

Docket No. 2024-CR-319

**IN THE
SUPERIOR COURT OF THE STATE OF STETSON
PINELLA COUNTY JUDICIAL DISTRICT**

STATE OF STETSON

v.

JAY CAMERON,

Defendant.

**STATE'S MEMORANDUM OF LAW IN OPPOSITION OF
DEFENDANT'S MOTION TO DISMISS**

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INTRODUCTION

This Court should deny Defendant's Motion to Dismiss because he is not entitled to immunity from criminal prosecution under Stetson law. Defendant had a duty to retreat before using deadly force because he (1) was engaged in criminal activity at the time of the shooting and (2) was the initial aggressor.

First, Defendant was engaged in criminal activity at the time of the shooting because he was carrying a concealed firearm without a license. Second, Defendant threatened Ryan Wilson twice on the morning of August 6, 2022. Third, Defendant unlawfully "Stood His Ground" and shot Ryan Wilson without attempting to retreat as required by Stetson law under the circumstances.

STATEMENT OF FACTS

PLANNING FOR THE CONFRONTATION. On August 6, 2022, Defendant, Jay Cameron, was staying at Boals Motel because he did not have permanent housing. Case File ("CF.") 18, 19. When he would occasionally stay there, he would invite his brother, Greg Cameron, over at night for the parties that Boals Motel was known for. CF. 30. However, on August 6th, Defendant did something unusual and asked his brother to come to the motel at around 9:00 a.m. CF. 19. This was the first time that Defendant asked his brother to visit the motel in the morning, but Defendant needed "[s]trength in numbers" for what he had planned. CF. 19, 29. Defendant had been watching Ryan Wilson, a well-known drug dealer, for a while and wanted to

take over Wilson's "turf". CF. 57. Boals Motel was a part of Wilson's turf, and the brothers knew that Wilson had his own room that the manager always kept open for him. CF. 30. The problem was that Defendant did not like the way that Wilson ran his turf, and Defendant was "sick" of Wilson. CF. 20, 30.

THE FIRST THREAT. Once Defendant's brother got to Boals Motel, Defendant immediately suggested that they walk to get breakfast. CF. 29. While walking through the motel breezeway to leave, the brothers saw Wilson sitting in a chair in front of his room facing the parking lot. CF. 20, 45, 56. Defendant approached and threatened Wilson by exclaiming, "This will be my turf soon." CF. 45, 57. Wilson responded by asking if Defendant was threatening him, and Defendant answered, "Hell yes—just you wait." CF. 46. Defendant and his brother left the parking lot and went to breakfast at a nearby diner. CF. 20, 32.

THE SECOND THREAT. The brothers got back from breakfast only forty-five minutes later and walked through the parking lot again. CF. 20. Once Defendant saw that Wilson was still outside of his room, he kept his hood up, put his head down, and picked up his pace all while approaching Wilson. CF. 20–21. Then, Defendant threatened Wilson once again by using his left hand to make the shape of a gun while saying, "Pop pop." CF. 21, 34. Unbeknownst to Wilson, Defendant actually had a gun concealed in the front pocket of his hoodie as he was making this threat. CF. 21, 58. Right before Defendant walked through the breezeway, he stopped in front of

Wilson and “made a quick sliding motion with his thumb across his neck.” CF. 60–61. Wilson believed that Defendant had just threatened to kill him, and, as Defendant walked into the breezeway, Wilson’s friend handed him a firearm for protection. CF. 60.

THE SHOOTING. Fearing for his life, Wilson wanted to look into the breezeway to ensure that Defendant was not planning to attack him from behind. CF. 60. Wilson peered into the breezeway and saw that as soon as Defendant walked into the breezeway, Defendant “immediately turned around, pulled out the gun, and shot at [him].” CF. 60. Defendant’s first shot hit Wilson in the upper left area of his chest. CF. 43. Wilson defensively returned fire, and Defendant was hit in the right side of his stomach. CF. 23. At this point, Wilson was backing up and trying to get away from Defendant, but Wilson was falling backward due to the bullet wound in his chest. CF. 36, 60. Still, Wilson fought to get away and attempted to use the momentum to turn around and run away. CF. 36, 60. Wilson then tripped and lost grip on his gun as he was turning around. CF. 36, 60. While Wilson was attempting to get away, Defendant shot Wilson again and hit Wilson in the part of his back exposed to Jay. CF. 36, 61. Wilson collapsed to the ground and passed out. CF. 61

THE AFTERMATH. Defendant told his brother to grab Wilson’s gun, and then Defendant and his brother promptly ran away from the scene of the crime. CF. 23, 37–38. Defendant decided to hide both guns in his motel room before seeking

medical attention. CF. 24. After the guns had been ditched in Defendant's motel room, Defendant's brother drove Defendant to a hospital outside of Pinella County where he received medical care for his gunshot wound. CF. 24, 38.

ARGUMENT

Under Stetson law, a person may only claim Stand Your Ground Immunity to dismiss a criminal prosecution if their use or threat of force was in accordance with Stetson's Stand Your Ground law. Stet Stat. § 776.032 (2022). This law states that a person is justified in threatening or using deadly force only when that person "reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm." Stet. Stat. § 776.012 (2022). Additionally, a person under this type of threat is only relieved of the duty to retreat and may stand their ground if the person (a) "is not engaged in criminal activity," (b) "is in a place where he or she has a right to be," and (c) "is not the aggressor." *Id.* However, if a person violates any one of these three conditions, then the right to Stand Your Ground is forfeit and replaced with the duty to retreat. *Id.*

The duty to retreat is the duty to use "all reasonable means in his power, consistent with his own safety, to avoid the danger and to avert the necessity of taking human life." *Jenkins v. State*, 942 So. 2d 910, 914 (Fla. App. 2006). When a defendant is required to fulfill the duty to retreat, he or she must show that their conduct adhered to this definition "before his use of deadly force will be justified

under the Stand Your Ground law.” *Garcia v. State*, 286 So. 3d 348, 351 (Fla. App. 2019). Although the State asserts that Defendant did not retreat in accordance with his duty when he stopped to shoot Wilson in the breezeway, the question of whether Defendant retreated is a question of fact for the jury to decide. *See Hernandez v. State*, 842 So. 2d 1049, 1051 (Fla. App. 2003) (explaining that whether a defendant could have “avoided the use of deadly force by retreating safely” is a question of fact for the jury to decide); *see Commonwealth v. Ortega*, 106 N.E.3d 675, 683 (Mass. 2018) (“Whether a defendant has used all available and reasonable means to retreat is generally a question of fact.”).

In the present case, Defendant is not entitled to immunity for his use of deadly force for two reasons: (1) Defendant was engaged in criminal activity at the time of the shooting because he was concealed carrying a firearm without a license; (2) Defendant was the initial aggressor to the shooting because he was the first to threaten and first to use deadly force. Because of these actions, Defendant had the duty to retreat. *See* Stet. Stat. § 776.012. Whether Defendant fulfilled that duty is a question of fact for a jury to decide. Thus, the Court should deny Defendant’s Motion to Dismiss.

I. Defendant cannot claim Stand Your Ground Immunity because he illegally carried a concealed firearm at the time of the shooting.

Defendant’s Motion to Dismiss must be denied because engaging in criminal conduct waives the right to Stand Your Ground under Stetson law. Stet. Stat.

§ 776.032. First, Defendant was concealed carrying a firearm—a third degree felony under Stetson law—which constitutes a criminal activity. Second, under a straightforward construction of Stetson’s Stand Your Ground Immunity statute, Defendant’s criminal activity of concealed carrying a firearm waived the right to stand his ground. And third, Defendant’s illegal, concealed carrying of a firearm caused Defendant’s need to use deadly force.

Considering that Defendant waived the right to stand his ground, he also waived his claim to Stand Your Ground Immunity because the question of whether Defendant fulfilled the duty to retreat is one for the jury. *See Hernandez*, 842 So. 2d at 1051; *see Ortega*, 106 N.E.3d at 683.

A. Defendant engaged in criminal activity when he illegally carried a concealed firearm.

Under Stetson law, carrying a concealed firearm without proper licensing constitutes a felony of the third degree. Stet. Stat. § 790.01(2) (2022). A “concealed firearm” is defined as “any firearm which is carried on or about a person in a manner designed to conceal the existence of the firearm from the ordinary sight or knowledge of another person.” Stet. Stat. § 790.01(2). In cases considering whether a firearm was concealed, “[t]he critical question turns on whether an individual, standing near a person with a firearm . . . , may by ordinary observation *know* the questioned object to be a firearm.” *Ensor v. State*, 403 So. 2d 349, 355 (Fla. 1981), *rev’d on other grounds*, 450 So. 2d 1212 (Fla. App. 1984) (emphasis added).

Here, Defendant had a .40 caliber pistol concealed in the front pocket of his hoodie at the time of the shooting. CF. 21. The motel surveillance video shows that there was no visible sign of a gun in Defendant's hoodie pocket. CF. 16. Defendant's brother, Greg Cameron, plainly told Detective Hernandez that "[Defendant] didn't show his gun" CF. 33, 34. Ryan Wilson did not know Defendant and, when asked what he thought was in Defendant's hoodie pocket, he stated, "I didn't know for sure what it was, but it could have been a cell phone." CF. 58.

Furthermore, Defendant himself admits that the gun was in the front pocket of his hoodie, and Defendant explained that he felt it necessary to use a hand sign to tell Wilson that he was carrying a gun. CF. 21. Defendant said that in order "to show [Wilson] that I had [a gun] on me I used my left hand to make the shape of a gun as I was walking and I said, 'Pop pop' so that he would know I was armed and not to mess with me." CF. 21. If the gun was visible using ordinary sight, there would be no need for such a hand sign. Thus, not only was the gun obscured from ordinary sight, but witness statements from the morning of the shooting demonstrate that Defendant's gesture and comment were not enough to give those around him the knowledge that he had a concealed gun. CF. 59.

Therefore, Defendant was engaged in the criminal activity of carrying his gun "in a manner designed to conceal the existence of the firearm from the ordinary sight or knowledge" of those around him. Stet. Stat. § 790.01(2).

B. Defendant's criminal activity waived his right to "Stand His Ground."

There are two jurisdictional approaches to criminal activity with respect to Stand Your Ground Immunity. Some states hold that criminal activity *alone* waives a defendant's claim for Stand Your Ground Immunity. *See, e.g., Dawkins v. State*, 252 P.2d 214 (Okla. Crim. App. 2011). Other states require a "causal nexus" between a defendant's criminal conduct and the need to use deadly force. *State v. Booker*, 2020 Tenn. Crim. App. LEXIS 226, *89, *rev'd on other grounds*, 656 S.W.3d 49 (Tenn. 2022). Under either approach, Defendant has no claim to immunity in this case.

1. Defendant's concealed carrying of a firearm alone waives his claim for self-defense.

Stetson law mandates that there is no right to stand one's ground when one was "engaged in criminal activity" at the time of the shooting. Stet. Stat. § 776.032. The plain meaning of this section dictates that if Defendant was engaged in *any* criminal activity during his confrontation with the victim, then he had the duty to retreat. This straightforward construction is consistent with several states' interpretation of similar statutory provisions. *See, e.g., State v. Kirkland*, 276 So. 3d 994 (Fla. App. 2019) ("Because [the defendant] was engaged in illegal activity at the time he used or threatened to use deadly force, he is not entitled to benefit from the provisions of the Stand Your Ground Law."); *Dawkins v. State*, 252 P.3d 214,

217 (Okla. Crim. App. 2011) (When a defendant is “engaged in an unlawful act, . . . he does not get the benefit of the [self-defense] statute.”).

When a person decides to engage in criminal activity, that person is no longer entitled to stand their ground. Here, as established above, Defendant was engaged in criminal activity at the time of the shooting and, thus, had no statutory right to “Stand His Ground.” *See* I(A), *supra*.

2. Defendant’s concealed carrying of a firearm was the causal nexus between Defendant’s criminal activity and his need to use deadly force.

Nexus is defined as “[a] connection or link, often a causal one.” NEXUS, Black's Law Dictionary (12th ed. 2024). In jurisdictions that apply the casual nexus approach, a defendant’s unlawful activity must “relate to or contribute to” the situation requiring the need to use force. *Fuller v. State*, 231 So. 1207, 1217 (Ala. Crim. App. 2015). Furthermore, there must be “a causal nexus between [the] defendant's unlawful activity and his . . . need to engage in self-defense” in order for the trial court to instruct the jury of the defendant’s duty to retreat. *Booker*, 2020 Tenn. Crim. App. LEXIS 226, *89–90.

Even when interpreting Stetson’s Stand Your Ground law using this causal nexus approach, Defendant waived the right to stand his ground because his concealed carrying of the firearm *caused* his need to use deadly force. On the morning of the shooting, Defendant was the first person to allude to a gun when he

used his “finger-gun” gesture. If Defendant was not carrying a concealed firearm, he would not have used that gesture which could be interpreted as a threat. Moreover, Wilson likely would not have followed Defendant into the breezeway if Defendant had been openly carrying his gun. Thus, his concealed carrying was causally linked to a show of force that ultimately caused Wilson to draw his own weapon, and Defendant did not have the right to “Stand His Ground.” *See* Stet. Stat. § 776.012.

C. Defendant is not entitled to Stand Your Ground Immunity because the question of whether Defendant retreated is a factual question for the jury.

The duty to retreat is the duty to use “all reasonable means in his power, consistent with his own safety, to avoid the danger and to avert the necessity of taking human life.” *Jenkins v. State*, 942 So. 2d at 914. When a person is (a) is engaged in criminal activity, (b) in a place where he or she does not have a right to be, or (c) is the aggressor, then that person must “use all reasonable means in his power, consistent with his own safety, before his use of deadly force will be justified under the Stand Your Ground law.” *Garcia*, 286 So. 3d at 351.

Ultimately, if this Court finds that Defendant either engaged in criminal activity or was the initial aggressor, this Court should deny Defendant’s motion for pretrial immunity. Under the plain text of Stetson General Statutes § 776.012, a duty to retreat will be imposed on a person who satisfies either of these two conditions. Whether a defendant has sufficiently “retreated” pursuant to a duty to retreat depends

on if one has exhausted every reasonable means of escape. *See Jenkins*, 942 So. 2d at 914. Florida courts, when interpreting an almost identical Stand Your Ground statute to Stetson's, have found that the question of reasonable retreat cannot be decided at the immunity hearing and must therefore go to the jury. *Kirkland*, 276 So. 3d at 995 (“[B]ecause we find that [the defendant] was engaged in criminal conduct, . . . the trial court erred in finding that he was entitled to statutory immunity.”). Further, jurisdictions with varying Stand Your Ground statutes have also determined that the question of whether a defendant retreated is one for the jury to decide at trial. *See Hernandez*, 842 So. 2d at 1051; *see Ortega*, 106 N.E.3d at 683.

Therefore, this Court should deny Defendant's Motion to Dismiss because he was engaged in criminal conduct at the time of the shooting and, consequently, waived any pretrial claim for Stand Your Ground Immunity.

II. Defendant cannot claim Stand Your Ground Immunity because he was the initial aggressor.

Under Stetson General Statutes § 776.041, a defendant cannot establish Stand Your Ground Immunity if that person “[i]nitially provoke[d] the use or threatened use of force against himself or herself[.]” Stet. Stat. § 776.041 (2022).

In matters of deadly self-defense, the “initial aggressor” is the first person in a confrontation to have initiated “forceful action” or to have threatened deadly force. *State v. Johnson*, 2023 Ala. LEXIS 144, 11*; *People v. Brown*, 125 N.E.3d 808 (N.Y. 2019). As the North Carolina Court of Appeals has explained, it is not required

that actual *physical force* be exerted to determine the initial aggressor because a *threat* of force is sufficient to make one the initial aggressor. *State v. Norris*, 239 N.C. App. 132. This is fully consistent with Stetson law, as Section 776.041 holds that one who has provoked the *threat* of force is precluded from claiming Stand Your Ground Immunity.

This Court should find that Defendant is not entitled to Stand Your Ground Immunity for three reasons: (1) Defendant first initiated and threatened deadly force; (2) Defendant provoked any force used against him; and (3) Defendant does not fall into either exception set out in Section 776.041.

A. Defendant was the initial aggressor because he first initiated and threatened deadly force.

In determining the initial aggressor of an altercation, the court must consider the “the circumstances that precipitated the altercation.” *State v. Corbett*, 269 N.C. App. 509, 839 S.E.2d 361 (2020). The totality of the circumstances leading up to a confrontation determine whether a reasonable person would have believed that deadly force was necessary to avoid imminent danger. *Mobley v. State*, 132 So. 3d 1160 (Fla. Dist. Ct. App. 2014).

1. Defendant was the initial aggressor because he threatened deadly force against Wilson less than an hour before the shooting.

If a defendant’s threat of deadly force precipitates a deadly confrontation, that conduct is relevant to determining the initial aggressor in a later one. *Spaulding v.*

State, 257 S.E.2d 391 (N.C 1979); *State v. Wyche*, 170 So. 3d 898 (Fla. Dist. Ct. App. 2015).

In *Spaulding*, the defendant and Decedent were fellow inmates at a maximum-security prison. 257 S.E.2d at 393. Before going to the prison yard, Decedent menacingly told the defendant, “I got something for you.” *Id.* Due to Decedent’s threat, the defendant armed himself with a knife for self-defense. *Id.* Later, after going outside, the defendant again encountered Decedent; Decedent “‘jammed’ [his hands] into his pocket” and then aggressively began approaching the defendant. *Id.* Despite never seeing a weapon on Decedent, the defendant drew his knife and stabbed and killed the fast-approaching Decedent. *Id.* The trial court refused to instruct on self-defense because the defendant armed himself with a knife before the stabbing. *Id.* at 393.

On appeal, the North Carolina Supreme Court reversed and found that (1) Decedent’s earlier threat and demeanor were relevant to the defendant’s reasonable belief that deadly force would ultimately be necessary; (2) the defendant’s “arming himself as a precaution,” in the context of that earlier threat, did not establish fault; and (3) Decedent did not need to show a deadly weapon first for the defendant to have the right to use deadly force. *Id.* at 395, 396. Hence, *Spaulding* instructs that an overt act of physical violence is not required for making a threat of deadly force, and an earlier threat can give reasonable justification for believing that one is at risk of

suffering death or serious bodily injury. *Id.* at 396. Verbal threats and a combative demeanor can be sufficient for a threat of deadly force and, thus, to establishing the initial aggressor. *Id.*

Here, Wilson was peacefully sitting outside his motel room when Defendant approached Wilson and asserted, “This will be my turf *soon*.” CF. 45–46, 57 (emphasis added). Wilson then asked Defendant if this was a threat, to which Defendant responded, “Hell yes—just wait.” CF. 46. Defendant purposely used the word “soon” to convey his intent to act on the immediacy of his threat, which he acted on only forty-five minutes later.

If the court in *Spaulding* found, “I got something for you,” to be a reasonable threat of deadly force, this Court should find Defendant’s even stronger statement of, “This will be my turf, *soon*. . . . Wait and see, old man,” to constitute an overt threat against Wilson. Just like in *Spaulding*, Defendant’s prior threat does not become irrelevant simply because a period of time separated that threat and the shooting. Therefore, from the moment Defendant returned to the motel parking lot, Wilson already had a reasonable belief that Defendant was going to carry out his threat.

2. Defendant threatened Wilson with imminent deadly force when he returned to the motel parking lot.

When Defendant returned to the parking lot after already having threatened Wilson, Defendant became the initial aggressor when he again threatened deadly force with both his words and conduct. CF. 47.

In *Spaulding*, the Court of Appeals reversed the trial court's denial of the defendant's self-defense claim. *Id.* at 398. The court held that because Decedent had threatened the defendant earlier in the morning and then *charged the defendant with his hands in his pockets*, the totality of the facts tended "to show [that Decedent] was the aggressor." *Id.* at 395. Thus, when a person threatens another with deadly force and then charges that person with hands tucked into pockets, such conduct can be sufficient to make one the initial aggressor. *Id.*

Here, again, Defendant had already made clear his threatening intention forty-five minutes before returning to the lot. And upon returning, Defendant quickly approached Wilson from across the parking lot with his hood on and his right hand in the front pocket of his hoodie. CF. 58. *Spaulding* is on point here, because the initial aggressor there had already made a reasonable threat of deadly force and then quickly approached Defendant with his hands concealed.

While there is mixed testimony on whether Defendant threatened Wilson with a "finger-gun" or a "throat-slashing" gesture, either would be enough to constitute an imminent threat of deadly force. CF. 21, 59–60. In either case, Defendant had his

right hand concealed and was charging toward Wilson while making these threatening gestures. CF. 21. Thus, Defendant could have given the reasonable impression that his gesture “[was] calculated to create the impression” that force would be imminently used on Wilson. *United States v. Jones*, 932 F.2d 624, 625 (7th Cir. 1991) This question of whether these gestures were a threat of force sufficient to give the reasonable impression of imminency should be left for a jury to decide. *State v. Floyd*, 186 So. 3d 1013, 1022 (Fla. 2016).

The imminent threat that Defendant would use a gun becomes so apparent when reviewing the totality of the circumstances: the threat forty-five minutes prior, entering the parking lot with his hand already on his gun, charging toward Wilson, making a “throat-cutting” gesture intended as a death threat, and being the first to draw his firearm. CF. 57–60. Defendant cannot claim immunity for a series of events that he put into motion.

B. Even if Wilson shot first in self-defense, Defendant was not entitled to “Stand His Ground” because he provoked the force against himself.

Under Stetson law, an individual is not entitled to a self-defense justification if they “initially provoke the use or threatened use of force against himself[.]” Stet. Stat. § 776.041(2). This subsection requires determination of which party engaged in “provocation.” As guidance, the Texas Court of Criminal Appeals held the following in *Smith v. State*:

A charge on provocation is required when there is sufficient evidence (1) that the defendant did some act or used some words which provoked the attack on him, (2) that such act or words were reasonably calculated to provoke the attack, and (3) that the act was done or the words were used for the purpose and with the intent that the defendant would have a pretext for inflicting harm upon the other.

965 S.W.2d 509, 513 (Tex. Crim. App. 1998). Here, sufficient evidence exists that Defendant engaged in provocation for the question to go to the jury.

The evidence shows that Defendant already had it out for Wilson. Wilson is an alleged drug dealer, and his territory is known to encompass the Boals Motel. CF. 30. Wilson claims that, on multiple occasions, he has seen Defendant lurking around and watching him from a distance. CF. 57. Defendant himself has relayed that he is “sick” of Wilson’s control over the Boals Motel. CF. 20. And Greg Cameron believes that Defendant wanted to “corner [Wilson’s] market.” CF. 31.

Smith requires asking what constitutes “*reasonable* provocation.” 965 S.W.2d at 517 (emphasis added). Here, given Defendant’s personal knowledge of Stetson’s streets, of Wilson’s character, and of Wilson’s violent history, sufficient evidence exists that Defendant should have reasonably known his behavior toward Wilson would provoke force. CF. 20, 22. Specifically, while having the subjective desire to gain Wilson’s turf, Defendant already communicated a threat to take Wilson’s turf a mere forty-five minutes before the shooting. CF. 45, 57. Then, when Defendant returned to the motel lot, Defendant immediately charged in Wilson’s direction and then directed a “throat-slashing” or “finger-gun” gesture at him while palming a

firearm in his hoodie pocket. CF. 59–60, 21. In the context of Defendant’s earlier threat of force and his subjective intent, this conduct constituted sufficient evidence that Defendant’s act was so calculated as to provoke a reasonable person, which under *Smith*, means the question must go to the jury. 965 S.W.2d at 517.

This Court should, therefore, deny Defendant’s motion for immunity and allow the provocation issue to go to the jury.

C. Defendant’s actions do not fall under the exceptions for use or threatened use of by an initial aggressor.

Under Stetson law, there are two exceptions by which the initial aggressor may still be justified in the use of deadly force. Stet. Stat. § 776.041(2). First, the initial aggressor may be entitled to immunity if “he or she has exhausted every reasonable means of escape prior to resorting to deadly force.” Stet. Stat. § 776.041(2)(a). Second, an initial aggressor may be entitled to justification if “[i]n good faith, the person withdraws from physical contact” and “the assailant continues or resumes the use or threatened use of force.” Stet. Stat. § 776.041(2)(b). Similar to Stetson’s Stand Your Ground law, factual questions as to whether an initial aggressor retreated or withdrew should go to the jury. *See I(C), supra*.

Although the State is confident the evidence shows Defendant neither retreated nor withdrew, this factual question is ultimately one for the jury decide. *Kirkland*, 276 So. 3d at 995; *Floyd*, 186 So. 3d at 1022. Therefore, under either

exception under Section 776.041, Defendant is not entitled to dismissal based on Stand Your Ground Immunity.

CONCLUSION

This Court should deny Defendant's Motion to Suppress. Defendant did not have the right to stand his ground during the shooting because he illegally carried a concealed firearm and acted as the initial aggressor. Defendant's violations of the conditions listed in Stetson's Stand Your Ground law imposed the duty to retreat and waived his claim to Stand Your Ground Immunity.

INTEGRITY CERTIFICATION

See Addendum A.

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing Memorandum of Law was delivered by email by 5:00 p.m. EST on September 1, 2024, to nptc@law.stetson.edu.

Respectfully submitted,

/s/ Team 115

Attorneys for the State of Stetson