



LEGAL DEFENSE
FOR
SELF DEFENSE

3 CRITICAL MISTAKES TO AVOID

TEXAS 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

Texas'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 Texas 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're in your occupied habitation, occupied vehicle, or occupied place of business or employment; and
- Someone tries to forcefully and unlawfully enter or remove you from that "castle."

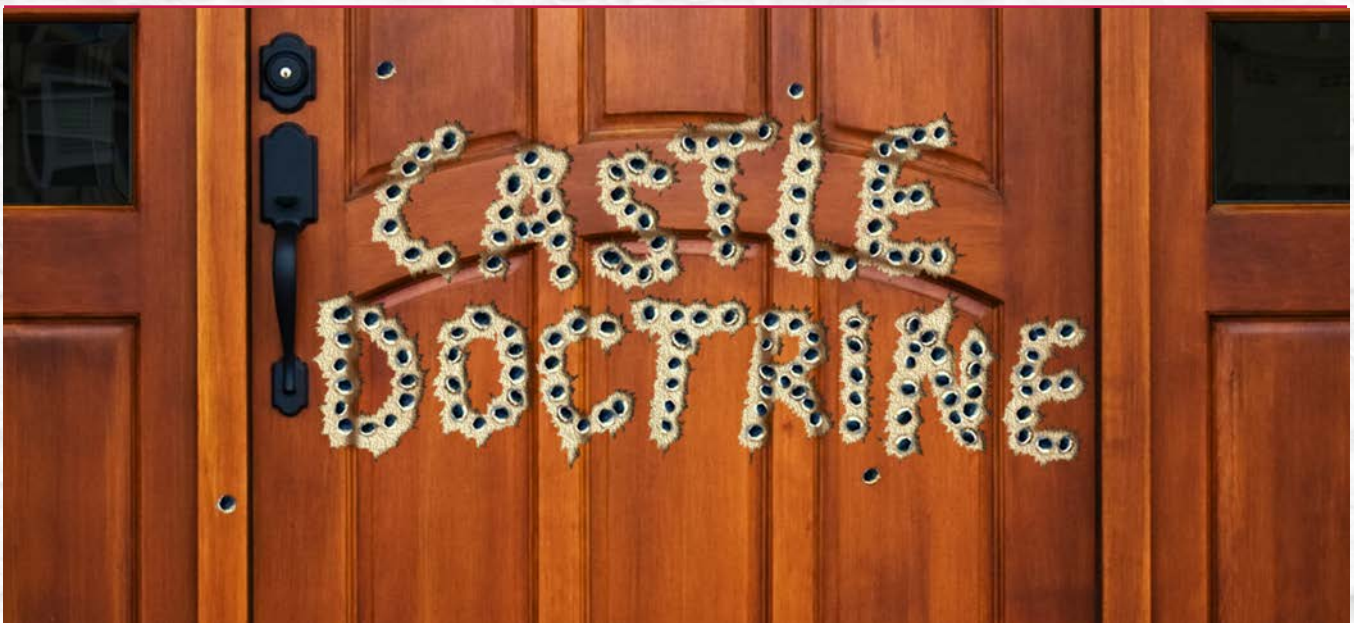
#1

USING DEADLY FORCE BECAUSE SOMEONE IS ON MY PROPERTY.

Mere trespassers are not covered 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 wandering on your deer lease; 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

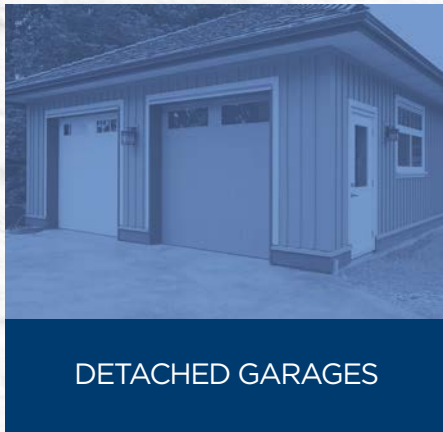
#2

APPLYING THE CASTLE DOCTRINE TO MY ENTIRE PROPERTY.

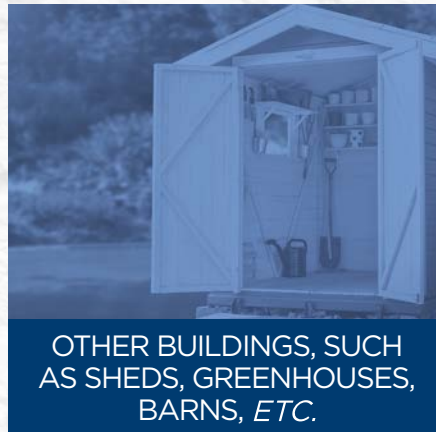
The “Castle” in “Castle Doctrine” is defined in the Texas Penal Code as only including your “occupied habitation...”



THE CASTLE DOCTRINE DOES NOT EXTEND TO:



DETACHED GARAGES



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

They 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 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 Texas has protection against civil damages when a person acts in justified defense—it is NOT an immunity from being sued.

Additionally, if the criminal justice system has not determined whether your conduct was justified, the issue will have to be decided by a civil trial judge and/or jury. Thus, the necessity for this determination will force you deeper into the civil law system.



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?”

- Dwane, Texas LawShield Member from Dallas

A “If you find yourself charged with a crime such as murder or aggravated 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 under 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 retreated before using deadly force.

Additionally, a judge will instruct the jury that your conduct is presumed to be reasonable; meaning that they must begin by considering your actions reasonable and immediately necessary—such as for shooting the person that just broke into your home. It’s a powerful legal defense tool in any home defense case.”

- Larry Bloomquist, Texas LawShield Independent Program Attorney from San Antonio



LEGAL DEFENSE
FOR
SELF DEFENSE

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



LEGAL DEFENSE FOR SELF-DEFENSE

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