WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: JUNE 8, 2020

Name: DOUGLAS ROGERS

Are you representing: Yourself ✓ Organization ____

Organization (If Applicable): ____

Position/Title: ____

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Do you wish to be added to the committee notice email distribution list? Yes ✓ No ____

Business before the committee A SAFE ENVIRONMENT TO LET THEM TESTIFY REMOTELY & ANSWER QUESTIONS

Legislation (Bill/Resolution Number): HB381

Specific Issue: ____

Are you testifying as a: Proponent ____ Opponent ✓ Interested Party ____

Will you have a written statement, visual aids, or other material to distribute? Yes ✓ No ____

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 3 MINUTES

NOT LETTING SOMEONE ELSE READ THIS TESTIMONY, AND NOT SETTING UP A

Please provide a brief statement on your position:

HB381 WILL PROMOTE VIGILANTES, INCREASE GUN DEATHS WITHOUT JUSTIFICATION. IT IS ALSO IMPROPER FOR THE COMMITTEE TO HOLD

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

HEARINGS WITHOUT LETTING PEOPLE LIKE ME — OVER 70 WITH AN UNDERLYING HEALTH CONDITION — TO TESTIFY IN A SPACE FILLED WITH PEOPLE NOT WEARING MASKS.

Testimony on HB381
House Criminal Justice Committee
Rep. George F. Lang, Chair
Vice Chair Phil Plummer

Submitted by Douglas Rogers on June 9, 2020

Chair Lang, Vice Chair Plummer, and other members of the House Criminal Justice Committee, thank you for this opportunity to submit testimony against HB381. My name is Doug Rogers, and I am testifying as a private citizen, lawyer and former captain in the Military Police opposed to HB381 and the deaths it would cause if passed.

HB381 is radical legislation that would encourage Ohioans to act as vigilantes against other Ohioans. Years ago Sister Sledge sang, "We are family,"[1] and the Bible says, "He who brings trouble on his family will inherit only the wind."[2] To pass HB3381 would bring trouble on the family of Ohioans by pitting one against the other and would fan the flames of racial polarization sweeping this country. This country would inherit the ensuing wind, an increase in racial polarization and an increase in gun deaths, as has occurred in states that have enacted stand your ground laws.[3] Stand your ground laws "have proven to be a clear threat to public safety, with no evidence that these laws deter crime."[4]

Have you not been moved by the demonstrations throughout the country for racial justice? Have you not cringed at the shooting of Ahmaud Arbery in Brunswick, Georgia by vigilantes,[5] or sickened by the video of the death of George Floyd in Minneapolis?[6] Have you not heard the cry of Republican President George Bush that a "long series of similar tragedies" ... "raises a long overdue question: How do we end systemic racism in our society?"[7]

You will not end systemic racism by encouraging vigilantes - you will exacerbate it. The stand your ground law in Florida has "been proven to have a racially disparate impact as applied."[8] Other studies have confirmed the disparate racial impact of stand your ground laws.[9]

This legislation spits in the face of current events without any cause. Proponents have not presented a single case in Ohio where the possible duty to retreat – which HB381 would eliminate - has resulted in an injustice (see "Further Response To Proponent Testimony," starting at p. 4 below for a discussion of the irrelevant cases they did cite). HB381 would violate the maxim of President Reagan, "If it ain't broke, don't fix it."[10]

1. <u>Elimination of any duty to retreat or otherwise avoid danger</u>

Proposed §2901.09(B)(1) unwisely rejects settled Ohio court cases and statutes concerning the use of force in self-defense.[11] HB381 would eliminate the third of the following three elements of Ohio's law on self-defense: "(1) the defendant was not at fault in creating the violent situation, (2) the defendant had a bona fide belief that she was in imminent danger of death or great bodily harm and that her only means of escape was

the use of force, and (3) that the defendant did not violate any duty to retreat or avoid the danger."[12]

The third element of self-defense is not whether the defendant failed to retreat, but whether the defendant had a duty to retreat at all, and if so, whether he/she failed to retreat or otherwise avoid danger.[13] For instance, in one's home or vehicle, there is no duty to retreat or avoid danger.[14] Also, in the case of domestic violence there may be no duty to retreat, since the "victims of such attacks have already 'retreated to the wall' many times over and therefore should not be required as victims of domestic violence to attempt to flee to safety before being able to claim the affirmative defense of self-defense."[15]

Ohio courts have found a duty to retreat in situations where the defendant reasonably could have taken steps to avoid an altercation before the actual altercation had started, not once the individual was actively being attacked. *See, e.g., State v. Ellis,* 2012-Ohio-3586, ¶15 (Ohio App. 10 Dist. 2012)("a multitude of courts have found that a defendant is at fault in creating the situation or violated a duty to avoid danger or retreat when he chooses to confront the victim, chooses to knowingly go to a place where the victim will be or refuses to move in a direction away from the victim ... "); and *State v. Mathews*, 2002-Ohio-6619, ¶8 (Ohio App. 3 Dist. 2002)("the situation could have been avoided if Mathews had either not gone up to the other apartment or if he would have just left and returned to his own apartment"). In other words, a duty to retreat does not exist in all situations.

There are both secular and religious reasons for taking into account the possibility of retreating or otherwise avoiding danger before exercising deadly force. Paul said, "If it is possible, as far as it depends on you, live at peace with everyone." [16] John Locke , the eighteenth century philosopher, said in his *Second Treatise of Government,* "Being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."[17] More recently, Ohio courts have recognized, "Any civilized system of law recognizes the supreme value of human life, and excuses or justifies its taking only in cases of apparent absolute necessity."[18]

It is hard to understand why HB381 proponents object to consideration of retreat or other avoidance of danger, since Senator Lang, an HB381 proponent, is President of Second Call Defense, an organization which promotes avoiding confrontation.[19] In *7 Proven Strategies to Survive the Legal Aftermath of Armed Self Defense*, Second Call Defense [20] says that Strategy #2 is "Avoid Confrontation When Possible."[21] Second Call continues, "As a crime is developing, you have a chance to spot the signals and avoid the violence. This is always your goal: to win the fight by seeing it before it happens and avoiding it before it starts."[22] Retreating is just one possible way to avoid a confrontation, so doing away with any obligation to retreat (as proposed in HB381) seems to be inconsistent with the advice of Second Call Defense to gun owners to take steps to avoid danger.

2. HB381 would allow an individual to respond with deadly force even though he/she is not threatened with deadly force

Proposed §2901.09(A)(1) defines "reasonable force" to include the use of "deadly force if ... necessary to avoid injury or risk to the person's life or safety or the life or safety of another." In other words, the risk to which deadly force may be used does not have to be to risk to that person's life and includes risk of harm to any person less than great bodily harm.

Similarly, §2901.09(B)(3) provides that a defendant "is justified in the use of . . . deadly force" if reasonably believed by the defendant to be "necessary to defend the [defendant] or another from any actual or imminent use of unlawful force." The reference to "unlawful force" would justify the use of deadly force against a simple, unlawful assault against any person that does not present any risk of loss of life or great bodily harm to the defendant or any other person.

These changes would unwisely upend the historic principle that one may only use deadly force in self-defense if threatened with deadly force or at least great bodily harm (see testimony of the Executive Director of the Ohio Prosecuting Attorneys Association at p. 4 below).

3. HB381 would weaken the second element of self-defense that the use of deadly force be necessary

HB381 also weakens the second element of self-defense (a combination of subjective and objective elements) and encourages individuals to use their own biases in the use of deadly force. The objective element includes the "circumstances, history and conditions at the time of the attack," *State v. Robinson*, 132 Ohio App.3d 830,835, 726 N.E.2d 581, 585 (Ohio App. 1 Dist. 1999). These circumstances would include the possibility of retreat or other avoidance of harm.

Yet §2901.09(B)(2) provides that, with a few unclear exceptions, a court or jury "shall not consider the possibility of retreat as a factor in determining whether a person ... reasonably believed that such force was necessary to prevent injury, loss, or risk to life or safety." As a result, the possibility of retreat may not even be considered in determining whether force was his/her "only means of escape," since under HB381 the court is not allowed to consider whether there was a means of escape/retreat. This essentially turns the second element of self-defense from whether the use of force was reasonably necessary to escape danger into was the defendant frightened - playing to the whims of persons who may be unwisely pre-disposed to shoot a firearm.

4. The catch-all vigilante clauses in HB381

HB381 relieves a defendant from other restraints. For instance, proposed §2901.09(B)(4) says a person is justified in the use of "reasonable force, including deadly force, even if

an alternative course of action is available" (emphasis added). There is no limit or boundary on what that alternative course of action could be.

§2901.09(B)(5) even says that a "person may be wrong in the estimation of the danger ... as long as there is a reasonable basis for the person's belief and the person acts reasonably in response to that belief."

This deference to the subjective opinion and whims of the defendant in HB381 is "an invitation to mayhem." *Cf.*, *State v. Robinson*, 132 Ohio App.3d 830, 835, 726 N.E.2d 581, 585 (Ohio App. 1 Dist. 1999). The Ohio General Assembly should not invite such mayhem by passing HB381.

If the recent gun shootings throughout the country have taught us anything, it should be that society must not promote vigilantes. Unfortunately, the title of HB381 itself - Ohio Stand Your Ground Act - is a whistle to vigilantes.

5. HB381 would weaken the rule of law

The consequence of similar legislation passed in other states has been tragic. A May 4, 2015 New York Times op-ed by the *Distinguished Service Professor and Chair of the Political Science Department at SUNY Cortland* reported that these laws "encourage shoot first and ask questions later mentality" and "have failed to increase public safety."[23] A 2017 study of the Florida stand your ground law estimated that there had been "a 21.7% increase in unlawful homicides" as a result of that law[24] (emphasis added). The American Bar Association has urged "all federal, state, local, and territorial legislative bodies and governmental agencies to refrain from enacting Stand Your Ground Laws that eliminate the duty to retreat before using force in self-defense in public spaces."[25]

HB381, moreover, is an extreme form of stand-your-ground by also: (a) saying deadly force can be used even though the gun owner is not faced with a comparable threat (2 above); (b) weakening the requirement that the use of force in self-defense be necessary (3 above) and (c) allowing alternative courses of action even if the basis for such action was mistaken (4 above). As a result, the adverse consequences - including unnecessary deaths - from HB381 would probably be more severe in Ohio than in other states

The opposition by Ohio law enforcement agencies to companion pieces of legislation, SB237 and HB228, should be instructive:

- Louis Tobin, Executive Director, Ohio Prosecuting Attorneys Association in opposition to SB237 on Jan. 21, 2020: "The repeal of the reasonable duty to retreat is both unnecessary and unwarranted. The current policy ... prevents needless confrontations and potentially the unnecessary loss of life.... This greatly expands the notion of self-defense that has historically applied only in situations where there is imminent danger of death of great bodily harm."
- Ohio Association of Chiefs of Police on Feb. 13, 2018 in opposition to repeal of duty to retreat in then proposed HB228: "Allowing citizens to 'stand-your-ground' upsets this balance. It allows the killing of an individual in certain situations where

the death could have been avoided and thus makes a criminal homicide a justifiable homicide....Remove the duty to retreat, you remove a legal constraint that will allow pride, passion, and ego to prevail over common sense"(emphasis added).

There is no basis for disregarding these law enforcement experts and enacting a law that would allow pride, passion and ego to prevail over common sense and result in unnecessary loss of life.

HB381 promotes vigilantes and would endanger Ohioans. Please vote against HB381 and let the courts, prosecutors and juries continue to do their jobs on deciding the issue of self-defense based on existing principles. Thank you.

Douglas Rogers

FURTHER RESPONSE TO PROPONENT TESTIMONY

By the cases they cited, HB381 proponents reflected a profound misunderstanding of current Ohio self-defense law:

A. *Town of Castle Rock, Colorado v. Gonzales* did not even involve prosecution for a gun offense and is irrelevant

One proponent appeared to make up a quote that allegedly was from *Town of Castle Rock, Colorado v. Gonzales*:[26] "Law Enforcement Does NOT have to Protect It's Citizens Lives, and in fact, gave LAW ENFORCEMENT Full Immunity to NOT PROTECT The Lives Of It's Citizens." The Supreme Court did not say that, or anything similar to that,[27] but was just saying in *Castle Rock* that not all state obligations are enforceable in federal court under the Due Process Clause of the Fourteenth Amendment to the US Constitution. Indeed, both the majority and the dissent in *Castle Rock* agreed that there could be a state obligation to protect its citizens under state law. For instance, Justice Scalia said that "the people of Colorado are free to craft such a system ["a system by which police departments are generally held financially accountable for crimes that better policing might have prevented"] under state law."[28] More recently, Justice Scalia wrote, "Government is not meant for saving souls, but for protecting life and property..."[29]

Any implication that Ohio citizens have the right to use firearms for whatever purposes they want to (or that the individuals can themselves define the parameters of self-defense) because the State cannot intervene is false. In fact, in *Heller v. District of Columbia,* Justice Scalia, for the Court, emphasized that "the right secured by the Second Amendment is not unlimited" and there is no right "to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose."[30] Similarly, the Ohio Supreme Court has held that O.R.C. §2923.126 - by which the State regulates the issuance of licenses to carry concealed weapons - was a valid exercise of the State's police power.[31]

Indeed, proponents are asking the government to intervene and legislate to change state laws on self-defense, so any argument Ohio cannot legislate in this area is absurd.

B. *Brown* and *Beard* involved application of federal law outside of Ohio and did not purport to establish a *per se* rule of retreating

One proponent claimed, "As the law stands now, citizens have to retreat as far as possible and then warn the criminal of their intention to shoot,"[32] without citing any Ohio case supporting that proposition. That simply is not Ohio law.[33] It is true that in the federal case cited, *Brown v United States,*[34] the U.S. Supreme Court said that there was no duty to retreat in the particular situation the defendant faced. However, the Court also said, "the failure to retreat is a circumstance to be considered with all the others in order to determine whether the defendant went farther than he was justified in doing, not a categorical proof of guilt."[35] In other words, even under federal law in 1921 there could be an improper failure to retreat or otherwise avoid danger.

Similarly, two proponents with the same e-mail address incorrectly implied that in *Beard v. United States*[36] *the Supreme Court* ruled there was never an obligation to retreat.[37] Yet *Beard* simply reflects a recitation of the castle doctrine, which the Ohio Supreme Court has followed since the nineteenth century, that there is no duty to retreat when the confrontation is in the home of the individual threatened[38] In *Beard* the U.S. Supreme Court noted that the accused had been attacked "on his own premises, constituting a part of his residence and home."[39]

The flexible nature of Ohio's rule on self-defense is seen clearly in the 1997 Supreme Court decision in *State v. Thomas.*[40] Thomas - fully consistent with *Beard* - held that in the case of continued domestic violence, "The victims of such attacks ...should not be required to as victims of domestic violence to attempt to flee to safety before being able to claim the affirmative defense of self-defense."[41] In other word, under current law whether there is a duty to retreat or otherwise avoid danger is a flexible standard depending on the particular circumstances.

C. Marissa Alexander/ Brittany Smith involved stand your ground states, not "duty to retreat or avoid controversy" states, so are irrelevant to whether Ohio's current self-defense law has been working well

A different proponent referred to the conviction of Marissa Alexander in Florida for aggravated assault and the murder charge against Brittany Smith in Alabama. However, Florida and Alabama have versions of "stand your ground" laws.[42] Although the cases of Marissa Alexander and Brittany Smith reflect tragic incidences, because there was great violence and harm, neither has anything to do with duty-to-retreat or avoid danger in states like Ohio, or whether the General Assembly should pass HB381.

D. Joshua Walker was a case that also did not involve duty to retreat

A third proponent mentioned the case of Joshua Walker, who Cuyahoga County initially charged with murder under the then current law that provided "a person who uses deadly force is required to prove that they were justified in using that force."[43] Two things occurred to change the situation. First, "House Bill 228 [132 General Assembly], shifted the burden in ... [cases raising self-defense]. Under the new law, police and prosecutors would have to show that the shooter didn't have reason to use deadly force."[44] Second, prosecutors reviewed a video that showed was the victim of an unprovoked physical attack in a bar.[45] As a result, charges were dismissed against Walker, but he remained in jail, since there was a detainer against Walker on a federal drug change.[46]

Walker had not been charged due to a failure of Walker to retreat. He had been charged because the burden of proof on self-defense had been on Walker. When that burden changed under Ohio statutes, and the prosecution became aware of the video showing Walker had been the victim of an unprovoked physical attack, the prosecution dropped the charge. Walker is irrelevant to HB381.

E. Anthony Pardon also did not involve a ruling on a duty to retreat

A fourth proponent mentioned the case of Anthony Pardon, who was convicted and sentenced to life imprisonment for rape and murder. Although this reflects another tragedy for the victim, the news report did not suggest the case had anything to do with either self-defense or the duty to retreat by the defendant, but might have been cited to reflect the proponent's understandable desire of the proponent to own a gun in her home for self-defense.[47] Of course, the U.S. Supreme Court has already ruled that an individual has such a Second Amendment right to have a gun in your home for purposes of self-defense,[48] and no Ohio statute needs to be amended on that issue.

F. The correct state standard/burden concerning self-defense

One proponent said that "a defendant generally must prove three conditions to establish that he acted in defense of himself or another." Although that used to be the rule, HB228 in the 132nd General Assembly shifted "to the state the burden to prove beyond a reasonable doubt that a person charged with an offense that involved the use of force against another did not use that force in self-defense, defense of another, or defense of that person's residence."[49] See current O.R.C. §2901.05(A) and (B)(4), effective March 28, 2019 (in the case of self-defense, "the prosecution's burden of proof remains proof beyond a reasonable doubt..."). In other words, now the prosecution has the burden of proving beyond a reasonable doubt that the defendant did not kill the other individual in self-defense, making it easier for a person claiming self-defense.

G. No per se rule

One proponent argued that "every self-defense situation is individual, with details and circumstances specific only to that event."[50] Yet HB381 would eliminate any duty to retreat in every circumstance, violating the very principle that proponent espoused in his

testimony – considering each case on its individual merits. What makes sense is the flexible consideration of a possible duty to retreat and otherwise avoid danger in connections with circumstance specific to the event, as part 1 above shows current law provides and Ohio courts have applied.

H. Other states

Proponents argue misleadingly that the majority of states have stand-your-ground laws analogous to what is being proposed in HB381, with at least one proponent citing a Memphis Law Journal article that lists Alabama, Alaska and Wisconsin as stand your ground states. However, there are many different types of stand-your-ground laws with many different provisions in them. For the reasons set forth above (parts 1-5), Ohio's proposed stand-your-ground version is extreme.

First, under Alabama code §13A-3-23, the use of deadly force in defense is warranted when the opposing party is "using or about to use unlawful deadly physical force," but under HB381, the use of deadly force "in defense" can be "reasonable" even if deadly force is not threatened (see definition of reasonable force in §2901.09(A)(2)).

Second, Alaska §11.81.335(b) provides there "is no duty to leave the area if the person is (1) on premises," and then lists essentially a recitation of the castle doctrine, which Ohio has followed for years, with additional consideration for a police officer.

Third, the Wisconsin case cited held that "While Wisconsin has no statutory duty to retreat, whether the opportunity to retreat was available may be a consideration regarding whether the defendant reasonably believed the force used was necessary to prevent or terminate the interference." *State of Wisconsin v. Wenger*, 593 N.W.2d 467 (Wisc. Ct. App. 1999). In other words, unlike HB381, Wisconsin allows consideration of retreat in determining if the defendant's belief of necessity was reasonable.

The fact that another state may use some stand-your-ground language in a statute or in case law does not mean that such state is analogous to the text in HB381.

I. Characterization of all gun owners as good people

Some proponents argue that the current self-defense principles are inappropriate, because "Gun owners are lawful people." That is a shallow argument. After all, clearly Adam Lanza (the shooter at Sandy Hook), Dylann Roof (the shooter in Charleston) and Stephen Paddock (the shooter in Las Vegas) were gun owners, but were not lawful people at the time they killed their victims. Of course there are many lawful people with guns, but there are also some people with guns who from time to time break the law (just as some people without guns obey the law at times and at other times break laws).

J. The emergency argument

Some proponents say that to require gun owners to think about whether they could avoid the conflict at the time an emergency arises is unfair, because there is not enough time then to make considered decisions. This argument disregards the fact that athletes, soldiers and other individuals train in advance for what they might do in an emergency, so they will react responsibly based on their training in an emergency. It is not unreasonable for gun owners to train in advance for emergencies, just as it was not unreasonable for me to attend basic training for weeks in Ft. Benning, Georgia and then months in Military Police School in Fort Gordon, Georgia to be a military police officer.

The argument of unfair burden also disregards that HB381 has carve-outs, presumptions and/or exceptions (see, e.g., §§2901.09(B)(1)-(5) and 2901.09(C)(1)-(6)) that seem even more complex than the common law doctrine of self-defense.

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[1] https://www.youtube.com/watch?v=eBpYgpF1bqQ

[2] Proverbs 11:29.

[3] See Chelsea Parsons and Eugenio Weigand Vargas, "The Devastating Impact of Stand Your Ground in Florida." https://www.americanprogressaction.org/issues/guns-crime/news/2018/10/17/172031/devastating-impact-stand-ground-florida/. See also, https://www.usatoday.com/story/opinion/2018/07/24/people-color-paying-price-stand-your-ground-talker/825999002/ ("The obvious consequence is that armed citizens are more emboldened to escalate public altercations.").

[4] Giffords Law Center, https://lawcenter.giffords.org/gun-laws/policy-areas/guns-in-public/stand-your-ground-laws/

[5] Janell Ross, "Arbery case exemplifies abuse of 'stand your ground,' but the damage is broad and systemic." https://www.nbcnews.com/news/nbcblk/arbery-case-exemplifies-abuse-stand-your-ground-damage-broad-systemic-n1212816

[6] https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html. The defendants in the Floyd case have not yet detailed what their defenses would be, but, just as in the Aubery case the Floyd case raises the questions of when deadly force can be used, and both cases have heightened racial tensions. To encourage the use of force more often would be dangerous.

[7] https://www.usatoday.com/story/news/politics/2020/06/03/george-floyd-george-w-bush-anguished-brutal-suffocation/3132800001/

[8] See Chelsea Parsons and Eugenio Weigand Vargas, supra, n. 2. See also "People of color are paying the price" for stand your ground laws. https://www.usatoday.com/story/opinion/2018/07/24/people-color-paying-price-stand-your-ground-talker/825999002/

[9] See studies cited in Giffords Law Center, supra at n. 4.

[10] Remarks of President Ronald Reagan at the Annual Meeting of the United States Chamber of Commerce, April 26, 1982, p. 516. https://books.google.com/books?id=UeTcAwAAQBAJ&pg=PA516&lpg=PA516&dq=reagan+if+it+is+not+broken,+don%27t+fix+it&source=bl&ots=yF7fLt0XWS&sig=ACfU3U0DMc7jnnOvt1CL7szgh6lLus9t7A&hl=en&sa=X&ved=2ahUKEwiK3rmo9dvpAhUHbs0KHQPrCrkQ6AEwC3oECAwQAQ#v=onepage&q=reagan%20if%20it%20is%20not%20broken%2C%20don't%20fix%20it&f=false

[35] *Id.* at 343.
[36] 158 U.S. 550, 15 S.Ct. 962 (1895)
[37] Citing *Beard* for the proposition that "an innocent person, under attack is NOT obligated to retreat." See K. Reed and T. Reed at https://www.legislature.ohio.gov/legislation/legislation-committee-documents?id=GA133-HB-381. Of course, a deadly dispute may arise when there are "simply" threats or when one person is approaching another person in a menacing fashion, without an actual physical attack, in a public area (in contrast to in your home) , and in those situations there may be an obligation to retreat or otherwise avoid danger. Of course, two parties to a dispute often each believe they are innocent. If A attacks B, but then retreats and says he is not going to fight any more, then B may be at fault if he or she concludes he can attack A with impunity and claim self-defense.
[38] *State v. Peacock*, 40 Ohio St. 333 (1883).
[39] Id. at 560.
[40] 77 Ohio St.3d 323 (1997).
[41] *Id.* at 328.
[42] https://criminal.findlaw.com/criminal-law-basics/states-that-have-stand-your-ground-laws.html
[43] https://www.cleveland.com/court-justice/2019/03/ohios-new-self-defense-law-cited-in-dismissal-of-murder-charges-against-man-in-cleveland-bar-shooting.html
[44] *Id.*
[45] *Id.* and https://truecrimedaily.com/2019/03/27/murder-charges-dropped-against-man-because-of-change-in-ohios-self-defense-laws/
[46] *Id.*
[47] https://www.10tv.com/article/jury-recommends-life-without-parole-convicted-murderer-anthony-pardon-2020-feb
[48] In *McDonald v. City of Chicago*, 561 U.S. 742, 791 (2010), Justice Alito, speaking for the Supreme Court, stated the holding in *Heller v. District of Columbia*, 554 U.S. 570 (2008): the "Second Amendment protects the right to possess a handgun in the home for the purpose of self-defense." In *Heller,* Justice Scalia – again speaking for the Supreme Court - said, "[W]e do not read the Second Amendment to protect the right of citizens to carry arms for any sort of confrontation, just as we do not read the First Amendment to