**12.07 ASSAULT OR BATTERY — SELF‑DEFENSE, RETREAT**

A person may use reasonable force in self-defense even if [he][she] could have avoided the need to use force by retreating or taking some other action.

**Use Note**

This instruction should be used after Instruction 12.06 when the issue of retreat is raised in argument or by the evidence.

Where the issue of deadly force is raised, use Instruction 12.08 instead of this instruction.

**Comment**

In *Merrill v. Faltin,* 430 P.2d 913 (Alaska 1967), the Alaska Supreme Court approved an instruction on self‑defense which explained that a person need not retreat in situations in which he can defend himself with non‑deadly force. This position is consistent with Restatement (Second) of Torts § 63. Note, however, that the retreat issue was not the dispositive issue in *Merrill.*