



## **THE LAW IS MEANT TO GUIDE NOT CONTROL THE RIGHTS OF THE INDIVIDUAL.**

Abalinx 30 December 2018 Peter Adamis

I am posting Alternative Self Defence Concepts based on my own life experiences. I have done this only because I am appalled that the Government of Victoria and the Victorian Police in my opinion have erred greatly in their response to the gang violence.

Admittedly the media have come to realise that they are on a good wicket and are milking it for all its worth. Fear begets fear and the more you fuel that fear the less rational we become as human beings. Violence is a negative form of expression which ultimately leads to loss of life, destruction of property and individuals seeking self-protection using legal or illegal apparatus. Education, training, counselling, monitoring, meaningful employment and incarceration are the appropriate responses to combat the negative elements within our society.

However the difficulty the Police have is walking the fine line between keeping Victorians safe by using prevention concepts rather than reactive ones and toeing the political line of their political masters. Unfortunately the culture of the Victorian Police in my view has been coloured, lost their mission and focus and thus losing the respect of the very people they were educated and trained to serve. I write that the Police are there to serve, prevent violence and uphold the rule of law, Not CONTROL.

I for one feel very much for our law enforcement agencies for they have a very difficult responsibilities, many of which they learn on the job on a daily basis. There are many suffering from PTSD and are on long term stress leave as a result of being on the job so to speak. With regards to the political and police response to gang violence, the Police and Politicians will NOT TELL you this but I will. In the absence of Police protection in preventing a crime or that you are not able to communicate to Police your fears or unable to obtain immediate help. May I suggest the following:

- A. Avoid where possible face to face or confrontation and remove yourself from any perceived immediate danger.
- B. If however you feel your life is threatened or you are trapped. Take whatever defensive action YOU deem is necessary to save your life and of those under your protection.
- C. Purchase an electronic compact loud hailer or horn that can be used during an attack on your person. In most cases the sound will alert others and scare the attackers off.
- D. If you have your mobile with you. Configure it to automatically ring a police help line and leave the mobile on to record conversations. The mobile should be able to be located and your immediate whereabouts known.
- E. If all else fails, fight with dear life, scream, shout, scratch, bite, hit, use any implement at your disposal.
- F. Do not follow a pattern in your daily life if you believe you are being stalked or monitored.
- G. Carry a reliable mobile with appropriate settings on you all the time.
- H. Before getting into a vehicle or getting out of one check your immediate environment.
- I. Take precautionary measures YOU deem necessary to save your life.
- J. If you have lost faith in the established system, take preventive action you feel appropriate.
- K. If your home is invaded, let FEAR be your guide and act appropriately; for FEAR is a natural reaction. Being compliant or submissive is NOT a normal human reaction.

L. If you have nothing else in your personal arsenal to save your life and you are being physically attacked. FIGHT with all your might and inflict as much damage on your attacker(s). Remember it's your life at stake. NOT the Police, Not the Politicians. Failing to take evasive action will only place you in a pine box not of your choosing.

WHY DO I STATE ALL OF THE ABOVE? IT'S BECAUSE I HAVE UNFORTUNATELY HAVE HAD SUCH LIFE EXPERIENCES. I WILL DO WHATEVER IS NECESSARY TO SAVE MY LIFE AND THAT OF THOSE UNDER MY PROTECTION. BETTER TO GO TO JAIL RATHER THAN SPEND AN ETERNITY IN A PINE BOX.

For the purists, may I suggest they google the following to obtain another point of view: from a case in NSW: "Murder and self-defence: How far can you go to protect yourself in a home invasion?" See below for the full article:

### **Murder and self-defence: How far can you go to protect yourself in a home invasion?**

Michaela Whitbourn March 29, 2016

What is a reasonable response to being confronted by a home intruder? It is among the most difficult questions that can be posed in a courtroom. In the heat of the moment a person defending themselves "cannot weigh ... the exact measure" of what is necessary, as a famous United Kingdom case on self-defence made clear. Phillip Boulton SC explains the laws that govern what home owners are allowed to do if they find someone inside their property. (Audio courtesy: 2GB) But a jury, or a judge sitting without a jury, will be required to draw a line between what is reasonable and what is not if a person kills or seriously injures their attacker.

The case of Benjamin Batterham, a Newcastle home owner who was charged with murder on Sunday over the death of alleged burglar Ricky Slater-Dickson, has highlighted the complexities of the law of self-defence, although no conclusions can be drawn from the case. Ricky Slater-Dickson was found inside this house in the Newcastle suburb of In NSW, a person will not be held responsible for a crime if they were acting in self-defence, meaning they believed their actions were "necessary" to defend themselves or another person; to prevent them being unlawfully detained; to protect property; or to prevent a criminal trespass. Importantly, their actions must be "a reasonable response in the circumstances as he or she perceives them", which is an objective question.

It does not matter if a person's perception of the threat, for example, that the attacker had a knife turns out to be wrong. But the judge or jury may disbelieve the version of events offered by the accused. "It's really looking at both ends of the spectrum: what actually happened versus the perspective of the accused," said NSW Law Society president Gary Ulman. Ricky Slater-Dickson died after the alleged assault. "If the person believed that the conduct was necessary and the conduct is a reasonable response, having regard to the way in which the accused perceived the circumstances, then self-defence would apply."

It is up to the prosecution to prove beyond reasonable doubt that an accused was not acting in self-defence, rather than the accused bearing the onus of proving they were acting in self-defence. There are two significant limitations on the defence. First, if a person uses "excessive force", they may not be found guilty of murder but may be found guilty of manslaughter if they killed their attacker and their response was not reasonable. Second, if a person was only seeking to protect property or prevent a criminal trespass, rather than protect a person, they cannot rely on self-defence in a murder trial but could rely on it as a defence to a lesser charge such as assault.

Sydney barrister Stephen Odgers SC, chair of the NSW Bar Association's Criminal Law Committee, said the legislation was "not simple" and "everything will depend on the particular circumstances of the case". There may be "competing accounts" of what happened during an altercation. "You can't just kill someone because they've trespassed on your property," Mr Odgers said. "There are going to be issues about what precisely what happened at the time the death was caused."

<https://www.smh.com.au/national/nsw/murder-and-selfdefence-how-far-can-you-go-to-protect-yourself-in-a-home-invasion-20160329-gnsq7q.html>