### IDJI 4.26 - Battery – affirmative defenses – self defense

INSTRUCTION NO. \_\_\_

In this case the defendant has asserted the affirmative defense of [self-defense] [or defense of others]. On this affirmative defense, the defendant has the burden of proof on each of the following propositions:

1. The defendant believed that there was an imminent danger from the plaintiff and believed that force was necessary for [self-protection] [or protection of others];

2. The defendant’s belief in the necessity of force was reasonable under all of the circumstances then appearing; and

3. The defendant used, in such defense, no more force than was reasonably necessary under the circumstances.

You will be asked the following question on the jury verdict form: “Did the defendant establish the affirmative defense, as defined in the instructions?” If the defendant proves all of the propositions in this instruction, you should answer this question “Yes.” If any of these propositions has not been proved, you should answer the question “No.”

Alternative for General Verdict

If the defendant proves all of the propositions contained in this instruction, the affirmative defense to the claims of the plaintiff has been established and your verdict should be for the defendant. If any of the propositions has not been proved, the affirmative defense has not been proved.

Comment:

This instruction covers only the basic circumstances of self defense of the person. Defense of property, defense of others or defense of other’s property requires specific analysis to the facts of the case and the exceptions which apply.