat gold leaf letters.

To put it into perspective; you are not in the clear until everyone has had a crack at you and you have been declared cleared. So, no matter how right you know you are, there is a real chance of having to take some legal lumps. There are no guaranties in life or in a courtroom. Innocent people have gone to prison and some guilty have walked free. Still, for me, I know I'd rather take the chance being judged by twelve than carried by six.

Another Situation

Let's assume its 2:30 AM., and you are awakened by the sounds of someone ransacking some other portion of your home; TV and movies always have the hapless homeowner grabbing a nine iron and going to investigate. Not just a tactically unsound maneuver, this is the absolute epitome of abject stupidity, even with a firearm in hand.

You are far better off letting the bad guys come looking for you, and then them be taken by surprise as opposed to the other way around. But, even better, yell out that you have a firearm and that you have called the police. If after that they still come looking for you, and if you are forced to shoot, that is the kind of testimony that is hard to have turned against you in an attempt to make you appear as the aggressor.

In The Post-SHTF World

Let's imagine the prepper's worst case scenario; total anarchy has descended over the country and the rule of law has gone right out the window; not that it matters, since there are no police forces to be called anyway. Lowlife bad guys try to storm and take your retreat by force, using firearms, Molotov cocktails, RPGs, etc . You repel them with gun fire, killing several.

After It's Over

It is reasonable to at least hope that on the other end of TEOTWAWKI, there will be a return to some form of normalcy. Albeit a bit slow to catch on perhaps, we could further hope that rule of law will be reestablished. At that point in time, it would be a pretty fair bet that there might be some inquiries made regarding those graves in your backyard.

Immediately after it's over, you should consider taking as many photos of the scene and the bodies as possible. Try to approach it in the way you think CSI techs would, taking measurements from fixed reference points to each body, making diagrams, documenting wound descriptions and getting written statements from each of your family / group members.

Attempt to identify the dead and attach their identification card(s), if any, to the reports you prepare. Make a written inventory of all property you find on or with the body. I highly recommend that you then place the property and inventory list together in a secure place. It is one thing to look like defenders than be mistaken for murderers and thieves.

More so to address health and environmental issues than any other reason, you should find some means of sealing each body (in plastic tarps or body bags or the such) and then burying them. This will help prevent disease, and soil and water table contamination as the bodies degrade. Human cadavers are not the most optimum of garden fertilizers.

You should try to avoid covering the bodies in Lye as this will so badly degrade the body that exhumation and forensic testing would be nearly impossible. Cremation would be ill-advised. Again, you don't want there to be much question as to your justification to use lethal force and this could appear to be a deliberate attempt to rid all evidence of a murder.

Even if civilization never returns, it is far better to be safe than sorry.

Conclusion

When we make the decision to use lethal force against another human being, we have, for all intents and purposes, taken half of God's power over life and death. For that very reason, it is imperative that we make a full accounting of our actions and justifications to those who might judge us and to the laws that we as a society have created and support.

If you are thrust into a lethal force situation, don't hesitate to take a life to preserve life. Just be damned sure you are just and prudent in doing so and understand, there may be unintended consequences when it's all over. After all, justice is blind.

Also, please read [What to Expect: When the Shooting Begins](#).

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Cyclops, Another great article. Keep them coming.

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