

# AFFIRMATIVE DEFENSES

Self-defense is an affirmative defense under which a defendant admits to the offense but denies responsibility. *People v. Podhrasky*, 197 Ill. App. 3d 349, 554 N.E.2d 578 (1990)

---

---

An affirmative defense has the legal effect of admitting that the acts occurred but denying responsibility. *People v. Brant*, 394 Ill. App. 3d 663, 671, 916 N.E.2d 144, 151 (2009)

---

---

By raising self-defense as an affirmative defense to homicide, a defendant admits the offense, but denies criminal responsibility). *People v. Rodriguez*, 336 Ill. App. 3d 1, 15, 782 N.E.2d 718, 729 (2002)

---

---

Self-defense is codified in section 7-1 of the Criminal Code of 1961 and states in pertinent part as follows: “A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force.”

A defendant may assert self-defense as an affirmative defense to a charge for conduct that might otherwise constitute a crime. See *People v. McLennon*, 2011 IL App (2d) 091299.

---

---

---

---

People v. Brown, 2017 IL App (3d) 140921, ¶ 24, 83 N.E.3d 31, 38, appeal denied, 89 N.E.3d 757 (Ill. 2017)

- Defendant's argument ignores a fine point in the law on jury instruction. The existing rule requires that a defendant admit to the act; it does not forbid defendant from denying the act. Such a distinction is relevant in contexts such as that at hand, where a defendant makes conflicting statements—once denying the act, and once admitting to it.
  - Our supreme court has held that “ [a] defendant is entitled to the benefit of any defense shown by the entire evidence, even if the facts on which such defense is based are inconsistent with the defendant's own testimony.’
  - A theory of self-defense may properly be raised even if a defendant's own testimony is inconsistent with that theory.
  - It is recognized that a theory of self-defense or defense of another is properly raised even if the defendant's own testimony is inconsistent with that theory.
  - Thus, where the State presents evidence that a defendant acted in self-defense but the defendant's testimony denied committing the act, the issue is properly raised.”
- 
-

**The elements of self-defense include as follows: (1) force was threatened against the defendant; (2) the defendant was not the aggressor; (3) the danger of harm or injury was imminent; (4) the threatened force was unlawful; (5) the defendant actually believed that (a) danger existed, (b) force was needed to avoid the danger, (c) the type and amount of force used was required; and (6) the defendant's beliefs were reasonable.**

**If the trier of fact believes the State negates any of these elements beyond a reasonable doubt, then the State has carried its burden of disproving the defense.**

**People v. Harmon, 200 Ill.App.3d at 413, 558 N.E.2d 173 (1990)**

---