**TEAM 122**

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

**PINELLA COUNTY JUDICIAL DISTRCT**

STATE OF STETSON

v. CASE NO. 2024-CR-319

JAY CAMERON,

*Defendant.*

**DEFENDANT’S MOTION TO DISMISS FOR STAND YOUR GROUND IMMUNITY**

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# INTRODUCTION

Defendant Jay Cameron (hereafter “Jay” or “Jay Cameron”) is accused of Attempted Murder of the Second Degree in violation of Stetson Penal Code§§ 784.04 and 777.04. Jay Cameron files this Motion to Dismiss for Stand Your Ground Immunity pursuant to Stetson’s Penal Code section 776.012 and respectfully requests that the Court finds as follows:

1. Jay Cameron was not engaged in criminal activity on August 6, 2022 by carrying a gun because he was not carrying his weapon in a way to hide its existence from the ordinary sight or knowledge to another person.
2. Jay Cameron was not the initial aggressor in the incident on August 6, 2022 because he acted in response to the aggressive actions of Ryan Wilson. In the alternative, if Jay Cameron is found to be the initial aggressor, Jay Cameron’s actions are permitted under Stetson Penal Code§ 776.041(a) and (b).

THEREFORE, Jay Cameron respectfully prays that this Court GRANTS this Motion to Dismiss pursuant to Stetson Penal Codesection 3.190(c)(3) for the reasons outlined herein.

# STATEMENT OF FACTS

 The Defendant, Jay Cameron, often stays at the Boals Motel in Petersburg, Stetson. (Jay Cameron’s Interview ¶¶ 31-35). As such, Jay was familiar with Ryan Wilson (“Wilson”), the alleged victim in the case at bar, who had a local reputation for being a dangerous regular at the Boals Motel. *Id.* at ¶¶ 27-28, 45-51; *see also* First PPD Incident Report at ¶4 (Kenny Gray’s explanation to police of Wilson’s “reputation for being violent when he needs to be”). Around 9:00 A.M. on August 6, 2022, Jay called his brother, Greg Cameron, to join him for breakfast. (Jay Cameron’s Interview ¶¶ 25-26). By 9:30 A.M. Greg Cameron arrived at the motel, and both Jay and Greg Cameron left the Boals Motel at 9:45 A.M. for breakfast. *Id.* at ¶¶ 61-62. When Jay left the hotel, he carried a .40 caliber gun with him in the front pocket of his hoodie because the area surrounding the Boals Motel has an unsafe reputation. *Id.* at ¶ 67.

While exiting the breezeway outside Wilson’s room, an exchange took place between Jay and Wilson. Wilson was sitting outside his room with two of his companions, Tony D and Kenny Gray (“Gray”). (Kenny Gray’s Interview ¶ 98). At least Gray had smoked weed prior to the encounter and both Gray and Tony D appeared “high as kites” according to Jay. *Id.* at ¶ 163-165; Jay Cameron’s Interview ¶ 99. As Jay passed by, Jay recounts that Wilson threatened Jay, telling him to “[k]eep your distance, or else” and “[y]ou’re a dead man walking”. (Jay Cameron’s Interview ¶¶ 54-57). Jay’s only responses were to state that he wasn’t scared of Wilson and an off-the-cuff clarification that he was talking to Wilson and not someone else. *Id.* Shaken by the exchange, Jay Cameron moved on and proceeded to breakfast with his brother. *Id*. at ¶ 59.

Upon returning to the Boals Motel around 10:30 A.M., Jay noticed that Wilson, Gray, and Tony D were still near the breezeway entrance. *Id*. at ¶ 98. Before Jay and Greg Cameron got to the breezeway, Jay saw Wilson holding a black object in his pocket that appeared to be a gun. *Id*. at ¶¶ 87-92. In response to the appearance of Wilson holding a gun, Jay made the shape of a gun with his left hand and said, “pop pop” as a warning to Wilson that he was armed. *Id*. at ¶¶ 71-77; *see also* First PPD Incident Report at ¶5 (Gray confirming Jay said “pop pop” to police). Jay then saw Wilson pull an object out of his pocket, which he assumed to be Wilson’s gun. *Id*. at ¶¶ 94-95. According to Wilson, Wilson did not have a gun in his pocket at that time but took Tony D's gun before following Jay into the breezeway. (Ryan Wilson’s Interview ¶ 143). Gray was unable to confirm where Wilson got his gun, but saw Wilson put something in his front pocket immediately after Wilson and Jay’s 9:45 A.M. encounter. (First PPD Incident Report at ¶4)

Jay proceeded into the breezeway when he heard a shout from behind him that sounded like a warning, which prompted him to look back. Jay Cameron’s Interview ¶¶ 109-110; *see also* Greg Cameron’s Interview ¶ 149. Turning around, Jay drew his gun, saw Wilson with his gun pointed at Jay, Wilson shot at Jay, and Jay returned fire. (Jay Cameron’s Interview ¶¶ 110-115). Both men were hit in initial exchange: Jay in the right side of his stomach and Wilson in the left shoulder. *Id*. at ¶¶ 118-119. As Wilson stumbled backwards, spinning toward the left, Wilson kept his gun pointed at Jay, prompting Jay to shoot again. *Id*. at ¶¶ 120-124. The second shot hit Wilson in the lower back, and Wilson dropped his gun and fell to the ground. *Id*. at ¶ 124. Jay told Greg Cameron to take Wilson’s gun to prevent any further shooting, and both ran back to Jay’s room where they left both guns and Greg Cameron proceeded to drive Jay to the hospital. *Id*. at ¶¶ 129-131, 140-141, 145-146. Greg and Jay Cameron were both interviewed on August 6, 2022. *Id*. at ¶ 26; Greg Cameron’s Interview ¶ 39.

Immediately after the shooting, Gray called emergency services. (First PPD Incident Report at ¶6). Gray was interviewed by the police later that same day after a police officer paid him $150 total for the information. *Id*. at ¶ 2, 7. Wilson was subsequently transported to Petersburg General Hospital, where he was in recovery for a full week before the police were able to interview him about the shooting incident. (Ryan Wilson’s Interview ¶ 23).

# ARGUMENT

 Under Stetson’s Stand Your Ground Immunity statutes, a person has prima facie immunity from criminal prosecution if they (1) had a reasonable belief that (2) using such force was necessary to prevent imminent death, great bodily harm, or the commission of a forcible felony; and (3) if the person was “not engaged in criminal activity, is in a place where he or she has a right to be, and is not the aggressor”. Stetson Penal Code §§ 776.012, 776.032. A prima facie claim is one that is sufficient “to establish a fact or raise a presumption unless disproved or rebutted”. *Jefferson v. State*, 264 So. 3d 1019, 1027 (Fla. Dist. Ct. App. 2018).

 Whether Jay has a right to be at the Boal Motel is not in contention because he was a registered guest at the Boal Motel at the time of the incident. (Exhibit 4). Similarly, courts have held that public parking lots are locations where defendants seeking Stand Your Ground Immunity have a right to be. *Jimenez v. State*, 353 So. 3d 1286, 1287 (Fla. 2nd Dist. App. 2023); *Mobley v. State*, 132 So. 3d 1160, 1166 (Fla. 3rd Dist. App. 2014); *cf.* *Garcia v. State*, 286 So. 3d 348, 351 (Fla. 2nd Dist. App. 2019) (defendant was a trespasser and, thus, did not have a right to be in the location where the incident occurred). Therefore, the prima facie element of location is satisfied, and the remaining elements of whether Jay was engaged in criminal activity or was the aggressor are addressed as follows:

## Jay Cameron was not engaged in criminal activity under Stetson Penal Code § 776.012 by carrying a gun on his person.

 The right to keep and bear arms under the Second Amendment is an individual right. *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008); U.S. Const. amend. II. In 2022, the Court expanded on the *Heller* opinion and held that the Constitution protects an individual’s right to carry a handgun for self-defense outside the home. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 8 (2022).

1. The existence of Mr. Cameron’s weapon was not concealed to the ordinary sight or knowledge of another person**.**

For a firearm to be considered concealed it must meet the following requirements: (1) carried on or about a person and (2) in a manner intended to conceal its existence from the ordinary sight or knowledge of another person. Stetson Penal Code § 790.01(2). The intention behind a concealed carry law is to “prevent a person with a weapon from ‘taking some undue advantage over an unsuspecting adversary,’ who is not aware that the person is carrying a weapon.” *Dorelus v. State*, 747 So. 2d 368, 370 (Fla. 1999) (quoting *Sutton v. State*, 12 Fla. 135, 136 (1867)). Displaying a weapon in such a way that its identity is clearly revealed even though it is not in full view may not constitute as carrying a concealed weapon. *See* *State v. White*, 376 So. 2d 124, 125 (La. 1979); *see also* *People ex. Rel. O.R.*, 220 P.3d 949, 952 (Colo. Ct. App. 2009) (holding that the lower court erred in determining that a partially concealed, but readily discernable firearm is “concealed” for purposes of the governing statute because “‘concealed’ means placed out of sight so as not to be discernible or apparent by ordinary observation.”); *State v. Reams*, 121 N.C. 556, 27 S.E. 1004, 1006 (1987) (stating that if a weapon is partly exposed to public view, it would be unreasonable to find, as a legal conclusion, that it was concealed).

 While the firearm was carried on Jay’s person, he did not carry it in *manner designed* to hide its existence. (Jay Cameron’s Interview ¶ 70). The neighborhood where this incident occurred is known for being dangerous. (Kenny Gray’s Interview ¶¶ 75-78; Greg Cameron’s Interview ¶ 85). Jay and other locals in the area carry a gun for protection and self-defense purposes. (*See* Greg Cameron’s Interview ¶¶ 81-88). Jay was not “taking some undue advantage over an unsuspecting adversary.” *Dorelus*, 747 So. 2d at 370. Wilson had a reputation for being violent. (First PPD Incident Report at ¶ 6; Jay Cameron’s Interview ¶¶ 155-58). Moreover, Jay was not trying to hide that he was carrying a gun from Wilson. *Id.* at ¶ 67-68. On the contrary, Jay verbally notified Wilson that he had a gun, and the gun was large and noticeable. *See* *id.* at ¶¶ 73-76; *see also* Greg Cameron’s Interview ¶¶ 135-39; Kenny Gray’s Interview ¶¶ 70-71. Given the undisputed dangerous reputation of the area in which the incident took place, the verbal confirmation indicated possession that Jay provided, and the testimony from witnesses noticing the large weapon, an ordinary observer would have knowledge or see the weapon. Thus, Jay Cameron’s Motion to Dismiss should be granted because Jay made the existence of his weapon known and he was not concealed carrying as required in Stetson’s Penal Code Section 790.01(2).

### The vague statutory language fails to establish carrying a weapon is “unlawful activity.”

There is no definition or binding precedent explaining what is considered “unlawful activity” in the State of Stetson. Additionally, while the Supreme Court has not established a clear standing on whether carrying a concealed weapon is an “unlawful activity,” the Court expanded gun rights in 2022 when it struck down a New York law regulating concealed carry of firearms. *Bruen*, 597 U.S. at 71. The Court stated the following:

The constitutional right to bear arms in public for self-defense is not “a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.” We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need.

*Id.* at 70 (citation omitted). This Court must not ignore the message from the Supreme Court. Finding that Jay is not entitled to self-defense immunity simply because he had a gun in his jacket would do just that. A human’s life must supersede the vague “engaged in criminal activity” language found in Stetson Penal Codesection 776.012. It would be inconceivable to demand that Jay should have stood in that situation and allowed himself to be killed because he had a gun in his pocket.

While there are several cases in Florida that establish carrying a concealed firearm without a license is an unlawful activity, unlike Jay, the defendants in those cases were convicted felons in possession of a firearm at the time of the shootings. *See, e.g.,* *Miles v. State*, 162 So. 3d 169, 171 (Fla. 5th Dist. App. 2015); *Hill v. State*, 143 So. 3d 981 (Fla. 4th Dist. App. 2014); *Little v. State*, 111 So. 3d 214, 222 (Fla. 2nd Dist. App. 2013); *Dorsey v. State*, 74 So.3d 521, 527 (Fla. 4th Dist. App. 2011). In the case of *Rios v. State of Florida*, the court ruled that defendant engaged in “unlawful activity” by carrying a concealed firearm at the time of the incident; however, *Rios* remains non-binding authority. 143 So. 3d 1167, 1170 (Fla. Dist. Ct. App. 2014). As *Rios* remains non-bind authority, this Court is not bound by Florida’s interpretation of “unlawful activity.” This Court should hold in congruence with the Supreme Court and consider the intent behind Stetson’s new law permitting concealed carry when deciding what is “unlawful activity.” Additionally, the facts here provide that Jay did not carry his handgun in a manner intentionally hiding its existence. Thus, the Court should grant Jay Cameron’s Motion to Dismiss because Jay was not engaged in unlawful activity at the time of the shooting and, therefore, may seek immunity under Stetson’s Stand Your Ground Immunity statute.

### Even if Jay Cameron was engaged in unlawful concealed carry, he is not precluded from Stand Your Ground Immunity.

Under Stetson Penal CodeSection 776.012 a person using or threatening to use the deadly force to defend themselves does not have a duty to retreat if they are not engaged in criminal activity. However, being engaged in an unlawful activity does not foreclose an individual from defending himself. *See Jimenez v. State*, 353 So. 3d 1286, 1288 (Fla. 2nd Dist. App. 2023) (holding that defendant’s motion to dismiss was legally sufficient to establish a prima facie claim of self-defense immunity under Stand Your Ground law, even though defendant admitted he was engaged in the unlawful activity of carrying a concealed firearm when he lacked a license); *see also* *Miles*, 162 So. 3d at 171 (holding that a defendant could assert immunity even if they were engaged in an unlawful act at the time); *Hill*, 143 So. 3d at 986 (same). Thus, “[a] defendant who is engaged in unlawful activity…has a duty to retreat and must use all reasonable means in his power, consistent with his own safety, before his use of deadly force will be justified under the Stand Your Ground law.” *Jimenez*, 353 So. 3d at 1288 (quoting *Garcia*, 286 So. 3d at 351).

 In *Jimenez*, the defendant pulled a firearm out of his pocket and defensively began shooting after known gang members opened fire. *Id.* at 1286. The court noted that “when defendant discharged his firearm, he had no ability to retreat or to make clear that he wanted to terminate the encounter” because “the entire episode, which started the exchange of gunfire, began and ended in seconds.” *Id.* at 1287. Likewise, Jay had no ability to retreat more than he already was or to make clear that he wanted to terminate the encounter. Exhibit B shows that Jay walked directly past Wilson and into the breezeway, heading towards his room. Wilson followed Jay, which started the gunfire exchange that, similar to *Jimenez*, began and ended in seconds. Exhibit B; *Jimenez*, 353 So. 3d at 1287. The *Jimenez* court rejected the State’s argument that defendant’s motion to dismiss was legally insufficient since it alleged that he was engaged in criminal activity by possessing a concealed firearm. *Id.* at 1288. The defendant was not precluded from Stand Your Ground Immunity. *Id.* Thus, even if the court finds that Jay was engaged in unlawful activity, this Court should similarly find that Jay is not precluded from immunity as he was unable to retreat before he opened fire to defend himself.

## Jay Cameron has qualified Stand Your Ground immunity under Stetson Penal Code section 776.012 because he was not the aggressor in the August 6, 2022 shooting.

Under Stetson Penal Codesection 776.012, a person “does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force … is not the aggressor”.

### Jay Cameron’s actions do not qualify him as the initial aggressor under Stetson Penal Code § 776.012.

Jay and Wilson had two interactions on August 6, 2022, where Jay did not count as the initial aggressor. First, the 9:45 A.M. event as the Cameron brothers left for breakfast; second, the 10:30 A.M. event as they returned from breakfast. (Jay Cameron’s Interview ¶ 62; Greg Cameron’s Interview ¶ 29). The first event is a classic example of how words exchanged could have resulted in a physical altercation. Jay recounts that Wilson told him: “Keep your distance, or else…You’re a dead man walking.” (Jay Cameron’s Interview ¶ 54-59). Although Wilson disagrees with the who said what during this exchange and would likely argue that Jay was an aggressor beginning with this conversation, it does not matter who began the conversation or whether threats were exchanged because Jay physically removed himself from the conversation, therefore neutralizing any potential conflict. (*See* Ryan Wilson’s Interview ¶ 70-79).

When “[a] materially significant temporal and physical break…” occurs, the “imminent” threat disappeared. *State v. Wagner*, 353 So. 3d 94, 101 (Fla. Dist. Ct. App. 2022). The Wagner Court found that while the victim was the initial aggressor, the defendant left the victim's presence, neutralizing any imminent threat. *Id*. By returning and shooting the victim, the defendant became the initial aggressor for that encounter. *Id.* The relevant time to determine the existence of an imminent threat was the moment immediately before and during the moment that the defendant in *Wagner* shot the victim, not the prior encounter. *Id*. This reasoning directly applies to Jay and Wilson’s interactions due to the location and time difference between the two events. Therefore, the second event cannot be seen as an extension of the first.

In the second event, Jay did not walk by Wilson to provoke a fight or threaten Wilson. Although Jay saying, “pop pop” with the gesture of a gun might be threatening, Wilson did not perceive it to be a threat. (Ryan Wilson’s Interview ¶ 122-23). Wilson alleges Jay threatened him by making a slashing gesture across his throat; however, the gesture cannot be seen in the surveillance footage available. (*See* Exhibit B). Even if Jay made the gesture, a gesture alone is not enough to be considered aggression for the later fight.(Ryan Wilson’s Interview ¶ 138-39).In *Pecuch v. Platt*, when a person came very close to the plaintiff, made a rude gesture that caused no one to react, and then walked away, the plaintiff was considered the fight instigator when he punched the person only fifteen seconds later. No. 13-CV-6102-FPG n.7, 2015 U.S. Dist. LEXIS 145636, \*9 (W.D.N.Y. Oct. 27, 2015). Here, Wilson did the exact same thing by not reacting to any gesture Jay may have made until Jay had already tried to leave, and then following with a gun.

Therefore, Jay cannot be the initial aggressor in the August 6, 2022 incident and the Court should grant Jay Cameron’s Motion to Dismiss.

### Even if Jay Cameron was the initial aggressor, he falls under the exceptions of Stetson Penal Code section 776.041(2).

Even if Jay is found to be the initial aggressor in the August 6, 2022 shooting, Jay qualifies for Stetson Penal Codesection 776.041(2)’s permission for an initial aggressor to use deadly force. Under section 776.041(2), Stand Your Ground Immunity is not available to an initial aggressor unless,

“a) Such force or threat of force is so great that the person reasonably believes that he or she is in imminent danger of death or great bodily harm and that he or she has 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; or

(b) In good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that he or she desires to withdraw and terminate the use or threatened use of force, but the assailant continues or resumes the use or threatened use of force.”

Jay’s actions qualify for Stand Your Ground Immunity under both Stetson Penal Code§ 776.041(2)(a) and (2)(b).

#### Jay Cameron qualifies for Stand Your Ground Immunity under § 776.041(2)(a).

 First, Jay experienced an imminent danger of death. Stetson Penal Code § 776.041(2)(a). The moment that Jay turned around in the breezeway, he saw a gun pointed at him. He had just enough time to respond to the imminent danger of death with self-defense. (Jay Cameron’s Interview ¶ 112-16).

 Second, Jay had a reasonable belief that he was “in imminent danger of death or great bodily harm” with respect to the force or threat of force brought against him. Stetson Penal Code § 776.041(2)(a). Reasonable belief is an objective standard wherein the “belief must be one that a reasonable person would have held under the circumstances.” *Washington v. State,* 997 N.E.2d 342, 349 (Ind. 2013); *see also* *Freeman v. State,* 373 So. 3d 1255 (Fla. Dist. Ct. App. 2023). In *Freeman v. State*, the concurring opinion explains that one reason the defendant failed to establish a prima facie case for Stand Your Ground Immunity was the lack of evidence that a reasonable person would have stabbed their mother’s friend for scolding them for being disrespectful. *Id.* at 1268. In stark contrast to *Freeman*, it is objectively reasonable for someone to believe they must return fire in defense if another shoots at them at close range.

Additionally, Jay had a reasonable fear of Wilson, stating, “I’ve seen him pull guns on people before and I’ve seen him get into bar fights.” (Jay Cameron’s Interview ¶ 49-50). “[T]he purpose of specific acts evidence in a self-defense case is to demonstrate the reasonableness of the defendant's fear at the time of the incident.” *Munoz v. State*, 45 So. 3d 954, 957 (Fla. Dist. Ct. App. 2010). In *Munoz*, while the defendant failed to show that he acted in self-defense, the court permitted the admission of the victim’s specific acts of prior violence to display Munzo’s state of mind. *Id.* at 957. If the issue of initial aggressor immunity had been raised, the *Munoz* court stated that this information would be permitted to show that Suarez was the initial aggressor, not Munoz. *Id.* at 958. Here, Jay’s knowledge of Wilson’s past violence and the threat of being shot show that Jay acted reasonably by firing at Wilson. (Jay Cameron’s Interview ¶ 113-15).

 Third, Jay must have exhausted all means of retreat from the altercation. Stetson Penal Code § 776.041(2)(a). Courts have interpreted the phrase “exhaustion of all means of retreat” as highly circumstantial*. See Jenkins v. State*, 942 So. 2d 910, 916 (Fla. Dist. Ct. App. 2006). For example, retreating only to return and continue a fight does not permit immunity. *See, e.g.,* *Hunter v. State*, 687 So. 2d 277 (Fla. Dist. Ct. App. 1997) (Appellant’s brother threatened to kill Appellant, who left, got a gun, returned, and both brothers shot at each other). Not only did Jay retreat, but he did not attempt to lure Wilson after him or return to Wilson to argue or pick a fight.

Even if Jay was found to be an aggressor in the second event, Jay retreated by going into the breezeway. (Jay Cameron’s Interview ¶ 101-08). In *People v. Vaughn*, the defendant became the aggressor by following the deceased out of an apartment and shooting him, even though the deceased was the initial aggressor of an altercation inside the apartment. 2018 IL App (5th) 150428-U, ¶ 45. The *Vaughn* Court analyzed the full encounter as two separate events because the deceased retreated. *Id.* Similarly, even if Wilson saw Jay make a threatening gesture, Jay moved away in a clear indication of retreat. Wilson’s actions after Jay left are clear signs of aggression to which Jay responded: taking out a gun, following Jay into the breezeway with the gun, and shooting Jay. (Jay Cameron’s Interview ¶ 87-118).

Therefore, Jay qualifies for Stand Your Ground Immunity under section 776.041(2)(a) because he had a reasonable belief that he had no way to retreat from the imminent danger of death or threat of death caused by Wilson, and the Court should grant Jay Cameron’s Motion to Dismiss.

#### Jay Cameron qualifies for Stand Your Ground Immunity under section 776.041(2)(b).

 Even if Jay Cameron does not qualify for immunity under section 776.041(2)(a), he would still qualify under section 776.041(2)(b).

First, Jay must have made a good faith physical withdrawal from the situation. Stetson Penal Code§ 776.041(2). Just like the 9:45 A.M. interaction, Jay only went closer to Wilson for the purpose of going past Wilson to his room in the 10:30 A.M. altercation. Based on eye-witness testimony from Greg Cameron, when Wilson initiated fire against Jay, the men were already 8 to 10 feet apart. (Greg Cameron’s Interview ¶ 222). In other words, Jay showed a good faith attempt to withdraw from potential conflict by physically removing himself from Wilson’s presence.

 Second, Jay must have made a clear indication of desire to withdraw from the altercation. Stetson Penal Code§ 776.041(2). For example, in *State v. Bryant*, a defendant was convicted of murder after he attempted to rob a car and subsequently got in a fight with the car’s owner. 336 S.C. 340, 344 (1999). The defendant had a knife and a screwdriver but dropped the knife before stabbing and killing the car owner with the screwdriver. *Id.* at 343-44. In *Bryant*, the defendant argued that he clearly indicated his desire to withdraw by dropping the knife before the fight with the deceased; however, the defendant admitted that the deceased had no way to know this information because the defendant did not make his intention clear or try to leave. *Id.* at 344. In contrast, Jay made every indication that he intended to withdraw from any interaction between him and Wilson by walking past the man and into the breezeway with his back to Wilson. (*See* Exhibit B). Therefore, Jay showed a clear indication of his desire to withdraw from the altercation.

 Third, Wilson must have continued to use force or threaten the use of force in a manner. Stetson Penal Code§ 776.041(2). Jay believed that Wilson had a handgun in his front pocket, which is where Wilson kept his hand hidden from view, as can be seen in the Boals Motel’s surveillance footage. (*See* Exhibit B). Wilson asserts that he didn’t have a gun in his pocket but took a gun from Tony D and then proceeded to follow Jay Cameron into the breezeway. However, it does not matter at what point Wilson obtained the gun for intimidation purposes because, as stated prior, Jay had witnessed Wilson pull guns on people before and was fearful of similar retaliation. (Jay Cameron’s Interview ¶ 49). Furthermore, Wilson makes a show of staring Jay down, holding something in his pocket, and pulling out a black object from the pocket. This could only be a threat of deadly force, especially when Jay heard either Kenny Gray or Tony D laughingly state: “He’s done”. *Id.* at ¶ 87-102. Wilson’s threat of force proved true when Jay found himself with a gun pointed at him and a bullet hole in his side.

 Therefore, Jay qualifies for Stand Your Ground Immunity under section 776.041(2)(b) and this Court should grant the Motion to Dismiss because Jay made a good faith attempt to physically withdraw from the conflict, made it clear that he was withdrawing, and Wilson continued to threaten him with deadly force.

# CONCLUSION

 THEREFORE, Jay Cameron prays that this Court GRANTS this Motion to Dismiss for Stand Your Ground Immunity because Jay Cameron meets the prima facie requirements under Stetson Penal Code sections 776.012 and 776.032 in finding that Jay Cameron did not unlawfully conceal carry and was not the aggressor in the August 6, 2022 shooting. In the alternative, Jay Cameron prays that this Court finds that Jay Cameron qualifies for the proper statutory exception pursuant to Stetson Penal Code section 776.041.

Dated this day, September 1, 2024.

Respectfully submitted,

/s/\_*Team 122*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TEAM 122**

***Counsel for Jay Cameron***