TEAM NO: 112

Case No. 2024-CR-319

IN THE SUPERIOR COURT OF THE STATE OF STETSON

PINELLA COUNTY JUDICIAL DISTRICT

September 1, 2024

STATE OF STETSON,

v.

JAY CAMERON,

*Defendant.*

**MEMORANDUM OF LAW**

**IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS**

**TABLE OF CONTENTS**

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

INTRODUCTION 1

STATEMENT OF FACTS 1

ARGUMENT 5

1. This Court should grant the defense’s motion to dismiss because Jay Cameron did not engage in unlawful criminal activity by concealing and carrying a firearm without a license 5
   1. Jay Cameron did not possess the specific intent to conceal his firearm under the plain meaning of § 790.01(2) 6
   2. Applying section 790.01(2) to Jay Cameron would lead to an absurd outcome that ignores the legislative purpose of section 790.01(2) 8
2. The Court should grant the defense’s motion to dismiss because Jay Cameron is not the aggressor and may claim immunity under the Stand Your Ground law 10
   1. Jay Cameron is not the aggressor in this case because he did not provoke the conflict with Wilson 11
   2. If the court believes that Jay Cameron was the initial aggressor, he complied with the Stetson statutory exemption because retreat would have been unreasonable 14
      1. Jay Cameron had a reasonable belief of death or great bodily harm 14
      2. Jay Cameron exhausted all reasonable means of escape 15

CONCLUSION 17

**TABLE OF AUTHORITIES**

**CASES PAGES**

*Anderson v. State,*

614 A.2d 963 (Md. App. Ct. 1992) 8

*Brown v. United States*,

256 U.S. 335 (1921) 12, 15

*Commonwealth v. Montgomery*,

234 A.3d 523 (Pa. 2020) 7

*Commonwealth v. Scott*,

176 A.3d 283 (Pa. Super. Ct. 2017) 7

*Dorelus v. State*,

747 So. 2d 368 (Fla. 1999) 6

*Erwin v. State*,

29 Ohio St. 186 (1876) 15

*Giamberini v. Dep't of Fin. Servs.,*

162 So. 3d 1133 (Fla. Dist. Ct. App. 2015) 8

*Gourko v. United States,*

153 U.S. 183 (1894) 12

*McDonald v. City of Chicago*,

561 U.S. 742 (2010) 5

*Moody v. State*,

362 S.E.2d 499 (Ga. Ct. App. 1987) 9

*Patrasso v. Nelson*,

121 F.3d 297 (7th Cir. 1997) 12

*Smith v. Commonwealth*,

435 S.E.2d 414 (Va. 1993) 11

*State v. Effler*,

698 S.E.2d 547 (N.C. Ct. App. 2010) 12, 13

*State v. Fisher*,

714 N.W.2d 495 (Wis. 2006) 8

*State v. Gardner*,

104 N.W. 971 (1905) 15, 16

*State v. Leake*,

527 P.3d 1054 (Or. Ct. App. 2023) 8

*State v. Leaks*,

103 S.E. 549 (S.C. 1920) 11

*State v. Reams*,

27 S.E. 1004 (N.C. 1897) 9

*State v. Simon,*

646 P.2d 1119 (Kan. 1982) 14

*Thompson v. United States*,

155 U.S. 271 (1894) 11

*United States v. Kirby*,

74 U.S. 482 (1869) 9

**STATE STATUTES**

18 Pa. Cons. Stat. § 6106(a) 7

Ste. Stat. § 776.012 5, 11

Ste. Stat. § 776.032 5

Ste. Stat. § 776.041(2)(a) 14, 15

Ste. Stat. § 790.01(2) 6, 7, 8, 9, 10

**OTHER AUTHORITIES**

Black’s Law Dictionary (12th ed. 2024) 7

Bruce M. Lawlor, When Deadly Force is Involved (2017) 14

**INTRODUCTION**

This court should grant the defense’s Motion to Dismiss because Jay Cameron was not engaged in unlawful activity by carrying a concealed weapon and was not the aggressor in the shooting that occurred.

On August 6, 2022, Jay Cameron used deadly force to defend himself, shooting Ryan Wilson in the shoulder and then the back. Although Mr. Cameron’s firearm was not visible prior to the altercation, Mr. Cameron was not carrying the gun with the intent to conceal and provided notice to those around him that he was bearing a firearm. Moreover, despite the fact who shot first is in dispute, based on Wilson’s previous violent and threatening behavior, comments made by Wilson and his posse indicating that he was going to kill Jay Cameron, and the fact that Jay Cameron believed that Wilson had a concealed firearm, Jay Cameron had the reasonable belief that Wilson posed a threat to his life and took action to defend it.

Because Jay Cameron was not carrying a concealed firearm in contravention of the conceal carry statute, satisfied the legislative purpose of the statute, and did not provoke Ryan Wilson, Jay Cameron is immune under Stetson’s Stand Your Ground law and the Court should dismiss this case.

**STATEMENT OF FACTS**

On August 6, 2022, Jay Cameron woke up in Room 1077 of the Boals Motel in Petersburg, Stetson. (J. Cameron Int. ¶ 11-24; Ex. 4.) Mr. Cameron, who does not have his own home, often stayed at the motel because it is safe, clean, and cheap. (J. Cameron Int. ¶ 31-35.)

Ryan Wilson (“Wilson”) regularly stayed in Room 1045 so that he could, amongst other things, operate his illegal drug business. (Wilson Int. ¶ 52-61; G. Cameron Int. ¶ 52-53; Gray Int. ¶ 18-26.) Wilson treated Boals Motel area as his “turf” and was “very territorial” of his space. (Wilson Int. ¶ 39, G. Cameron Int. ¶ 50-51; PPD Incident Rep. Narrative ¶ 4.) Greg Cameron and Kenneth Gray—one of Wilson’s long-time friends—noted that Wilson had a reputation of being violent and tended to lash out in anger. (G. Cameron Int. ¶ 39-41, PPD Incident Rep. Narrative ¶ 4.) Jay was aware of this reputation and had personally seen Wilson threatening other residents of the Boals Motel, getting into bar fights, and even pulling guns on them. (J. Cameron Int. ¶ 45-52.)

Around 9:00 AM, Jay called his brother, Greg Cameron, to come to the Motel to “hang out” and the two decided to get breakfast together. (J. Cameron Int. ¶ 24-26.) As they headed to the restaurant, the brothers moved across the motel property and passed Room 1045. (J. Cameron Int. ¶ 26-27.) Although Greg was unaware of this, Jay had called his brother because he was afraid that he would be threatened by Wilson. (J. Cameron Int. ¶ 39-46.) Jay Cameron, who always broke up fights and hated violence, needed the support of his big brother. (G. Cameron Int. ¶ 64-71.)

At approximately 9:45 AM, Wilson stood outside of Room 1045. As Jay and Greg passed, Wilson warned Jay to “keep your distance, or else.” (J. Cameron Int. ¶ 54-55.) Jay responded by telling Wilson that he was not scared of him and Wilson retaliated by telling Jay that he “was a dead man walking.” (J. Cameron Int. ¶ 55- 57.) Greg corroborated that Wilson threatened Jay that day, telling Jay, “just keep walking, you don’t want to get hurt.” (G. Cameron Int. ¶ 91-92.)

Wilson’s words shook Jay and Jay realized that if it came down to it, he would have to defend himself. (J. Cameron Int. ¶ 58.) While Jay and Greg were away from the motel, Wilson entered Room 1045 and returned with a black object that appeared to be a gun, stuffed into his pocket. (Gray Int. ¶ 52-58) Wilson appeared angry, spit on the ground, and muttered, “Let him try. Everyone knows this is my turf.” (Gray Int. ¶ 59-61.) Meanwhile, Jay and Greg ate at a nearby diner where Jay appeared calm and made no threats against Wilson. (G. Cameron Int. ¶ 99-109.) The brothers finished eating, and Jay and Greg ventured back to the motel around 10:15 AM. (PPD Incident Rep. Narrative ¶ 5; J. Cameron Int. ¶ 61-62.)

That day, Jay carried a .40 caliber handgun in the front pocket of his hoodie (J. Cameron Int. ¶ 67-71.) When Jay and Greg walked towards the motel parking lot, they saw Wilson still outside Room 1045 along with two other individuals (Kenneth Gray and “Tony D”). (J. Cameron Int. ¶ 62; 98.) The two other men appeared visibly high to Jay, and Kenneth Gray later admitted that he had smoked marijuana that morning. (J. Cameron Int. ¶ 98-99; Gray Int. ¶ 163.) Wanting to avoid a confrontation and ensure that others knew he was armed, Jay used his left hand to make the shape of a gun and said, “pop, pop” as he passed Wilson. (J. Cameron Int. ¶ 73-77; G. Cameron Int. ¶ 135; Gray Int. ¶ 69-71) Despite Wilson stating that he didn’t view Jay Cameron’s actions as a threat, it crossed Wilson’s mind that Jay carried a gun. (Wilson Int. ¶ 115-117.) Wilson threw his hands up in the air and yelled, “Let’s f\*\*\*ing go” in response. (G. Cameron ¶ 143-144; Wilson Int. ¶ 123-124.) Wilson claims that Jay made a motion with his left hand across his throat, but neither Kenneth Gray’s, Jay’s or Greg Cameron’s testimony supports Wilson’s assertion. (Wilson Int. ¶ 135-137.)

Continuing to walk toward the breezeway, Jay noticed Wilson stood with his hand in his pocket and was holding a black object that looked like a gun. (J. Cameron Int. ¶ 87-90.) Thinking of Wilson's violent reputation, Jay believed it was a gun and that Wilson was going to kill him. (J. Cameron Int. ¶ 96-97.) Walking quickly past Wilson and his friends, Jay heard one of the men giggle and say, “he’s done”. (J. Cameron Int. ¶ 101-102.) As Jay entered the breezeway, he heard a voice yell, “Yo watch, he’s a deadman.” (J. Cameron Int. ¶ 110.) Heart racing, Jay Cameron turned around and drew his firearm. (J. Cameron Int. ¶ 110-111; Ex. 8)

Rather than remain where he was, Wilson followed Jay into the breezeway with his gun drawn and fired his weapon. (Ex. 8.) The men exchanged shots, each sustaining injury. (J. Cameron Int. ¶ 118.) Wilson shot Jay in the stomach, while Wilson was hit in the shoulder. (J. Cameron Int. ¶ 118-119.) Although the shot to the shoulder caused Wilson to rotate towards his left, Wilson kept his gun pointed towards Jay. (J. Cameron Int. ¶ 112-23.) Fearing that Wilson would shoot again, Jay fired another shot into Wilson’s back, forcing Wilson to drop his gun. (J. Cameron Int. ¶ 118-124.) Jay then instructed Greg to pick up Wilson’s gun to prevent him from shooting further. (J. Cameron Int. ¶ 125-126.)

Jay and Greg then ran back to their room and left the guns there. (J. Cameron Int. ¶ 130-131.) With Jay bleeding profusely and falling in and out of consciousness, Greg Cameron knew he needed to take his brother to the emergency room. (G. Cameron Int. ¶ 241; 247-249; 253.) Fearing that Wilson and his crew would come to the hospital to retaliate, Greg drove to the Hillsboro County Medical Center where Jay received treatment. (G. Cameron Int. ¶ 249-252.) Wilson was taken to Petersburg General Hospital where he underwent emergency surgery. (PPD Incident Rep. Suppl. ¶ 1, Aug. 6, 2022.) The surgery was successful, and Wilson recovered.

ARGUMENT

The right to self-defense is as old as human conflict. As the Supreme Court stated in *McDonald v. City of Chicago*, the right of self-defense is a “basic” human right, the use of handguns for such purposes being the “core component” of the Second Amendment of the Constitution. 561 U.S. 742, 767 (2010). Accordingly, in the State of Stetson, a person may use or threaten the use of deadly force if he (1) reasonably believes that using or threatening to use deadly force is necessary to (2) prevent imminent death or great bodily harm to himself. Ste. Stat. § 776.012. One who uses deadly force under this section has a right to stand his ground if the person “using or threatening to use deadly force (1) is not engaged in criminal activity, (2) is in a place where he has a right to be, and (3) is not the aggressor.” Ste. Stat. § 776.012. Accordingly, “a person who uses or threatens to use force” as allowed in the section above “is justified in such conduct and is immune for criminal prosecution…for the use or threatened use of such force by the person…against whom the force was used or threatened.” Ste. Stat. § 776.032.

1. **This Court should grant the defense’s motion to dismiss because** **Jay Cameron did not engage in unlawful criminal activity by concealing and carrying a firearm without a license.**

To bar a defendant from seeking Stand Your Ground immunity, under section 790.01(2) the State must prove by clear and convincing evidence that the defendant: (1) carried a concealed firearm, (2) on or about his or her person, and (3) the defendant is not licensed to carry a concealed firearm. Ste. Stat. § 790.01(2). Mr. Cameron was carrying a firearm on his person and Mr. Cameron did not possess a license to carry a concealed firearm. These facts are not in contention and therefore, the issue is whether Mr. Cameron concealed his firearm under section 790.01(2).

A firearm is “concealed” when it “is carried on or about a person in a manner designed to conceal its existence from the ordinary sight or knowledge of another person.” Ste. Stat. § 790.01(2). “Ordinary sight” is the “casual or ordinary observation of another” and considers whether a person standing near the defendant may know the hidden object to be a firearm. *Dorelus v. State*, 747 So. 2d 369, 371 (Fla. 1999).

The plain meaning of the first element of section 790.01(2) requires the specific intent to conceal. Because Jay Cameron did not possess the requisite intent to conceal his firearm, he cannot be found guilty under section 790.01(2). Alternatively, should the State of Stetson disagree with the defense’s interpretation, the Court should still decline to apply section 790.01(2) to Mr. Cameron because doing so would result in an absurd outcome that ignores the legislative purpose of section 790.01(2).

* 1. **Jay Cameron did not possess the specific intent to conceal his firearm under the plain meaning of section 790.01(2).**

Section 790.01(2) requires that the State prove Jay Cameron possessed the intent to conceal the existence of his firearm. When interpreting the meaning of a statute, courts look to the plain language, giving each word and phrase its natural and obvious meaning. *Commonwealth v. Montgomery*, 234 A.3d 523, 542 (Pa. 2020). Words should not be twisted into absurd interpretations and must be construed according to common usage. *Id*. at 534. Stetson’s concealed carry statute requires a firearm to be carried “*in a manner designed to conceal*…” Ste. Stat. § 790.01(2) (emphasis added). “Design” is defined as “purpose or intention combined with a plan”. *Design*, Black’s Law Dictionary (12th ed. 2024). By including “in a manner designed to conceal…”, the Stetson legislature limited the application of section 790.01(2) to individuals who acted with the purpose of hiding a firearm on their person in such a way as to prevent other persons from discovering the firearm.

In *Commonwealth v. Scott*, the court interpreted a concealed carry statute remarkably similar to the one under examination here. 18 Pa. Cons. Stat. § 6106(a) states in part, “any person who carries a firearm concealed on or about his person…without a valid and lawfully issued license under this chapter commits a felony of the third degree.” In *Scott*, an officer discovered a holstered firearm hidden by the defendant’s untucked t-shirt during an investigative pat down. *Id.* at 285. Although the defendant’s shirt completely obscured the firearm from view, the defendant insisted he had not intended to conceal the weapon because the shirt had become accidentally untucked during the course of the day. *Id*. at 289. The court agreed, holding that the State must prove that the concealment was done “intentionally, knowingly, or recklessly” to convict the defendant under section 6106(a). *Id*. at 291. Although the court acknowledged that there was no question that the defendant’s firearm was concealed, the court reasoned that it was disfavored to read strict liability into criminal statutes where there was no express legislative intent to dispose of mens rea.

Here, there is no proof that Jay Cameron acted with the purpose or intention to conceal his firearm. On the contrary, Mr. Cameron acted affirmatively to ensure that Wilson was aware that Mr. Cameron was carrying a gun. Rather than disguising his gun beneath layers of clothing, Mr. Cameron chose to carry his “large .40 caliber” handgun in the outermost pocket of his hoodie. (J. Cameron Int. ¶ 70-71.) Moreover, upon passing Wilson immediately prior to the shooting, Mr. Cameron held up his left hand to make the shape of a gun and said, “pop, pop” so that Wilson would know that he was carrying a firearm. *Id*. at 73-76.

Accordingly, because the natural and obvious plain meaning of section 790.01(2) requires a person to intend to conceal a firearm and Jay Cameron attempted to reveal the presence of his handgun, Jay Cameron did not carry a concealed firearm under the meaning of section 790.01(2).

* 1. **Applying section 790.01(2) to Jay Cameron would lead to an absurd outcome that ignores the legislative purpose of section 790.01(2).**

A statute’s plain meaning controls unless an application of the plain meaning of the statute would lead to absurd or unreasonable results. *Giamberini v. Dep't of Fin. Servs.*, 162 So. 3d 1133, 1136 (Fla. Dist. Ct. App. 2015). The legislative purposes behind concealed carry statutes across the country are well documented. (*Anderson v. State*, 614 A.2d 963 (Md. App. Ct. 1992); *State v. Fisher*, 714 N.W.2d 495 (Wis. 2006); *State v. Leake*, 527 P.3d 1054 (Or. Ct. App. 2023)). Concealed carry statutes are not enacted to prevent individuals from carrying firearms for their protection, they are designed to ensure that the people around a carrier of a firearm are provided notice that the individual is armed. *State v. Reams*, 27 S.E. 1004 (N.C. 1897). Concealed carry statutes are drafted to compel persons who carry such firearms to bear them in such a manner that “others who came into contact with them might see that they [are] armed & dangerous persons, who [are] to be avoided in consequence.” *Moody v. State*, 362 S.E.2d 499, 501 (Ga. Ct. App. 1987). Jay Cameron’s actions served to notify those nearby that he was carrying a firearm and as such, he satisfied the legislative purpose behind section 790.01(2).

Applying a statute leads to an absurd outcome when its outcome merely incidentally supports the legislative intent. In *U. S. v.* *Kirby*, the Supreme Court examined a federal statute that made it a crime to “knowingly and willingly obstruct or [slow] the passage of the mail”. 74 U.S. 482, 485 (1869). The defendant in *Kirby* was a mail carrier who, while delivering mail, was arrested for murder. *Id*. at 482. The defendant was convicted under the federal statute for obstructing the passage of mail as a result of his arrest, and the defendant subsequently appealed. *Kirby* at 485. The Court declined to apply the federal statute because it would be unreasonable to implement the act against carriers who incidentally slowed the passage of mail by virtue of being arrested. *Id*. at 487. The Court reasoned that it should be presumed that legislatures intended statutory exceptions to apply to the literal meaning of a law when the exception would avoid an otherwise absurd result. *Id*. at 486-87.

Jay Cameron acted in a manner that provided notice to those around him of the presence of the firearm he carried. Greg Cameron witnessed his brother gesture the shape of a gun with his left hand and say “pop, pop” as a means of informing Wilson that Jay Cameron was armed. (G. Cameron Int. ¶ 133-36.) Wilson responded by saying “Let’s f\*\*\*ing go”, indicating recognition and acknowledgment of the gesture made by Jay Cameron. *Id*. at 143-44. Kenny Gray observed Mr. Cameron holding something in the front pocket of his hoodie that “looked like he was holding a weapon–probably a gun…” and confirmed seeing the left-hand gesture and hearing “pop, pop”. (Gray Int. ¶ 66-71.) Although Gray did not see Mr. Cameron’s firearm he argued, “what else was it gonna be...I know what it looks like when someone’s packing.” (Gray Int. ¶ 75-78.) Finally, although Wilson could not specifically see what Jay Cameron was holding in his hoodie pocket, he was aware it could have been a gun. (Wilson Int. ¶ 104-59; 115.)

It would be absurd to find Jay Cameron guilty of carrying a concealed firearm in contravention of section 790.01(2) when doing so would only incidentally support the legislative intent. The purpose of such statutes is to ensure that individuals are made aware that someone in their presence is carrying a firearm and that they are potentially dangerous. Jay Cameron’s actions served to notify those nearby that he was carrying a firearm. Should the Court disagree that the plain meaning of section 790.01(2) requires an intent element, the Court should still decline to find Jay Cameron guilty because doing so would ignore the legislative purpose of concealed carry statutes and lead to an absurd outcome.

1. **The Court should grant the defense’s motion to dismiss because Jay Cameron is not the aggressor and may claim immunity under the Stand Your Ground law.**

To be considered the aggressor under Stetson law, an individual must have initially provoked the use of force against them. Ste. Stat. § 776.012. The statute does not provide a definition of provocation. *Id*. It does, however, create two large exceptions to this general rule. First, the aggressor may stand his ground if they withdraw from physical conflict and the assailant continues with force or threatened force. *Id.* This exception, however, is inapplicable. Second, an aggressor may still claim the benefit of self-defense if he reasonably believes he is in imminent danger of death or great bodily injury and has exhausted all reasonable means of escape. *Id.*  In the present case, because Jay Cameron did not provoke the confrontation, he cannot be the aggressor and may claim immunity under the Stetson Stand Your Ground law. Furthermore, assuming arguendo that Jay Cameron provoked the conflict, he still exhausted all reasonable means of escape, falling under the statutory exemption to the initial aggressor rule.

* 1. **Jay Cameron is not the aggressor in this case because he did not provoke the conflict with Wilson.**

State courts have defined provocation as conduct or words where a conflict is naturally and probably to be anticipated as a result. *State v. Leaks*, 103 S.E. 549, 551 (S.C. 1920). If the defendant is at fault in bringing about the conflict, they may not claim the right of self-defense. *Smith v. Commonwealth*, 435 S.E.2d 414, 416 (Va. 1993). In making this determination, a court must look at the factual circumstances of the case, considering the parties’ reputations, the parties’ relative physical prowess, the parties’ intent, and the parties’ previous threats. *Thompson v. United States*, 155 U.S. 271 (1894) (where the minor defendant had been peaceful in the face of constant threats from the injured party and his family.); *see* *Brown v. United States*, 256 U.S. 33 (1921) (where the injured party threatened the defendant’s life and previously assaulted the defendant throughout an ongoing feud); *see also Gourko v. United States,* 153 U.S. 183 (1894) (where the Court described the victim as an extraordinarily strong, dangerous man and the defendant as quiet and peaceable). Examples of provocation include situations where the defendant (1) unilaterally enters a fight, *State v. Effler*, 698 S.E.2d 547, 551-52 (N.C. Ct. App. 2010), (2) uses language or acts intending to provoke, *Id*., or (3) intimidates a victim, *Patrasso v. Nelson*, 121 F.3d 297, 303 (7th Cir. 1997).

Here, Jay Cameron cannot be the provocateur because neither his words nor conduct show that he intended to bring about a conflict, and the factual circumstances of the case weigh against finding Jay Cameron as the aggressor.

A person is the aggressor when he starts the conflict with language or conduct intended to bring about that result. In *State v. Effler*, the defendant returned home to confront a roommate the defendant had kicked out of their home earlier in the day. 698 S.E.2d 547, 549 (N.C. Ct. App. 2010). The defendant threw the roommate’s tools in the yard while cursing at him, which escalated until the defendant fatally stabbed the roommate. *Id.* at 550. The Court held that the defendant was the aggressor, and that his throwing the tools in the yard and cussing was an act of provocation. *Id.* at 552. The Court reasoned that the defendant’s action of throwing the bag fit the description of provocation because (1) the nature of the aggressive act itself showed intent to start a conflict and (2) it was the first link in a chain of events that led to the roommate’s death. *Id.*

Unlike the defendant’s actions in *Effler*, Jay Cameron did not provoke the conflict with Wilson because (1) the nature of his actions shows no intent to threaten and (2) he did not create the first link in the causal chain. Jay’s actions—the “pop, pop” and finger gun—show an intent to deter conflict, unlike the defendant in *Effler* who threw the bag with the intent to antagonize the victim. (J. Cameron Int. ¶ 76-77.) Furthermore, the factual record indicates Wilson’s conduct started the conflict, with Wilson threatening Jay and calling him a “dead man walking,” spurring the conflict and leading Jay Cameron to believe he would have to defend himself. (J. Cameron Int. ¶45-48). Wilson’s actions, not Jay Cameron’s, satisfy *Effler*’s aggressor analysis.

Additionally, Wilson's reputation for violence, his prior intimidation, his prior aggression, and his threatening comments make it less likely that Jay is the aggressor. Wilson had the reputation in the community of being dangerous, with Greg Cameron noting that Wilson “had bodies” and Wilson’s friend Kenneth Gray stating that bad things happen when Wilson gets mad. (G. Cameron Int. ¶ 39-41, PPD Incident Rep. Narrative ¶ 4). This is in stark contrast to Jay Cameron’s reputation as peaceful. (G. Cameron Int. ¶69-72). Jay Cameron witnessed Wilson harass other residents of the Boals Motel, pulling guns on people and getting into bar fights. (J. Cameron Int. ¶ 45-52) Next, Wilson had threatened Jay Cameron earlier that day. *Id.* at ¶ 54-59. When he entered the breezeway, Jay heard something that sounded like, “Yo watch, he’s a dead man,” and turned around to see Wilson with a gun. (J. Cameron Int. ¶ 110; Ex. 8). Jay Cameron is not the aggressor here. He defended himself to the aggression of Wilson, the person who started the conflict and whose violent reputation preceded him.

* 1. **If the court believes that Jay Cameron was the initial aggressor, he still complied with the Stetson statutory exemption because retreat would have been unreasonable.**

The Stetson state statute exemption requires an individual to reasonably believe “that he or she is in imminent danger of death or great bodily harm” and for the individual to exhaust reasonable means to escape such danger to escape the danger. Ste. Stat. § 776.041(2)(a). Here, Jay Cameron believed that he would die and had no other reasonable means of escape, justifying his use of deadly force.

1. **Jay Cameron had a reasonable belief of death or great bodily harm.**

Reasonableness is analyzed from a third party’s point of view rather than the individual’s point of view—what “a reasonable person would believe if faced with the same set of facts as the shooter.” Bruce M. Lawlor, When Deadly Force is Involved 122 (2017); *see State v. Simon*, 646 P.2d 1119, 1121 (Kan. 1982). Under the facts aforementioned, Jay Cameron had a reasonable belief that Wilson was about to shoot him.

The day of the shooting, Wilson had threatened Jay Cameron, calling him “a dead man walking.” (J. Cameron Int. ¶ 54-59) Additionally, Jay Cameron knew Wilson had a reputation in the community of being violent, pulling guns on people and get into bar fights. (J. Cameron Int. ¶ 45-52.) Jay Cameron also saw a black object in Wilson’s pocket that appeared to be a gun. (J. Cameron Int. ¶ 87-90.) Additionally, Jay heard one of the men with Wilson say, “he’s done” as Jay walked past. (J. Cameron Int. ¶ 101-102.) As Jay entered the breezeway, he heard a voice yell, “Yo watch, he’s a deadman.” (J. Cameron Int. ¶ 110.) Jay pulled his weapon and turned around to see Wilson with a gun. (J. Cameron Int. ¶ 110, Ex. 8). Under these facts, reasonable person would believe they faced death or great bodily injury.

1. **Jay Cameron exhausted all reasonable means of escape.**

From the earliest cases that developed the law of self-defense, a person claiming the right had the duty to retreat “to the wall,” meaning that for a person to act in self-defense, they had to wait until there was no means of escape, figuratively or literally, with their back to the wall. *Erwin v. State*, 29 Ohio St. 186, 194 (1876) (quoting Lord Coke, 3 Institute, 55 “before any mortal blow be given, [the person] giveth back until he cometh to a hedge, wall, or other strait, beyond which he cannot passe”). The Stetson state statute reflects the updated American doctrine but imbues this duty to retreat in the initial aggressor exception, stating that one must exhaust “reasonable means of escape.” Ste. Stat. § 776.041(2)(a). However, what is reasonable may vary, as a reasonable chance for escape in one situation might lead to certain death in another. *State v. Gardner*, 104 N.W. 971, 975 (1905). In a case such as this, assuming that Jay Cameron was the aggressor, the question becomes whether the defendant had time to deescalate the conflict before having to take action. *Brown v. U.S.*, 256 U.S. 335, 343 (1921). Here, Jay Cameron did not.

There are no reasonable means of escape when one is faced with imminent death. *Gardner*, 104 N.W. at 975. In *Gardner*, the defendant and the victim engaged in gunfight after an angry argument. *Id.* at 973. The defendant provoked the heated exchange, leading the victim reaching for a gun and the defendant fatally shooting him. *Id.* The court held that the defendant did not have a reasonable means of escape. The court reasoned that waiting for another person to engage in a firefight solely to justify the use of deadly force would be like waiting to be “shot dead,” and one does not have to succumb to such “self-destruction.” *Id*. at 975.

Here, just as in *Gardner*, Jay Cameron had to take deadly action because he faced an imminent risk of death. The video camera footage from the Boals Motel shows Wilson approaching the breezeway with his gun drawn. (Ex. 8). Jay Cameron turned and drew his weapon after perceiving a threat to his life. (Ex. 8). He took one step and then quite literally stared down the barrel of Wilson’s gun. (Ex. 8). If Jay Cameron waited, he risked being out drawn. If he ran, he risked being gunned down. That risk, just as in *Gardner*, is unjustifiable, and Jay Cameron had no reasonable means of escape.

Exhausting every reasonable means of retreat does not mean that one must run away. It only requires that an individual do what they safely can. Here, Jay Cameron’s choice falls squarely under the exception of Stetson’s Stand Your Ground law.

**CONCLUSION**

For the foregoing reasons, Defendant’s Motion to Dismiss should be granted because (1) Jay Cameron was not engaged in unlawful activity at the time of the shooting by carrying a concealed firearm; and (2) Jay Cameron was not the aggressor in this case. WHEREFORE Defendant respectfully prays this court grant Defendant’s Motion to Dismiss.

Dated: September 1, 2024

Respectfully submitted,

*/s/ Team 112*

*Attorney for Defendant*