Case No. 2024-CR-319

**IN THE**

**DISTRICT COURT OF THE STATE OF STETSON**

**COUNTY OF PINELLA**

The State of Stetson

v.

Jay Cameron,

*Defendant.*

**MOVANT’S MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT’S**

**MOTION TO DISMISS**

/s/ 120

*Attorneys for Jay Cameron*

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**INTRODUCTION**

This Court should grant Jay Cameron’s Motion to Dismiss because he is immune from prosecution under Stand Your Ground Immunity. Jay Cameron (Mr. Cameron) was justified in using deadly force because he reasonably believed such force was necessary to prevent imminent death or great bodily harm. He had the right to stand his ground because he was not engaged in criminal activity, was in a place where he had the right to be, and was not the aggressor.

First, Mr. Cameron had no duty to retreat before resorting to deadly force because he was not otherwise engaged in criminal activity at the time Ryan Wilson (Wilson) attacked him. Despite his concession that he was not licensed to carry concealed firearms, Mr. Cameron was not violating Stetson’s concealed carry statute because he was not carrying his pistol in a manner designed to conceal it from ordinary sight. Additionally, as a paying guest of the Boals Motel, he had every right to be in the public breezeway where he was attacked.

Next, Mr. Cameron was not the aggressor because he did not initially provoke the use of force. Moreover, even if this Court finds that Mr. Cameron was the aggressor, he was justified in standing his ground because he reasonably believed that he was in imminent danger of death or great bodily harm. His use of force is permitted because he exhausted every reasonable means to escape the danger before using deadly force.

**STATEMENT OF FACTS**

***A Morning at the Boals Motel.*** August 6, 2022, started off as any other day for Jay Cameron (Mr. Cameron). He was currently staying at the Boals Motel, (Ex. 4), which he did “from time to time.” (CF at 19). He decided he would call his brother Greg to join him for breakfast that morning. (CF at 19). Around 9:30 AM Greg arrived at the motel and the brothers departed to grab breakfast. (CF at 29). As they were leaving the motel, the Camerons strolled past Wilson’s motel room where Wilson threatened Mr. Cameron, saying, “You’re a dead man walking.” (CF at 20). While this was the first time they had interacted, Mr. Cameron was consciously aware of Wilson’s violent reputation. (CF at 24).

***Ryan Wilson’s History of Violence.*** Wilson is famous in Stetson for not only his drug dealing regime, but also for his violent past and criminal history. (CF at 6, 20, 30); (Ex. 12). Mr. Cameron knew Wilson as “a violent drug-dealer who thinks he’s king of these streets,” (CF at 19), and stated that Wilson had “been threatening everyone at the Boals Motel for months.” (CF at 20). Mr. Cameron knew Wilson had done jail time and had personally seen Wilson threaten others with a gun and get into bar fights. (CF at 20). According to Greg Cameron, everyone in Stetson knew not only did Wilson have a propensity for violence, he even had a “body count.” (CF at 30). The Boals Motel was “Wilson’s turf,” and no one made a move without him finding out. (CF at 30).

***The Incident.*** When the Cameron brothers returned from breakfast, Wilson was in front of his motel room, “watching [Mr. Cameron] like a hawk.” (CF at 33). In an attempt to deter any confrontation, Mr. Cameron tried to walk quickly past Wilson, wearing his sweatshirt hood up and “tied tight around his face.” (CF at 58). For good measure, Mr. Cameron even attempted to alert Wilson to the fact that he was armed by using his left hand to make the shape of a gun and saying “pop pop” as he walked past Wilson. (CF at 21, 58–59). In that moment, Wilson was indeed “on edge”; he could tell that Mr. Cameron was holding an object in the front pocket of his sweatshirt, which both Wilson and Kenny Gray suspected was a firearm. (CF at 47, 59). Upon approaching the breezeway, Mr. Cameron noticed Wilson was clutching a black object in his pocket. (CF at 22). This, coupled with Mr. Cameron’s knowledge of Wilson’s violent reputation, led Mr. Cameron to believe Wilson was holding a gun. (CF at 22).

As Mr. Cameron walked through the breezeway, Wilson pulled out his gun and veered around the corner where Mr. Cameron’s back was turned away. (Ex. 8) He was watching Mr. Cameron closely, with his gun ready by his side. (CF at 34–35). At this point, Greg Cameron, in an effort to protect his brother, shouted, “Yo watch out man.” (CF at 34). Yet, under the frightening circumstances, Mr. Cameron heard: “Yo watch, he’s a dead man.” (CF at 23). Startled, Mr. Cameron spun around to find Wilson taking the first shot. (CF at 23).

Both Mr. Cameron and Wilson were injured in the exchange of gunfire––Mr. Cameron in his stomach and Wilson in his left shoulder. (CF at 23). After Wilson was hit, he tripped and fell backwards with his weapon still aimed at Mr. Cameron. (CF at 23, 60). Remaining fearful for his life, Mr. Cameron took another shot. (CF at 23). After Wilson dropped his gun, Mr. Cameron instructed his brother to pick it up quickly to ensure Wilson could not shoot again. (CF at 23). Then, the Camerons fled, dropped the guns in Mr. Cameron’s room, (CF at 23), and headed to the hospital. *See* (CF at 24, 38).

**ARGUMENT**

Any citizen of Stetson who is justified in using deadly force is free from prosecution. *See* Stet. Gen. Stat. §§ 776.012, 776.032; *Dennis v. State*, 51 So. 3d 456, 462 (Fla. 2010) (explaining that Stand Your Ground laws effectively “grant[] defendants a substantive right to assert immunity from prosecution and to avoid being subjected to a trial”). To initiate this claim of immunity, a defendant must file a motion to dismiss pursuant to Stetson Rule of Criminal Procedure 3.190(b). Stet. R. Crim. Proc. 3.190(b); *Dennis*, 51 So. 3d at 463.

In filing this motion, the defendant bears no evidentiary burden. *Jefferson v. State*, 264 So. 3d 1019, 1027 (Fla. 2d Dist. Ct. App. 2018). In fact, it is sufficient to “simply allege a facially sufficient prima facie claim of justifiable use of force[.]” *Id.* at 1028. Generally, a prima facie claim is a mere “assertion that, at first glance, is sufficient to establish a fact or right but is yet to be disproved or rebutted[.]” *Id.* at 1027. To establish a prima facie claim for Stand Your Ground Immunity, the defendant must *assert*––not *prove*––that they (1) used deadly force, (2) reasonably believed that using such force was necessary to prevent their imminent death or great bodily harm, (3) used the deadly force at the time of the attack, (4) was not otherwise engaged in criminal activity, (5) was in a place where they had a right to be, and (6) was not the aggressor. *See* Stet. Gen. Stat. § 776.012.

Moreover, the asserted facts constituting the prima facie claim need not be “sworn to by someone with personal knowledge or supported by evidence or testimony[.]” *Casanova v. State*, 335 So. 3d 1231, 1232 (Fla. 3d Dist. Ct. App. 2021). Still, the motion must set forth specific facts and reasoning that, on their face, would entitle the defendant to Stand Your Ground Immunity––meaning, a prima facie claim of self-defense is sufficient unless it is merely conclusory. *Compare Freeman v. State*, 373 So. 3d 1255, 1258–59 (Fla. 1st Dist. Ct. App. 2023) (denying a motion to dismiss because it “was merely a boilerplate recitation of the applicable statutes and court decisions and devoid of any allegation of fact”), *with State v. Quevedo*, 357 So. 3d 1249, 1250–51 (Fla. 3d Dist. Ct. App. 2023) (finding that the defendant’s motion to dismiss set forth a valid prima facie self-defense claim because he supported the claim that he reasonably feared for his life by detailing his attacker’s threating behavior prior to the incident).

If the trial court finds that the alleged facts, taken as true, satisfy the elements of self-defense, it will then hold an evidentiary hearing where the prosecution will have the opportunity to rebut the prima facie claim of immunity. *Jefferson*, 264 So. 3d at 1021. Unless the prosecution can show, by clear and convincing evidence, that the defendant is not entitled to Stand Your Ground Immunity, the court will dismiss the charges. *Id.* This is a demanding burden, second only to “proof beyond a reasonable doubt.” *Edwards v. State*, 351 So. 3d 1142, 1150–51 (Fla. 1st Dist. Ct. App. 2022) (explaining that evidence is clear and convincing when its sum total “is of sufficient weight to convince the trier of fact without hesitancy”). As this Court is well aware, “[w]here the burden of proof lies on a given issue is, of course, rarely without consequence and frequently may be dispositive to the outcome of the litigation or application.” *Lavin v. Maline*, 424 U.S. 577, 585 (1976). The following demonstrates the facial sufficiency of Mr. Cameron’s prima facie claim of Stand Your Ground Immunity pursuant to § 776.012 of the Stetson General Statutes.

1. **Since Mr. Cameron was not engaged in criminal activity and was in a place where he had a right to be at the time of the shooting, he had no duty to retreat prior to using deadly force.**

In Stetson, a person is justified in resorting to deadly force if they reasonably believe that such force “is necessary to prevent imminent death or great bodily harm . . . or to prevent the imminent commission of a forcible felony.” Stet. Gen. Stat. § 776.012. Additionally, whenever that person is (1) not otherwise engaged in criminal activity upon being attacked and (2) in a place where they had a right to be, they have the right to stand their ground; meaning, they are not required to retreat prior to using deadly force. *Id.* To be clear, however, Stand Your Ground Immunity––somewhat ironically––does not necessarily depend on a defendant’s right to stand their ground.

For example, in *Jimenez v. State*, the court found that the defendant had set forth a sufficient prima facie claim of self-defense even though he had admitted to unlawfully carrying a concealed firearm without a license at the time of the incident. *Jimenez v. State*, 353 So. 3d 1286, 1287–88 (Fla. 2d Dist. Ct. App. 2023). Since the defendant had also asserted that “he had no ability to retreat or to make clear that he wanted to terminate the encounter [,]” the court found that despite having no right to stand his ground, the defendant was entitled to a Stand Your Ground Immunity hearing. *Id.* Thus, even if this Court finds that Mr. Cameron had a duty to retreat, his claim of self-defense remains facially sufficient because, as explained in Section II below, he exhausted every reasonable opportunity to retreat before resorting to deadly force.

* 1. **Because Mr. Cameron was carrying his pistol in a manner so that any casual observer would know that he was armed, he was not carrying a concealed firearm upon being attacked.**

In 2022, the year of the shooting, the Stetson State Legislature criminalized the unlicensed carry of concealed firearms. *See* Stet. Gen. Stat. § 790.01(2). Although Mr. Cameron has stipulated that he was not licensed to carry concealed firearms at the time of the shooting, he remained inviolate of the law simply because his firearm was not “concealed” as defined by Stetson’s concealed carry statute. (CF at 4); *see* Stet. Gen. Stat. § 790.01(2).

A “concealed” firearm is one that is “carried . . . in a manner designed to conceal the existence of the firearm from the ordinary sight or knowledge of another person.” Stet. Gen. Stat. § 790.01(2). A firearm is concealed from “ordinary sight” when it is concealed from “the casual and ordinary observation of another in the normal associations of life.” *Ensor v. State*, 403 So. 2d 349, 354 (Fla. 1981).Interestingly, however, concealment under statutes like this does not hinge upon the *visibility* of the weapon, but upon the *manner* in which it is carried. *Dorelus v. State*, 747 So. 2d 368, 371–72 (Fla. 1999); *accord Moody v. State*, 362 S.E.2d 499, 501 (Ga. Ct. App. 1987) (“The amount of exposure of the weapon is not as important as the method in which the gun is carried.”). In short, even if the firearm itself is not visible by casual observation, it may nevertheless fail to meet Stetson’s definition of “concealed” if the obscured firearm is somehow not “carried . . . in a manner designed to conceal” its existence. *See* Stet. Gen. Stat. § 790.01(2); *Dorelus*, 747 So. 2d at 371–72.

“The critical question” in determining a firearm’s concealment “turns on whether an individual, standing near a person with a firearm . . . may by ordinary observation know the questioned object to be a firearm.” *Ensor*, 403 So. 2d at 355; *accord Carr v. State*, 34 Ark. 448, 450 (1879) (explaining that a weapon is only concealed if it is carried in a manner to keep bystanders “off their guard”). And in answering this critical question, “common sense must prevail.” *Dorelus*, 747 So. 2d at 372.

Consequently, just because Mr. Cameron’s pistol might not have been visible to the naked eye while inside his sweatshirt pocket, does not automatically mean that he was carrying it “in a manner designed to conceal [its existence] from the ordinary sight or knowledge of another person.” (CF at 21, 58); Stet. Gen. Stat. § 790.01(2); *Dorelus*, 747 So. 2d at 371–72. To the contrary, the evidence suggests that Mr. Cameron was carrying his firearm in a manner so that no bystander was “off their guard,” rather they suspected that he was armed. *See Carr*, 34 Ark. at 450. Wilson stated in his interview with Detective Hernandez that he was “on edge” as Mr. Cameron was “walking fast” towards his motel room with “his hood pulled all the way up” and “tied tight around his face.” (CF at 58–59). As Mr. Cameron approached, Mr. Wilson could tell that he was holding an object in the front pocket of his sweatshirt with his right hand, and “it crossed [his] mind” that the object could have been a firearm. (CF at 58–59). Kenny Gray similarly recalled, “It looked like [Mr. Cameron] was holding a weapon––probably a gun.” (CF at 47). Prior to entering the breezeway, Mr. Cameron said, “pop pop,” while forming his left hand into the shape of a pistol. (CF at 21).

When considering this conspicuous behavior, it is evident that Mr. Cameron did not carry his gun “in a manner *designed* to conceal” its existence. Stet. Gen. Stat. § 790.01(2) (emphasis added). And even though the pistol was not readily visible within Mr. Cameron’s sweatshirt pocket, common sense suggests that––due to the manner in which he carried the firearm––no bystander would have been “off their guard.” *See Dorelus*, 747 So. 2d at 371–72; *Carr*, 34 Ark. at 450. Thus, since his firearm was not “concealed” as defined by Stetson’s concealed carry statute, Mr. Cameron was not engaged in criminal activity at the time of the shooting and had no duty to retreat before using deadly force. *See* Stet. Gen. Stat. §§ 790.01(2), 776.012.

* 1. **As a paying guest of the Boals Motel, Mr. Cameron had a right to be in the common area where he was attacked.**

Assuming a defendant is not engaged in criminal activity at the time of using deadly force, there is no duty to retreat before using such force if they are “in a place where he or she has a right to be.” Stet. Gen. Stat. § 776.012. This principle includes any location where the person “ha[d] the lawful right to be[,]” and is not confined to areas where they had an ownership interest, such as a home, vehicle, or place of business. *State v. Bass*, 819 S.E.2d 322, 326 (N.C. 2018).

Accordingly, since Mr. Cameron was staying in a room at the Boals Motel at the time of the shooting, he had a right to be in the public breezeway area where he was attacked. *See* (Ex. 8). Both Jay and Greg Cameron relayed in their separate interviews that Mr. Cameron was indeed staying at the Boals Motel on August 6, 2022. (CF at 19, 29). This testimony is further corroborated by the motel’s “Room Registrant Log,” which shows that Room 1077 was registered to Mr. Cameron on the day of the shooting. *See* (Ex. 4). Therefore, since Mr. Cameron was not engaged in criminal activity at the time of the shooting and was in a place where he had the right to be, he was entitled to stand his ground in using deadly force. Stet. Gen. Stat. § 776.012.

1. **Jay Cameron was entitled to stand his ground because he was not the aggressor, and even if he was, he still qualifies for Stand Your Ground Immunity.**

The right to stand one’s ground is reserved for those who are not the aggressor; those who are the aggressor, instead, have a duty to retreat prior to using deadly force. Stet. Gen. Stat. § 776.012. Although, if a defendant initially provokes an attack, they can still qualify for Stand Your Ground Immunity if they: (1) “reasonably believe[d] that [they were] in imminent danger of death or great bodily harm” and (2) “exhausted every reasonable means to escape such danger” before resorting to using deadly force. Stet. Gen. Stat. § 776.041(2)(a).

1. **Mr. Cameron was not the aggressor because he did not initially provoke the use of force.**

A defendant must have engaged in a forceful and *unprovoked* attack against another to be deemed the aggressor. *See Ex parte Johnson*, No. SC-2023-0251, 2023 WL 8658886, at \*4 (Ala. Dec. 15, 2023) (quoting *Gaines v. State*, 137 So. 3d 357, 361 (Ala. Crim. App. 2013)). There is a distinct difference between the initial aggressor and the person who merely started the controversy. *Diggs v. State*, 168 So. 3d 156, 162 (Ala. Crim. App. 2014).

A defendant cannot be deemed the aggressor unless they were the person who escalated the situation to involve physical force. *See id.* For example, in *Diggs v. State*, the Alabama Court of Criminal Appeals held that a defendant was entitled to a self-defense instruction because his testimony established the deceased as the aggressor. *Id.* There, the defendant, while armed, approached the deceased to discuss how he was treating the defendant’s girlfriend. *Id.* at 158–59. They were having a calm conversation until the deceased escalated things by firing his pistol at the defendant. *Id.* at 159. The defendant then fired back, killing the deceased. *Id.* at 159–60. The court reasoned that just because the defendant armed himself and confronted the deceased did not mean the defendant was the initial aggressor—emphasizing the difference between initiating a conversation and provoking the use physical force. *Id*. at 161–62. The court remanded the case because it was possible that the deceased, who escalated the situation, was actually the initial aggressor. *Id.*; *accord* *State v. Irabor*, 822 S.E.2d 421, 424–25 (N.C. Ct. App. 2018) (holding the fact that a defendant armed himself and failed to avoid an altercation did not make him the initial aggressor).

Here, Mr. Cameron cannot be deemed the initial aggressor because he did not escalate the situation to involve physical force. *See* (Ex. 8). Both Greg Cameron’s testimony and the security footage reveal that as Wilson rounded the corner to see where Mr. Cameron was going, Wilson had pulled his gun out of his pocket and had it down by his side. (CF at 34); (Ex. 8). In that moment, Wilson did not feel threatened by Mr. Cameron; in fact, he testified that he “didn’t believe [Cameron] was gonna be stupid enough to pull a gun on [him] in broad daylight.” (CF at 59). Therefore, Wilson had no reason to draw his weapon other than to escalate the situation. *See* (Ex. 8). Like the deceased in *Diggs*, it was Wilson who provoked the use of physical force by pulling out his weapon first, making him the aggressor rather than Mr. Cameron. (Ex. 8).

1. **Even if this Court finds that Jay Cameron was the aggressor, his use of force was justified because he reasonably feared for his life and exhausted every reasonable opportunity to escape.**

An objective standard is used to determine whether a defendant, like Mr. Cameron, is entitled to Stand Your Ground Immunity. *See* *Mobley v. State*, 132 So. 3d 1160, 1164 (Fla. 3d Dist. Ct. App. 2014). This standard requires that the court determine whether a “reasonable . . . person situated in the same circumstances and knowing what the defendant knew would have used the same force as the defendant did.” *Id.* at 1164–65.

1. **Any reasonable person under the same circumstances as Mr. Cameron would have reasonably believed they were in imminent danger of great bodily harm.**

This court need consider the totality of the circumstances leading up to the incident and whether the appearance of danger was so clear that a reasonable person under the same circumstances would have believed the use of deadly force was the only option. *Viera v. State*, 163 So. 3d 602, 604–05 (Fla. 3d Dist. Ct. App. 2015). The question is not whether Mr. Cameron himself believed he was in imminent danger, but whether a reasonable person in his same position would have felt so. *See* *Mobley*, 132 So. 3d at 1166.

First, a victim’s reputation for violence supports a finding that a defendant reasonably believed he was in imminent danger of death or great bodily harm and was required to use deadly force. *See Irabor*, 822 S.E.2d at 424. For example, in *State v. Irabor*, a North Carolina Appellate Court held that the defendant’s knowledge of the victim’s violent behavior supported the argument that the defendant reasonably believed it was necessary to use deadly force in self-defense. *Id.* There, the defendant knew the victim was a high-ranking gang member and frequent robber and knew the victim always carried a gun and had previously killed someone. *Id.* at 422. The incident occurred after the defendant returned home to find the victim standing outside of the defendant’s apartment. *Id.* at 423. The defendant armed himself before walking up to his apartment and, after a confrontation started by the victim, the defendant fatally shot the victim. *Id.* The court reasoned that the defendant’s knowledge of the victim’s “violent propensities, being armed, and prior acts” supported a finding that the defendant used deadly force because he reasonably believed it was necessary to save himself from imminent death. *Id.* at 424.

Here, Wilson’s violent reputation supports Mr. Cameron’s reasonable belief that he was in imminent danger and was required to use deadly force. *See* (CF at 19, 22, 24–25). Mr. Cameron testified that he knew of Wilson’s violent reputation, (CF at 22), calling him a “violent drug-dealer who thinks he’s king of these streets.” (CF at 19). He also knew Wilson had a propensity to draw his weapon and shoot at people. (CF at 24–25). Knowing of Wilson’s violent history, Mr. Cameron assumed that Wilson had a pistol in his pocket in the moments prior to the shooting. (CF at 22). Similar to the defendant in *Irabor*, Mr. Cameron had knowledge not only of Wilson’s violent reputation, but also of his previous criminal acts and position as the leader in a drug dealing operation. (CF at 19, 22, 24–25). This knowledge supports the fact that a reasonable person, knowing all that Mr. Cameron knew, would have reasonably feared imminent harm and believed that deadly force was the only way to protect themselves.

Additionally, a defendant does not have to *see* a weapon in order to have a reasonable belief of imminent danger. *Mobley*, 132 So. 3d at 1165–66. For example, in *Mobley v. State*, a Florida Appellate Court held that the defendant was entitled immunity because his use of force was justified. *Id.* at 1166. There, the defendant and his friend were involved in a short, but heated, altercation with two other men. *Id.* at 1163. After he and his friend were attacked, the defendant shot one of the assailants. *Id.* at 1163–64. Moments before the attack, the defendant witnessed the assailants arguing with other people and saw one of them deliver a “vicious punch” to his friend. *Id.* at 1163. After seeing one of the assailants reach under his shirt, and believing he was reaching for a weapon, the defendant shot him. *Id*. at 1163–64. The court reasoned that the defendant’s self-defense claim could not be rejected just because he did not actually *see* that the assailant had a weapon. *Id.* at 1165. Based on the events leading up to the attack, and the knowledge the defendant had about the assailants, the evidence supported the conclusion that a reasonable person “under the same circumstances [as the defendant] would have believed that the danger could be avoided only through the use of deadly force.” *Id.* at 1166.

Here, although Mr. Cameron could not confirm that he saw Wilson had a weapon, Mr. Cameron still had reasonable belief that he was in imminent danger. (CF at 22). Mr. Cameron knew Wilson had a violent reputation and a criminal past. (CF at 20). Wilson also threatened Mr. Cameron earlier that day saying, “You’re a dead man walking.” (CF at 20). As Mr. Cameron approached the breezeway, he could see Wilson’s hand was in his pocket holding a black object. (CF at 22). While he never saw exactly what it was––given Wilson’s violent reputation and the way he was holding the object––Mr. Cameron assumed it was a gun. (CF at 22). Like *Mobley*, a reasonable person under the same circumstances as Mr. Cameron would have believed they were in imminent danger. *See* (CF at 20, 22). Mr. Cameron’s knowledge of Wilson, paired with the threats and the strong belief that Wilson had a gun, would have led any reasonable person to believe they had no choice but to use deadly force in self-defense. *See* (CF at 20, 22).

1. **Mr. Cameron exhausted every reasonable means to escape before using deadly force.**

A defendant is justified in using deadly force if they had a reasonable fear of imminent death or great bodily harm and were unable to retreat with *complete* safety. *Graves v. State*, 577 S.W.3d 420, 423–24 (Ark. Ct. App. 2019). An aggressor who exhausts every reasonable opportunity to escape imminent danger before using deadly force is entitled to Stand Your Ground Immunity. *See* Stet. Gen. Stat. § 776.041(2)(a); *see also Graves,* 577 S.W.3d at 424.

When a defendant does not have “ample opportunity” to escape danger, they have exhausted their reasonable means to escape. *See* *Nieves v. State*, 849 So. 2d 435, 438 (Fla. 3d Dist. Ct. App. 2003). In *Nieves v. State*, a Florida Appellate Court held that a defendant’s self-defense claim was undermined by the fact that he had plenty of time to escape danger before discharging his firearm. *See id.* There, the defendant was the victim of an alleged attempted robbery. *Id.* at 437. He claimed self-defense after he tried to shoot the alleged robbers when they had already returned to their car. *Id.* at 437–38. The court reasoned that the fact that the robbers had already returned to their car before the defendant shot showed that he had “ample opportunity” to escape danger. *Id.*

Here, Mr. Cameron exhausted his reasonable means of escape because he did not have “ample opportunity” to do so. *See id.*; (Ex. 8). Once Mr. Cameron believed he was in imminent danger of death, his only avenue of escape was to run. (Ex. 8). But any attempt to flee on foot would have been in vain; Mr. Cameron would not have been able to outrun the bullet from Wilson’s gun. *See* (Ex. 8). Unlike the defendant in *Nieves*, Mr. Cameron had no opportunity to escape, (Ex. 8), meaning, his use of deadly force was justified.

**CONCLUSION**

Therefore, this Court should grant the Defendant’s Motion to Dismiss. Mr. Cameron had no duty to retreat before using deadly force as he was not carrying a concealed firearm and had the right to be at the Boals Motel. Because Mr. Cameron did not provoke the use of force, he was also not the aggressor, and even if this Court determined he was, his use of force was justified because the circumstances gave him the reasonable belief he was in imminent danger and he exhausted his reasonable opportunities to escape. Accordingly, Mr. Cameron is entitled to immunity under Stetson’s Stand Your Ground law.

Respectfully submitted,

/s/ 120

*Attorneys for Jay Cameron*