

Self defence

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FROM THE SECOND ROW

A recent incident in Lindsay, Ont., has caused some controversy when a victim of a crime was charged with some very serious offences after an intruder broke into his apartment around 3:20 a.m.

The victim, who was alone in the middle of the night, did the obvious thing and defended himself against an intruder in his home.

However, in the aftermath, the police charged the apartment dweller, the victim, with aggravated assault and assault with a weapon.

The intruder was no Boy Scout. Also from Lindsay, the man has been charged with possession of a weapon for a dangerous purpose, break and enter, theft, mischief under \$5,000, and failing to comply with probation. Police said he was also wanted on unrelated offences.

The intruder was not the kind of guy you want in your home at any time ? and certainly not as a stranger in the middle of the night.

As a result of his criminal activity, the intruder ended up in the hospital with life-threatening injuries.

As he spends time in his hospital bed, severely injured, hopefully, he can reflect on his decision to break into someone's home in the middle of the night.

The incident has many people, including Ontario Premier Doug Ford, questioning why the victim in this case was charged with a crime.

In Canada, a person can defend themselves with 'reasonable force' against an attack or home invasion.

This isn't Florida with its 'stand your ground' law, where you can open fire on a trespasser simply for being on your property.

'Reasonable force' is a common sense way of saying you can defend yourself, but it's not your place to seek revenge for an incident.

If you are attacked on the street and a person raises their fist to you, reasonable force would be to defend yourself and hope you are a better boxer than the other guy.

In the case of an intruder in your home, the stakes are much higher.

I'm sure in this mentioned case, the apartment dweller was scared to death to find a stranger in his home in the middle of the night. Having a strange, shadowy figure in your bedroom would no doubt cause you to believe they intend to do harm to you or your family.

So what would constitute 'reasonable force' in a case like this?

A baseball bat to the side of the intruder's head would likely be considered reasonable.

It would be better to swing a bat than wait and find out the intruder is armed and intends to harm your family.

However, if you give him a good beating and drive him out of the house, your part in the incident is over. It is then that you call the

police and let them take it from there.

Using unreasonable force, would be if you chased the intruder down the street and beat him into a coma several hundred metres from your house.

Several years ago, a friend of mine and her family were getting ready for bed around 11 p.m. She heard her husband call out, 'Call 9-1-1, there's an intruder in the house.'

Her husband had discovered a young man, around early 20s, in his daughter's unoccupied bedroom, wearing only boxer shorts, his clothes lying on the floor.

The man had a minor scuffle with the intruder as the stranger tried to leave the premises.

The stranger seemed more confused than threatening. After a few moments, the husband let the guy walk out through the front door.

It was the middle of winter and -20 degrees. The police found him standing on a street corner in his underwear and freezing.

It turns out the guy had gone out drinking with friends. He knew he was too drunk to drive, so he called for a taxi.

He gave the taxi driver his home address. However, the location where he was picked up was between two towns.

The taxi driver dropped him off at the right address, but in the wrong town.

It just happened that my friend and her husband both thought the other person had locked the home entrance from the garage that night.

The intruder simply walked into the house because, in his drunken state, he thought he was home.

What would have happened if my friend's husband were a gun-toting feller with a 'shoot first and ask questions later' philosophy?

Part of the problem in cases like what happened in Lindsay is the reluctance of police to provide information to the public. Ontario police are notoriously tight-lipped when it comes to keeping the public informed, always stating that providing information will 'compromise the case.'

Although most people probably sympathize with the victim in this case, knowing the full story might provide insight as to why the police thought it was necessary to charge a person, even though they were the apparent victim of a crime.