TEAM NO. 113

Case No.: 2024-CR-319

**IN THE**

**SUPERIOR COURT OF THE STATE OF STETSON**

**PINELLA COUNTY JUDICIAL DISTRICT**

Sep. 1, 2024

THE STATE OF STETSON,

 *Prosecution*

v.

JAY CAMERON,

*Defendant*

**MOVANT’S MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS**

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INTRODUCTION

This Court should grant Defendant Jay Cameron’s (“Cameron”) Motion to Dismiss because Cameron was not engaged in criminal activity and was not the aggressor in the underlying altercation, and thus lawfully stood his ground under Stetson Penal Code § 776.012.

 While Ryan Wilson (“Wilson”), the narcotics “cyclops” of Stetson, tried to goad Cameron with threats, Cameron knew that this was a fight he did not want to be involved in. To ensure his and his brother’s safety, Cameron physically and verbally signaled to Wilson that Cameron was armed while trying to pass. Nevertheless, an armed Wilson tailed Cameron into the breezeway, trapping Cameron as the cyclops did Odysseus, and shooting ensued. For these reasons and others described below, Cameron respectfully requests that this Court find that he is immune from the instant prosecution.

STATEMENT OF FACTS

**August 6, 2022, at 9:00 a.m.**—**Jay Cameron’s stay at the Boals Motel.** Cameron was a registered guest at the Boals Motel in Pinella County, where he was living at the time. Case File (“CF”) 12 (Exhibit 4), 19:31-35. The Boals Motel is long reputed as the epicenter of Wilson’s drug-dealing business. CF 19:24-28, 30-44-47. Wilson is well known as a dangerous man with a lengthy, violent criminal record to match. CF 19:27-28, 20:45-52, 63-64 (Exhibit 12). In fact, Wilson had been charged with aggravated battery three times, twice causing serious bodily injury, as well as felony possession of and sale of narcotics. CF 63-64. Cameron was no stranger to Wilson’s violent disposition: Cameron previously witnessed Wilson pull guns on and get into bar fights with others. CF 20:48-52. On top of this, Wilson disliked Cameron—he thought of him as a “punk.” CF 63-71. Thus, Cameron invited his brother, Gregory Cameron (“Greg”), to breakfast near the motel. CF 19:24-25. Ever prepared for the worst, Cameron sought strength in numbers during his morning trek through Wilson’s “turf.” CF 19:40-20:52, 30:44-47, 45:31-35, 57:67.

**9:45 a.m.—Cameron and Greg endeavor to get breakfast but endure a distressing exchange with Wilson.** As Cameron and Greg walked through the Boals Motel parking lot and breezeway, they encountered Wilson. CF 20:54, 32. Despite Cameron’s and Greg’s efforts to peacefully pass, Wilson warned: “Keep your distance, or else.” CF 20:54-59. Although shaken, Cameron attempted to stand firm, replying that he was not scared of Wilson. *Id.* But Wilson doubled down and told Cameron that he was “a dead man walking.” *Id*. Trying to keep their composure, Cameron and Greg continued out of the parking lot. *Id.* Immediately after, Kenny Gray (“Gray”)—a witness to this encounter—saw Wilson angrily stuff what looked like a gun in his *right pocket*, spit on the ground, shake his head, and say: “Everyone knows this is my turf.” CF 46:57-61.

10:30 a.m.—Cameron and Greg’s attempt to peacefully return to Cameron’s room is supplanted by a violent confrontation with Wilson. Forty-five minutes after the first interaction with Wilson, Cameron and Greg headed back from breakfast to the motel. CF 20:61-62. Cameron and Greg saw that Wilson was still posted outside the first-floor motel rooms, backed by two members of his crew. CF 22:98-102. In a continued effort to avoid confrontation with Wilson, Cameron lifted his hood, kept his head down, and tried to quickly pass. CF 20:61-65. As a legal gun owner, Cameron also had his sizeable .40 caliber gun in the front of his hoodie. CF 21. From his vantage point near Wilson, Gray observed that “it looked like” Cameron was holding a gun. CF 47:67-78. And Greg was aware that Cameron was armed. CF 33:133-141. To convey to Wilson and his crewmembers that he was armed, Cameron used his left hand to make the shape of a gun and stated “pop pop” as he passed through the motel parking lot. CF 21:70-77. Security camera footage appears to show Cameron in the parking lot handling an object near the front of his hoodie, in plain sight of Wilson and his crewmembers. Exhibit 8 at 0:00-0:02.

As Cameron and Greg approached Cameron’s hotel room, they saw Wilson posted by the breezeway with his hand in his pocket, holding a black object that appeared to be a gun. CF 22:87-92, 33:123-125. As Cameron passed, he heard Wilson’s cronies snicker and one say, “he’s done.” CF 22:101-02. Then, Cameron saw Wilson’s arm move and pull what appeared to be a gun out of his pocket. CF 22:94-96. In fear for his life, Cameron rushed into the breezeway with his back to Wilson. CF 22:06-23:111. Wilson followed Cameron. CF 34:156-158, 47:83-86. Cameron heard someone scream, “Yo watch, he’s a dead man.” CF 22:106-23:111. Cameron whipped around—gun drawn—just to find Wilson with a gun raised in his right hand, mere feet away at the edge of the breezeway. CF 23; Exhibit 8.

Wilson and Cameron shot at each other, Wilson’s bullet hitting Cameron in the right side of his stomach. CF. 23:118. Wilson was shot in the left shoulder, causing him to stumble and spin to the left. CF 23:118-127. As he spun, Wilson kept his gun—*situated in his right hand*—pointed directly at Cameron. *Id.* In the spur of the moment, Cameron shot again, hitting Wilson in the back. *Id.* Wilson dropped the gun, and Cameron shouted to Greg to grab it so Wilson would not be able to continue shooting him. *Id*., CF 37:205-208. Greg ran and grabbed the gun off the ground, then Cameron and Greg retreated to Cameron’s room. CF 23:129-135. Fearing further violence from Wilson and his crew, Greg drove a barely conscious Cameron to an emergency room in Hillsboro County to try to stop Cameron’s profuse bleeding and save his life. CF 38:240-254.

**Afternoon of August 6—Pinella County police begin investigation.** After the altercation, Petersburg police obtained a warrant to search Cameron’s room and Wilson’s room at the Boals Motel. CF 9 (Exhibit 1). Among other things, the search produced Cameron’s and Wilson’s guns (Exhibit 5), blood on the carpet in Cameron’s room (Exhibit 6), and narcotics found in Wilson’s room (Exhibit 7). CF 11 (Exhibit 3). Wilson also correctly identified Cameron’s gun in Exhibit 5. CF 61:175-177.

**August 22, 2022—the State accuses Cameron and Wilson of various crimes.** The State of Stetson accuses Cameron of attempted murder in the second degree under Stetson General Statutes §§ 782.04 and 777.04, as well as carrying a concealed weapon under § 790.01. CF 67. Also as of August 2022, the State has pending charges against Wilson for Felony Possession with Intent to Traffick Narcotics and Felon in Possession of a Firearm. CF 4.

ARGUMENT

Under Stetson’s Stand Your Ground law, a defendant is justified in using deadly force if he reasonably believes such force is necessary to prevent the imminent commission of a forcible felony, such as an attack by another on him. Stetson Stat. § 776.012 (2022). The right to stand one’s ground is available where the defendant (1) is not engaged in a criminal activity, (2) is in a place where he has a right to be, and (3) is not the aggressor. *Id.*; *see* CF 71 (only prongs (1) and (3) are at issue for this Motion). A defendant who stands his ground within the bounds of § 776.012 is then given immunity from criminal prosecution for such conduct. Stetson Stat. § 776.032 (2022).

First, Cameron was not engaged in criminal activity at the time of the shooting because he was not carrying a concealed firearm under Stetson Penal Code § 790.01(2)—the only criminal charge independent of the shooting itself. Cameron’s sizeable firearm was observable to others and Cameron openly signaled to others he was armed. Thus, the firearm was *not* illegally concealed.

Second, Wilson was the initial and actual aggressor in the Boals Motel shooting. But even if this Court entertains the exceptions to Stetson’s Stand Your Ground law, Cameron cannot be classified as the aggressor. The limited exceptions fail as (1) Cameron was not involved in an independent forcible felony; (2) Wilson provoked the shooting; and (3) even if Cameron initiated Wilson’s shooting (a) Cameron reasonably believed he had to act accordingly to protect himself and (b) Cameron had already turned and walked away in withdrawal.

To raise a *prima facie* claim for immunity, a defendant must merely allege facts that tend to show he falls within the bounds of the Stand Your Ground statute. *See State v. Moor*, 337 So.3d 876, 881-82 (Fla. 3rd DCA 2022) (analyzing Florida’s similar “Stand Your Ground” law in a motion to dismiss). The odyssey of evidence here plainly establishes that Cameron justifiably stood his ground. This Court should find that Cameron is entitled to immunity under § 776.032 and dismiss the State’s suit accordingly.

/ / /

1. CAMERON IS IMMUNE FROM PROSECUTION BECAUSE HIS FIREARM WAS BOTH OBSERVABLE AND COGNIZABLE, AND HE WAS NOT ENGAGED IN CRIMINAL ACTIVITY.

A defendant is justified in using force per § 776.012 unless he engaged in criminal activity. Here, the only criminal activity alleged arising out of August 6, independent of the shooting itself, is the State’s charge under § 790.1(2): the Concealed Carry statute. This statute prohibits persons from carrying a concealed firearm without a license to do so. Stetson Stat. § 790.01(2) (2022). As written, the Stetson law looks to both objective and subjective circumstances to determine if a firearm is concealed. Here, not only did Wilson and Gray actually see Cameron’s gun, but Cameron also let others know that he was armed and every witness believed Cameron to be armed prior to the shooting. Consequently, Cameron was not engaged in criminal activity and retained his right to stand his ground.

1. Stetson Statute § 790.01(2) encompasses a broad array of objective and subjective circumstances to determine if a firearm is “concealed.”

Every witness observed that Cameron was armed prior to the shooting due to the location of the gun, Cameron’s manner of carry, the size of the gun, his conduct, and the witnesses’ immediate recognition of a weapon. Outnumbered and threatened, Cameron intended to inform the others that he was armed.

Stetson’s concealed carry statute defines “concealed firearm” 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.” § 790.01(2) (emphasis added). When looking at similar concealed carry statutes, courts consider the entirety of the objective circumstances. *Commonwealth v. Montgomery*, 234 A.3d 523, 531 (2020).

In addition, the phrase “in a manner designed to conceal” compels analysis of both the objective circumstances regarding concealment, as well as the carrier’s intent behind his mannerisms. See “Design” Definition, Black’s Law Dictionary (12th ed. 2024) (“Purpose or intention, combined with plan, or implying a plan in the mind.”). Further, jurisdictions with narrower carrying laws, like Florida’s with the phrase “in such a manner as to conceal,” look to evidence of the defendant’s purpose underlying his conduct. See Dorelus v. State, 747 So. 2d 368, 371 (Fla. 1999) (holding that while specific intent of the defendant to conceal is not an element of the crime, the court may consider testimony on how “the defendant utilized his body” in carrying a firearm).

On top of that, Stetson’s law departs from other concealed carry laws because it explicitly looks to the *knowledge* *of other persons*. *See* § 790.01(2); *compare, e.g.,* Florida Stat. § 790.001(2) (2024) (“‘Concealed firearm’ means any firearm…which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person.”); Virginia Stat. § 18.2-308 (2024) (defining “concealed weapons as “[carried] about [one’s] person, hidden from common observation”).

For these reasons, the Court must consider both the objective and subjective circumstances surrounding Cameron’s carrying, and look to Cameron’s manner and intent to make it known. The Court must also consider the knowledge of the other parties involved. Because (1) Cameron’s firearm was within ordinary sight, (2) he made noticeable efforts to communicate that he was armed, and (3) others knew of the firearm, Cameron was *not* engaged in criminally carrying his firearm.

1. The manner in which Cameron carried his large .40 caliber pistol was designed to make it observable known to others, and others knew.
	1. Cameron carried his firearm in a manner ordinarily observable to others.

Cameron’s firearm was within the “ordinary sight” of others. "Ordinary sight of another person" means "the casual and ordinary observation of another in the normal associations of life." *Dorelus*, 747 So.2d at 371. In determining whether a firearm is concealed from the ordinary sight of others, the court is not subject to “hard-and-fast rules,” and requires consideration of a non-exhaustive list of factors including location of the weapon, whether the weapon was covered, the defendant’s body movements, and the nature and type of weapon involved. *Id.* at 372. In addition, the *Dorelus* court looked to the size of the weapon, as larger weapons are recognized as more easily observable than smaller ones. *Id*. In considering the factors, “common sense should prevail.” *Id*.

Cameron walked through Boals Motel parking lot in broad daylight, with his large .40 caliber handgun visible in his front pocket. Wilson and Gray were looking at Cameron with nothing more than casual, ordinary observation, and they were clearly able to discern that Cameron was armed. Gray said in his interview, based on his observations at the time, he saw Cameron holding a weapon he believed to be a gun. Wilson similarly remarked that Cameron was “holding something in his right hand” that was consistent, in Wilson’s view, with carrying a gun. CF 58:104-115.

Therefore, Cameron’s firearm was not concealed because (1) the *Dorelus* factors establish that the location of the weapon, purposeful body movements, and sizable nature of the weapon compels the conclusion that it was within the ordinary sight of others and (2) Wilson and Gray saw the firearm based on their ordinary, casual observations. Therefore, the Court should grant his Motion to Dismiss.

* 1. Cameron designed to impress upon others that he was armed through physical and verbal cues.

Stetson’s Concealed Carry law looks toward the subjective intent of a carrier in its definition of a “concealed firearm.” It is concerned with the manner in which the firearm is carried and whether it was “designed” to be concealed from ordinary sight or knowledge of others. § 790.01(2). For something to be a “design,” it must be “[p]urpose or intention combined with a plan.” *People v. Moore*, 204 N.E.3d 802, 830 (Ill. App. Ct. 2021) (citing Black’s Law Dictionary (11th ed. 2019)). It includes “a mental project or scheme in which means to an end are laid down.” *Id.* (citing Merriam-Webster Online Dictionary).

Cameron and Greg stated that Cameron intended to notify Wilson and his crewmembers that Cameron was armed. Cameron knew he needed to walk past Wilson, a violent criminal who had threatened him, to get back to his room. Cameron intended to deter Wilson from acting on previous threats and wanted to let him know that Cameron was armed. So Cameron made clear and calculated moves: he made a hand motion like a gun and said “pop pop.” Each of the parties involved saw him do so.

The totality of Cameron’s conduct in the parking lot effectuated his design to make clear to others he was armed with words, verbal cues, and non-verbal gestures. While Cameron’s design worked; others knew or believed he was armed. The manner in which Cameron carried his firearm was not designed to conceal his weapon but was instead designed to reveal it. Because Cameron carried his firearm in a manner designed to *inform*, Cameron did not violate § 790.01(2) and was therefore not committing any crime at the time he was attacked.

* 1. All parties testifying in this suit recognized that Cameron was carrying.

Again, § 790.01(2) looks to the knowledge of other persons. If an object is “immediately recognized as a weapon,” that fact may conclusively demonstrate that the weapon was not concealed as a matter of law. *Cope v. State*, 523 So.2d 1270 (Fla. 5th DCA 1988)*; State v. Hardy,* 610 So.2d 38 (Fla. 5th DCA 1992); s*ee also* *Mitchell v. State*, 494 So. 2d 498, 500 (Fla. 2d DCA 1986) (finding that the firearm with a slightly visible butt, tucked behind a seat, was not concealed or hidden from the ordinary sight because the officer recognized that it was part of a firearm). All three parties testifying, aside from Cameron, believed the object to be a gun.

Here, Wilson acknowledged that he saw Cameron handling an object and admitted that "it crossed [his] mind that it could have been [a gun].” CF 59:114-115. Despite the brevity of the shooting, Wilson was able to accurately identify Cameron’s gun in Exhibit 5 during the investigation, strongly suggesting that he had seen the firearm beforehand. The other witness, Gray, immediately recognized that “[i]t looked like he was holding a weapon—probably a gun.” CF 47:67-68. On top of all this, Greg was entirely aware of the firearm before and during the shooting. CF 33-34. As these “other persons” understood that the object Cameron carried was very likely a gun, Cameron’s conduct departs from the requirements of § 790.01(2).

For these reasons, the Court should find that Cameron did not unlawfully carry his firearm and did not engage in criminal activity, and thus is immune from prosecution under Stetson’s Stand Your Ground law.

1. CAMERON HAD THE RIGHT TO STAND HIS GROUND UNDER § 776.012 AND HAS IMMUNITY FROM PROSECUTION AS HE WAS NOT THE AGGRESSOR.

Stetson provides exceptions to Stand Your Ground immunity in two limited instances, where the defendant is the “aggressor:” (1) if he was attempting to commit, committing, or escaping after the commission of a forcible felony; or (2) if he initially provoked the use or threatened use of force against himself, *unless* either (a) such force or threat of force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm and that he has exhausted every reasonable means of escape, or (b) he withdraws in good faith and indicates clearly that he desires to withdraw and terminate the use or threatened use of force, but the assailant continues to use force. Stetson Stat. § 776.041 (2022). Cameron was not engaged in a forcible felony and was not charged with a forcible felony independent of the alleged attempted murder. Further, it was Wilson who initiated the attack. But even if Cameron initiated Wilson’s use of force, Cameron’s actions were justified under subsections (a) and (b). Therefore, this Court should find that Cameron is entitled to immunity as permitted under § 776.032.

1. Cameron is not an aggressor under § 776.041 because he is not charged with and did not engage in an independent “forcible felony.”

In any self-defense case asserting such forcible-felony claims, the forcible felony precluding immunity must be *independent* of the forcible felony underlying the self-defense claims. *See Martinez v. State*, 981 So.2d 449, 453 (Fla. 2008) (“[U]nder the State’s interpretation of section 776.041(1) [Florida’s identical forcible-felony statute], in any case where a defendant alleges that he or she committed a forcible felony in self-defense, and the case involves no independent forcible felony, the instruction would render that felony de facto unjustifiable…”). Thus, any forcible felony claim barring self-defense by the State here must rest on the charge for Carrying a Concealed Weapon under § 790.01, and not the attempted murder charge underlying the self-defense.

That being said, § 790.01 cannot be classified as a forcible felony. A “forcible felony” is a “any felony involving the use or threat of physical force against any individual.” *State v. Comstock*, 492 S.W.3d 204, 309 (Mo. App. S.D. 2016); *State v. Collins*, 311 Kan. 418, 432 (2020); *see also* *People v. Greer*, 326 Ill.App.3d 890, 893 (2002) (explaining that the test in Illinois is “whether, under the facts of a particular case, it is contemplated by the defendant that *violence* might be *necessary* to enable the defendant to carry out the offense” (emphasis added)). As discussed in Section I above, the statute does not include any language whatsoever contemplating the use or threat of force against others. Accordingly, no violence is necessary for anyone to violate § 790.01.

As there are no other charges or allegations against Cameron that could constitute a forcible felony, this Court must find that Cameron is not an aggressor under § 776.01 subsection (1).

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1. Cameron did not provoke Wilson, and even if he did, the § 776.041 exceptions to initial provocation insulate Cameron’s actions.
	1. Wilson provoked the fight by chasing after Cameron with a gun.

There is ample evidence showing that Wilson provoked the Boals Motel shooting. The initial aggressor is not necessarily the first person who uses physical force. *State v. Skelly*, 124 Conn.App. 161, 167 (2010); *State v. Hicks*, 385 N.C. 52, 60 (2023). The initial aggressor is the person who first acts in a manner that creates a reasonable belief that physical force is about to be used on that other person. *Skelly*, 124 Conn.App. at 168.

In *State v. Skelly*, the defendant standing up to face the then-seated victim after a verbal dispute—despite the fact that the victim swung first. *Id.* at 168-69. The Connecticut Appeals Court found that there was sufficient evidence to reasonably conclude that the defendant was the initial aggressor. *Id.* Wilson’s behavior was even more significant here than the defendant’s in *Skelly*.

Just as in *Skelly*, Wilson and Cameron engaged in a verbal feud the morning of their altercation. Shortly thereafter, Cameron saw Wilson accompanied by two others, posted up in the same spot at the motel, with his hand seemingly on a gun. As Cameron headed down the breezeway with his back turned, Wilson advanced—gun in hand—toward Cameron. *See also People v. Floyd*, 823 N.Y.S.2d 532, 533 (2006) (finding initial aggressor jury instructions justified where defendant chased the victim down with a gun and then shot him). The threat Wilson posed by stalking Cameron from behind with a weapon is much more extreme than in *Skelly*, where the unarmed defendant merely stood up in front of the victim. Thus, regardless of who shot first, there is more than sufficient evidence showing that Wilson was the actual initial aggressor in the August 6 shooting.

* 1. Wilson posed an immediate and deadly threat; it was reasonable and necessary for Cameron to take defensive measures.

Even if the defendant initiated the fight, immunity is available where he is met with force or threat of force so great that he ***reasonably believes*** that he is in ***imminent danger*** of death or great bodily harm and he has ***exhausted every reasonable means of escape***. Stetson Stat. § 776.041 (2)(a) (2022). Evidence that a victim had a violent nature, made verbal threats, advanced toward the defendant, and was armed supports finding reasonable belief . *See State v. Hardy*, 72 So.3d 1017, 1021 (La. App. 3 Cir. 2011) (finding that where a defendant did not present evidence showing the victim’s violent nature, words or gestures, and possession of a gun, despite a defendant’s interview claiming otherwise, there was insufficient evidence to support a reasonable belief of imminent danger). There is an abundance of evidence here in each instance.

First, Wilson’s reputation as a dangerous figure in Stetson, as well as Cameron’s prior experiences with Wilson, made it reasonable for Cameron to believe he was in imminent danger of death or serious bodily harm. Additionally, evidence regarding a victim’s reputation for violence is admissible to prove that the accused was reasonably apprehensive of the victim and that the defensive measures the accused took were likewise reasonable. *Antoine v. State*, 138 So.3d 1064, 1075 (Fla. 4th DCA 2014); *Mohler v. State*, 165 So.3d 773, 775 (Fla. 2nd DCA 2015). The accused must have first-hand knowledge of victim’s acts of violence or aggression. *Antoine*, 138 So.3d at 1075*.* Further, evidence of the victim’s prior acts of violence is admissible to show reasonableness of self-defense measures, where the accused knew of such acts. *Id.*

Cameron knew from his time in the Stetson community and prior experiences that Wilson was a violent drug dealer who ran the streets surrounding the Boals Motel. Cameron had witnessed Wilson pull guns on others and get into fights prior to August 6. This evidence is corroborated by Wilson’s own arrest and conviction record. *See* CF 63-64 (Exhibit 12). Anyone with this knowledge would be apprehensive of Wilson.

Second, Cameron had sufficient reason to believe that death or serious bodily harm was imminent. Danger is “imminent” when it is apparent, present, or reasonably appears to be at the time of the act. *People v. Lopez*, 199 Cal.App.4th 1297, 1304 (2011); *Henley v. State*, 493 S.W.3d 77, 89 (Tex. Crim. App. 2016). On top of Wilson’s generally barbaric reputation, both Cameron and his brother described verbal threats by Wilson made explicit threats to Cameron and his brother shortly before the shooting. Both also saw Wilson holding an object in his pocket that appeared to be a gun, just moments before the bullets rained. In combination with Wilson’s tailing Cameron to the breezeway, Cameron had reason to anticipate an immediate violent interaction.

Third, whether a defendant had exercised his reasonable means of escape before acting in self-defense depends on a variety of circumstances, such as the capabilities of the combatants, weapons used, the availability of maneuver room, and the location of the assault. *Com v. Pike*, 428 Mass. 393, 399 (1998). All parties agreed that Wilson was standing at the breezeway with the gun in his hand. As shown in the video footage, Cameron and Wilson were mere feet apart in the tight breezeway when they began shooting at one another. The rapid gunfire coupled with the tight quarters did not leave Cameron with a feasible option for escape.

 Furthermore, if Cameron had mistakenly believed that Wilson was going to attack him, the facts above demonstrate Cameron’s reasonable belief of imminent danger and warrant his actions. *See Com v. Pike*, 428 Mass. at 397 (“If the defendant’s apprehension of grievous bodily harm or death, though mistaken, was reasonable, his actions in self-defense may be justifiable.”). As the above evidence is sufficient to show that Cameron had a reasonable belief that deadly force was necessary when analyzing § 776.041(b), the same evidence further supports Cameron’s belief as the non-initiator under § 776.012. Thus, Cameron had a reasonable belief that shooting at Wilson was necessary to prevent his own death and great injury regardless of whether he was the initial aggressor.

* 1. Cameron clearly withdrew from the altercation when he walked toward and down the breezeway, with his back to Wilson.

Even if Cameron was the initial aggressor, he withdrew when he walked past Wilson through the breezeway with his back turned and hood lifted. Stetson law grants immunity to defendants who in good faith withdraw from a fight and clearly indicate to the assailant a desire to withdraw, but the assailant persists in using or threatening to use force. Stetson Stat. § 776.041 (2)(b) (2022).

Where a defendant walks away, then the victim follows and fires toward the defendant, the defendant has regained his right to use force in self-defense despite being the initial aggressor. *State v. Stephens*, 275 N.C.App. 890, 899-900 (N.C. Ct. App. 2020). In *State v. Stephens*, the defendant had turned and walked away from the victim after an argument, and headed toward his vehicle, but the victim followed and shot thereafter. *Id.* The court held that the defendant had clearly announced his intent to withdraw. *Id.*

The facts in *Stephens* are strikingly similar to those here. Assuming *arguendo* Cameron had provoked Wilson in some way, through their exchanges prior to the shooting, Cameron walked away from Wilson in the motel parking lot. He had his back turned, hood lifted, and was making his way down the breezeway. Cameron was headed toward his room—not toward Wilson. Yet Wilson followed Cameron and fired shots. Cameron was *actually leaving* the location where Wilson was posted and Wilson watched Cameron go, just as the defendant had started toward his vehicle in *Stephens*. Consequently, if it was the case that Cameron provoked Wilson, then there is abundant evidence showing that Cameron withdrew and that it was clear to Wilson. Thus, Cameron’s conduct is justified per § 776.041 subsection (2)(b).

CONCLUSION

Based on the foregoing odyssey, this Court should grant Cameron’s Motion to Dismiss and find that Cameron is entitled to immunity under Stetson Penal Code §§ 776.032 and 776.012 because he was not engaged in criminal activity and was not the aggressor in the underlying shooting.

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|  | Respectfully submitted, /s/ Team 113 Attorneys for the Defendant, Jay Cameron |