**TEAM 122**

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

**PINELLA COUNTY JUDICIAL DISTRICT**

STATE OF STETSON

vs. DOCKET NO. 2024–CR–319

JAY CAMERON

  *Defendant.*

**NON-MOVANT’S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS**

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# INTRODUCTION

Stetson Penal Code §§ 776.012 and 776.032 (“Stetson's Stand Your Ground Law”), like the self-defense laws of many states, requires that an individual claiming immunity from prosecution based on self-defense must have been acting in a manner not contrary to law. However, the manner in which Jay Cameron (“Mr. Cameron”) carried his firearm was designed to conceal it from ordinary sight, including the sight of his eventual victim, Ryan Wilson (“Mr. Wilson”). By hiding his firearm in the front pocket of his hoodie, Mr. Cameron gained an unfair advantage over the unsuspecting Mr. Wilson and violated Stetson Penal Code § 790.01(2)’s prohibition against unlicensed concealed carry of a weapon. Thus, Mr. Cameron cannot claim immunity under Stetson’s Stand Your Ground Law.

A justification defense likewise does not apply. Under Stetson law, a defendant claiming that their use of deadly force was justified must show that a reasonable person in the same circumstances would have undertaken the same course of conduct as the defendant. Mr. Cameron’s actions were unreasonable because he returned to the scene of an altercation during which he supposedly feared for his life, and he lacked actual knowledge that Mr. Wilson was armed. A reasonable person fearing for their safety under these circumstances would have sought a different route to their motel room or otherwise avoided crossing paths once again and would not have escalated the situation by making provoking gestures and comments to the very person they claimed to fear. Therefore, Mr. Cameron cannot claim that his use of deadly force was reasonable.

Finally, Stetson’s Stand Your Ground Law does not immunize those who are the aggressors in the altercation that prompts the need to inflict deadly force. While some jurisdictions define aggression as physical force and others as threatening language or conduct, Mr. Cameron’s behavior prior to the shooting renders him the aggressor regardless of which interpretation this Court chooses to adopt. Mr. Cameron communicated to Mr. Wilson through comments and gestures that he was armed as well as drew and aimed his weapon at Mr. Wilson. Therefore, regardless of who shot first, Mr. Cameron provoked the gun violence and, in doing so, barred himself from statutory immunity. Furthermore, after sufficiently deterring the supposed threat by shooting Mr. Wilson once, Mr. Cameron fired a second shot as Mr. Wilson attempted to retreat. This excessive use of force was both unjustified and unlawful. As a result, Mr. Cameron’s Motion to Dismiss should be denied.

# STATEMENT OF FACTS

On the morning of August 6, 2022, Mr. Wilson and Mr. Cameron engaged in a violent shooting at the Boals Motel, where they were both staying as guests. Interview with Jay Cameron ¶ 118–24; Interview with Ryan Wilson ¶ 148–51; Exhibit 4. Approximately one hour before the shooting, Mr. Cameron passed by Mr. Wilson on his way to have breakfast with his brother, Mr. Greg Cameron. Interview with Jay Cameron ¶ 24–28. Mr. Wilson was standing outside of his motel room with some visiting friends, including a witness to the subsequent shooting, Kenny Gray (“Mr. Gray”). Interview with Jay Cameron ¶ 24–28; Interview with Kenny Gray ¶ 27–29. Mr. Cameron and Mr. Wilson both confirm that they had a tense exchange, although each allege that the other initiated the confrontation and made threats. Interview with Jay Cameron ¶ 54–57; Interview with Ryan Wilson ¶ 70–75.

Upon Mr. Cameron’s return from breakfast, the two encountered each other again. Interview with Jay Cameron ¶ 61–65. This time, Mr. Cameron made his left hand “into the shape of a gun” and said “pop pop” as he walked past Mr. Wilson into the breezeway. Interview with Jay Cameron ¶ 73–76. Mr. Cameron’s brother alleges that Mr. Wilson responded by shouting and raising his arms over his head while holding a gun in one hand. Interview with Greg Cameron ¶ 142–46. However, neither Mr. Cameron, Mr. Wilson, nor Mr. Gray corroborate this account. Mr. Cameron did not know whether Mr. Wilson was armed but assumed that he was. Interview with Jay Cameron ¶ 87–98. However, he, as well as Mr. Wilson and Mr. Gray, all state that Mr. Wilson did not respond or react to Mr. Cameron as he walked by. Interview with Jay Cameron ¶ 80–94; Interview with Ryan Wilson ¶ 126–28; Interview with Kenny Gray ¶ 79–81.

After Mr. Cameron entered the breezeway, Mr. Wilson peered around the corner to see where he was going. Interview with Ryan Wilson ¶ 141–48; Interview with Kenny Gray ¶ 83–86. As he did so, Mr. Cameron heard shouting behind him. Interview with Jay Cameron ¶ 107–09. Indeed, Mr. Greg Cameron alleges that he shouted for his brother to “watch out.” Interview with Greg Cameron ¶ 149. In response, Mr. Cameron immediately drew his weapon, pointed it at Mr. Wilson, and began charging at him. Interview with Jay Cameron ¶ 110–11; Exhibit 8. Once Mr. Wilson turned the corner and saw Mr. Cameron pursuing him with a firearm, he drew his weapon as well. Interview with Ryan Wilson 148–53; Ex. 8. The shooting ensued, each alleging that the other shot first. Interview with Jay Cameron ¶ 112–16; Interview with Ryan Wilson ¶ 150–51.

Moments later, both were injured. Mr. Cameron shot Mr. Wilson near his left shoulder and Mr. Wilson shot Mr. Cameron in the abdomen. Interview with Jay Cameron ¶ 118–20; Interview with Ryan Wilson ¶ 153–55; Exhibit 10. Upon the impact of the bullet, Mr. Wilson spun backward and began to fall. Interview with Jay Cameron ¶ 120–22; Interview with Ryan Wilson ¶ 154–55. While Mr. Cameron claims that Mr. Wilson still had his gun pointed towards him at that point, Mr. Wilson alleges that he was attempting to retreat, but had difficulty keeping his balance. Interview with Jay Cameron ¶ 122–23; Interview with Ryan Wilson ¶ 153–59. However, both agree that Mr. Wilson had turned his back to Mr. Cameron. Interview with Jay Cameron ¶ 121–22; Interview with Ryan Wilson ¶ 155–56. Nonetheless, Mr. Cameron shot him again, hitting him in the lower back. Interview with Jay Cameron ¶ 123–24; Ex. 10.

# ARGUMENT

## This Court should deny Mr. Cameron’s Motion to Dismiss because he was engaged in unlawful activity at the time of the incident and his use of deadly force was unjustified.

“The individual right to keep and bear arms conferred by the Second Amendment [is] not unlimited.” *See Dist. of Columbia v. Heller*, 554 U.S. 570, 595 (2008). This idea is reflected in Supreme Court decisions which restrict the right to bear arms in self-defense to “ordinary, *law-abiding* citizens.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1, 9 (2022) (emphasis added); *Heller*, 554 U.S. at 635. Because Mr. Cameron was not acting as an “ordinary, law-abiding citizen” when he carried a concealed firearm and shot Mr. Wilson, the State respectfully requests that this Court hold that Mr. Cameron’s immunity claim is precluded and deny his Motion to Dismiss.

### Mr. Cameron’s concealed carry of a firearm in violation of Stetson Penal Code § 790.01(2) constitutes “unlawful activity” which precludes invocation of an immunity affirmative defense under Stetson’s Stand Your Ground Law.

Stetson is one of many states to provide immunity from prosecution to those lawfully acting in self-defense. Stetson law requires that a defendant claiming immunity under the Stand Your Ground Law was not engaged in unlawful activity at the time of the offense. *See* Stetson Penal Code § 776.012. Mr. Cameron’s activity is unlawful because he carried a concealed weapon in violation of Stetson law.

“The prohibition against carrying concealed weapons is designed 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) (citing *Sutton v. State*, 12 Fla. 135, 136 (1867)).Courts have held that a weapon is “concealed” if it is on or about the person and hidden from the ordinary sight of another person. *State v. Blanco*, 702 So.2d 597, 598 (Fla. 2d DCA 1997); *Davis v. State*, 761 So.2d 1154, 1156 (Fla. 2d DCA 2000); *Cade v. Inch*, No. 18–10068–CV–MARTINEZ, 2021 WL 6369829, at \*19 (S.D. Fla. July 23, 2021). A firearm is considered “on or about the person” when it is “physically on the person or readily accessible to him.” *Ensor v. State*, 403 So.2d 349, 354 (Fla. 1981). “‘Ordinary sight of another person’ means the casual and ordinary observation of another in the normal associations of life.” *Blanco*, 702 So.2d at 598 (citing *State v. Pollock*, 600 So.2d 1313, 1314 (Fla. 3d DCA 1992)); *Davis*, 761 So.2d 1154, 1156–57 (Fla. 2d DCA 2000); *Cade*, 2021 WL 6369829 at \*19; *Ensor*, 403 So.2d at 354. For a weapon to be concealed, it need not be absolutely invisible. *Dorelus*, 747 So.2d at 370–71 (Fla. 1999) (citing *Ensor*, 403 So.2d at 354); *L.G. v. State*, 693 So.2d 1020, 1021 (Fla. 3d DCA 1997). Rather, courts considering whether a weapon was concealed should use common sense, focusing on whether the weapon “was carried in such a manner as to conceal from ordinary sight.” *Dorelus*, 747 So.2d at 372. The court may consider the nature and type of weapon involved. *Id*. Specific intent to conceal a weapon is not required. *Id.* at 371.

In *Dorelus v. State*, the Supreme Court of Florida recognized several variables to consider when determining whether a weapon is concealed. There, a police officer stopped the defendant for a minor traffic infraction when the officer recognized a handgun protruding from the vehicle’s console. 747 So.2d at 369–70. Following his arrest for carrying a concealed firearm, the petitioner filed a motion to dismiss, which the trial court granted. *Id.* at 370. The Fourth District Court of Appeals reversed the trial court’s decision, and the Florida Supreme Court granted certiorari to answer the question of whether the weapon was in fact concealed. *Id*. The Supreme Court recognized that the issue of concealment, though “ordinarily an issue for a trier of fact,” can be determined as a matter of law. *Id.* at 371. The Supreme Court considered whether a weapon had been concealed “in such a manner as to be hidden from ordinary sight,” by factors including: (1) the location of the weapon; (2) whether, and to what extent, the weapon is covered by another object; (3) the nature and type of weapon; and (4) statements by witnesses clearly identifying the object as a weapon. *Id.* at 371–73. The Supreme Court further recognized that handguns are easier to conceal than larger types of weapons, and, conversely, that handguns, by their nature, are more easily observable than smaller weapons. *Id.* at 372. Considering these factors, the Supreme Court held that the petitioner’s firearm was not concealed because the gun was in an open console, the firearm was not covered, and the officer testified that he immediately recognized the object as a weapon. *Id.* at 373.

Here, it is undisputed that Mr. Cameron’s firearm was “on or about” his person. Thus, concealment in this case hinges upon whether the firearm was hidden from ordinary sight. Mr. Cameron’s activity differs from the activity of the petitioner in *Dorelus* because the firearm here was completely covered by Mr. Cameron’s hoodie, Interview with Jay Cameron ¶ 70, and the victim could not readily discern whether the object was a weapon. Mr. Wilson testified that Mr. Cameron had his right hand in his front pocket and that it seemed like he was holding something, but Mr. Wilson did not have reason to believe that the object was a firearm. Interview with Ryan Wilson ¶ 104–09, 116–20. Furthermore, Mr. Greg Cameron claimed that Mr. Cameron did not reveal the gun to the victim at any point before the incident. Interview with Greg Cameron ¶ 134–35. The ordinary person observing this incident would not have been able to discern that Mr. Cameron was armed. Because the firearm was on Mr. Cameron’s person and not readily visible to the ordinary sight, Mr. Cameron’s activity constitutes concealed carry in violation of Stetson law. Therefore, Mr. Cameron’s Motion to Dismiss must be denied.

### Mr. Cameron’s immunity claim cannot stand because his apprehension of danger was unreasonable.

Under Stetson law, deadly force is permitted where the actor “reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm . . . .” Stetson Penal Code § 776.012. When evaluating a motion to dismiss under a Stand Your Ground law, courts employ an objective standard asking whether, “based on the circumstances as they appeared to the defendant when he or she acted, a reasonable and prudent person situated in the same circumstances and knowing what the defendant knew would have used the same force as did the defendant.” *Viera v. State*, 163 So.3d 602, 604 (Fla. 3d DCA 2015); *see Hunter v. State*, 687 So.2d 277, 278 (Fla. 5th DCA 1997) (requiring circumstances “causing a reasonably cautious and prudent man to believe that danger is imminent”) (citing *Reimel v. State*, 532 So.2d 16, 18 (Fla. 5th DCA 1988)); *Linsley v. State*, 88 Fla. 135, 140 (1924) (holding that justification requires that “circumstances must be such as to induce a reasonably cautious and prudent man to believe that the danger was actual and the necessity real”).

Courts have held that a defendant cannot claim self-defense when they return to the scene of an altercation and escalate the situation. One such case is *Hunter v. State*, where the Fifth District Court of Appeals denied the appellant’s motion for judgment of acquittal based on self-defense. 687 So.2d at 278. On the day of the incident, the appellant had an argument with the victim wherein the victim threatened to kill him. *Id.* The appellant left the scene, but returned with a rifle and shot the victim three times in the chest and four times in the back. *Id.* The court reasoned that appellant’s duty to retreat arose when the victim threatened to kill him. *Id.* at 279. However, because the appellant returned to the scene with a weapon and escalated the conflict, the court held that this activity did not comport with laws governing self-defense, and accordingly denied his motion for acquittal. *Id*. Moreover, courts require that an imminent threat existed at the time of the incident to justify the use of deadly force. In *Morris v. State*, the First District Court of Appeals denied the appellant’s motion to dismiss based on immunity because there was no imminent threat when the appellant killed the victim. 325 So.3d 1009, 1012 (Fla. 1st DCA 2021). The court reasoned that one cannot randomly attack another because of threats received in the past. *Id*.

Similar to *Hunter* and *Morris*, the circumstances as they appeared to Mr. Cameron do not reasonably support his use of deadly force. Mr. Cameron claims that Mr. Wilson threatened to kill him during their encounter prior to the incident. *See* Interview with Jay Cameron ¶ 54–59; Interview with Greg Cameron ¶ 91–92. Despite this alleged threat, Mr. Cameron returned to the scene of the altercation rather than access his motel room by another route. *See* Interview with Jay Cameron ¶ 61–65; Interview with Greg Cameron ¶ 112–117; Interview with Kenny Gray ¶ 63; Interview with Ryan Wilson ¶ 98–99.

While some courts have held that one may use deadly force defensively if they reasonably believe that they are in imminent danger of such force, *Rodriguez v. Heath*, 138 F. Supp.3d 237, 251 (E.D.N.Y. 2015), aff'd, 648 F. App'x 136 (2d Cir. 2016), Mr. Cameron was ready to inflict deadly force without any indication that he was under threat of the same. Though he claims that he knew Mr. Wilson would try to kill him as he entered the breezeway, Interview with Jay Cameron *¶* 97–98*.*, Mr. Wilson made no outward indication of an immediate intent to harm. Mr. Wilson merely stood near the breezeway with his hand in his pocket and later pulled out an object that Mr. Cameron could not see. *Id.* at 87–96. Mr. Cameron admitted that he just “assumed [Mr. Wilson had] a gun,” *Id.* at 87–97, and acted accordingly. Mr. Cameron’s fear, while perhaps genuine, derived entirely from the assumption that Mr. Wilson was armed and from knowledge of Mr. Wilson’s alleged reputation. Interview with Jay Cameron ¶ 48–51, 76, 87–90, 94–98. However, neither assumptions nor a bad reputation alone gives rise to a reasonable belief of imminent harm nor justifies inflicting deadly force on another.

Mr. Cameron engaged in unlawful activity when he carried a concealed weapon in violation of Stetson law. By concealing a firearm in the front pocket of his hoodie, Mr. Cameron had an undue advantage over his victim, which is the very danger Stetson Penal Code § 790.01(2)sought to prevent. Additionally, Mr. Cameron’s belief about the necessity of deadly force was unreasonable because he returned to the scene, had no actual knowledge that Mr. Wilson was armed, and was not being threatened by him. Therefore, the State respectfully requests that this Court deny Mr. Cameron’s Motion to Dismiss.

## This Court should deny Mr. Cameron’s Motion to Dismiss because he instigated the shooting by drawing his weapon and verbally confronting Mr. Wilson without provocation, precluding criminal and civil immunity under Stetson’s Stand Your Ground Law.

Mr. Cameron cannot shield himself from prosecution under Stetson's Stand Your Ground Law because he was the initial aggressor in the violent encounter that took place on August 6, 2022. Mr. Cameron initiated the shooting by gesturing to Mr. Wilson that he was armed and pointing his weapon while charging at him. His conduct goes beyond the defensive measures that Stetson’s Stand Your Ground Law is meant to protect. Therefore, this Court should not allow him to evade responsibility for his unlawful use of deadly force.

### Mr. Cameron did not have the right to stand his ground because he instigated the shooting by drawing his gun and threatening Mr. Wilson absent a reasonable belief that he was in imminent danger.

Stetson’s Stand Your Ground Law affords immunity for persons who use deadly force to prevent imminent death or great bodily harm provided they are not the aggressors. Stetson Penal Code § 776.012. Accordingly, Stetson’s law, along with other state statutes, explicitly exclude the “aggressor” from their protection. *See, e.g*., Ky. Rev. Stat. Ann. § 503.060 (West 1974); Ala. Code § 13A–3–23; Fla. Stat. Ann. § 776.041 (West 2014)​​. This exclusion requires that the defendant be free from fault in instigating the altercation. *See, e.g.*, *Com. v. Smith*, 97 A.3d 782, 787 (Pa. 2014); *Moore v. State,* 108 So.2d 382, 384 (Ala. Ct. App. 1959). Although Stetson courts have not yet interpreted Stetson’s Stand Your Ground Law, other state and federal judiciaries have with respect to their statutory equivalents. This case law informs how Stetson courts should define the term “aggressor” as used in the statute and supports a finding by clear and convincing evidence that Mr. Cameron’s conduct meets that definition.

Courts have commonly classified the aggressor as the one who initially provokes the need to act in self-defense or provokes the difficulty that results in the subsequent use of force. *See, e.g.*, *Wyche v. State*, 170 So.3d 898, 905 (Fla. Dist. Ct. App. 2015); *State v. Sedig*, 16 N.W.2d 247, 250 (Iowa 1944); *State v. Floyd*, 186 So.3d 1013, 1022 (Fla. 2016). Some jurisdictions allow verbal confrontation and other non-physical threats to meet the threshold for aggressive behavior. *United States v. Rico*, 3 F.4th 1236, 1239 (10th Cir. 2021). However, other jurisdictions define aggression as some forceful physical action or attack. *Ex parte Johnson*, No. SC–2023–0251, 2023 WL 8658886, at \*4, n.2 (Ala. Dec. 15, 2023). Regardless of which interpretation this Court chooses to adopt, Mr. Cameron is the aggressor under both and is barred from statutory immunity as a result.

Mr. Cameron’s statements and gestures to Mr. Wilson render him the initial aggressor. In jurisdictions that consider verbal and nonphysical conduct as potential disqualifiers from immunity, the words or conduct in question must reasonably convey the threat of force. *State v. Collins*, 461 P.3d 828, 837 (Kan. 2020). Accordingly, flashing one’s weapon, yelling inflammatory comments, and posturing as if ready to fight were all considered threatening conduct by defendants and resulted in the failure of their self-defense claims. *Rico*, 3 F.4th at 1239; *Wyche*, 170 So.3d at 906–07.

All of interviewees confirm that Mr. Cameron initiated the altercation by speaking and gesturing to Mr. Wilson in the minutes before the shooting. According to Mr. Cameron and his brother, as he was approaching Mr. Wilson, he made his left hand into the shape of a gun and said “pop pop” to imitate the sound of gunshots. Interview with Jay Cameron ¶ 73–75, ¶ 82–85; Interview with Greg Cameron ¶ 134–36. Mr. Gray alleges hearing and seeing something substantially similar. Interview with Kenny Gray ¶ 69–73. While Mr. Wilson did not hear Mr. Cameron’s exact words or realize the import of his hand gesture, his statements nonetheless confirm that he understood that Mr. Cameron meant to communicate with him. Interview with Ryan Wilson ¶ 118–24.

Regardless of Mr. Cameron’s alleged intent, putting another person on notice that one is armed has been deemed aggression for purposes of the aggressor exception. *Rico*, 3 F.4th at 1239. The likelihood that this move would be taken as a threat was especially probable given the tense interaction between the men earlier that day. Interview with Jay Cameron ¶ 54–59; Interview with Ryan Wilson ¶ 70–77. Therefore, because Mr. Cameron’s words and conduct prior to the shooting reasonably conveyed the threat of gun violence, he was the aggressor on August 6.

Mr. Cameron is likewise the aggressor if this Court opts for the interpretation requiring forceful physical conduct. In those jurisdictions, a defendant is the initial aggressor if they employ “physical force prior to any act of purported self-protection.” *Bowman v. Commonwealth*, 686 S.W.3d 230, 247 (Ky. 2024). The Supreme Court of Kentucky recently affirmed that pointing a gun at another qualifies as physical force. *Id.* at 248. The undisputed security footage and the various statements detailing the moments leading up to the shooting clearly establish that Mr. Cameron was the first to draw his gun.

Exhibit 8 clearly shows that Mr. Cameron drew his gun and charged at Mr. Wilson, though Mr. Wilson was not physically threatening him. Ex. 8. Consistent with the statements of Mr. Greg Cameron, Mr. Gray, and Mr. Wilson, the security footage shows that Mr. Wilson turned the corner of the breezeway to see where Mr. Cameron was going. Ex. 8; Interview with Greg Cameron ¶ 156–158; Interview with Kenny Gray ¶ 83–86; Interview with Ryan Wilson ¶ 143–148. As Mr. Wilson neared the corner, his arms were down at his sides, and he was not aiming his gun. Interview with Greg Cameron ¶ 156–158; Ex. 8*.* Only upon finding that Mr. Cameron was approaching with his firearm pointed did Mr. Wilson react by doing the same. Ex. 8*.* Mr. Cameron was therefore the initial aggressor.

Furthermore, Mr. Cameron drew his gun on impulse, rather than due to any provocation by Mr. Wilson. Mr. Cameron’s brother admitted that he did not see who fired the first shot, but that he yelled to his brother to “watch out” and that gunshots were fired seconds later. Interview with Greg Cameron ¶ 146–162. Mr. Cameron also confirms that the shout he heard is what caused him to draw his gun. Interview with Jay Cameron ¶ 106–111. Though the statements and the security footage are inconclusive on the issue of who shot first, even that is not necessarily determinative of who the initial aggressor is. *Rodriguez*, 138 F. Supp. at 251. Rather, what these records do establish is that Mr. Cameron was unequivocal about his ability and intent to shoot in the absence of any sufficient provocation by Mr. Wilson. As a result, Mr. Cameron placed himself outside the scope of Stetson’s Stand Your Ground Law, and this Court should not allow him to hide behind its protection.

### Even if Mr. Cameron was not the initial aggressor prior to the shooting, he is still barred from immunity because he continued to inflict deadly force while Mr. Wilson was attempting to retreat.

If this Court were to find that Mr. Cameron was initially justified in standing his ground, Stetson’s Stand Your Ground Law still would not protect him from liability. Courts do not construe the right to stand your ground as license to continue inflicting deadly force even when the victim is no longer able to threaten or harm. *See, e.g*. *Wahl v. Commonwealth*, 636 S.W.3d 484, 496 (Ky. 2021) (finding that conflicting testimony bore heavily on whether the defendant acted justifiably under Kentucky’s Stand Your Ground law with respect to “each blow dealt”). After Mr. Wilson turned around to retreat, wounded and bleeding, Mr. Cameron had ample opportunity to do so as well. However, by continuing to shoot, Mr. Cameron’s use of force was no longer in self-defense.

In *Toiran v. State*, the District Court of Appeal of Florida for the Third District affirmed the trial court’s ruling that the defendant was not entitled to immunity under Florida’s Stand Your Ground statute. 337 So. 3d 93, 95, 97–98 (Fla. Dist. Ct. App. 2021). During an altercation between the defendant and the victim in which the victim pushed the defendant against the wall and attempted to get on top of him, the defendant fired two shots at the victim. *Id*. at 97. Though he missed, he was subsequently able to free himself and get on his feet. *Id.* While the victim was attempting to retreat, however, the defendant fired several more shots, striking the victim’s side, back, and back of his head. *Id.* The court found that the trial court did not err because the evidence established that the defendant shot the victim while he was attempting to retreat, and therefore could not claim immunity under the statute. *Id.* at 97–98.

Similarly, Mr. Cameron continued to pursue Mr. Wilson even after striking him in the upper chest with a bullet and watching Mr. Wilson turn his back while losing his balance from the impact. Interview with Jay Cameron ¶ 118–124. Though Mr. Cameron claims that Mr. Wilson’s gun was still pointed at him after having been shot, that Mr. Cameron’s second bullet hit Mr. Wilson in the back clearly establishes that Mr. Wilson was not facing Mr. Cameron at the time Mr. Cameron shot him. Interview with Jay Cameron ¶ 118–124; Ex. 10. Mr. Wilson also states that he turned around to run away after the first gunshot wound, but that Mr. Cameron fired at him again, hitting him in the back and pushing him to the ground. Interview with Ryan Wilson ¶ 153–165.

Given that Mr. Wilson was facing away from Mr. Cameron at this point, Mr. Cameron could not reasonably believe that using deadly force was “necessary to prevent imminent death or great bodily harm to himself.” Stetson Penal Code § 776.012. Therefore, Stetson’s Stand Your Ground Law no longer applied, and Mr. Cameron had a duty to retreat. *Id.* To shoot Mr. Wilson a second time was an excessive use of force, preventing a finding that Mr. Cameron’s fear was reasonable. Because Mr. Cameron did not retreat when he had the opportunity, he cannot claim that he inflicted the second gunshot wound out of self-defense, and this Court should not allow him to.

# CONCLUSION

 This Court should deny the Defendant’s Motion to Dismiss because Mr. Cameron patently fails to meet the requirements of Stetson’s Stand Your Ground Law. At the time of the shooting, Mr. Cameron was carrying a concealed weapon in violation of the law and acted as the aggressor in provoking Mr. Wilson with threatening words and gestures, including drawing his weapon and charging at Mr. Wilson. Mr. Cameron did not have a reasonable or well-founded fear of death or serious injury to warrant inflicting deadly force and, even if he did, he violated his duty to retreat once the threat subsided. He is not entitled to the protection of Stetson’s Stand Your Ground Law, and this Court should rule accordingly.

Respectfully submitted,

**/s/ TEAM 122**

*Attorneys for Prosecution, State of Stetson*