



OHIOCCW



PHASE LINE  
DEFENSE

# THE USE OF DEADLY FORCE IN OHIO



Must Not Be At Fault



Reasonable and  
Honest Belief of  
Danger



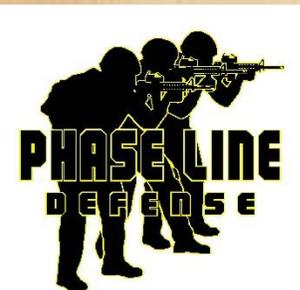
Retreat or Escape was  
Not Possible

## Must not be at Fault

Must be an innocent party.

### What it Means in Ohio:

- In Ohio, the defendant must prove that he or she was not at fault for creating the situation that lead to the use of deadly force. The defendant cannot be the first aggressor or the initiator.
- If you escalate a confrontation by throwing the first punch, attacking, or drawing your handgun, you will be considered as the aggressor. In this situation, you will most likely be unable to legitimately claim self-defense.



# THE USE OF DEADLY FORCE IN OHIO



Must Not Be At Fault



Reasonable and Honest Belief of Danger



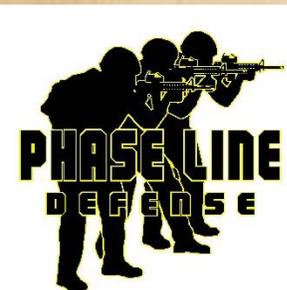
Retreat or Escape was Not Possible

## Reasonable and Honest Belief of Danger

Must be in immediate fear of death or great/grave bodily harm for yourself or another person and that No lesser force is sufficient or available to stop the threat.

### What it Means in Ohio:

- In Ohio, the defendant must prove that, at the time, he or she had a real belief that he or she was in immediate danger of death or great bodily harm and that the use of deadly force was the only way to escape that danger. Bear in mind that deadly force may only be used to protect against serious bodily harm or death.
- In deciding whether the bodily harm was serious, the judge or jury can consider how the defendant was allegedly attacked, whether any weapon was used, and how the weapon was used. Minor bruises or bumps from a scuffle will most likely not meet the legal definition of “serious.” In addition to claiming serious bodily harm from a knife or gun attack, the courts would also consider attacks with other objects that can cause damage, such as a baseball bat or a wooden club, as constituting serious bodily harm. In addition, Ohio courts have concluded that rape **does** constitute serious bodily harm.
- The defendant’s belief that he or she was in immediate serious danger is important. The defendant’s belief must be reasonable, not purely speculative. In deciding if the belief was reasonable and honest, the judge or jury will envision themselves standing in the defendant’s shoes and consider his or her physical characteristics, emotional state, mental status, and knowledge; the alleged attacker’s actions and words; and all other facts regarding the encounter. The alleged attacker must have acted in a threatening manner. Words alone, regardless of how abusive or provoking, or threats of future harm do not justify the use of deadly force.



# THE USE OF DEADLY FORCE IN OHIO



Must Not Be At Fault



Reasonable and  
Honest Belief of  
Danger



Retreat or Escape was  
Not Possible

## Retreat or Escape was not Possible

Must have no reasonable means of retreat or escape.

### What it Means in Ohio:

- In Ohio, the defendant must show that he or she did not have a duty to retreat or avoid the danger. A person must retreat or avoid danger by leaving or voicing his intention to leave and ending his participation in the confrontation.
- If one person retreats and the other continues to fight, the person who left the confrontation may later be justified in using deadly force if he or she can prove that all three conditions justifying the use of deadly force did exist. Regardless of this condition, you should always try to retreat or escape from a confrontation before using deadly force if retreating does not endanger yourself or others.
- If the person can escape the danger by leaving the area or by using something less than deadly force, then he or she must use those means. If you have no means to escape the other person's attack and you reasonably, honestly believe that you are about to be killed or receive serious bodily harm, you may be able to use deadly force if that is the only way for you to escape that danger.

