

Should I Testify at Trial that I Acted in Self-Defense?

Every defendant in a criminal trial has the right to testify or not to testify, and whether or not you take the stand in your own defense is a decision to be made between you and your lawyer. While it may be surprising, experienced attorneys often encourage their clients not to take the stand and testify. Even if you want to tell your side of the story to a judge and jury, it is not always the best way to win your case. Getting on the stand opens you up to intense questioning by the prosecution; depending on your criminal history and your ability to stay cool under pressure, such scrutiny can sometimes hurt your case rather than help it. It's your lawyer's job to poke holes in the prosecution's case against you, and a good attorney can sometimes do this effectively without putting you on the stand.

Often, people on trial are nervous that not testifying in their own defense will make them look guilty, but the judge and jury are legally prohibited from taking a defendant's choice not to testify into account when deciding his or her guilt. Along those same lines, the prosecution is prohibited from making any reference to the defendant's choice not to testify during the course of the trial.

Many defendants believe that they acted in self-defense and want to testify to that fact in court. To claim self-defense, you first have to admit that you did, in fact, commit the crime you are being accused of. If you have been accused of hitting someone, you have to admit that you did hit him or her, but that you did so in a legally justified manner. For a violent act to be legally justified, you, as the defendant, have to have a reasonable belief that the alleged victim was intending to cause you imminent and serious bodily harm when you committed the crime. Even if you are the first one to strike, you can still argue that you believed your victim had put you in danger of imminent bodily harm.

Another important component to self-defense is proving that you used reasonable force. This means that the amount of force you used must be proportionate to the amount of force the alleged victim used or would have used against you. If you used more force than was necessary to protect yourself, even if you were in fear for your safety, you can still be considered guilty of a crime. Whether or not claiming self-defense is the best strategy for you is something a good lawyer can help you decide.