Team: 125

Case No. 2024-CR-319

IN THE

SUPERIOR COURT OF THE STATE OF STETSON

PINELLA COUNTY JUDICIAL DISTRICT

STATE OF STETSON,

*Prosecution,*

vs.

JAY CAMERON,

*Defendant*.

**DEFENDANT’S MEMORANDUM OF LAW**

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

**TABLE OF CONTENTS**

TABLE OF CONTENTS i

TABLE OF AUTHORITIES iii

INTRODUCTION 1

STATEMENT OF FACTS 1

ARGUMENT 4

1. Cameron did not conceal a firearm 4
2. Cameron reasonably believed that using deadly force was necessary to prevent his imminent death or great bodily harm 7
3. Cameron had the right to stand his ground 9
4. Cameron was not engaged in a felony because he was not carrying a concealed weapon 9
5. Cameron was in a place where he had the right to be 11
6. Cameron was not the aggressor 11
7. Cameron did not provoke Wilson 11
8. Even if Cameron initially provoked Wilson, Wilson became the aggressor when he pursued Cameron 13
9. Cameron merely responded to the threat of imminent death and great bodily harm 14
10. Cameron did not become the aggressor after the gun shots ensued 14
11. Even if Cameron was engaged in a criminal activity or was the aggressor, he was justified in the use of force 14
12. Cameron reasonably believed that he was in imminent danger of death or great bodily harm 15
13. Cameron exhausted every reasonable means to escape danger before using force to defend himself 16
14. Conclusion 16

**TABLE OF AUTHORITIES**

Statutes

Stetson General Statute § 776.012 4, 10

Stetson General Statute § 790.01(2) 4, 10

Stetson Stat. § 776.041(a)–(b) (2022) 15

State Court of Appeals

*Prince v. Com.*, 277 S.W.2d 470, 472 (Ky. Ct. App. 1955) 5, 7

*Gaines v. State*, 137 So. 3d 357, 361 (Ala. Crim. App. 2013) 12

*People ex rel. O.R.*, 220 P.3d 949, 952 (Colo. App. 2008) 5, 6

*People v. Griffin*, 224 P.3d 292, 300 (Colo. App. 2009) 12

*State v. Duarte*, 915 P.2d 309, 314 (N.M. Ct. App. 1996) 9

*Thompson v. State*, 257 So. 3d 573, 581 (Fla. Dist. Ct. App. 2018) 14

*Wyche v. State*, 170 So. 3d 898, 905–06 (Fla. Dist. Ct. App. 2015) 16

State Supreme Court

*Reid v. Commonwealth*, 184 S.W.2d 101, 102 (Ky. 1944) 5

*Commonwealth v. Montgomery*, 234 A.3d 523, 523 (Pa. 2020) 4, 10

*Ensor v. State*, 403 So. 2d 349, 354 (Fla.1981) 5, 7, 10

*Castillo v. People*, 421 P.3d 1141, 1150 (Colo. 2018) 12, 13

*Dorelus v. State*, 747 So. 2d 368, 371–372 (Fla. 1999) 5

*Drennan v. State*, 311 P.3d 116, 128 (Wyo. 2013) 12, 13, 14, 15

*Ex parte Johnson*, No. SC-2023-0251, 2023 WL 8658886 (Ala. Dec. 15, 2023) 12

*State v. Cannon*, 459 S.E.2d 238, 241 (N.C. 1995) 13

*State v. Cardilli*, 254 A.3d 415, 423 (Me. 2021) 8, 16

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

*State v. Freeman*, 170 S.E.2d 461, 466 (N.C. 1969) 13, 14

*State v. Harden*, 679 S.E.2d 628, 635 (W. Va. 2009) 8, 9, 16

*State v. Hicks*, 891 S.E.2d 235, 241 (N.C. 2023) 13

*State v. Mumma*, 827 S.E.2d 288, 297 n.2 (N.C. 2023) 11

*State v. Palmer*, 238 N.E.3d 33, 40 (Ohio 2024) 8, 16

*State v. Wynn*, 180 S.E.2d 135, 139 (N.C. 1971) 8, 12

**INTRODUCTION**

The Defendant’s Motion to Dismiss should be granted. On August 6, 2022, Jay Cameron 1) had a reasonable belief that, 2) force was necessary to prevent imminent death and great bodily harm, and 3) was placed in a situation in which he had no option but to defend himself with deadly force. Further, he should not be found as having broken the law as he was 1) not concealing his firearm given the circumstances and the identity of the observers, 2) did not have an option to retreat rather than use said firearm to defend himself, and 3) had a right to be at Boals Motel at the time of the shooting.

**STATEMENT OF FACTS**

At 9:00 AM on August 6, 2022, Jay Cameron (“Cameron”) called his brother, Greg Cameron, from the Boals Motel. G. Cameron Interview 29:16. Cameron invited his brother to meet him for breakfast, and around thirty minutes later Greg Cameron arrived. *Id.* at 29:28–31. At the time, Cameron reserved a room and was staying at the Boals Motel. Ex. 4.

As the brothers left for breakfast, they were confronted and threatened by Ryan Wilson (Wilson). *Id.* at 31:91-92. Wilson was a regular at the motel, known for having his own room reserved and questioning, even threatening, newcomers on the property. *Id.* at 30:44–46, 30:50–52; *see also* Gray Interview 45:31–35. Wilson’s reign was so pervasive that the property was sometimes referred to as Wilson’s “turf.” G. Cameron Interview 30:51. In response to Wilson’s threats, Cameron said nothing. *Id.* at 32:93.

Soon after the brothers left for breakfast, Wilson went into his motel room and came out with a “black object” in his pocket. Gray Interview 46:58. To those around him, it “looked like a gun.” *Id.* at 46:57. Wilson also “looked angry”—he spit on the ground, shook his head, and continued to exclaim threats directed toward Cameron. *Id.* at 60–61.

After finishing breakfast, about forty-five minutes later, the brothers returned to Boals Motel. Gray Interview 46:63–64. Because they made plans to leave for the day, Cameron went to grab belongings from his room. G. Cameron Interview 33:111–113. As the brothers walked toward Cameron’s room, Wilson stood outside the motel and stared at Cameron, holding the same “black object” that he retrieved earlier. Gray Interview 47:81; G. Cameron Interview 33:125.

To avoid confrontation, Cameron kept his hood up and his head down, walking past Wilson “as quickly as possible.” J. Cameron Interview 20:63–21:65. Because Wilson was holding what looked like a gun, Cameron peacefully demonstrated that he also had a firearm. He did so by quickly putting his left hand in the shape of a gun and saying, “pop pop.” J. Cameron Interview 21:72–76. This type of conduct is not abnormal in Stetson. In the area, having a gun is viewed as a means of “protection”—it is a way to protect yourself from the “tough” streets. G. Cameron Interview 31:82–86.

Cameron continued walking without further interacting with Wilson. Gray Interview 47:83. He soon turned the corner and walked toward the motel’s breezeway, but as he passed Wilson, he heard Wilson’s friends say, “he’s done.” J. Cameron Interview 22:102*.* Cameron’s brother followed behind, and he witnessed Wilson threaten Cameron and aggressively raise his hands up in the air, exposing a gun. G. Cameron Interview 34:143–147. Cameron’s brother yelled a warning as Cameron continued toward the breezeway and Wilson followed behind with his “gun drawn.” G. Cameron Interview 34:156–158; *see* Gray Interview 48:99–100. As Wilson neared Cameron, Cameron’s back was turned away. G. Cameron Interview 35:163–65. Soon after Cameron entered the motel breezeway, gunshots were heard. *Id.* at 35:159–160.

While in the breezeway, Cameron heard a threat from behind him and turned around. J. Cameron Interview 22:109–23:111. As Cameron turned around, he found Wilson aiming at him with a pistol. *Id.* at 23:114. Wilson fired his gun at Cameron, and it was only at that point that Cameron returned fire in self-defense. *Id.* at 23:114. During the altercation, both men were injured. *Id.* at 23:118–124. First, Cameron was shot in the right side of his stomach. *Id.* at 23:119. Then, Wilson was shot in the left shoulder. *Id.* Wilson quickly spun to the left, aiming his right gun toward Cameron. At that point, Wilson was shot in the back and finally dropped his gun. *Id.* at 23:124–25.

To prevent Wilson from firing any more shots, Greg Cameron grabbed the gun off the ground and the brothers ran through the breezeway. Gray Interview 50:136–142. No further shots were fired. *Id.* at 50:143–148. Greg Cameron rushed his brother to the hospital, driving an extra distance just to keep Cameron safe from “Wilson and his crew.” G. Cameron Interview 38:248–52. After the incident, Wilson was also taken to the hospital and made a full recovery. Gray Interview 50:150.

Following this incident, and even though Cameron was defending himself, the state charged Cameron with attempted murder in the second degree and carrying a concealed weapon without a license. R. at 67.

**ARGUMENT**

Both charges against Cameron should be dismissed. First, Cameron did not carry a concealed firearm without a license under Stetson General Statute § 790.01(2). Second, under Stetson General Statute § 776.012, Cameron was justified in using force against Wilson and permissibly stood his ground.

1. **Cameron did not conceal a firearm.**

Under Stetson General Statute § 790.01(2) the unlicensed carrying of a “[c]oncealed firearm” defined as “any firearm which is carried on or about a person in a manner designed to conceal the existence of the firearm from ordinary sight or knowledge of another person” is illegal. States with similar statutes have interpreted concealed carry statutes with nuance. For example, in *Commonwealth v. Montgomery*, the Supreme Court of Pennsylvania, when interpreting its concealed carry statute, held that partial concealment alone is not sufficient as a matter of law to satisfy the “concealment” element. 234 A.3d 523, 523 (Pa. 2020). As applied in the instant case, this nuance should lead this Court to conclude that Cameron did not carry a concealed firearm without a license.

When interpreting concealment statutes, courts have considered whether the firearm in question was observable, even if it was not necessarily visible. In the case of *Ensor v. State*, the Supreme Court of Florida, when interpreting its own concealed carry statute, held that “[t]he critical question turns on whether an individual, standing near a person with a firearm . . . , may by ordinary observation know the questioned object to be a firearm.” 403 So. 2d 349, 354 (Fla.1981); *see also Dorelus v. State*, 747 So. 2d 368, 371–372 (Fla. 1999) (although the question of concealment is ordinarily an issue for the trier of fact, a statement by an observing police officer that they were able to “immediately recognize” the object as a weapon may conclusively demonstrate that the weapon was not concealed).

Some states have further extended the definition of observability away from visibility to include situations in which, while not immediately visible, the firearm is still not “concealed” from the observer. In *Reid v. Commonwealth*, the Kentucky Supreme Court held that a defendant who had a pistol stuck in his belt did not violate a concealed weapon statute, even though the accusing witness was behind the defendant and did not see the pistol until the defendant turned around. 184 S.W.2d 101, 102 (Ky. 1944). Colorado state courts have reached a similar conclusion, holding that rather than being invisible “concealed . . . means placed out of sight so as not to be discernible or apparent by ordinary observation.” *People ex rel. O.R.*, 220 P.3d 949, 952 (Colo. App. 2008).

Beyond visibility, Courts have also held that the shared environment has an impact on what “ordinary observation” means. In *Prince v. Com.*, an appellate court in Kentucky held, “that ordinary observation . . . means the weapon must be open to ordinary observation to those who may come in contact in the usual and ordinary associations with one carrying the weapon.” 277 S.W.2d 470, 472 (Ky. Ct. App. 1955). This position on who the “ordinary observer” was also taken by the Florida Supreme Court which held that “‘ordinary sight of another person’ . . . means the casual and ordinary observation of another in the normal associations of life.” *Ensor*, 403 So. 2d at 354.

Based on the fact of this case, the Court should find that Cameron was not concealing his firearm on the day in question for two reasons: (1) the firearm was observable, and Cameron was not attempting to hide the weapon; and (2) the circumstances surrounding the incident would have led ordinary bystanders to realize that Cameron was carrying a firearm.

First, Cameron was not attempting to conceal the firearm, and it was readily discernible to the ordinary viewer. Cameron stored his “gun in the front pocket of [his] hoodie.” J. Cameron Interview 21:70–71. His “gun isn’t exactly small – it’s a large .40 Caliber.” *Id.* And Cameron was making no effort to hide his firearm from Wilson by holding it in the front pocket of his hoodie. *Id.* at 21:67–68. His lack of effort to hide the firearm and its apparent discernability can be seen in the interview with Kenny Gray, a friend of Wilson. When asked to describe the situation on the day in question, Gray stated that he could tell Cameron was “holding a weapon,” “probably a gun,” based on Cameron’s hand placement and other circumstantial factors. Gray Interview 47:66–68. Given Cameron’s placement of the gun, his lack of intent to conceal, and Gray identifying of the weapon, Cameron’s firearm does not meet the standard of unobservability under concealed carry law. *People ex rel. O.R.*, 220 P.3d at 952. The observers at the scene were able to identify the weapon as a firearm, and therefore affirmatively answer the critical question of whether observers at the scene can, by ordinary means, identify the presence of a firearm. *Ensor*, 403 So. 2d at 354.

Second, the testimony of multiple witnesses supports the conclusion that, given the dangerous environment of the motel, the firearm was observable to the “ordinary observer” associated with that neighborhood. When asked how he could tell that Cameron was carrying a gun, Gray stated that “what else was it gonna be,” and that he had “been living in this area [his] entire life and [he] wasn’t stupid…[he] know[s] what it looks like when someone’s packing.” Gray Interview 47:75–78. Similarly, when describing Wilson’s behavior, Greg Cameron identified that “Wilson looked like he was holding a gun in his pocket,” based on “gut feeling” developed by living in that neighborhood. G. Cameron Interview 33:125–131. Greg further identified the “Stetson streets [as] tough,” and expressed that “you gotta protect yourself,” even going so far as to admit that he himself carries a gun. *Id.* at 31:85–86. Cameron himself identified that “these are tough streets,” and that “strength in numbers” was a large part of his brother’s presence the day of the incident. J. Cameron Interview 19:39–20:43.

In line with persuasive authorities on the identity of the “average observer,” Cameron’s firearm was readily observable. Gray, a witness to the incident, is a Stetson resident who, aware of his surroundings, was able to accurately identify Cameron as carrying a firearm. Therefore, the weapon was not concealed to the ordinary observer associated with life in that area. *Prince v. Com.*, 277 S.W.2d at 472. So the weapon cannot be labelled a “concealed firearm.”

1. **Cameron reasonably believed that using deadly force was necessary to prevent his imminent death or great bodily harm.**

“The reasonableness of his apprehension is for the jury to determine from the circumstances as they appeared to him.” *State v. Wynn*, 180 S.E.2d 135, 139 (N.C. 1971). Courts across jurisdictions have developed a formulaic approach to determine the “reasonableness of apprehension,” suffered by any given person. This approach is based on the separation of “subjective” and “objective” factors and is divided into two prongs accordingly: subjective belief and objective reasonableness. *State v. Harden*, 679 S.E.2d 628, 635 (W. Va. 2009). Subjective belief is based on the circumstances perceived at the time of the incident. *Id.*; *see also State v. Cardilli*, 254 A.3d 415, 423 (Me. 2021) (applying the same two-pronged test of objective reasonableness and subjective belief); *State v. Palmer*, 238 N.E.3d 33, 40 (Ohio 2024). Objective reasonableness depends on whether another person, placed in the same circumstances and with a similar understanding of the situation, would find the defendant’s belief that deadly force was necessary to be reasonable. *Id.*

This “reasonable belief” analysis incorporates the use of specific factors that may influence the two-pronged assessment. Factors include the defendant’s knowledge of any potential danger or previous threats, physical attributes of all involved parties, any relevant personal or historical context that might influence perceptions of danger, and the immediate circumstances surrounding the incident, such as the behavior and actions of the aggressor. *State v. Harden*, 679 S.E.2d at 636; *see also State v. Duarte*, 915 P.2d 309, 314 (N.M. Ct. App. 1996) (holding that factors such as the victim’s size, reputation for violence, and intoxication were relevant considerations to reasonable apprehension).

The facts of this case clearly demonstrate reasonable apprehension of imminent death or great bodily harm that would necessitate the use of deadly force. Upon hearing his brother’s cry, Cameron turned around to find himself staring down the barrel of a gun. J. Cameron Interview 23:114. Under the objective and subjective prongs of the test, this factor demonstrates the necessary apprehension. Subjectively, the facts show that Cameron believed, based on the circumstances of the gun and the threatening atmosphere, that his life was at risk and that deadly force was required to survive. J. Cameron Interview 22:102; *see also* G.Cameron Interview 34:156–158;Gray Interview 48:99–100.

The same result is reached under the objective reasonableness prong. If a hypothetical person was to be placed in the same position, standing in the breezeway at gun point, with the same understanding of the situation, that death or injury were both likely and imminent given the circumstances, they would have acted the same as Cameron. *State v. Harden*, 679 S.E.2d at 635. Therefore, analyzed under both prongs of the test, Cameron’s actions were necessary to prevent imminent death or great bodily harm even though they involved the use of deadly force.

1. **Cameron had the right to stand his ground.**

Given that Cameron reasonably believed that using deadly force was necessary, he had the right to stand his ground because (1) he was not engaged in a criminal activity; (2) he was in a place where he had a right to be; and (3) he was not the aggressor. Stetson Stat. § 776.012 (2022).

1. **Cameron was not engaged in a felony because he was not carrying a concealed weapon.**

This court should not find that Cameron was engaged in an unlawful act at the time of the incident because the firearm in question was not concealed. As mentioned, the Stetson concealed carry statute criminalizes the unlicensed carrying of a “concealed firearm.” This refers to a firearm that is carried by a person in such a way as to conceal it from the ordinary sight of an ordinary observer. Stetson Stat. § 790.01(2) (2022). When interpreting similar statutes, courts in other states have developed a nuanced perspective on concealment that is not black and white. *Commonwealth v. Montgomery*, 234 A.3d 523, 523 (Pa. 2020). Rather, courts have determined that concealment is found using the ordinary observer test and is based on the observability of the firearm and the circumstances of the observation. *See Ensor*, 403 So. 2d at 354.

Given the facts as mentioned in Section I, this Court should find that Cameron was not engaged in unlawful activity at the time of the shooting as he was not concealing his firearm. The pistol in his front hoodie pocket was discernible to Gray, a friend of the Wilson. Gray Interview 47:66–68. Further, Cameron states explicitly that he was not attempting to hide the gun from Wilson. J. Cameron Interview 21:67–68. The facts also indicate that, given the background of the observers in this case, the weapon was readily observable by those at the scene. Gray stated in his interview that “[he] know[s] what it looks like when someone’s packing.” Gray interview 47:75–78. G. Cameron and Cameron similarly identified that the rough nature of the neighborhood meant that everyone was carrying a weapon to keep themselves safe and they expected that someone had a firearm. G. Cameron Interview 31:85–86; J. Cameron Interview 19-20:39–43.

The gun was observable and therefore should not be deemed concealed. Not only was the firearm readily observed by those at the scene given its placement, but the nature of the area itself means that its observability to those from the neighborhood is the relevant standard. Therefore, Cameron was not engaged in an unlawful act.

1. **Cameron was in a place where he had the right to be.**

At the time of the shooting, Cameron was walking back to his motel room at the Boals Motel. G. Cameron 33:111–13. In accordance with Boals Motel policy, Cameron properly rented Room 1077, giving him access to the room and the property. Ex. 4. So, Cameron was in a place where he had the right to be at the time of the incident.

1. **Cameron was not the aggressor.**

Cameron was not an initial aggressor for three reasons: (1) Cameron did not provoke the use of force against him; (2) even if Cameron provoked Wilson, Wilson became the aggressor when he pursued Cameron as Cameron fled; and (3) Cameron merely *responded* to the threat of imminent death and great bodily harm.

* + 1. **Cameron did not provoke Wilson.**

The relevant inquiry is whether the record contains evidence from which one could infer that Cameron (1) “was acting as an ‘aggressor,’” (2) “at the time,” (3) “that he . . . acted in self-defense.” *See State v. Mumma*, 827 S.E.2d 288, 297 n.2 (N.C. 2023).

An aggressor is one who “initially provoked the use of force against himself,” *State v. Floyd*, 186 So. 3d 1013, 1022 (Fla. 2016), by “aggressively and willingly enter[ing] into a fight without legal excuse or provocation.” *Wynn*, 180 S.E.2d at 519 (N.C. 1971). Insults and aggressive steps that do not threaten the imminent use of unlawful physical force are “insufficient to render [a defendant as] the initial aggressor.” *Castillo v. People*, 421 P.3d 1141, 1150 (Colo. 2018) (holding that the defendant was not the aggressor even though he popped his trunk, got out of his car, and cursed at another man); *see* *Ex parte Johnson*, No. SC-2023-0251, 2023 WL 8658886 (Ala. Dec. 15, 2023) (“[T]he term ‘initial aggressor’ refers to someone who engaged in a ‘forceful action or procedure,’ as in an ‘unprovoked attack,’ against another; it does not encompass someone who simply ‘created [a] controversy’ or verbally confronted someone else.” (citing *Gaines v. State*, 137 So. 3d 357, 361 (Ala. Crim. App. 2013)).

In cases where homicide is at issue, courts find that “some sort of physical aggression or a threat of imminent use of deadly force is required before a person will be considered an aggressor.” *Drennan v. State*, 311 P.3d 116, 128 (Wyo. 2013) (explaining that approaching someone, carrying a gun, and taunting them may not be enough to be considered an aggressor). A mere verbal confrontation is not enough. *Id.*; *People v. Griffin*, 224 P.3d 292, 300 (Colo. App. 2009). Additionally, the fact that a defendant is arming himself does not make him the aggressor. *Drennan*, 311 P.3d at 129.

Cameron did not provoke the use of force. To inform Wilson that he was armed, Cameron “made a gesture with his left hand in the shape of a gun and said, ‘pop pop.’” G. Cameron Interview 34:135–136. However, this warning in no way equates to “aggressively and willingly entering into a fight without legal excuse or provocation.” Cameron did not touch Wilson, say Wilson’s name, threaten Wilson, or harm him in any way. In fact, Cameron actively attempted to avoid a confrontation by warning Wilson that he had a weapon. J. Cameron Interview 21:73–77. Acting on a good faith belief that Wilson was carrying a weapon, Cameron attempted to prevent a violent attack. *See id.* at 22:87–88.

Under the law, Cameron cannot be labeled as an aggressor due to a verbal altercation. *Drennan*, 311 P.3d at 128. Similarly, the fact that he was carrying a weapon is insufficient. *Id.* at 129.Even if Cameron took an “aggressive step” that would not be enough. *Castillo*, 421 P.3d at 1150. Thus, Cameron’s conduct as he walked past Wilson’s motel does not make him the initial aggressor.

* + 1. **Even if Cameron initially provoked Wilson, Wilson became the aggressor when he pursued Cameron.**

Even if someone instigated an altercation, they are not automatically considered the aggressor. *State v. Hicks*, 891 S.E.2d 235, 241 (N.C. 2023). If the initial instigator tries to leave an altercation and another party continues to pursue the fight, the other party becomes the aggressor. *Id.*; *see State v. Cannon*, 459 S.E.2d 238, 241 (N.C. 1995) (explaining that even if someone started an altercation, they are not considered the aggressor if they are attacked upon fleeing); *State v. Freeman*, 170 S.E.2d 461, 466 (N.C. 1969) (holding that the “defendant had become [a]nd remained the aggressor” when he pursued the fleeing victim even though the victim initially went to the defendant’s home and threatened to kill him). For the purposes of determining the identity of the initial aggressor, courts can analyze an altercation as including separate events with separate aggressors. *Thompson v. State*, 257 So. 3d 573, 581 (Fla. Dist. Ct. App. 2018). In doing so, a court may find that the initial moments of an altercation are a separate event from the time at which the defendant exercised self-defense. *Id.*

Regardless of what Cameron said to Wilson as he walked past Wilson’s motel room, Cameron fled the area where Wilson was standing by “walk[ing] into the breezeway.” Gray Interview 47:83–84. Wilson then made the conscious decision to come up behind Cameron and follow him. Gray Interview 47:84–86; J. Cameron Interview 23:113–114. He did this with a gun in hand, ready to shoot. Ex. 8. By pursuing a violent altercation with Cameron, Wilson became the aggressor. *Freeman*, 170 S.E.2d at 466.

* + 1. **Cameron merely responded to the threat of imminent death and great bodily harm.**

After walking into the breezeway, it was not until Cameron heard a warning from behind him that he turned around and drew his gun. J. Cameron Interview 22:109–23:111. Just as Cameron feared, Wilson was standing behind him with a pistol pointed in his direction. *Id.* at 23:113–14. Before Cameron could initially react, Wilson shot his weapon. *Id.* at 23:113–114. At that point, Cameron returned fire. *Id.* at 23:114. Cameron did not provoke Wilson’s violence, he reacted to it. The true aggressor in this scenario was Wilson because he used physical aggression against Cameron *at the time* Cameron acted in self-defense. *Drennan*, 311 P.3d at 128.

* + 1. **Cameron did not become the aggressor after the gun shots ensued.**

Once Wilson shot Cameron in the stomach, Cameron returned fire in self-defense, shooting Wilson in the left shoulder. J. Cameron Interview 23:119. Wilson then spun to his left, but kept his gun in his right hand, aiming at Cameron. *Id.* at 23:122–23. Even though Cameron shot Wilson once more, he did not at this point become the aggressor. *Id.* at 23:124. Cameron was still threatened by violence from Wilson and justified in his response. *Drennan*, 311 P.3d at 128.

1. **Even if Cameron was engaged in a criminal activity or was the aggressor, he was justified in the use of force.**

If it is found that Cameron was concealing a weapon at the time of the incident or was the initial aggressor, he is still justified in the use of force under § 776.041 of the Stetson General Statute. An initial aggressor or one engaged in committing a felony may use justifiable force if he attempts to retreat or withdraws in good faith. Stetson Stat. § 776.041(a)–(b) (2022). An initial aggressor who wants to argue that his force was justified due to retreat must demonstrate two things: (1) he reasonably believed that he was in imminent danger of death or bodily harm; and (2) he exhausted every reasonable means to escape such danger before using force to defend himself. Stetson Stat. § 776.041(a).

1. **Cameron reasonably believed that he was in imminent danger of death or great bodily harm.**

As mentioned above, Courts across jurisdictions have developed a two-pronged test to determine the “reasonableness of apprehension,” based on the separation of subjective belief, what the person in the situation knew or believed, and objective reasonableness, what another person in that situation would have done given the same knowledge. *Harden*, 679 S.E.2d at 635; *see also Cardilli*, 254 A.3d at 423; *Palmer*, 238 N.E.3d at 40.

When applying the facts of this case to the two-prong test, it is clear that Cameron reasonably feared imminent death or great bodily harm. While standing in the breezeway, Cameron turned around to find himself staring down the barrel of a gun. J. Cameron Interview 23:114. He further stated that, during and after the moments of the shooting, that he was “scared for [his] life.” J. Cameron Interview 24:134–135. Any person in Cameron’s position and in front of Wilson’s gun would be similarly scared for their life and act in the same way. *Harden*, 679 S.E.2d at 635.

1. **Cameron exhausted every reasonable means to escape danger before using force to defend himself.**

“In deciding whether the defendant was justified in the use of deadly force, you must judge him by the circumstances in which he was surrounded at the time the force was used.” *Wyche v. State*, 170 So. 3d 898, 905–06 (Fla. Dist. Ct. App. 2015). If a “reasonably cautious and prudent person under the . . . same circumstance would have believed that the danger could have been avoided only through the use of force,” then the defendant has done enough. *Id.* at 906.Prior to shooting at Wilson, Cameron attempted to remove himself from the dangerous situation. He walked in the opposite direction of Wilson, moving toward his motel room to retreat as quickly as possible. J. Cameron Interview 21:64–65. However, Cameron was too late, and before he could escape to his room, he was met with the barrel of a pistol. *Id.* at 23:113–14. It is not reasonable to expect someone to run away from a gun. Therefore, Cameron did everything within reason before exercising deadly force.

**CONCLUSION**

For the foregoing reasons, the Defense respectfully requests this Court grant Defendant’s Motion to Dismiss. Jay Cameron is entitled to immunity for justifiably using force against Ryan Wilson because he had a reasonable belief that his force was necessary to prevent his imminent death or great bodily harm. Cameron was not engaged in the felony of concealing a firearm without a license at the time of the altercation and was not the aggressor. But even if the Court finds that he was, Cameron was unable to retreat and was in a location where he had the right to be. Therefore, the Defendant’s Motion to Dismiss should be granted based on Stand Your Ground Immunity under Stetson General Statutes §§ 776.012 and 776.032.

Dated: September 1, 2024 Respectfully Submitted,

/s/ *Team 125*

Team 125

*Attorneys for Defendant Jay Cameron*