TEAM: 117

**IN THE SUPERIOR COURT OF THE STATE OF STETSON**

**PINELLA COUNTY JUDICIAL DISTRICT**

**STATE OF STETSON**

*State,*

**v.**

Docket No. 2024-CR-319

**JAY CAMERON**

*Defendant.*

**STATE’S OPPOSITION TO THE DEFENSE’S MOTION TO DISMISS**

*/s/ TEAM 117*

*Counsel for the State*

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**INTRODUCTION**

This Court should deny the Defense’s Motion to Dismiss because Jay Cameron (“Defendant”) is not entitled to Stand Your Ground Immunity, but instead had a duty to retreat. The State of Stetson filed charges against Defendant for Attempted Murder in the Second Degree and Carrying a Concealed Weapon, pursuant to Stetson General Statutes §§ 782.04, 777.04, and 790.01(2), after Defendant shot Ryan Wilson (“Ryan”). Defendant has attempted to seek immunity under Stetson’s Stand Your Ground law, requesting the charges be dismissed.

Under § 776.012 of Stetson General Statutes, 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) are not the aggressor. The Court has requested a briefing on the first and third requirements. The State now urges the Court to deny the Defendant’s Motion to Dismiss.

First, although Defendant had a right to be at the hotel as a registered guest, he was engaged in criminal activity by carrying a concealed firearm without a license. Under § 790.01(2), it is a felony in the third degree to carry a concealed firearm without a license. Because Defendant was engaged in criminal activity, he is not entitled to Stand Your Ground Immunity and had a duty to retreat pursuant to § 776.012

Moreover, Defendant cannot claim Stand Your Ground Immunity because he was the aggressor in the altercation with Ryan. Defendant provoked Ryan’s use of force against him and Defendant had no reasonable belief that deadly force was necessary to defend himself from Ryan. Therefore, Defendant had a duty to exhaust all reasonable means of escaping the force used by Ryan, and he failed to do so.

Because the circumstances clearly establish Defendant is not entitled to Stand Your Ground Immunity under Stetson General Statutes §§ 76.012 and 776.032, the State respectfully requests this Court deny the Motion to Dismiss.

**STATEMENT OF FACTS**

On July 14, 2024, Defendant was arrested during a traffic stop after the arresting officer discovered a warrant had previously been issued for his arrest. Petersburg Police Dept., Supplemental Incident Report. 69. Defendant was charged with Attempted Murder in the Second Degree and Unlawfully Carrying of a Concealed Weapon. Arraignment Transcript*.* 2*.* These charges were brought in relation to events that occurred on August 6, 2022.

***The Shooting at the Boals Motel***

On the morning of August 6, 2022, Defendant and his brother Greg Cameron (“Greg”), left the Boals Motel. Interview of Jay Cameron. 20. As they were leaving, the Camerons saw Ryan Wilson outside and instantly recognized him as the neighborhood “tough guy,” noting that they were “sick of him scaring the community.” *Id.* As the Camerons passed Ryan, Defendant threatened Ryan by stating, “this will be my turf soon.” Interview of Kenny Gray. 45.

Later the same day, Defendant and Greg returned to the Boals Motel and saw Ryan again. Interview of Jay Cameron. 20. Defendant threatened Ryan again, this time making a gun gesture with his hand toward Ryan and saying, “pop pop – you’re done.” Interview of Kenny Gray*.* 47. Defendant proceeded past Ryan through the breezeway as Greg lagged behind. Interview of Greg Cameron. 33. Once Defendant entered the coverage of the breezeway, he drew the pistol within his hoodie pocket and aimed it at the spot where Ryan would soon emerge. Interview of Jay Cameron. 23. Ryan peeked around the corner of the breezeway to see where Defendant was going, and Defendant fired his pistol, striking Ryan in the left shoulder. Interview of Ryan Wilson. 60. Ryan also fired a pistol and struck the Defendant. *Id.* After Ryan was shot, he turned and attempted to flee. *Id.* Stumbling in his attempt, Ryan dropped the pistol and Defendant shot him a second time in the back. *Id.*

After the shooting, Greg grabbed Ryan’s pistol from the ground and ran with Defendant into Room 1077 of the Boals Motel—Defendant’s room. Interview of Greg Cameron. 38. Defendant and Greg abandoned both of the recently used pistols in the room. *Id.* Rather than go to the nearest hospital, Defendant and his brotherfled the scene and went to a hospital in an adjoining county. *Id.* Immediately after the shooting, a bystander, Kenny Gray called 911 and emergency services arrived on scene to tend to Ryan’s injuries while law enforcement began an investigation. Interview of Kenny Gray. 50.

***The Investigation at the Boals Motel***

On August 6, 2022, the Petersburg Police Department responded to shots fired at the Boals Motel in Petersburg. Petersburg Police Dept., Narrative Incident Report. 5. Officer Hernandez arrived on scene and observed an unresponsive male on the ground. *Id*. The man was later identified as Ryan Wilson. *Id.* The EMTs attempted to stabilize Ryan, but were ultimately forced to transport him to Petersburg General Hospital. *Id.* Officer Hernandez began the investigation into the shooting by speaking to motel residents. *Id.* Bystander Kenny Gray was interviewed at the scene and then taken to the police station to be interviewed further. *Id.* 5-7.

After Gray’s interview, a search warrant was issued for any and all surveillance footage from the Boals Motel on the day of the shooting, as well as Rooms 1045 and 1077, and guest registration information records. Ex. 1. 9. Terry Jackson (“Jackson”), the motel manager, provided a basis for the search warrant. Ex. 2. 10. Jackson informed Officer Hernandez that his employees saw a man in a red sweatshirt enter Room 1077 after the shooting, and run out of the room with another person shortly thereafter. Ex. 2. 10. Subsequently, Room 1077 was inspected to ensure there were no individuals in the room in need of medical attention and to secure the scene. Petersburg Police Dept., Supplemental Incident Report. 8. While in Room 1077, two pistols were discovered, and blood stains were observed on the floor. Ex. 5 and Ex. 6. 13-14.

Jackson provided an affidavit stating he had not seen the shooting, but he reviewed the surveillance footage from the security camera. Ex. 2. 10. This footage was provided to the Petersburg Police Department and clearly depicts Defendant drawing his pistol and aiming it toward the corner of the breezeway before Ryan rounded the corner. Ex. 8. 16. Once Ryan rounded the corner into the breezeway, gunfire was exchanged. *Id.*

***The Arrest of the Defendant***

On the afternoon of August 6, 2022, Officer Hernandez received a phone call from Dr. Flowers at Hillsboro County Medical Center that a 24-year-old male arrived in the emergency room for a gunshot wound. Petersburg Police Dept., Supplemental Incident Report. 17. Officer Hernandez and Detective Vanzee went to the hospital to speak with the wounded individual and his brother who accompanied him there. *Id.* Further investigation revealed the wounded male as the defendant and his companion as his brother, Greg Cameron. *Id.* Both parties were interviewed at the hospital. *Id.*

An arrest warrant was issued for Defendant on August 22, 2022. Defendant was charged with Attempted Murder in the Second Degree in violation of Stetson General Statutes §§ 782.04 and 777.04 and Carrying a Concealed Weapon in violation of Stetson General Statute § 790.01. Arrest Warrant. 68. On July 14, 2024, Defendant was taken into custody for this warrant following a routine traffic stop. Petersburg Police Dept., Supplemental Incident Report. 69.

**ARGUMENT**

Under Stetson General Statutes § 776.012, a person has a duty to retreat and is not entitled to stand their ground when they have no reasonable belief that using deadly force is necessary to prevent imminent death or great bodily harm to themselves or another. Stetson Stat. § 776.012. When an individual does not possess that reasonable belief, they are not immune from prosecution under Stetson General Statutes § 776.032. Stetson Stat. § 776.032. The only way to gain the immunity that §§ 776.012 and 776.032 provide is for the person to file a motion to dismiss that sets forth a prima facie case for Stand Your Ground Immunity showing that they (1) had a reasonable belief that; (2) their force was necessary to prevent imminent death or great bodily harm.

1. **While the Court has already granted an evidentiary hearing, the State does not concede that a prima facie case has been established in this matter under Stetson General Statutes § 776.012.**

The Defendant is not entitled to an evidentiary hearing because he cannot establish 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. Thus, a defendant is precluded from asserting this immunity if their belief was unreasonable or if they use unnecessary force to prevent the harm. *Snow v. State*, 352 So.3d 529, 537 (Fla. 1st Dist. App. 2022).

In *Snow*, 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. *Id.* at 537. 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] once in the chest.” *Id.* The court stated that this evidence established that the defendant “did not have a reasonable belief that shooting [the victim] was ‘necessary to prevent imminent death or great bodily harm to himself.”’ *Id.*

Here, Defendant’s actions are comparable to the actions of the *Snow* defendant. Defendant initiated the altercation with Ryan from the very beginning. When Defendant first passed Ryan on the morning of April 8th, Defendant commented that the Boals Motel and the surrounding area would be “[his] turf soon.” (Interview with Kenny Gray, pg. 45). Shocked, Ryan expressly asked the Defendant if he was threatening him, to which Defendant responded “hell yes – just wait.” *Id.* at 46. Not even an hour later, Defendant passed by Ryan and, yet again, threatened him. This time, Defendant made a gun gesture with his hand toward Ryan while threatening “pop pop – you’re done.” Next, Defendant “made a fist with his thumb out and made like a quick sliding motion with his thumb across his neck,” indicating that he was going to kill Ryan. (Interview with Ryan Wilson, pg. 60).

Once Defendant continued into the breezeway, Ryan peaked around the corner, fearing that the Defendant might not actually be leaving. Ryan was then “blindsided,” like the defendant in *Snow*, by Defendant turning around in the breezeway with his gun already drawn and firing one shot into Ryan’s chest. As Ryan returned fire then turned to flee for his life, Defendant fired another shot into his back. Given these facts, Defendant had no reasonable belief that shooting Ryan was necessary to prevent imminent death or great bodily injury. Thus, just as in *Snow*, this Court should find Defendant’s use of deadly force was unreasonable, unnecessary, and therefore does not set forth a prima facie case warranting a Stand Your Ground Immunity hearing. However, even if this Court disagrees, the Motion to Dismiss should still be denied since Defendant was engaged in criminal activity and was the initial aggressor in the case.

1. **This Court should deny the Motion to Dismiss since Defendant was engaged in the unlawful activity of concealing a firearm in violation of Stetson General Statutes § 790.012.**

Defendant engaged in unlawful activity when he concealed the firearm he used to shoot Ryan from Ryan’s ordinary sight and failed to provide any notice of its presence. Under Stetson General Statutes § 790.01(2), it is a felony for any person to carry a concealed firearm without a license. Stetson Stat. § 790.01(2). The statute defines a 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.” *Id*. Courts have found firearms are concealed from ordinary sight when they are even partially hidden from “the casual and ordinary observation of another in the normal associations of life.” *Ensor v. State*, 403 So. 2d 349, 354 (Fla. 1981). Courts have also found that clothing obstructing the view of a firearm constitutes concealment. *Conway v. Taylor*, 2007 U.S. Dist. LEXIS 111959, \*5. Additionally, courts have found firearms are concealed if they are readily accessible, regardless of whether the defendant provides notice. *State v. Hinkle*, 970 So. 2d 433, 434 (Fla. 4th Dist. App. 2007).

Defendant’s gun, concealed in his hoodie pocket, was not ordinarily observable to Ryan when he was walking through the Boals Hotel's parking lot. Ryan was unable to view any part of the gun hidden within Defendant’s pocket before he quickly drew it inside the breezeway. Defendant held both hands in his pocket with his gun, making it readily accessible when he quickly revealed it to shoot Ryan in the shoulder and back. Thus, since the Defendant’s firearm was fully concealed by the Defendant’s clothing, while remaining readily accessible, the Motion should be dismissed as this criminal activity precludes him from claiming immunity under § 776.012

**A. Defendant unlawfully concealed his firearm in his hoodie pocket and away from the ordinary sight and knowledge of Ryan Wilson.**

Ryan could not have ordinarily observed the defendant’s gun hidden in his pocket. The *Ensor* court held that a firearm is concealed from “the casual and ordinary observation of another in the normal associations of life” even where there is not “absolute invisibility.” *Ensor v. State*, 403 So. 2d 349, 354 (Fla. 1981). In *Ensor*, officers conducted a traffic stop where they located a pistol concealed under the floormat of the defendant’s vehicle. *Id.* However, the officer only identified the object as a firearm after peering into the open door of the vehicle and under the seat. *Id*. The Florida Supreme Court found the firearm could have still been concealed as “absolute invisibility” is not a necessary element of concealment. *Id.* The Court further reasoned that the ultimate concealment determination must rest on the trier of fact. *Id.*

Moreover, multiple jurisdictions agree that fully pocketing a gun constitutes textbook concealment. *See generally*, *Conway v. Taylor*, No. 605CV1714ORL22KRS, 2007 WL 9719125, at \*2 (M.D. Fla. June 27, 2007); *see generally*, *People v. Russell* (1st Dist. 1959), 23 Ill.App.2d 13, 14, 161 N.E.2d 583, 583. In *Conway*, a federal Florida districtcourt held thatclothing obstructing a person’s view can conceal a firearm. *Conway*, No. 605CV1714ORL22KRS, 2007 WL 9719125, at \*2. There, the defendant lifted his shirt, revealing what a bank teller perceived as a gun. *Id.* The court determined the firearm was concealed as the bank teller knew of the gun only after the defendant lifted his shirt to reveal it. *Id.* In *Russell*, the Illinois appellate court held that pocketing a gun is the “very gist of unlawfully concealing a firearm.” *Russell* (1st Dist. 1959), 23 Ill.App.2d 13, 14; 161 N.E.2d 583, 583. There, the defendant stashed the gun into his pocket. *Id*. The officer testified that the entire gun was concealed while the defendant argued only the barrel remained in his pocket. *Id*. at 584. Since the gun did not fully fit into his pocket, the defendant covered the handle with his hand. *Id*. The *Russell* court found the gun to be concealed since the defendant was carrying the weapon in a way that a person would not notice through casual observation. *Id.* at 584. The court further reasoned that the defendant’s “attempt to pocket the gun constitutes [the] concealment.” *Id*. at 583.

In the case at bar, Defendant readily admits that he hid his firearm in the front pocket of his hoodie, stating that “other people [were] around” and he did not “want to just go pointing a gun at someone.” (Cameron Test. 71). Defendant did not just attempt to pocket the gun like the *Russell* defendant, instead, his gun remained pocketed the entire time he proceeded through the parking lot. Despite one witness’ statement that it could have been a gun, like the *Russell* court found, the actual “pocketing” of the gun constituted the very concealment Defendant is charged with. It is also undisputed that Defendant then shot Ryan with this concealed weapon, nearly ending his life.

Here, Defendant contends the gun was “obvious” and should not be considered concealed. But, as in *Ensor*,Defendant’s handgun did not have to be absolutely invisible to remain concealed. Unlike *Ensor*, where the cop could peek inside the car and view the weapon, Ryan had no idea if the object in Defendant’s pocket was a cell phone, a gun, or anything else. More like the defendants in *Conway* and *Russell*, Defendant actually *entirely* concealed his .38 caliber firearm behind his clothing. Moreover, unlike the *Russell* defendant, who could only fit the gun partially in his pocket and had to hide the rest with his hand, Defendant here was able to conceal his entire weapon in the large front pocket of his hoodie. Like the bank teller in *Conway*, the victim here knew of the gun only after Defendant ripped it from his hoodie pocket and shot him multiple times in the back.. As the defendants in *Ensor, Conway*, and *Russell*, Defendant’s actions concealed the deadly weapon from the ordinary observation of others. Just as the victims in *Ensor, Conway*, and *Russell*, Ryan never observed the weapon through casual or ordinary observation.

**B.** **The defendant’s firearm remained readily accessible and no notice of its presence would have made it any less concealed.**

Defendant’s gun was readily accessible as he quickly revealed it from his pocket to shoot Ryan, nearly ending his life. Federal courts have found a hidden firearm is considered concealed when it is readily accessible to the gunman. *State v. Hinkle*, 970 So. 2d 433, 434 (Fla. 4th Dist. App. 2007). Further, these courts have also found that providing knowledge of its presence does not negate its state of concealment. *Id.* In *Hinkle*, the defendant’s gun was hidden beneath a bouquet of flowers on the seat next to him. *Id.* The officer testified the defendant placed his hands outside of the vehicle and notified, “he did have a firearm in the vehicle and did not have a concealed weapons permit.” Despite the defendant communicating the presence of the firearm, the court still found him guilty of carrying a concealed firearm. *Id*. at 435. In doing so, the court reasoned that the weapon was covered and readily accessible to him. *Id.*

Defendant’s gun remained readily accessible from the time he concealed it in his hoodie pocket until quickly drawing it to shoot Ryan in the shoulder and again in the back. Similar to the defendant in *Hinkle*, whose gun was concealed by a bouquet of flowers, Defendant’s gun remained concealed by his hoodie pocket as he approached Ryan. Ryan saw no part of the gun and thought Defendant was holding a cellphone.

The Defense asserts that Defendant provided notice by hand gestures and stating “pop pop.” But, just as the *Hinkle* defendant’s notice of his weapon did not negate its concealment, Defendant’s so-called notice here does not negate that the firearm was fully concealed in his hoodie pocket. Further, unlike the very explicit notice in *Hinkle*, Defendant’s so-called notice here was not explicit at all. Greg, as well as Kenny, understood Defendant to threaten “pop pop – you’re done.” This is best evidenced by Defendant’s own admission in his interview with Detective Hernandez that he never clearly stated “I have a gun” to provide Ryan with notice. When Detective Hernandez asked why Defendant did not explicitly notify of the gun’s presence, he responded “who talks like that?”

Defendant’s motion to dismiss should be denied as he had no license to conceal a deadly weapon inside his hoodie before using it to shoot Ryan multiple times. The gun was not ordinarily observable to Ryan as he never knew what he was actually holding until bullets pierced his chest. Despite any argument that Defendant provided knowledge, any such notice would not make the placement of the gun any less concealed. Because Defendant was engaged in criminal activity by carrying a concealed firearm without a license, his motion to dismiss should be denied as he is not entitled to immunity under Stetson Stand Your Ground laws.

1. **The Defendant cannot claim immunity under Stetson law since he was the aggressor who provoked Wilson to use deadly force against him.**

Defendant’s actions prior to the altercation with Ryan preclude the Defendant from claiming immunity under Stetson General Statutes §776.032. In Stetson, a defendant is not entitled to Stand Your Ground Immunity where the defendant was the initial aggressor. *Id.* Case law is well-established in holding that an initial Stand Your Ground Immunity “does not exist when the person asserting the justification initially provokes the use or threatened use of force against himself or herself.” *Bouie v. State*, 292 So. 3d 471, 477 (Fla. 2d Dist. App. 2020); *see generally Rodriguez v. Heath*, 138 F. Supp. 3d 237, 251 (E.D.N.Y. 2015); *see generally Every v. Graham*, No. 918CV1126BKSATB, 2020 WL 1846780, at \*3 (N.D.N.Y. Apr. 13, 2020). Simply stated, a person is not permitted “to claim that he was acting in self-defense where he or she is the individual who provoked the use of force.” *Bouie*, 292 So. 3d at 477.

In *Thompson v. State*, 257 So.3d 573 (Fla. 1st Dist. App. 2018), the defendant and the victim engaged in an initial physical altercation outside of a seafood market where they were both employed. The victim possessed a knife, and the defendant possessed a piece of lumber. *Id.* at 576. After a roughly ninety second altercation, the defendant left the fight and went inside the market while the victim collected his belongings and walked toward his vehicle. *Id.* The defendant later returned with a fifteen-inch sword and initiated a second altercation with the victim. *Id.* During this altercation, the victim defended himself with a broom handle and the defendant stabbed the victim three separate times. *Id.* at 577. The court upheld the defendant’s conviction for second-degree murder because they found him to be the initial aggressor and the provoker of any force used against him during the second altercation. *Id.* at 581. The court further stated that the circumstances lead “to the conclusion that any threat to [the defendant] was over by the time that [the defendant] armed himself with the sword; thus, [the defendant] was the initial aggressor during the second altercation. *Id.* (citing *Cruz v. State* 189 So.3d 822, 827 (Fla. 4th DCA 2015)).

The decision in *Thompson* is persuasive in the current case because Defendant was the aggressor from the very start. Defendant first verbally threatened Ryan when Defendant left the hotel, and then again threatened Ryan upon returning less than an hour later. Defendant then proceeded into the breezeway, and Ryan peeked around the corner “to see where the guy was going.” *Id.* At that time, Defendant turned around with his gun already drawn and shot Ryan once in the left side of his chest and once in Ryan’s back as Ryan turned to flee. *Id.*

Defendant asserts that Ryan also made threatening statements. But, just as in *Thompson*, any threat that Defendant may have felt toward his life ended after he and his brother left the Boals Motel to go eat breakfast. Further, the State does not concede that Ryan ever made these threatening statements. But, even assumed as true, there was still no threat to Defendant’s life once he proceeded into the breezeway. Even if there was an initial altercation with words exchanged, Defendant left and ended the altercation. When Defendant returned forty-five minutes later, just as the defendant in *Thompson*, the Defendant initiated a second altercation when he made verbal and symbolic threats toward Ryan's Life. Defendant then escalated the situation more when he entered the breezeway, drew his gun, and turned around with the intention to make good on those threats. Thus, because Defendant provoked any retaliatory force used against him in the second altercation, Defendant was the initial aggressor and he is precluded from claiming that he acted in self-defense under Stetson statutory law. Further, since Defendant was engaged in illegal activity in addition to being the aggressor, this Court should deny the Defendant’s Motion to Dismiss.

**IV.** **Because Defendant was either engaged in unlawful activity or was the aggressor, he is not entitled to Stand Your Ground Immunity, but instead had a Duty to Retreat before using deadly force.**

Defendant had a duty to retreat and could have reasonably done so before shooting Ryan in the shoulder and back. 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. Use or Threatened Use of Force by Aggressor § 776.041. In order to do so, the threat of force from which the individual 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 that (2) they 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*, the court found that because the defendant blindsided the victim and because the defendant shot the victim without the reasonable belief that deadly force was necessary, the defendant was not entitled to Stand Your Ground Immunity. *Snow*, 352 So. 3d at 537. Specifically, the court emphasized that the defendant had a duty to retreat because they were the initial aggressor and because there was no evidence that the use of deadly force was justified. *Id.*

In *Little*, the court found a felon in illegal possession satisfied the § 776.041 exception to the duty to retreat because there was no reasonable means of escape. *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, with his back against a vehicle, 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.

The facts of *Little* are in stark contrast to the facts here. The *Little* defendant made no threats but was still followed inside a home and back out by someone carrying a gun. Then, with their back pinned against a vehicle, the defendant finally raised their gun to fire. This is distinguishable here as Defendant was never followed by Ryan, who cautiously peered around the corner of the breezeway. Unlike the defendant in *Little*, here, Defendant threatened Ryan by pointing his hand in the shape of a gun and saying, “pop pop – you’re done.” Further, unlike the *Little* defendantwho made every attempt to avoid the confrontation, Defendant made no attempts to retreat into a room or turn in another direction. Thus, because Defendant had reasonable means to retreat and failed to do so, he is not entitled to Stand Your Ground Immunity.

**CONCLUSION**

This Court should deny the Defendant’s Motion to Dismiss. Defendant is not entitled to Stand Your Ground Immunity as he was engaged in unlawful activity by carrying a concealed firearm and because he was the aggressor in the altercation with Ryan Wilson. Defendant cannot present the Court with a prima facie case for prosecutorial immunity under Stetson General Statute §776.012 and thus the Motion must be denied.

**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 for the State

Team 117