TEAM: 117

**IN THE SUPERIOR COURT FOR THE COUNTY OF PINELLA**

**IN THE STATE OF STETSON**

**STATE OF STETSON )**

 **)**

*State,* **)**

 **)** Docket No. 2024-CR-319

**v. )**

 **)**  Motion to Dismiss

 **)**

**JAY CAMERON )**

 **)**

*Defendant.* **)**

Defendant Jay Cameron moves this Court to dismiss the indictment in this matter. For the reasons set forth in the attached memorandum in support of this Motion, good cause exists to grant this Motion.

Respectfully Submitted this 1st day of September, 2024.

**TABLE OF CONTENTS**

1. TABLE OF AUTHORITIES.............................................................................ii
2. INTRODUCTION..............................................................................................1
3. STATEMENT OF FACTS................................................................................................................2
4. ARGUMENT......................................................................................................4
5. The court has granted an evidentiary hearing on the assumption that the defendant has established a prima facie case

Under § 776.012……………………………………………………………5

1. Jay Cameron was not engaged in criminal activity at the time of the shooting as his firearm was

Not concealed………………………………................................................6

1. *Jay’s firearm was not hidden from Wilson’s ordinary sight since he made no attempts to conceal the*

*weapon with his body*…………………………………………………..7

1. *Jay’s firearm was not hidden from ordinary sight because Jay explicitly gave Wilson notice of the*

*presence of the firearm*…………………………………………………8

1. This court should grant the motion to dismiss because Jay was not the aggressor and because Wilson provoked

Jay’s use of deadly force…………………………………………………..10

1. Alternatively, even if this Court finds that Jay did conceal his weapon or was the initial aggressor, Jay is still entitled to Stand Your Ground Immunity because he had

no reasonable means of escape……………………………………………13

CONCLUSION..................................................................................................................16

CERTIFICATE OF SERVICE...........................................................................................................................17

**TABLE OF AUTHORITIES**

**Statutes**

Stetson Stat. § 776.012………………………………………………….............*per curiam*

Stetson Stat. § 776.032………………………………………………………………1, 2, 4

Stetson Stat. § 776.041…………………………………………………………..13, 14, 15

Stetson Stat. § 790.01(2)………………………………………………………………..1, 6

**Rules of Criminal Procedure**

Stetson R. Crim. P. 3.190………………………………………………………………….4

**Case Law**

*Dorelus v. State,* 747 So. 2d 368

(Fla. 1999)………………………………………………………………………………7, 8

*Ensor v. State*, 403 So. 2d 349

(Fla. 1981)………………………………………………………………………………6, 7

*State v. Quevedo*, 357 So.3d 1249

(Fla. 3d DCA 2023)…………………………………………………………….5, 6, 11, 12

*Rodriguez v. Heath*, 138 F.Supp.3d 237

(E.D.N.Y. 2015)………………………………………………………………...5, 6, 11, 13

*People v. Niemoth*, 152 N.E. 537

(Ill. 1926)………………………………………………………………………………….9

*People v. Crachy*, 268 N.E.2d 467

(Ill. App. 1st Dist. 1971)…………………………………………………………………..9

*Thompson v. State*, 257 So. 3d 573

(Fla. 1st DCA 2018)……………………………………………………………………...10

*Snow v. State*, 352 So.3d 529

(Fla. 1st Dist. App. 2022)…………………………………………………………….14, 15

*Little v. State*, 111 So. 3d 214

(Fla. 2d Dist. App. 2013)…………………………………………………………….14, 15

**INTRODUCTION**

Defendant Jay Cameron (“Jay”) has been charged under Stetson law with Count I, Attempted Murder in the Second Degree, and Count II, Carrying a Concealed Weapon. Jay moves to dismiss these charges since the circumstances establish a right to immunity under Stetson General Statutes §§ 776.012 and 776.032. Under § 776.012, an individual is entitled to stand their ground by using deadly force if they are (1) not engaged in criminal activity, (2) lawfully in a place they have the right to be, and (3) if they are not the aggressor. Stetson. Stat. § 776.012. The Court has requested a briefing on the first and third requirements.

As to the first statutory requirement, Jay was not engaged in criminal activity at the time of the incident in question since his weapon was not concealed in violation of Stetson General Statute § 790.01(2). Case law demonstrates that the manner in which Jay carried his weapon did not violate this statute since Jay made no attempts to conceal the weapon with his body and because Jay gave Wilson notice of the weapon.

As to the remaining statutory requirement, Jay was not the aggressor in the incident since the reputation of Ryan Wilson (“Wilson”) combined with Wilson’s actions on August 6, 2022 caused Jay to believe that the use of deadly force was necessary to prevent imminent death or great bodily harm to himself.

Because the circumstances clearly establish Jay is entitled to stand your ground immunity under Stetson General Statutes §§ 776.012 and 776.032, the Defendant respectfully requests this Court grant the Motion to Dismiss.

**STATEMENT OF FACTS**

Jay is a life-long member of the St. Petersburg, Stetson community. CF Pg. 72. While Jay does not currently have a permanent address, he frequently resided at the Boals Motel in Petersburg, Florida. Affidavit of Jay Cameron. 19. On the morning of August 6, 2022, Jay was attempting to return to the hotel after breakfast with his brother, Greg Cameron (“Greg”), when Jay was left with no choice but to use deadly force to protect himself and his brother from a well-known drug dealer. Incident Report. 6. As a result of this act of self-defense, Jay was charged with attempted murder of the second degree and unlawful concealment of a firearm.

***Jay is threatened by Ryan Wilson, a violent drug kingpin known for brandishing firearms at Stetson citizens.***

Wilson is known around Stetson as a violent drug-dealer who has strict control of the surrounding vicinity of the Boals Motel. Affidavit of Jay Cameron. 19. Wilson repeatedly threatens people, points firearms at them, and gets into physical altercations in the commission of his drug dealing business. Affidavit of Jay Cameron. 20. Wilson’s record includes convictions for possession of drugs, selling drugs, driving under the influence, battery, and more. (Case File 63-64 - Arrest Record of Ryan Wilson.) On the morning in question, Jay and Greg simply wanted to get breakfast together, when they experienced Wilson’s reputation for violence first-hand. Affidavit of Jay Cameron. 19. As the brothers left the hotel, Wilson motioned to Jay, stating “you’re a dead man walking!” Affidavit of Jay Cameron. 20. A mere forty-five minutes later, as the brothers attempted to return to the safety of their room, Wilson attempted to make good on that threat. Affidavit of Jay Cameron. 20.

As Jay and Greg approached the breezeway to go to their room, Jay noticed what he could all but assume was a pistol in Wilson’s pocket. Affidavit of Jay Cameron. 22. A this point in time, all Jay wanted was to “get by [Wilson] as quickly as possible.” Affidavit of Jay Cameron. 21. As Jay entered the breezeway, Wilson followed him around the corner and opened fire. *Id.* Jay was struck in the abdomen as he returned fire hoping to spare his and his brother’s life. Affidavit of Jay Cameron. 23. Jay’s retaliatory fire struck Wilson in the left side of his chest and Wilson fell backwards, dropping his gun in the process. *Id.*

***The Cameron brothers secured the weapons and Greg rushed his brother to the hospital for medical attention.***

After Wilson attempted to kill Jay, Jay noticed Wilson’s firearm on the ground. *Id.* Jay, fearing Wilson would pick it back up in an attempt to finish what he started, told Greg to grab Wilson’s gun. Affidavit of Greg Cameron. 37. The brothers then left both guns safely in their room out of reach of their attempted murderer. *Id.* As the brothers realized the extent of Jay’s injuries, Greg rushed to find his brother medical attention. *Id*. Out of f fear that Wilson, or his accomplices, would attempt to finish the job, Greg made the decision to drive to the hospital a town over. Affidavit of Greg Cameron. 38.

It was at the hospital where Jay would ultimately inform the Petersburg Police Department of the attempt made against his life. Affidavit of Jay Cameron. 18.

**ARGUMENT**

Under Stetson General Statute § 776.012, a Stetson citizen does not have the duty to retreat and is entitled to stand their ground when they reasonably believe using that force is necessary to prevent imminent death or great bodily harm to themselves or another. When an individual satisfies the elements of § 776.012, Stetson General Statute § 776.032, in turn, provides immunity from prosecution. Stetson Stat. § 776.032. To assert that immunity, a defendant must move to dismiss the indictment pursuant to Stetson General Statute 3.190(b) asserting the § 776.032 immunity. Stetson Stat. § 3.190(b).

In order for that motion to proceed, the defendant must first establish a prima facie case for a so-called “Stand Your Ground Immunity.”  A prima facie case for Stand Your Ground Immunity is established when the defendant shows that they: (1) had a reasonable belief that; (2) their force was necessary to prevent imminent death or great bodily harm. Stetson Stat. § 776.012. Once this prima facie case has been established, the trial court is required to hold an evidentiary hearing where the State has the burden to prove by clear and convincing evidence that the defendant should not be granted immunity. Pursuant to § 776.012, granting Stand Your Ground Immunity is proper when the defendant: (1) was not engaged in criminal activity; (2) was in a place where they had a right to be; and 3) was not the aggressor. *Id.*

In this case, the Court should grant the Motion to Dismiss since the Defendant can establish a prima facie case for Stand Your Ground Immunity and satisfies the three elements of § 776.012. As to the prima facie case, Jay reasonably believed that Wilson was going to use deadly force against him. Further, Jay reasonably believed that returning that deadly force was the only way to protect his own life. As to the elements of § 776.012, it is undisputed that Jay was in a place he had a right to be since he was a guest of the Boals Motel. So, this Court must only consider: (1) whether Jay was engaged in the criminal activity of concealing a firearm without a license; and (2) whether Jay was the aggressor under relevant caselaw. Because Jay did not conceal his weapon from Wilson, and because Jay did not provoke Wilson’s use of deadly force against him, this Court should grant the Defendant’s Motion to Dismiss.

1. **The court has granted an evidentiary hearing on the assumption that the defendant has established a prima facie case under § 776.012.**

Jay is entitled to an evidentiary hearing because he has a prima facie case for Stand Your Ground Immunity. Pursuant to Section § 776.012, a prima facie case requires that the defendant (1) had a reasonable belief that; (2) their force was necessary to prevent imminent death or great bodily harm. Stetson Stat. § 776.012. In *State v. Quevedo*, the court found that it was reasonable for the defendant to use deadly force after the deceased approached him in a “threatening manner” while shouting “I am going to kill you.” *State v. Quevedo*, 357 So.3d 1249, 1253 (Fla. 3d DCA 2023). Further, in *Rodriguez v. Heath*, the court found that it was reasonable for the defendant to use deadly force when he was confronted in an alleyway by an earlier aggressor who attempted to grab the defendant’s firearm. *Rodriguez v. Heath*, 138 F.Supp.3d 237 (E.D.N.Y. 2015).

Just like in *Quevedo*, where the defendant was told he was going to be killed, Wilson was threatening Jay’s life. Wilson explicitly told Jay he was a “dead man walking,” and that Jay should “keep [his distance], or else.” Wilson also brandished a gun at him as he shouted “Let’s F\*\*\*ing go.” Just as in *Rodriguez*, where an earlier aggressor approached the defendant in the alley, Wilson followed Jay into the breezeway after multiple verbal threats. These threats of bodily harm, coupled with the fact that Jay could tell Wilson had a gun, made it clear to Jay that his life was in danger. Indeed, that danger was confirmed when Wilson drew the gun and shot Jay in the alley. Thus, just as in *Quevedo* and *Rodriguez*, this Court should find Jay’s belief that he could only defend himself by returning deadly force was reasonable.

1. **Jay Cameron was not engaged in criminal activity at the time of the shooting as his firearm was not concealed.**

Since Wilson, a violent drug dealer familiar with guns ordinarily observed Jay’s firearm, the weapon is not considered concealed under Florida law. Stetson’s Stand Your Ground Statute § 776.012 provides that a defendant must not have been engaged in criminal activity to be eligible for Stand Your Ground Immunity. Stetson Stat. § 776.012. Under § 790.01(2), concealing a firearm without a license is a felony in the third degree. Stetson Stat. § 790.01(2).

 Thus, under Stetson General Statute § 776.012, where a defendant is not concealing a weapon or otherwise engaged in illegal activity, they may still assert Stand Your Ground Immunity. Stetson Stat. § 776.012. Jay did not conceal his weapon and subsequently did not engage in criminal activity. Thus, he is entitled to Stand Your Ground Immunity.

To determine whether a firearm is concealed, the Florida Supreme Court established a two-fold test in *Ensor v. State*, 403 So. 2d 349, 354 (Fla. 1981). First, the firearm must be on or about the person, and second, it must be “hidden from the ordinary sight of another person.” *Id*. When there is no dispute that the weapon was on the individual, the court must only look to the second prong of ordinary sight. *Id.* at 355.

In *Ensor*, the court defined ordinary sight as the “casual and ordinary observation of another in the normal associations of life.” *Id*. The court elaborated that the question turns on whether someone standing near another person with a firearm “may by ordinary observation know the questioned object to be a firearm.” *Id*. In *Dorelus v. State*, the Florida Supreme Court further developed the law surrounding concealed carry to establish that the focus of a concealment determination should be the “manner” in which the firearm was carried. *Dorelus v. State,* 747 So. 2d 368, 371 (Fla. 1999).

 Here, Jay carried his firearm in such a manner that Wilson, through ordinary observation, had knowledge of its presence. Jay verbally and physically notified Wilson of the gun’s presence when approaching him. By the manner in which Jay carried the firearm and based on Wilson’s normal associations with firearms, it is clear that Wilson knew of the firearm’s presence.

1. ***Jay’s firearm was not hidden from Wilson’s ordinary sight since he made no attempt to conceal the weapon with his body.***

Jay’s firearm was not concealed since he was holding it in his front pocket walking towards Wilson, thereby entitling him to a stand your ground defense. In *Dorelus*, the Florida Supreme Court stated that when determining the “manner” in which a firearm was concealed, Florida courts should look to several variables, including the location of the firearm, whether and to what extent other objects hid the firearm, and any testimony that the defendant used his body to hide an otherwise ordinarily observable weapon. *Id*.

In *Dorelus*, a traffic stop was made where an officer, standing outside of the vehicle, recognized a gun in the defendant’s console. *Id.* The court concluded that although the gun was inside the console and underneath the radio, it was not concealed because the officer could still recognize it as a gun. *Id*. at 373. Additionally, the defendant made no attempt to conceal it with his body or move the gun’s position. *Id*. Ultimately, the court considered the aforementioned variables and found (1) that the gun was not concealed; and (2) that the defendant had made no attempt to conceal the weapon. *Id*.

 Here, the facts are comparable to those of *Dorelus*. Fearing the loss of his life in Wilson’s presence, Jay carried his gun in such a manner as to provide knowledge of its presence. Similar to the defendant in *Dorelus* whose gun was inside the console of his vehicle, Jay clung to a .38 caliber firearm inside the front pocket of his hoodie as he attempted to safely walk past Wilson. Similarly, where the defendant in *Dorelus* made no attempt to conceal the weapon with his body, neither did Jay when walking towards Wilson in broad daylight. Jay had several options to conceal the weapon, such as hiding the gun behind his back, tucking it in his back pocket, or sticking it in his waistband, none of which he opted to do. In addition, Jay actually went further than the defendant in *Dorelus* by providing notice of the gun’s presence as he approached Wilson, i.e., making a gun symbol with his hand.

1. ***Jay’s firearm was not hidden from ordinary sight because Jay explicitly gave Wilson notice of the presence of the firearm.***

Jay provided notice of the presence of his firearm so that Ryan would ordinarily observe it as a gun. Other jurisdictions have also held that before conviction for a concealed firearm, there must be proof that it was carried in such a way “as to give no notice of its presence.” *People v. Niemoth*, 152 N.E. 537, 537 (Ill. 1926). In these jurisdictions, if the defendant did not cover or obstruct the weapon, making it at least difficult to recognize, a conviction for an unlawfully concealed firearm does not stand. *People v. Crachy*, 268 N.E.2d 467, 468 (Ill. App. 1st Dist. 1971).

In *Crachy*, the defendant carried a gun tucked in the waistband of his pants. *Id*. The observer, standing some fifteen to thirty feet away, recognized the questioned object as a gun. *Id*. at 467. No evidence was provided that any object or person obstructed the observer’s recognition of the firearm. *Id*. at 468. The court concluded that despite it being tucked into the defendant’s waistband, the observer still recognized the object as a gun from some distance away. *Id.* Although the gun remained in the waistband of the defendant’s pants, the observer’s recognition convinced the court that the gun’s presence was not concealed. *Id*.

 The facts of *Crachy* are comparable to the facts here. Jay carried his only means of protection in such a way that observers still recognized it as a gun. Similar to the defendant in *Crachy*, who carried a gun tucked in his waistband, Jay carried his gun in the front pocket of his hoodie. Like the observer in *Crachy,* who still recognized the defendant’s object as a weapon, Kenny Gray still recognized Jay’s object as a weapon despite his holding it in his hoodie pocket. Jay went a step further than the defendant in *Crachy* by communicating the presence of the firearm, both verbally and physically. As Jay approached Wilson, he raised his left hand in the shape of a gun and said “pop pop” to warn Wilson of its presence and ward off any danger to himself. Jay provided adequate notice of the gun’s presence for Wilson to have ordinarily recognized the questioned object as a firearm.

 Jay’s firearm was not concealed from Wilson’s normal associations with guns and violence. Regardless of the varying interpretations of what courts consider concealed, Jay’s gun remained ordinarily observable to Wilson as he entered the parking lot and proceeded past him. Not only did the gun remain ordinarily observable, Jay further revealed the firearm’s presence to Wilson by providing knowledge of it out of fear for his own life. Based on the manner in which Jay carried his firearm, Wilson ordinarily observed and had notice of its presence. Because Jay’s gun was not concealed, he was not engaged in criminal activity at the time of the shooting. Thus, this Court should grant the Defendant’s Motion to Dismiss as Jay is entitled to Stand Your Ground Immunity under Stetson General Statute § 776.012.

1. **This court should grant the Motion to Dismiss because Jay was not the aggressor and because Wilson provoked Jay’s use of deadly force.**

This Court should grant the Defendant’s Motion to Dismiss because Jay was not the aggressor under relevant caselaw. To succeed in claiming Stand Your Ground Immunity, the person using deadly force must not be the initial aggressor. Stetson Stat. § 776.012. Florida courts have defined the term ‘initial aggressor’ as one who “provokes the use of force against himself.” *Thompson v. State*, 257 So. 3d 573, 581 (Fla. 1st DCA 2018) (citing *Wyche v. State*, 170 So. 3d 898, 905 (Fla. 3d DCA 2015)).

Jurisdictions have found that the person who “takes the offensive” when they are not being or have not yet been attacked and “strikes or attempts to strike the first blow is the initial aggressor.” *Rodriguez v. Heath*, 138 F. Supp. 3d 237, 251 (E.D.N.Y. 2015) (citing *Mojica v. Fischer*, No. 00 Civ. 8933(RJH), 2005 WL 2230450, at \*8 (S.D.N.Y. Sept. 12, 2005)). However, these jurisdictions have been careful to note that “one who reasonably believes that another person is about to use deadly physical force upon him need not wait until he is struck or shot” to use deadly physical force defensively. *Id.* Indeed, recent case law establishes that a person should only earn the title of aggressor if they make verbal threats against another person and if they provoke the force that is used against them. *State v. Quevedo*, 357 So.3d 1249 (Fla. 3d DCA 2023).

In *Quevedo*, the defendant shot a man after the man approached him in a “threatening manner.” *Id.* The man waved his arms and advanced several steps towards the defendant while shouting “I am going to kill you.” *Id.* The court found this sufficient to establish that the man was the aggressor. *Id.* Crucially, the court also noted that under “the objective standard of what is reasonable,” the defendant used the appropriate amount of force considering the surrounding circumstances. *Id.*

In *Rodriguez*, the defendant was confronted by a man in an aggressive manner after the defendant threw a couple of glass bottles into the street. *Rodriguez*,138 F. Supp. 3d at 243. Later in the evening, the defendant saw the man walking in his direction and, fearing for his life, ran into a nearby alleyway. *Id.* at 244. Once in the alleyway, the defendant found his path blocked by a friend of the man who was holding a shotgun. *Id.* at 244. As the defendant turned and attempted to exit the alleyway, he retrieved a shotgun that his friends had previously stashed there. *Id.* Before he could escape onto the street, the man he had an altercation with earlier in the evening confronted him and attempted to snatch the gun from him. *Id.* During the struggle, the shotgun “went off,” killing the man. *Id.*

The defendant was convicted on one count of second-degree manslaughter and third-degree criminal possession of a weapon. *Id.* at 248. On appeal, the court vacated the defendant’s second-degree manslaughter conviction, concluding that a person who reasonably believes someone is going to use deadly force against them is not required to wait until they are “struck or shot” before using deadly force defensively. *Id.* at 251. The court further reasoned that, “even assuming that the ultimate confrontation began when [the defendant] met [the man] at the entrance to the alley with the shotgun in hand, a reasonable jury . . . could have found that he was acting ‘defensively’ in the reasonable belief, based on the evening’s events, that [the man] was about to use deadly force against him, and thus *was not the initial aggressor*.” *Id.* (Emphasis added).

Similar to the man’s verbal threat against the defendant’s life in *Quevedo*, Wilson made verbal threats against Jay’s life when he called him a “dead man walking” and and warning him to “keep [his] distance, or else.” Wilson also physically approached Jay in a manner similar to that of the man in *Quevedo* when he aggressively yelled “Let’s F\*\*\*ing go” in Jay’s direction while making “a really big movement” and throwing up his arms. Wilson continued his physical aggression by following Jay into the breezeway where he opened fire upon Jay. Unlike *Quevedo*, where the defendant never saw a weapon, there were more than mere words that indicated Wilson’s aggression here. Jay saw Wilson holding what was all but confirmed to be a gun. Indeed, even the State’s own witness, Kenny Gray, shared Jay’s belief that Wilson had a gun, stating he saw Wilson emerging from his room touting what “looked like a gun.” Affidavit of Kenny Gray. 46. Finally, everyone’s suspicions were confirmed when Wilson pulled that gun from his pocket and shot Jay. For these reasons, Jay was not the aggressor and was entitled to stand his ground.

Just as in *Rodriguez*, Jay was not required to wait until he was “struck or shot” before using deadly force to defend himself. Like the *Rodriguez* defendant, Jay attempted to flee his aggressor by entering the breezeway and return to his room after being verbally accosted by Wilson. It was only after Jay noticed Wilson was following him into the breezeway that Jay’s fear for his life became so imminent that he had no choice but to use deadly force. For these reasons, Jay was not the aggressor and was entitled to stand his ground, and this Court should grant the Motion to Dismiss.

 **IV. Alternatively, even if this court determines that Jay did conceal his weapon or was the initial aggressor, Jay is still entitled to Stand Your Ground Immunity because he had no reasonable means of escape from Wilson.**

Even if Jay had a duty to retreat, he had no reasonable means to escape Wilson’s use of deadly physical force. Under Section § 776.041, even if a defendant is (1) in the commission of a forcible felony, or (2) initially provoked the use or threatened use of force, they may still assert Stand Your Ground Immunity. Stetson Stat. § 776.041. In order to do so, the threat of force from which the individual is defending themself must be so great that: (1) the individual reasonably believes that they are in imminent danger of death or great bodily harm, and (2) they must have exhausted every reasonable means to escape such danger other than the use or threatened use of force which is likely to cause death or great bodily harm to the assailant.

 In *Snow v. State*, 352 So.3d 529, 537 (Fla. 1st Dist. App. 2022), the court found that the initial aggressor did not have the right to claim Stand Your Ground Immunity and instead should have halted his use of force. *Snow v. State*, 352 So.3d 529, 537 (Fla. 1st Dist. App. 2022). There, the defendant and victim engaged in a physical altercation after the defendant took issue with the victim’s method of disciplining the defendant’s child. When the two parties met to exchange custody of the child, the defendant “used language that indicated an invitation to fight,” and “blindsided [the victim] with a punch.” *Id.* After the victim put the defendant on the ground, and as the defendant proceeded to get up, the defendant “pulled a gun out of his pocket and shot [the victim] in the chest.” *Id.* The court stated that this evidence established that the defendant “was the initial aggressor who had a duty to retreat since there was no reasonable belief that shooting the victim was “necessary to prevent imminent death or great bodily harm.” *Id.*

In *Little*, the Court found a felon who illegally possessed a firearm satisfied the § 776.041 exception to the duty to retreat. *Little v. State*, 111 So. 3d 214, 222 (Fla. 2d Dist. App. 2013). In *Little*, the defendant had an altercation with another person who pulled a gun on him and later followed him into a house. *Id*. at 216. Inside, the defendant armed himself with a gun and exited the house in front of the threatening person, all while keeping the gun behind his back. *Id.* at 217. Once forced outside, the threatening person walked toward him with a raised gun. *Id.* The defendant then pulled the trigger several times, ultimately killing the individual. *Id*. The court found the defendant was entitled to Stand Your Ground Immunity even though he was a felon in possession of a firearm and thus engaged in unlawful activity. *Id*. at 222. The court reasoned that although the defendant feared the individual, he made no threats to him while also making every attempt to avoid confrontation. *Id*. at 218.

Here, the facts are in stark contrast to those presented in *Snow*. There was no evidence presented in *Snow* that the victim possessed a firearm or that the defendant did not have a means of escape that was reasonable. This is distinguishable from Jay’s situation because Jay lacked any reasonable means of escape. Wilson attacked Jay in the entrance to the breezeway where Jay had no option but to defend himself with deadly force. Indeed, Jay could not exit the breezeway and could not subdue Wilson without using force equal to or greater than the force that Wilson was using. Thus, even if this Court finds that Jay was the aggressor, he is still entitled to Stand Your Ground Immunity under Stetson General Statute § 776.041.

The facts of *Little* are comparable to the facts here. Like the defendant in *Little*, Jay attempted to avoid confrontation with Wilson, whom he feared would take his life. If the Court finds Jay concealed his gun, he is even more similar to the *Little* defendant as he too armed himself and walked past a threatening individual with hopes of avoiding confrontation. Wilson then followed Jay into the breezeway with his gun raised, just as the threatening person in *Little*. Out of fear for his life, Jay raised his gun and fired in defense of his life. He made every attempt to avoid the confrontation but could not reasonably escape Wilson’s use of deadly force in the tight breezeway. Thus, even if Jay was illegally concealing his weapon, he is still entitled to Stand Your Ground Immunity.

 Altogether, even if this Court determines Jay was concealing his weapon or was the aggressor, Jay still had no other reasonable means to escape Wilson’s use of deadly force in the breezeway. Jay feared for his life, stating his “heart was racing” because he “knew Wilson was going to try to kill [him]” as he was passing Wilson. Even if Jay had been the aggressor up to that point, he then bypassed Wilson and retreated into the breezeway on the way to his room. Jay only turned and drew his weapon when he heard a voice behind him yell “yo watch, he’s a dead man.” Moreover, Jay only fired the weapon after Jay “saw [Wilson’s] gun” and Wilson “shot at [Jay] first.” Thus, Jay is entitled to Stand Your Ground Immunity and this Court should grant the Defendant’s Motion to Dismiss.

**CONCLUSION**

Jay Cameron is entitled to Stand Your Ground Immunity because he (1) had a reasonable belief that deadly force was necessary to defend himself from Wilson’s aggressions; (2) was not carrying a concealed firearm; and (3) was not the aggressor in his altercation with Wilson. For the foregoing reasons, Jay Cameron respectfully requests that this Court grant his Motion to Dismiss as he is entitled to prosecutorial immunity under Stetson General Statute § 776.012.

**CERTIFICATE OF SERVICE**

We, counsel for the State, do hereby certify that a true and correct copy of the foregoing memorandum of law has been served by electronic mail to all attorneys of record on this the 1st day of September 2024.

 Respectfully submitted,

 */s/ TEAM 117*

 Counsel of Record for the Defendant

 Team 117