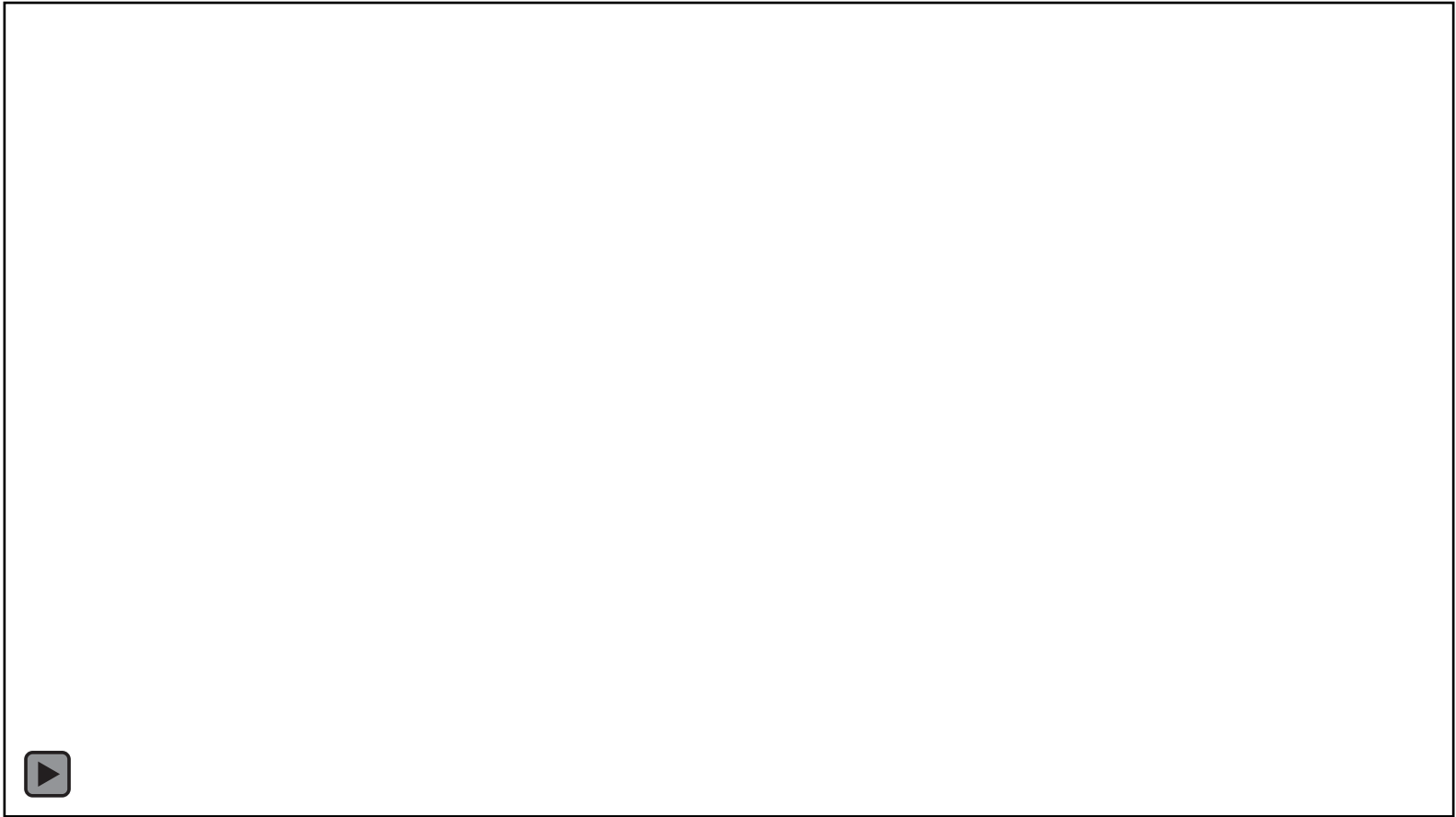


Road Rage & Legal Considerations



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**Recent Indianapolis “Road Rage” Incident
May 2023**

What is the “Road Rage”?

- Road Rage - Violent anger caused by the stress and frustration involved in driving a motor vehicle in difficult conditions.
- Road rage is aggressive or violent behavior usually conducted from behind the wheel. Stressful road conditions can cause impatient drivers to feel frustrated. If they feel insulted or slighted, they may engage in road rage.
- If it can be demonstrated that you had the intent to cause harm, it is a criminal offense and you could go to jail, have fines levied against you, or even be convicted of a felony.
- There are no winners in a road rage situations. Judges frown heavily on these incidents and BOTH parties will most likely be charged to the fullest extent of the law!

“Road Rage” – Manage, Mitigate and De-escalate Confrontation!

- Don't respond to an aggressive or provocative act. That's just going to escalate things.
- Do not make eye contact with them, as they could take this as an act of aggression in their angered state.
- Try to be polite, don't raise your voice, and be aware of your tone
- If you feel threatened, LEAVE THE SITUATION IMMEDIATELY! Drive to a well-lit location, ideally a public place like a police station or hospital.
- If you feel unsafe, call 911!

Do not allow wounded pride to make you do something you'll regret. Challenging an aggressive driver could cause them to get out of the car and attack you, ram your vehicle with their own, follow you, or worse. Anger can make a person incredibly vindictive. Enraged drivers have been known to follow and harass other motorists even if it means going several miles out of their way.

“Road Rage” – Legal Considerations

- As long as both parties are in their vehicle, there is NO imminent danger! There is no legal justification react in any manner that will put the other driver in danger.
- You can't respond to verbal provocation alone. Stay in your vehicle and try to drive away if possible.
- If someone is trying to enter your vehicle this changes the situation as you may use reasonable force under Indiana “Castle Doctrine” law to protect yourself (not your property!)
- If a firearm is in play, the person with the firearm usually gets arrested! This is physical evidence that supports the allegation and will be used for further investigation.
- Self Defense/Carry Insurance is good to have to navigate the aftermath of these situations. You may want to consult a lawyer before contacting the police or submitting evidence.

Indiana Had 2016's Most Road-Rage Related Deadly Accidents in the US

September 06, 2018

By Christie Farrell Lee & Bell

- A study by the Auto Insurance Center found that 77 fatal accidents in Indiana were related to road rage or aggressive driving in 2016, the most in the United States. That means 10% of [Indiana's fatal roadway accidents](#) in 2016 were related to this entirely preventable cause.
- In addition to regional data, the study examined other factors of road rage to see what incidents shared in common. 4-6 pm was the most common time for fatal car accidents to occur overall, especially because [texting while driving peaks](#) around this time. But road-rage or aggressive driving-related fatal incidents don't follow that trend, and instead tend to occur around 10pm.
- 54% of these fatal road-rage moments were instigated by Millennials. Members of Gen X caused 24% of deadly accidents related to road rage or aggressive driving in 2016. Gen Z caused 14% and Baby Boomers caused 8%. On the flip side, 24% of deadly car accidents not related to road rage involved Baby Boomers.

Road Rage - “Pointing a firearm” Indiana Case Law

On appeal, Dewald asserts that the evidence was not sufficient to convict him of the offense of pointing a firearm because he only waved, rather than directly pointed, the gun at Abel. A review of Indiana case law, however, reveals that direct pointing of the firearm is not required.

* * *

Here, Dewald held up his firearm and **waved it side-to-side** as he drove at a high rate of speed right behind Abel's vehicle, intending that Abel see his gesturing with the gun. Then, when Abel reached his destination and parked his car, Dewald drove up next to him and **similarly waved the handgun for up to ten seconds**. We find that, under these circumstances, the State presented sufficient evidence to sustain Dewald's conviction for pointing a firearm at Abel.

Dewald v. State, 20A03-1010-CR-541 (Ind. Ct. App., Jan. 10, 2012)

Indiana Gun Law – “Intimidation”

Intimidation

- (a) A person who communicates a **threat** to another person, with the intent:
- (1) that the other person **engage in conduct against the other person's will**;
 - (2) that the other person be placed in **fear of retaliation** for a prior lawful act; or
 - (3) of causing:
 - (A) a dwelling, a building, or another structure; or
 - (B) a vehicle; to be **evacuated**;
- commits intimidation, a Class A misdemeanor.

Indiana Gun Law – “Intimidation” cont.

(b) However, the offense is a:

* * *

(2) A Level 5 felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

(1) unlawfully injure the person threatened or another person, or damage property;

(2) unlawfully subject a person to physical confinement or restraint;

(3) commit a crime;”

Ind. Code §35-45-2-1

Indiana Gun Law – “Intimidation” cont.

While Indiana does not have a “brandishing” statute, the Indiana Supreme Court has specifically held that that the display of a handgun under some circumstances can constitute “intimidation” under Ind. Code §35-45-2-1.

“When a person utters what can only charitably be called fighting words, then displays **a handgun**, and next says ‘don't even think it,’ we conclude the person has communicated a threat within the meaning of the intimidation statute.”

Johnson v. State, 743 N.E.2d. 755 (Ind. 2002)

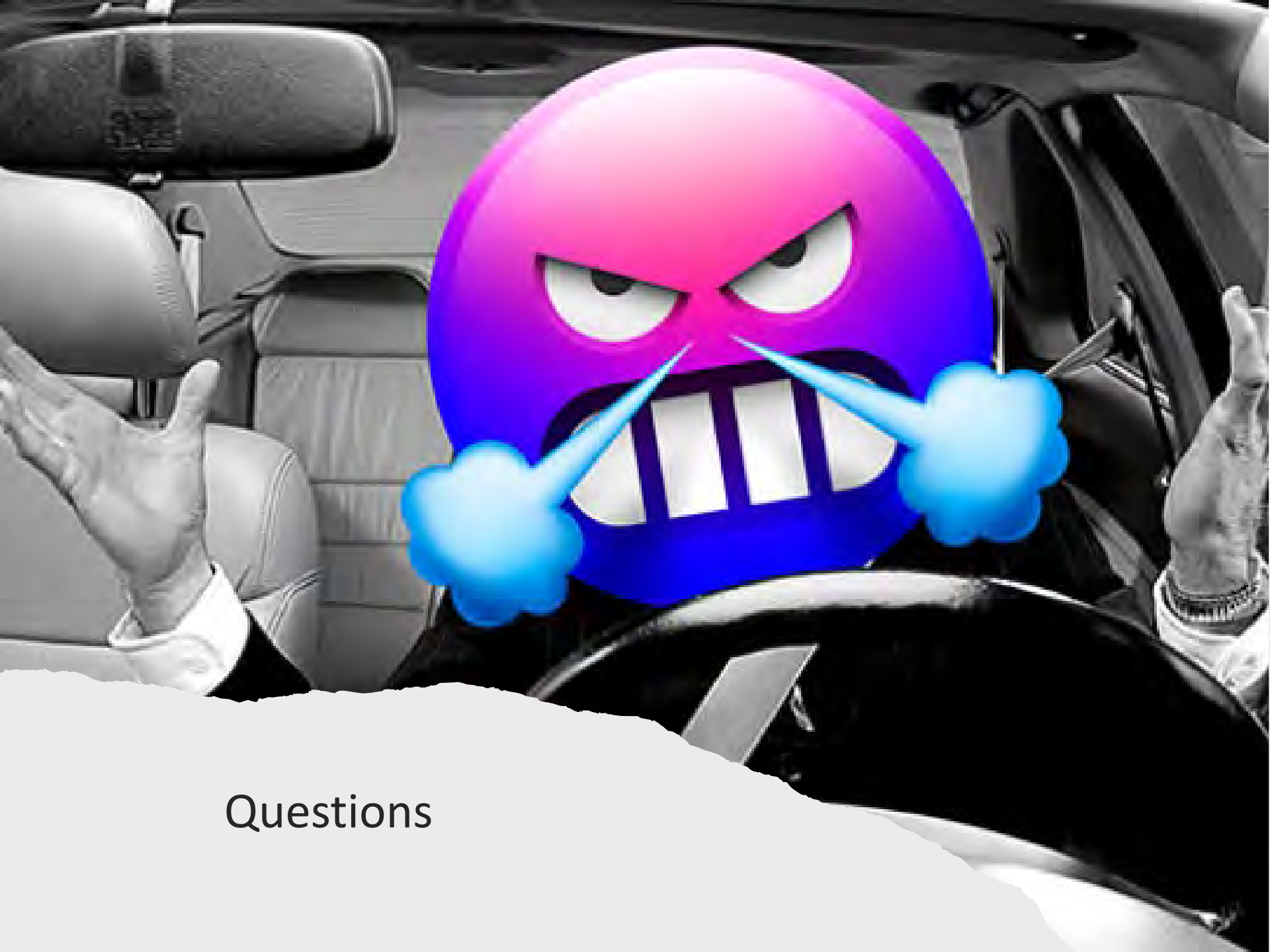
Indiana Gun Law – “Intimidation” cont.

The mere display of a handgun in a “road rage situation, without additional communication, is not “intimidation.”

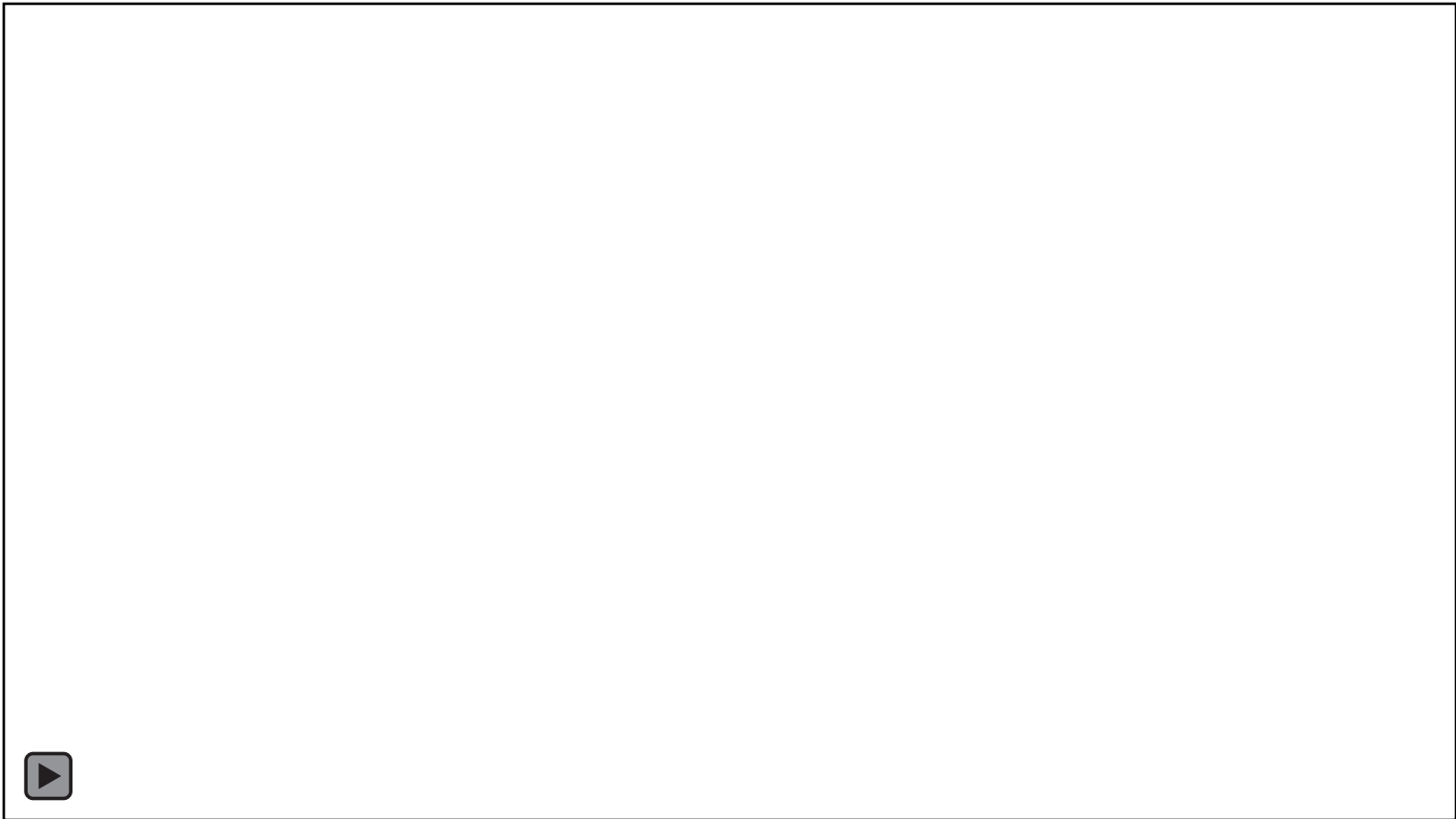
Gaddis v. State, 680 N.E.2d 860 (Ind. Ct. App. 1997)

However, pointing a firearm , after being warned to slow down, was intimidation.

Singh v. State, 942 N.E.2d 923 (Ind. Ct. App. 2011)



Questions



**BONUS “Road Rage” Incident
Los Angeles, California May 2023**