

I charge you Ladies and Gentlemen of the jury that if you are reasonably satisfied from the evidence in this case that the Defendant, Autrey Conway, was a police officer of the City of Bay Minette engaged in the line and scope of his authority as such officer on the occasion complained of and that the Plaintiff, J. E. Brown, was at said time and place apparently engaged in the commission of a public offense and if you are further reasonably satisfied that in breaking up a disturbance the Defendant struck the Plaintiff thereby injuring the Plaintiff, that under such circumstance the doctrine of self defense has no application. This is because it is the duty of the officer to effect the arrest or imprisonment of an offender. The officer should not use unreasonable force. The officer could not perform his duty if any element of self defense was essential to his protection. He must, to do his duty, become the aggressor, and in no event is he required to retreat before an assailant.

Defendant's Charge No. 1

GIVEN

DENIED

Jesse G. Washburn
Judge

I charge you Ladies and Gentlemen of the jury that before you can find the Defendant, Autrey Conway, guilty of the charges made against him in this case, you must be reasonably satisfied from all the evidence in the case that said Defendant used unreasonable force against the Plaintiff on the occasion complained. If you are reasonably satisfied from the evidence in the case that the Defendant, Autrey Conway, while acting as an officer of the City of Bay Minette in the line and scope of his authority as such, was engaged in breaking up a disturbance on a public street of the City of Bay Minette and that the Plaintiff, J. E. Brown, either resisted officer Conway or that officer Conway had reasonable grounds for apprehending that the Plaintiff would assault him then such officer would be justified in using reasonable force to accomplish his purpose.

Defendant's Charge No. 2

GIVEN

~~DENIED~~

Jeffrey J. MacArthur
Judge

I charge your Ladies and Gentlemen of the jury that in all cases, whether civil or criminal, where persons having authority to arrest or imprison, and using the proper means, are resisted in so doing, they may repel force with force, and need not give back. And if you are reasonably satisfied from the evidence in this case that Autrey Conway while attempting to break up a disturbance on a public street in the City of Bay Minette, Alabama, was resisted by the Plaintiff, then he may use such force as is reasonably necessary under the circumstances to perform his duty.

Defendant's Charge No. 3

GIVEN

DENIED

Jefferson J. Madison
Judge