



The February 2020 murder of Ahmaud Arbery, the November 2021 Wisconsin trial of Kyle Rittenhouse, and the January 2023 shooting of a masked robber in a Houston taqueria predictably ignited media firestorms.

Second-degree murder and aggravated assault charges brought in February against 73-year-old Arizona rancher George Alan Kelly, after his Jan. 30 "warning shots" allegedly killed 48-year-old Mexican trespassing migrant Gabriel Cuen-Buitimea near the U.S.-Mexico border, have further fanned these flames.

As these cases graphically remind us, laws governing self-preservation continue to be among the criminal law's most intuitive, controversial and enduring topics for debate, in the public square and halls of academia alike. Pundits, journalists and other members of the media — with legal training and without — have examined virtually all facets of the ancient right of self-defense.

That said, the most concerning aspect of the legal commentariat's steady drumbeat of analysis is that even they — the purportedly most authoritative observers on matters of law — almost always get it wrong.

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## Authors



### **T. Markus Funk Ph.D.**

Partner

[MFunk@perkinscoie.com](mailto:MFunk@perkinscoie.com) [303.291.2371](tel:303.291.2371)