

Byline: Jalyn Henderson, NBCLX

During the Kyle Rittenhouse trial, there was one phrase that we heard often - Self-defense.

It means different things to different people, but Wisconsin's law defines it as "person privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person."

To break down some of this legal jargon, NBCLX spoke with Cecilia Klingele, an associate professor at the University of Wisconsin's Law School.

"In Wisconsin, you are allowed to use self-defense in a case involving lethal force, so long as you reasonably believe that you yourself are in imminent danger of death or great bodily harm, and that the force you're using is necessary to protect yourself," Klingele said.

In certain states, defendants aren't allowed to claim self-defense if they caused the incident or if they were acting illegally at the time. That's not the case in Wisconsin.

For this trial in particular, the jury had to answer one question: Had Kyle Rittenhouse exhausted every other reasonable means to escape from or otherwise avoid death or great bodily harm?

The jury believed the answer was yes.

"What the jury was doing is not looking at the context of the night as a whole, which is what most ordinary people do. The jury was asked to look at those immediate moments just before the use of force in every single instance and say in those moments, 'Did he believe himself to be in immediate danger of death or serious harm?' Klingele said. "If the answer was yes, and they didn't see an easy and obvious alternative to the use of force, then in that case they would have to acquit."

That puts the burden on the prosecution to prove that this wasn't a case of self-defense - but it's hard to prove a negative.

Kami Chavis would know, she's a former Assistant U.S. Attorney who's now teaching law at Wake Forest University.

"When a defendant raises a claim of self-defense, the burden shifts to the prosecution to disprove that," Chavis said. "So it's just really a matter of whether the jury crediting that testimony and they did."

It's difficult to determine whether the verdict would've gone differently if this happened in a 'Stand your Ground' state. That's the situation in Georgia, where the trial of the three men accused of killing Ahmaud Arbery is underway.

Georgia's law, like many others, allows people to use deadly force to defend themselves, other people, or property if they believe such force is necessary. There is no obligation for anyone to retreat or attempt to flee like in Wisconsin.

"It's my opinion that we should work to repeal stand your ground statutes primarily because they do not encourage de-escalation and fact they encourage these situations to escalate," Chavis said. "We'll see more deadly force, more loss of life under these statutes."

The verdict of the Rittenhouse trial is contentious and divisive to say the least. But its potential for setting precedence regarding 'self-defense' is arguably the biggest takeaway.

"This case really brings to the fore the difficulty of applying established law of self-defense in a context in which people are increasingly able to openly carry firearms in public places. Changing the sort of perceptions of risk and danger that people have in their interactions with one another. And so it may well have effects on the way we shape law in the future," Klinge said.