



The 5 Elements of Self-Defense

Every legal claim of self-defense depends on up to **five essential elements**. If the prosecution disproves **even one**, your entire defense may collapse.

These five core principles are recognized across the U.S. and are especially critical for anyone who carries a firearm or is involved in security, defense, or law enforcement.

1. Innocence – *Don't start the fight.*

- You must not be the **initial physical aggressor**.
 - If you start or escalate a confrontation—physically or verbally—you **lose your legal right** to claim self-defense.
 - Self-defense is for those who are **unjustly attacked**, not for instigators.
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2. Avoidance – *Run if you can (but not required in Colorado).*

- **Colorado has no duty to retreat** if:
 - You are in a **place where you have a legal right to be**, and
 - You did **not provoke** the incident.
 - Even without a legal duty to retreat, **avoiding the conflict when safely possible is often the smartest choice**.
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3. Imminence – *The threat must be happening now.*

- The danger must be **immediate**—occurring right now or about to happen.
- Self-defense cannot be claimed for a **past** incident or a **potential future** threat.
- Apply the **AOJ Test**:
 - **Ability** – The attacker has the **means** (weapon, size, strength, etc.) to cause serious harm.
 - **Opportunity** – They have the **time and distance** to use that ability effectively.

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- **Jeopardy** – Their **words and actions** show **manifest intent** to harm you.
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4. Proportionality – *Right tool, right job.*

- You may only use the **amount of force necessary** to stop the threat.
 - **Deadly force** is only justified if you are facing a **deadly threat**—death, serious bodily harm, or sexual assault.
 - Using more force than the situation justifies may lead to **criminal charges**.
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5. Reasonableness – *Good decisions under pressure.*

- Your decisions will be judged by what a **reasonable person** would do in the same situation.
- Reasonableness means acting with **good, sound, mature, sober, and objective judgment**.
- You can make an honest mistake—but it must be a **reasonable mistake**, not reckless or emotional.
- Ask yourself:

“Would a jury of 12 ordinary people from my community agree with my actions? Would they have done the same thing?”