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SUPREME COURT OF ALABAMA

OCTOBER TERM, 2026-2027

SC-2025-0623

Ex parte Mac Bailey Marquette

PETITION FOR WRIT OF MANDAMUS

(In re: State of Alabama

v.

Mac Bailey Marquette)

(Morgan Circuit Court: CC-24-9)

PARKER, Justice.

This is an officer-involved shooting case. After the State charged Decatur Police Officer Mac Bailey Marquette with murder, he claimed immunity under a state law "justifying" (or authorizing) the use of force in certain circumstances if necessary to protect oneself or another person. See Ala. Code 1975, § 13A-3-23. That statute -- call it the defense-of-persons statute -- requires a court to find a defendant "immune from criminal prosecution" and to "dismiss[] the criminal charges" if the defendant establishes that his or her use of force was legally justified. § 13A-3-23(d)(3). Neither the circuit court nor the Court of Criminal Appeals granted Officer Marquette such relief. So Officer Marquette asks this Court to intervene by issuing a writ of mandamus ordering the pretrial dismissal of his indictment.

After careful review, we grant the petition in part and deny it in part. Officer Marquette has clearly established that the courts below applied an incorrect statute in evaluating his claim to immunity. The circuit court must reevaluate that claim applying the proper statute.

I.

A.

Alabama's Criminal Code sets forth various statutory "justifications" for the use of force. Ala. Code 1975, § 13A-3-21. Parents, for example, "may use reasonable and appropriate physical force" on their children if reasonably necessary to "maintain discipline." Ala. Code 1975, § 13A-3-24(1). There are also use-of-force justifications for the defense of one's "premises," Ala. Code 1975, § 13A-3-25, or other property, Ala. Code 1975, § 13A-3-26, and for the performance of certain public duties -- for example, when a "peace officer" must use force to make an arrest. See Ala. Code 1975, § 13A-3-27(a)-(b);¹ see also Ala. Code 1975, § 13A-3-22 ("execution of public duty"). In each case, the justification will at least provide a "defense" to criminal prosecution. § 13A-3-21(a).

¹During its 2025 Regular Session, our Legislature enacted the "Back the Blue" legal-protections law, which (among other things) amended the peace-officer use-of-force justification effective October 1, 2025. See Ala. Acts 2025, Ala. Act No. 2025-423. During its 2026 Regular Session, the Legislature amended the defense-of-persons statute. See Ala. Acts 2026, Act No. 2026-493. References in this opinion to those statutes are to the versions in effect on September 28-29, 2023, during the events in question. The full text of those versions appears in appendices to this opinion.

The use-of-force justification most relevant here is the one set forth in the defense-of-persons statute. Under that statute, a person -- anyone, not just a police officer -- may use force to defend someone (including himself or herself) from "the use or imminent use of unlawful physical force." § 13A-3-23(a). A person may even use deadly force in certain situations, such as when another person is using or about to use "unlawful" deadly force or when another person is committing or about to commit certain enumerated offenses (for example, first- or second-degree assault). Id.

Unlike other use-of-force justifications, the defense-of-persons statute establishes an immunity from prosecution, not merely an affirmative defense:

"A person who uses force, including deadly physical force, as justified and permitted in [the defense-of-persons statute] is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful."

§ 13A-3-23(d)(1). On the defendant's motion, the court must conduct a pretrial hearing at which the defendant must establish the defense-of-persons immunity by a preponderance of the evidence. § 13A-3-23(d)(2). If the defendant fails to carry that burden, he or she may continue pursuing a defense-of-persons defense at trial. See § 13A-3-23(d)(4). But

if the defendant does meet this burden, then "the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges." § 13A-3-23(d)(3).

B.

This case arose after Officer Marquette shot and killed Stephen Perkins in Perkins's front yard during the early morning hours of September 29, 2023. The deadly confrontation resulted from tow-truck driver Caleb Combs's attempts to repossess Perkins's white GMC Sierra truck, which Perkins had parked in his driveway on Ryan Drive in Decatur.

Several hours before the shooting, Combs arrived at Perkins's house and began his first attempt to repossess the truck. As Combs was doing so, an "agitated" Perkins confronted Combs, pointing a gun 6-8 inches from Combs's chest and exhorting Combs to get off his property. Combs complied and returned to the tow-truck lot.

After that unsuccessful first attempt, Combs called the police to ask for help. Consistent with the Decatur Police Department's "common practice" (according to one witness), the responding officers told Combs that the police could not directly assist with the repossession and could

not force Perkins to turn over the truck to Combs. The police nevertheless agreed to assist indirectly during a second repossession attempt by prepositioning officers at Perkins's house to provide for Combs's safety.

The shooting occurred during that second repossession attempt. As promised, multiple police officers -- including Officer Marquette -- arrived at the Perkins residence and positioned themselves in various strategic locations to provide safety for Combs, who arrived a few minutes later and began preparing to tow Perkins's truck. At that point, Perkins again emerged from his house pointing a gun. The gun featured a mounted flashlight, which allowed bystanders to see where Perkins was aiming. When Perkins pointed his gun at Combs, Officer Marquette yelled "Police! Get on the ground!" According to the circuit court, Perkins then swung his gun, pointing it first at Officer Marquette and then upward above the roof of his house. Officer Marquette shot Perkins, which caused Perkins's death.

C.

Following his indictment for murder, Officer Marquette sought pretrial dismissal on the ground of immunity under the defense-of-persons statute. See § 13A-3-23(d)(1). In support of his motion, Officer

Marquette relied on two provisions of that statute: § 13A-3-23(a)(1), which provides that a person may use deadly force to respond to the use or imminent use of "unlawful" deadly force by another, and § 13A-3-23(b), concerning the duty to retreat in such circumstances. As required by the statute, the circuit court held a pretrial immunity hearing. See § 13A-3-23(d)(2). The court declined to dismiss the charges, reasoning that Officer Marquette had "failed to meet [his] burden that [he] is immune from criminal prosecution."

Key to that result was the circuit court's view that the defense-of-persons statute "is not the proper statute to analyze this case." Instead, the court reasoned that "the proper code section to use for analysis in this case is ... § 13A-3-27(b)(2)," a provision from the distinct peace-officer statute justifying use of deadly physical force by law-enforcement officers. In support of its reasoning, the circuit court relied on Darby v. State, 383 So. 3d 691 (Ala. Crim. App. 2023), a recent decision of the Court of Criminal Appeals holding that courts should apply the peace-officer statute from the perspective of a "reasonable police officer."

From those premises, the circuit court proceeded to analyze whether Officer Marquette was acting as a "reasonable police officer in

the same situation" and indeed whether he was acting in his capacity as a police officer at all. The circuit court ultimately denied Officer Marquette's motion to dismiss and set the case for trial. The court also stayed the case "to allow [Officer Marquette] adequate time to request alternative relief through the appellate courts."

Officer Marquette sought a writ of mandamus from the Court of Criminal Appeals, but that court, in an unpublished memorandum, similarly declined to order pretrial dismissal of the indictment. Ex parte Marquette (No. CR-2025-0369, Aug. 15, 2025), ___ So. 3d ___ (Ala. Crim. App. 2025) (table). Importantly, the Court of Criminal Appeals accepted the circuit court's legal premise that "§ 13A-3-27(b)(2)," the peace-officer deadly force justification, "is the appropriate lens through which to view a defendant police officer's use of deadly force." It also agreed that Officer Marquette would be entitled to immunity only "so long as he was acting in his capacity as a police officer."

II.

Officer Marquette has now asked us for a writ of mandamus directing the circuit court to dismiss the murder indictment against him. The requirements for this extraordinary form of relief are demanding but

familiar: Officer Marquette must show a "clear legal right" to relief that the circuit court disregarded and that he will lose without this Court's immediate intervention. See, e.g., Ex parte Martin, 415 So. 3d 1014, 1016 (Ala. 2024). Of course, he must also properly invoke our jurisdiction. See id.

The only mandamus requirement at issue here is whether Officer Marquette has shown a clear legal right to the relief he seeks. And on that point, he has succeeded in an important, if limited, way.

A.

In his petition, Officer Marquette argues that it was "clear error" for the circuit court not to find his actions justified under "§ 13A-3-23(a)(1)" -- that is, the defense-of-persons statute. Petition at 30. For reasons we will explain, we do not yet know whether this assertion will ultimately prove correct. But the argument is premised on the correct statute. The circuit court erroneously believed that the defense-of-persons statute "is not the proper statute to analyze this case," reasoning that the "proper code section to use" was instead the peace-officer statute. Its confusion on this threshold point was clear error, and at least three differences between those two statutes underscore why.

1.

First is the two statutes' scope of applicability. The peace-officer statute applies primarily to "peace officers." See § 13A-3-27. There are some limited references to people who are not peace officers. For example, one provision applies to a "guard ... employed in a detention facility." § 13A-3-27(h). Another applies specifically to a "private person acting on his own account." § 13A-3-27(g). But those limited references only highlight the main point, which is that this statute squarely focuses on "peace officers." The defense-of-persons statute, by contrast, refers repeatedly to "a person" using force in various circumstances. See § 13A-3-23. In other words, its protections are available to anyone, regardless of his or her status as a law-enforcement officer.

The circuit court's focus on the peace-officer statute as the "proper code section to use ... in this case" led it to ask questions such as (1) whether Officer Marquette was acting as a "reasonable police officer in the same situation" and (2) more broadly, whether Officer Marquette was acting in his capacity as a police officer at all. These questions, in turn, led to additional, subsidiary questions in the same vein:

- Whether "law enforcement can[] assist in a repossession without a court order," cf. Ala. Code 1975, § 7-9A-609.

- Whether Officer Marquette was "acting outside the scope of his authority" with respect to any "menacing investigation" against Perkins.
- Whether Officer Marquette's actions were a reasonable means of "keeping the peace" and/or complied with Decatur Police Department policy.

Questions such as these are not relevant under a defense-of-persons statute that, by its terms, offers protection to anyone, law-enforcement and non-law-enforcement alike.

2.

A second major difference between the defense-of-persons statute and the peace-officer statute is the character of the protection they each establish. The defense-of-persons statute confers immunity and therefore offers the prospect of pretrial dismissal of criminal charges. See § 13A-3-23(d). The peace-officer statute, by contrast, creates a mere affirmative defense, reviewable only after conviction on appeal. See § 13A-3-21(a).

This difference between the two statutes highlights the circuit court's mistaken application of Darby v. State. Darby did indeed require application of a reasonable-police-officer standard. But Darby applied that standard in an entirely different procedural posture: the review, on appeal from a final judgment, of a trial court's refusal to give a particular

jury instruction. See 383 So. 3d at 699. The defendant in Darby had specifically requested that the trial court provide a jury instruction based on "the perspective of a reasonable police officer in the same situation" rather than rely on the general self-defense instruction based upon the defense-of-persons statute. Id. at 700. That is why the Court of Criminal Appeals in Darby could validly read the peace-officer statute as requiring a "unique standard" for evaluating a police officer's use of deadly force, even as it acknowledged that the defense-of-persons statute applies "whether the defendant is a police officer or not." Id. at 701. On appeal from a final judgment, both statutes were in play.

Here, though, the only statute that could possibly support pretrial dismissal was the defense-of-persons statute. Compare § 13A-3-23(d) (defense-of-persons immunity provision) with § 13A-3-21(a) ("Except as otherwise expressly provided, justification or excuse under this article is a defense."). That statute focuses the pretrial-immunity inquiry on whether the defendant's use of force was "justified and permitted in this section." § 13A-3-23(d)(1) (emphasis added). In other words, the defense-of-persons statute expressly rejects reliance on standards from other use-of-force justifications as occurred below.

3.

The third key difference concerns the predicates for the justifiable use of deadly force. Under the peace-officer statute, an officer may use deadly force to defend himself or herself or others from the use of any deadly force. See § 13A-3-27(b)(2). A parallel provision in the defense-of-persons statute, by contrast, allows a person to use deadly force to defend someone only from the use of unlawful deadly force. See § 13A-3-23(a)(1). The circuit court did not examine the lawfulness of Perkins's imminent use of deadly force against Combs because of its "belie[f] that [the defense-of-persons statute] is not the proper statute to analyze this case." The circuit court also did not examine whether Perkins was about to commit first- or second-degree assault against Combs, even though "[c]ommitting or about to commit" those offenses is a predicate for the use of deadly force under the defense-of-persons statute. § 13A-3-23(a)(3).

B.

For the foregoing reasons, Officer Marquette has established a clear legal right to the application of the defense-of-persons statute to his immunity request. But the question of remedy remains. And "[t]he fact that the trial court clearly applied the incorrect law to the facts does not

authorize the appellate courts to examine the evidence [in the first instance]." Ex parte Perkins, 646 So. 2d 46, 47 (Ala. 1994). Instead, our cases have suggested, "mixed questions of law and fact" -- like the remaining questions in the immunity analysis -- "should be addressed in the first instance by the trial court, rather than this Court." Hood v. McElroy, 127 So. 3d 325, 337 (Ala. 2011) (plurality opinion). We thus think the best course is to grant the writ in part by directing the circuit court to vacate its order and apply the correct analysis itself. The circuit court, after all, has the benefit of having personally heard the testimony on which Officer Marquette's immunity claim ultimately will turn.

As noted above, the defense-of-persons statute provides that a person who uses deadly force "as justified and permitted in this section" is entitled to immunity for the use of such force unless the force is determined to be "unlawful." § 13A-3-23(d)(1). Closely tracking the defense-of-persons statute in this way suggests a four-step analysis:

1. Predicate for use of deadly force, § 13A-3-23(a): The court must first determine whether a statutory predicate for the use of deadly force was satisfied. As discussed above, the predicates most likely to apply require consideration of whether Officer Marquette reasonably believed Perkins was (a) "[u]sing or about to use unlawful deadly physical force" against the tow-truck driver or (b) "[c]ommitting or about to commit ... assault." § 13A-3-23(a)(1), (3) (emphasis added).

2. Duty to retreat, § 13A-3-23(b): The Court of Criminal Appeals has held (and we assume) that "an accused who claims to have been justified in using deadly force under [the defense-of-persons statute] must have complied with the common-law rules regarding the duty to retreat unless he or she meets the requirements of [the defense-of-person statute's stand-your-ground clause.]" Malone v. State, 221 So. 3d 1153, 1156 (Ala. Crim. App. 2016). Under the stand-your-ground clause, someone justified in using deadly physical force under the defense-of-persons statute has "no duty to retreat" if he or she was "not engaged in an unlawful activity" and was somewhere "he or she ha[d] the right to be." § 13A-3-23(b).
3. Exceptions to use-of-force justification, § 13A-3-23(c): The defense-of-persons statute sets forth three circumstances under which a person "is not justified in using physical force." We do not understand the State to be relying on any of those exceptions in this case but flag the issue for the sake of thoroughness.
4. Other unlawfulness, § 13A-3-23(d)(1): Even after completing the previous three steps, the court must still consider whether the use of force was otherwise "unlawful." To date (and to our knowledge), neither the parties nor the courts below have addressed the meaning of the term "unlawful" in this context. We therefore have no occasion to interpret it here either -- except to reiterate that it necessarily encompasses a narrower inquiry than whether a police officer acted unreasonably or outside the scope of his authority. As recounted above, those considerations become relevant only under an entirely distinct use-of-force justification, the peace-officer statute.

These questions are voluminous and potentially complex. They are also important to get right given the stakes for the parties, the victim's family, and the community as a whole. We therefore issue a writ of mandamus directing the circuit court to vacate its previous order and to

enter a new order faithfully applying the defense-of-persons statute, § 13A-3-23, as outlined above.

PETITION GRANTED IN PART AND DENIED IN PART; WRIT ISSUED.

Wise, Bryan, Sellers, and Cook, JJ., concur.

Stewart, C.J., and Shaw, J., concur in the result.

Mendheim, J., dissents, with opinion, which McCool, J., joins.

MENDHEIM, Justice (dissenting).

Officer Mac Bailey Marquette's "Motion for Immunity Hearing and Dismissal" referenced only immunity pursuant to Ala. Code 1975, § 13A-3-23, and his argument at the immunity hearing was based on that statute. He also argued that, pursuant to Darby v. State, 383 So. 3d 691 (Ala. Crim. App. 2023), a reasonable-officer standard should be applied under § 13A-3-23. The State likewise argued before the Morgan Circuit Court that a reasonable-officer standard should be applied.

In his petition for the writ of mandamus, Officer Marquette relies on § 13A-3-23 and argues "that courts and juries must evaluate this use of [deadly] force from the perspective 'of a reasonable police officer in the same situation.' Darby v. State, 383 So. 3d 691, 701 (Ala. Crim. App. 2023)." Petition at 22. The State, in its answer to the petition for the writ of mandamus, also argues that "Marquette's actions must be evaluated 'from the perspective of a reasonable police officer in the same situation.' Darby v. State, 383 So. 3d 691, 702 (Ala. Crim. App. 2023)." Answer at 24.

The main opinion states that the questions whether Officer Marquette was acting as a reasonable police officer or whether he was

acting in his capacity as a police officer at all are "not relevant under" § 13A-3-23. I disagree. As I understand the main opinion's rationale, a court is to treat a police officer like a layperson for purposes of § 13A-3-23, regardless of the special knowledge and expertise of such an officer or the rights or duties a police officer might have that might not be possessed by a layperson. If that is the case, the main opinion reflects a response to an argument that was not presented to the circuit court and that has not been presented by Officer Marquette or the State to this Court.²

Also, neither party has requested that we return the case to the circuit court for it to enter another order regarding Officer Marquette's immunity motion. Officer Marquette and the State simply respectively contend that the record supports a result in his or its favor based on the arguments they have presented to this Court and the evidence presented at the immunity hearing. Specifically, Officer Marquette requests that,

²Officer Marquette also argues in his petition that he had no duty to retreat, in part, because doing so would "either actually or reasonably appear to increase his peril," Petition at 31 (citing Kyser v. State, 513 So. 2d 68, 70 (Ala. Crim. App. 1987), and Bigham v. State, 203 Ala. 162, 164-65, 82 So. 192 (1919)). Officer Marquette did not make that argument to the circuit court.

based on the evidence presented at the hearing on his motion, "[a] writ of mandamus must issue directing the Hon. Charles B. Elliott to order Mac Bailey Marquette immune from prosecution pursuant to § 13A-3-23(d), Ala. Code 1975." Petition at 10.

It is not the role of this Court to peruse the materials before us looking for an error that no one has asked us to find or "to construct arguments for a party Rather, it is our duty to decide whether the arguments presented have merit." Magers v. Alabama Women's Ctr. Reprod. Alternatives, LLC., 325 So. 3d 788, 790 (Ala. 2020). Accordingly, I believe that we should review the materials before us in light of the pertinent law and grant the petition only if Officer Marquette has demonstrated a "clear legal right" to an order declaring him immune from prosecution under § 13A-3-23 based on the argument he presented to the circuit court. Ex parte Integon Corp., 672 So. 2d 497, 499 (Ala. 1995). Because the main opinion fails to do so, I respectfully dissent.

McCool, J., concurs.

Appendix A: The Defense-of-Persons Statute
(in effect September 28-29, 2023)

§ 13A-3-23. Use of force in defense of a person.

(a) A person is justified in using physical force upon another person in order to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he or she may use a degree of force which he or she reasonably believes to be necessary for the purpose. A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person pursuant to subdivision (5), if the person reasonably believes that another person is:

(1) Using or about to use unlawful deadly physical force.

(2) Using or about to use physical force against an occupant of a dwelling while committing or attempting to commit a burglary of such dwelling.

(3) Committing or about to commit a kidnapping in any degree, assault in the first or second degree, burglary in any degree, robbery in any degree, forcible rape, or forcible sodomy.

(4) Using or about to use physical force against an owner, employee, or other person authorized to be on business property when the business is closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery, kidnapping, rape, sodomy, or a crime of a sexual nature involving a child under the age of 12.

(5) In the process of unlawfully and forcefully entering, or has unlawfully and forcefully entered, a dwelling, residence, business property, or occupied vehicle, or federally licensed nuclear power facility, or is in the process of sabotaging or attempting to sabotage a federally licensed

nuclear power facility, or is attempting to remove, or has forcefully removed, a person against his or her will from any dwelling, residence, business property, or occupied vehicle when the person has a legal right to be there, and provided that the person using the deadly physical force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring. The legal presumption that a person using deadly physical force is justified to do so pursuant to this subdivision does not apply if:

a. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner or lessee, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person;

b. The person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used;

c. The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, or occupied vehicle to further an unlawful activity; or

d. The person against whom the defensive force is used is a law enforcement officer acting in the performance of his or her official duties.

(b) A person who is justified under subsection (a) in using physical force, including deadly physical force, and who is not engaged in an unlawful activity and is in any place where he or she has the right to be has no duty to retreat and has the right to stand his or her ground.

(c) Notwithstanding the provisions of subsection (a), a person is not justified in using physical force if:

(1) With intent to cause physical injury or death to another person, he or she provoked the use of unlawful physical force by such other person.

(2) He or she was the initial aggressor, except that his or her use of physical force upon another person under the circumstances is justifiable if he or she withdraws from the encounter and effectively communicates to the other person his or her intent to do so, but the latter person nevertheless continues or threatens the use of unlawful physical force.

(3) The physical force involved was the product of a combat by agreement not specifically authorized by law.

(d)(1) A person who uses force, including deadly physical force, as justified and permitted in this section is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful.

(2) Prior to the commencement of a trial in a case in which a defense is claimed under this section, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether force, including deadly force, used by the defendant was justified or whether it was unlawful under this section. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(3) If, after a pretrial hearing under subdivision (2), the court concludes that the defendant has proven by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(4) If the defendant does not meet his or her burden of proving immunity at the pre-trial hearing, he or she may continue to pursue the defense of self-defense or defense of

another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(e) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (a), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful.

Appendix B: The Peace-Officer Use-of-Force Statute
(in effect September 28-29, 2023)

§ 13A-3-27. Use of force in making an arrest or preventing an escape.

(a) A peace officer is justified in using that degree of physical force which he reasonably believes to be necessary, upon a person in order:

(1) To make an arrest for a misdemeanor, violation or violation of a criminal ordinance, or to prevent the escape from custody of a person arrested for a misdemeanor, violation or violation of a criminal ordinance, unless the peace officer knows that the arrest is unauthorized; or

(2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest for a misdemeanor, violation or violation of a criminal ordinance, or while preventing or attempting to prevent an escape from custody of a person who has been legally arrested for a misdemeanor, violation or violation of a criminal ordinance.

(b) A peace officer is justified in using deadly physical force upon another person when and to the extent that he reasonably believes it necessary in order:

(1) To make an arrest for a felony or to prevent the escape from custody of a person arrested for a felony, unless the officer knows that the arrest is unauthorized; or

(2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

(c) Nothing in subdivision (a)(1), or (b)(1), or (f)(2) constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to persons being arrested

or to innocent persons whom he is not seeking to arrest or retain in custody.

(d) A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (a) and (b) unless the warrant is invalid and is known by the officer to be invalid.

(e) Except as provided in subsection (f), a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction.

(f) A person who has been directed to assist a peace officer under circumstances specified in subsection (e) may use deadly physical force to effect an arrest or to prevent an escape only when:

(1) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force;
or

(2) He is authorized by the peace officer to use deadly physical force and does not know that the peace officer himself is not authorized to use deadly physical force under the circumstances.

(g) A private person acting on his own account is justified in using physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he reasonably believes has committed a felony and who in fact has committed that felony, but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

(h) A guard or peace officer employed in a detention facility is justified:

(1) In using deadly physical force when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner accused or convicted of a felony from any detention facility, or from armed escort or guard;

(2) In using physical force, but not deadly physical force, in all other circumstances when and to extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:

- a. Charged with or convicted of an offense; or
- b. Charged with being or adjudicated a youthful offender, a neglected minor or juvenile delinquent; or
- c. Held for extradition; or
- d. Otherwise confined pursuant to an order of a criminal court.