You Decide

3.1 Thomas F. Martino and his wife, Carmen Keenon, got into an argument. Martino shoved his wife down the front stairs of the home. He fell on Keenon and began choking her. The police arrived and observed Martino on top of Keenon on the stair landing outside of the couple's apartment. The officers ordered Martino to get off of Keenon who replied in a combative tone, "[Y]ou ain't going to ----ing do anything." After the police repeated these orders several more times, threatened to tase Martino, and began moving up the stairs, Martino stood up, moved to the front of the landing, and "'squared off' against the police in a way that indicated that he wanted to fight." Martino yelled at the police, "Come on." One of the officers tased Martino, who dropped to the ground, having lost control of his muscles because of being tased. He fell backward on top of Keenon, breaking her arm. The trial court found Martino guilty of aggravated domestic battery,