

**Seventeenth Annual
National Pretrial Competition**

Stetson University College of Law

October 3-6, 2024

**Pretrial Memorandum**

*State of Stetson*

*v.*

*Jay Cameron*

CASE NO: 2024-CR-319

**Team 124**

**Defense**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**PINELLA COUNTY JUDICIAL DISTRICT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| STATE OF STETSON*Prosecution,* |  |
| v.  | Case No. 2024-CR-319 |
| JAY CAMERON*Defendant* |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEFENDANT’S MEMORANDUM OF LAW**

**IN SUPPORT OF DEFENDANT’S MOTION TO DISMISS**

**TABLE OF CONTENTS**

[TABLE OF AUTHORTIES iv](#_Toc176090787)

[ORDER v](#_Toc176090788)

[INTRODUCTION 1](#_Toc176090789)

[STATEMENT OF FACTS 2](#_Toc176090790)

[ARGUMENT 4](#_Toc176090791)

[I. Jay is entitled to immunity under Stetson’s Stand Your Ground Law. 4](#_Toc176090792)

[A. Jay did not conceal his weapon in violation of § 790.01(2). 4](#_Toc176090793)

[B. In the alternative, if the court finds the firearm was concealed, Jay is still entitled to immunity. 6](#_Toc176090794)

[II. Mr. Ryan Wilson acted as the aggressor, shooting first, entitling Jay to receive immunity under Stetson’s Stand Your Ground Law. 10](#_Toc176090795)

[III. Stetson Penal Code § 776.041 provides relief. 11](#_Toc176090796)

[A. The force Jay used was reasonable. 12](#_Toc176090797)

[B. Jay withdrew from physical contact in good faith. 13](#_Toc176090798)

[CONCLUSION 14](#_Toc176090799)

[CERTIFICATE OF SERVICE 15](#_Toc176090800)

# TABLE OF AUTHORTIES

Cases

*Commonwealth v. Williams*, 299 A.3d 895 (Pa. Super. Ct. 2023) 13

*Dorelus v. State*, 747 So. 2d 368, 371 (Fla. 1999) 4

*Dorsey v. State*, 868 So. 2d 1192 (Fla. 2003) 13

*Garcia v. State*, 286 So. 3d 348 (Fla. Dist. Ct. App. 2019) 7

*Hair v. State*, 17 So. 3d 804, 806 (Fla. Dist. Ct. App. 2009) 10

*Hardison v. State*, 138 So. 3d 1130 (Fla. Dist. Ct. App. 2014) 9, 10

*Jenkins v. State*, 942 So. 2d 910, 916 (Fla. Dist. Ct. App. 2006) 9

*Jimenez v. State*, 353 So. 3d 1286, 1287 (Fla. Dist. Ct. App. 2023) 6

*O.S. v. State*, 120 So. 3d 130, 131 (Fl. Dist. Ct. App. 2013) 4, 5

*State v. Anthony* 10

*State v. Floyd*, 186 So. 3d 1013, 1022 (Fla. 2016) 12

*State v. Marsh*, 138 So. 3d 1087, 1089 (Fla. Dist. Ct. App. 2013) 5

Statutes

§ 790.01 1, 4, 10

776.012 1, 7, 14

776.032 1, 14

777.04 1

Stetson Stat. § 776.041 11, 13, 14

Stetson Stat. §§ 782.04 1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**PINELLA COUNTY JUDICIAL DISTRICT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| STATE OF STETSON*Prosecution,* |  |
| v.  | Case No. 2024-CR-319 |
| JAY CAMERON*Defendant* |  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# ORDER

AND NOW, on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2024, it is hereby ORDERED that Defendant’s Motion to Dismiss Pursuant to Stand Your Ground Immunity under Stetson General Statutes §§ 776.012 and 776.032 is hereby GRANTED because Jay Cameron is entitled to immunity for justifiable use of deadly force. Jay Cameron is entitled to such immunity because (1) he was not engaged in unlawful activity at the time of the shooting and because (2) he was not the aggressor in this incident.

 **BY THE COURT:**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Presiding Judge Omar Prince**

# INTRODUCTION

 On August 6, 2022, Mr. Ryan Wilson (“Wilson”), a known felon, followed Mr. Jay Cameron (“Jay”) into a motel breezeway with a loaded pistol where he then proceeded to fire at Jay. Jay defended himself by returning fire with his lawfully owned firearm, hitting Wilson twice. On July 14, 2024, Petersburg Police Department took Jay into custody without incident during a routine motor vehicle stop for alleged violations of Stetson Stat. §§ 782.04, 777.04, attempted murder in the Second Degree, and § 790.01, unlawfully carried a concealed weapon. Under Stetson’s Stand Your Ground Law, Jay is immune from prosecution because he did not conceal his weapon during this incident and he was not the aggressor. The Defense now submits this Motion to Dismiss Indictment pursuant to Stand Your Ground Immunity under Stetson Stat. §§ 776.012 and 776.032 and respectfully requests this Honorable Court grant Defendant’s Motion to Dismiss.

# STATEMENT OF FACTS

 On August 6, 2022, Jay rented room 1077 at the Boals Motel, located in Pinella County in the notably tough state of Stetson. R.12. At this same motel, Mr. Ryan Wilson, a well-known Stetson drug dealer and felon, rented room 1045. *Id.*  In the morning, Jay’s brother, Mr. Greg Cameron (“Greg”), went to the motel so they could spend the day together. R.29. Shortly after arriving, Jay and Greg left for breakfast. *Id.* Whilst leaving the motel property, the two encountered Ryan Wilson, who began rattling off vague, but threatening statements, such as “this is my turf and just keep walking, you don’t want to get hurt,” “[k]eep your distance, or else,” or words to that effect.” R.20. Jay stated he replied to Wilson that he was not afraid of Wilson and after a brief exchange, Wilson replied “You’re a dead man walking.” [[1]](#footnote-1) R.20, 54-57. Following this, the brothers went to a nearby diner for breakfast.

 Upon returning to the motel, both Jay and Greg spotted Wilson with his hand in his pocket outside the motel. Although neither could see the item in his hand, they both determined Wilson held a firearm to varying degrees of certainty. R.22, 33. Wilson’s friend, Mr. Kenny Gray (“Gray”), also believed Wilson held a firearm. At this time, Jay wanted to ensure Wilson knew he lawfully possessed a firearm. He showed Wilson by making a motion with his left hand in the shape of a gun and stating, “Pop pop.”[[2]](#footnote-2) As Jay walked by Wilson, he saw Wilson take a black object out of his pocket, heard giggling, and the words “he’s done.” R.22. Jay continued to walk forward into a breezeway when he heard a voice yell, “Yo watch, he’s a dead man.” R.23.

 During this second encounter with Wilson, Greg had stopped to tie his shoes. R.33. After noting Jay’s hand motion, he heard Wilson state, “Let’s f\*\*\*ing go!” and could see Wilson holding a gun in his hand. R.34. At this point, Greg yelled, “Yo, watch out man.”[[3]](#footnote-3) *Id.* At this time, Greg saw Wilson follow Jay into the breezeway with his weapon. *Id.* Jay turned around and drew his weapon, returning fire only after Wilson fired his gun. R.23. Wilson shot Jay in the stomach and received two bullet wounds himself. *Id.* Wilson fell to the ground, dropping his weapon; Greg retrieved the firearm for safety reasons. R.23, 37. Then, the brothers went to Jay’s room and, upon determining the extent of his injuries, drove to a hospital in Hillsboro County. R.24, 38. Greg strategically decided to take Jay out of the county for medical services to ensure they remained safe from Wilson and his crew. R.38-39.

 Following this event, Greg consented to an interview with law enforcement. He told the police that Wilson is “one of the biggest drugs dealers in Stetson” and often follows through on the threats he makes to people. R.20, 30. Additionally, both Jay and Greg relayed that Wilson is a dangerous individual and Jay reported seeing Wilson pull firearms on others in the past. R.20. Additionally, during the investigation, law enforcement determined Wilson possesses an extensive criminal history which includes three felony and two misdemeanor charges. R.63-64. Although a formal cooperation agreement has not been reached with the Prosecution, Wilson openly admitted he cooperated with law enforcement in an attempt to receive a lesser sentence.[[4]](#footnote-4)

# ARGUMENT

## I. Jay is entitled to immunity under Stetson’s Stand Your Ground Law.

### Jay did not conceal his weapon in violation of § 790.01(2).

Stetson Stat. § 790.01(2) provides that “A person who is not licensed to carry a concealed firearm and who carries a concealed firearm on or about his or her person commits a felony of the third degree.” (2022). Although a novel issue in Stetson and the Fourteenth Circuit, other states have addressed Stand Your Ground laws and the scope of the doctrine’s immunity. Florida’s penal code is nearly identical to Stetson’s and provides insight and persuasive authority for the resolution of this claim. The Florida Supreme Court previously held “that [the] issue of concealment is ordinarily an issue for the trier of fact.” *O.S. v. State*, 120 So. 3d 130, 131 (Fl. Dist. Ct. App. 2013) (quoting *Dorelus v. State*, 747 So. 2d 368, 371 (Fla. 1999)). However, the Court further elaborated, finding concealment can also be settled as a matter of law based on “the manner in which the weapon is carried.” *Id.*

 In *O.S. v. State*, a juvenile adjudicated delinquent appealed the denial of his motion to dismiss and subsequent adjudication for carrying a concealed weapon. *Id.* at 130. This situation arose during a traffic stop when an officer spotted a set of brass knuckles sitting in the door of a car. *Id.* at 31. The officer stated he recognized the brass knuckles, that they were not covered, and that the juvenile did not attempt to cover them. *Id.*  In finding the weapon was not concealed, the appellate court noted the officer’s immediate identification of the weapon. Based on that, the appeals court held “the weapon was not concealed as a matter of law.” *Id.* at 132.

 Similarly, it is proper for this court to determine Jay did not conceal the weapon as a matter of law. This situation involves analogous allegations of a concealed firearm. Jay carried a firearm in the front pocket of his hoodie. R.21, 33, 47, 58. Looking at the size of the weapon depicted in Exhibit 5 and Jay’s own statements alerting Wilson and company to the presence of a firearm, determining Jay concealed the weapon would be inappropriate because he made no effort to do so. R.13, 21. Florida law provides a reasonable direction for Stetson to follow: by observing “the manner in which the weapon is carried.” *O.S.*, 120 So. 3d. at 131. Based on how Jay carried the firearm and subsequent statements of witnesses, it is obvious the weapon was not concealed in the manner intended by Section 790.01(2).

 Another Florida case discussing concealment of a firearm involved two men squatting behind a vehicle out of sight of law enforcement officers while a firearm sat in the wheel well. *State v. Marsh*, 138 So. 3d 1087, 1089 (Fla. Dist. Ct. App. 2013). After a successful motion to dismiss by the defense based on the lack of concealment, the government appealed. *Id.*  Despite the firearm being easily spotted by an officer, the appellate court found the surrounding circumstances, such as the defendant’s choice to hide, supported the conclusion that this decision was best left to the trier of fact. *Id.* at 1091.

 Jay’s case is easily distinguishable from *Marsh*. Unlike the *Marsh* defendant, Jay did not attempt to hide himself or that he was carrying a firearm. *Id.*  In fact, Jay took affirmative steps to ensure everyone knew he held a firearm. First, Jay made a gun motion with his hands and stated “Pop pop” to demonstrate to Wilson and crew the presence of his firearm. R.21, 34, 47. Next, it is commonplace in Stetson to carry a firearm as the streets are “tough.” R.31. As noted by the prosecution’s witness when discussing Jay’s appearance, Gray who has lived in this area his whole life, “[he] knows what it looks like when someone’s packing.” R.47. As Wilson is also from Stetson, he undoubtedly possesses the ability to tell when someone has a gun. Thus, Jay did not conceal his firearm, nor was he attempting to.

### B. In the alternative, if the court finds the firearm was concealed, Jay is still entitled to immunity.

First, a recent case from a Florida appellate court discussed whether a motion failed to establish a prima facie claim of immunity because the accused engaged in illegal activity. In a similar case regarding the analogous Florida statute, a trial court dismissed a Stand Your Ground motion as legally insufficient based on an admission of a concealed weapon. *Jimenez v. State*, 353 So. 3d 1286, 1287 (Fla. Dist. Ct. App. 2023). However, in quashing the order, the appellate court stated it has previously rejected unlawful activity as a bar to a prima facie claim of immunity under the Florida statute. *Id.* at 1288. As such, a finding that Jay engaged in unlawful activity is not a bar to his claim for immunity.

 At the time of the event, Jay possessed a lawfully owned firearm he did not intend to conceal. Stetson Stat. § 776.012 permits the use of deadly force “if the person using or threatening to use the deadly force is not engaged in a criminal activity, is in a place where he or she has a right to be, and is not the aggressor.” Despite Jay’s alleged involvement in criminal activity through the unproven “concealment” of his firearm, he still should receive a grant of immunity.

 This should be compared to *Garcia v. State*, 286 So. 3d 348 (Fla. Dist. Ct. App. 2019), wherein a Florida appellate court addressed their analogous statute regarding an individual who was in a place where he did not have the right to be and claimed the Stand Your Ground immunity. The defendant in this case went to an individual’s house following a meeting at the club. *Id.* at 350. At the house, the owner asked the defendant to leave. *Id.*  The defendant, waiting for his friend to exit the bathroom, refused. *Id.* The owner then attempted to forcefully remove the defendant, and a fight ensued. *Id.* During this fight, the defendant feared for his life and pushed his thumb into the owner’s eye. *Id.*

The defendant moved to dismiss the charges based on Stand Your Ground immunity, which the trial court denied. *Id.* The appellate court, in quashing the trial court’s order, stated, “A defendant is not foreclosed from defending himself simply because he is in a place where he does not have the right to be, but he must first attempt to retreat from the situation if he can do so safely.” *Id.* at 352. As the trial court never made findings concerning the defendant’s circumstances and whether he believed the force was necessary, the appellate court remanded the case.

Likewise, simply because the prosecution claims Jay was engaging in unlawful activity, Jay does not lose the ability to claim immunity. For motions of this nature, Florida trial courts will look to the circumstances “as they appeared to the defendant” and will determine if “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.” *Id.* at 351. Stetson should follow suit.

Jay, in the rough streets of Stetson, felt threatened by Wilson, a known drug dealer and felon. Jay knew Wilson carried firearms, having previously seen him point them at others. R.20. After alerting Wilson and company to the presence of his firearm, Jay exited the situation, walking away from Wilson into the breezeway. Videotape: Security Footage (Boals Motel 2022)*.* Instead of permitting Jay to go on his way, Greg observed Wilson follow Jay with a gun in hand and force Jay to protect himself. R.34. Greg stated he called out, “Yo, watch out man!” after seeing the weapon. *Id.* Put plainly, Jay attempted to retreat, was followed by Wilson, and acted as a reasonable and prudent person to protect himself.

In another case, a Florida appeals court discussed that self-defense cases “involve clear aggression by the victim, evidence that the defendant could not retreat, and evidence that the defendant took some effort to ward off the attack or end it without violence.” *Jenkins v. State*, 942 So. 2d 910, 916 (Fla. Dist. Ct. App. 2006). This situation aligns with Florida’s model. Wilson, the alleged victim, was the clear aggressor. Almost an hour before this situation, Wilson “started running his big mouth,” telling Greg and Jay to keep walking and other threats. R.29. Then, Jay alerted Wilson that he was armed and walked away, demonstrating some effort to ward off the attack or end it without violence. Finally, Jay did retreat from the situation, but ultimately was unsuccessful and found himself facing an assailant with a firearm and had to do what was needed to protect himself.

Another Florida case discussed the Stand Your Ground immunity in reference to a felon with a firearm. *Hardison v. State*, 138 So. 3d 1130 (Fla. Dist. Ct. App. 2014). While waiting for another individual outside a residence, the defendant armed himself after seeing the victim due to their past disagreements. *Id.* at 1131. Ultimately, a scuffle ensued, and the defendant shot and killed the victim. At trial, the court provided an instruction providing that “in certain circumstances, a convicted felon may lawfully possess a firearm,” and listed “imminent and impending peril of death or serious bodily injury” as potential reasons. *Id.* at 1134. Although the jury convicted the defendant, the instruction in this case makes clear: if you are engaged in unlawful activity, you may still lawfully possess a firearm if “imminent and impending peril of death or serious bodily injury” will occur. *Id.*

Under Stetson law, concealment of a weapon without a weapon is considered a criminal activity. § 790.01(2). However, as the Florida instruction makes clear, even if someone is engaged in a crime, they still retain the ability to defend themselves. Jay lawfully possessed a firearm – a fact which was made clear to Wilson and crew by the aforementioned hand motion and “pop pop” warning. R.21, 34 47. Furthermore, Jay actively retreated from the encounter with Wilson, who followed him and fired his weapon first. R.23, 35. Even if the finder of fact determines the firearm’s placement was unlawful, Jay is still entitled to immunity based on the “imminent and impending peril of death or serious bodily injury.” *Hardison*, 138 So. 3d at 1134.

## II. Mr. Ryan Wilson acted as the aggressor, shooting first, entitling Jay to receive immunity under Stetson’s Stand Your Ground Law.

 The interviews from both sides indicate that Wilson followed Jay into the breezeway after Jay ensured the other parties present knew he had a weapon. Jay’s hand motion was not a threat. Wilson claims Jay threatened him by making “a quick sliding motion with his thumb across his neck;” however, no witnesses corroborate this version of events. R.60. Regardless of this disparity, should this court follow Florida law; “the existence of disputed issues of material fact” are not a basis to deny motion to dismiss predicated on Stand Your Ground Immunity, making Wilson’s farfetched claim irrelevant. *Hair v. State*, 17 So. 3d 804, 806 (Fla. Dist. Ct. App. 2009).

 A Missouri appellate court’s assault case provides a clear outline of an aggressor in a situation. In *State v. Anthony*, the court explained, “An initial aggressor is one who first attacks or threatens to attack another.”319 S.W.3d 524, 529 (Mo. Ct. App. 2010) (internal citations omitted). The record indicated *Anthony’s* defendant acted as the aggressor by initiating physical contact and pushing the victim against a wall. *Id.* Additionally, the defendant chased the victim as he shot at him.

 Observing the video surveillance in Exhibit 8, it is clear Wilson acted as the aggressor. Videotape: Security Footage (Boals Motel 2022). A viewer can observe Jay walking towards the breezeway, which is consistent with his statement. While the video does not depict Jay alerting Wilson of the firearm’s presence, it shows Wilson yelling something while pulling a black object out of his pocket. This video closely aligns with Greg’s statement that Wilson “raised his hands up in the air [and said] ‘Let’s f\*\*\*ing go!’” R.34 (cleaned up). One need not be a legal scholar to understand the meaning of this gesture: Wilson was threatening Jay. A reasonable and prudent person would have interpreted these actions and words as a threat, as Jay did. This conforms with the guidance provided by Missouri that an aggressor is one who attacks first or threatens to attack another. Wilson did both. Because Jay did not act as the aggressor, he is entitled to receive immunity under Stetson’s statutes.

## III. Stetson Penal Code § 776.041 provides relief.

 Under Stetson Stat. § 776.041, an individual cannot utilize the Stand Your Ground justification if he or she:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(2) Initially provokes the use or threatened use of force against himself or herself, 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.

Section. 776.041. In the unlikely event it is determined Jay acted as the aggressor, this case would fall clearly within § 776.41(2) since he possessed a reasonable belief of imminent danger or great bodily harm against his persons and acted in good faith to withdraw from physical contact with Wilson.

### A. The force Jay used was reasonable.

 The force Jay used was reasonable and proportional to the force initiated by Wilson. On the video, Wilson can be seen taking a black object out of his pocket. Exhibit 8. Greg identified this object as a firearm. As Jay retreated from the interaction into the breezeway, Wilson followed him, exercising deadly force by shooting him with a gun and prompting Jay to respond in kind.

Under Stetson’s statutes, deadly force is authorized for an initial provocateur if the force faced places them in imminent danger of death or great bodily harm and they have “exhausted every reasonable means to escape” other than violence. See *State v. Floyd*, 186 So. 3d 1013, 1022 (Fla. 2016) (discussing the similar Florida exception and determining that it applies when the defendant is found to be initial aggressor). Jay had clearly withdrawn from the situation and had exhausted every reasonable means he could to escape. Once in the breezeway, there was nowhere to run. He was trapped in a hallway with a felon who possessed a firearm, and he reacted in a reasonable manner.

### B. Jay withdrew from physical contact in good faith.

An alternate basis outlined by the Stetson statute is whether the defendant as the initial aggressor withdrew in good faith. CITE. Notably, the statute uses the phrasing “withdraws from physical contact with the assailant and indicates clearly . . . he or she desires to withdraw.” § 776.041(2)(b). While Jay did not make physical contact with Wilson, he clearly indicated he wished to withdraw from the situation by walking into the breezeway. In *Floyd*, a case involving a Stand Your Ground defense, the Florida Supreme Court outlined a description of their analogous statute. 186 So. 3d at 1022. It requires the fact finder to determine “(1) whether he withdrew; (2) whether he communicated his desire to withdraw; (3) whether he did so in good faith; and (4) whether the other person continued to use force.” *Id.*

Using Florida’s law as a guide, it is clear Jay meets the requirement of Section 776.041(2)(b). Jay withdrew from the situation by walking into the breezeway. Jay is not required to state the words “I am withdrawing,” as non-verbal gestures can constitute communication. *Dorsey v. State*, 868 So. 2d 1192 (Fla. 2003) (discussing nonverbal communication as a reason for peremptory strikes during voir dire); *see also Commonwealth v. Williams*, 299 A.3d 895 (Pa. Super. Ct. 2023) (explaining that “non-verbal gestures can constitute communication” for threats). Jay’s nonverbal communication demonstrated his withdrawal from the situation in good faith. As stated above, he disengaged from the situation by walking into the breezeway and Wilson followed him, and openly carrying a firearm. Due to this, Jay meets the exception outlined in Section 776.041, enabling him to receive Stand Your Ground immunity.

# CONCLUSION

 Given the above argument, Mr. Jay Cameron requests this Court grant him immunity under Stetson Stat. §§ 776.012 and 776.032.

**WHEREFORE**, the counsel for Jay Cameron respectfully requests that this Honorable Court grant Defendant Jay Cameron’s Motion to Dismiss in the form of the Order attached hereto.

 /s/ Team 124

 Counsel for the Defendant, Jay Cameron

# CERTIFICATE OF SERVICE

We, Team 124, hereby certify that a copy of the foregoing was sent via electronic mail on September 1, 2024, to:

Counsel for State of Stetson

nptc@law.stetson.edu

/s/ Team 124

Counsel for the Defendant, Jay Cameron

1. Witness statements vary to what was said and by whom. [↑](#footnote-ref-1)
2. With the convenient exception of Wilson, all witnesses confirmed hearing the words “pop pop.” [↑](#footnote-ref-2)
3. It is unclear whether the “Yo watch out” Jay heard was said by his brother or Wilson and associates. Regardless, it is clear Jay did not face Wilson and continued to walk into the breezeway. [↑](#footnote-ref-3)
4. Wilson’s statement varies greatly from the other three witnesses. This is unsurprising given the charges he is currently facing and his past criminal history. [↑](#footnote-ref-4)