

Ronald Reinolds

43116 Ratliff Rd

Callahan, FL 32011-8244

January 11, 2013

The Honorable Jennifer Carroll Lt. Governor of Florida The Capitol, 400 South Monroe Street Tallahassee, FL 32399

Re: Protect our Second Amendment Rights!

Lt. Governor Carroll:

I respectfully ask that you take a stand against the "William's House Bill 4009" removes the "no duty to retreat". I support the current "Stand your Ground" law.

Sincerely,



Ronald Reinolds



January 12, 2013

Florida Stand Your Ground Task Force
Lieutenant Governor Jennifer Carroll, Chairman
Reverend R. B. Holmes, Jr., Vice-Chairman

Dear Lieutenant Governor Carroll and Reverend Holmes,

Yesterday (Friday, 1/11), around 6pm, I was out on my daily exercise walk here in our quaint little town of McIntosh. As I approached the end of my own street, a stranger to me driving a loud, dark colored pickup truck began stalking me at the intersection of Avenue B and 10th Street. As he pursued me, revving his engine, I began walking the opposite direction toward Hwy 441 to avoid this enraged individual. The driver pursued me. As I began walking south along 441, the driver drove up to the edge of the highway where I was walking so I would have to walk directly in front of his truck. Being stalked as I was, and traffic on the highway, I had no where else to turn. As I walked in front of the truck, the driver stared me down. I kept thinking "he's going to run me down".

I was able to make my way to the next block along Hwy 441, but this truck pursued me yet again, driving a little further ahead of me and again positioned his truck perpendicular to the sidewalk along Hwy 441 as he waited like a predator for me to approach. Naturally, this time I was certain he would run me down if I dared to cross directly in front of his truck again. So, I turned again and began walking westward on that street (by Ice House Gallery), heading back to 10th Street.

The stalker pursued me still, proceeding to rev up his truck, peel out from that location, and now I hear his loud truck coming up on me from behind! I moved out of the way and turned around and exclaimed at the driver "Why are you harassing me?!"
His reply: "What are you doing on MY corner?"
My reply: "I live here!"
His reply: "Well, this is MY corner! You better git going now, boy!"

He remained there, staring me down from the safety of his truck. I quickly evaluated the situation thusly:

- 1) I'm a pedestrian whom is clearly unarmed while he's in a truck which he's already been using as a 2 ton weapon to threaten me as he's pursued me in it, block by block, over several minutes, positioning to run me down.
- 2) He's quite possibly armed with a gun, knife, or other weapon already in his lap as he sits in the cab of his truck.
- 3) He seems to have intentionally corralled me into this secluded area, surrounded by trees, as an opportune location to finish me off with no witnesses.

I'm no coward, but I'm no fool either. I didn't want to continue walking in the same direction since it would make me an easy target with my back to his truck. So, I changed course yet again and walked back to Hwy 441 as my assaulter continued to assail me with threats. As I walked a little further down Hwy 441, I still thought this dangerous individual was going to continue his pursuit of me as he continued to yell threats at me while still positioned beside Ice House Gallery.

I reported this act of terrorism that was perpetrated upon me to law enforcement and was even told they had an idea of who this individual might be. When I called the next day for the results, the dispatcher couldn't find that any report had been made. There was no case number, no nothing. It was as if none of this ever happened. I had to tell the story all over again to the dispatcher and yet another deputy. What's going on here??

The perpetrator was Caucasian, 30-40ish, wore a camo type cap, armed with the dark-colored 2 ton weapon he was stalking me in, possibly armed with more. Since this cowardly assault against a pedestrian first began at the intersection of Ave B and 10th Street and then, 5 minutes later, I was still being threatened down at Ice House Gallery to get off his corner, the only logical conclusion is he must not only live somewhere in the proximity of Ave B and 10th Street, but quite possibly has some connection/ownership to that establishment as well.

Since all indications are this may eventually end up as another "Trayvon Martin case", I felt this needed to be documented. There's only a couple homes on that corner. It sounds like it is known who this person is so why wasn't this threat to public safety questioned about the act of terrorism perpetrated against me last night?

I'm presently living here with my elderly parents and help care for my father who suffered a major stroke a few years ago. And now I can't even walk down my own street without fear of being stalked, threatened, and attacked? What do I need to do next time for an assault charge and restraining order to be brought? On my next walk when I'm assaulted by this individual again, should I take a video while "standing my ground", saying "Nope, on public property - not leaving - what are you going to do about it?" and hope I don't get shot, run down by his truck, or killed by some other means so that I might still be around to deliver the video as evidence? Even then, I now have doubts this individual would ever be charged with anything. He seems to believe he's untouchable - and he truly seems to be given what he got away with last night without so much as questioning. I can only wonder why.

I, as a pedestrian, was stalked, block by block, for at least 5 minutes by the cowardly driver of this truck, positioning his truck so I'd have to cross in front of it at multiple points all the while staring me down and revving his truck, and verbally threatening me multiple times with "you'd better git, boy!" and yet I'm told that no law has been broken and all of this is perfectly legal. Really? Wow, if that's the law, then I'm sure all would agree we need some serious legal reform to get this dangerous individual and others like him locked up and off the streets before more innocent citizens walking their neighborhoods become the next Trayvon Martin.

Speaking of the tragic Trayvon Martin case, I'm at a loss as to why this incident wasn't handled as a serious criminal matter, without even so much as a case report made or a case number when I first reported it. Was Trayvon's death in vain? How many more Trayvons will it take? There's likely to be another one here in McIntosh soon as I have no intention of ending my walks down my own street. When will there be strong legislation enacted protecting citizens from this type of local terrorism?

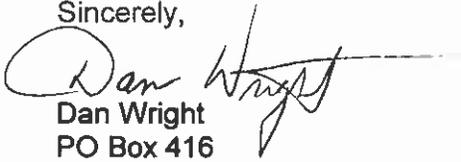
Think about it - If you yourself went out for a leisurely walk on your own street and suddenly found yourself being stalked as it became dusk by a stranger in a pickup truck, pursuing you from block to block at every turn you made, and this went on for several minutes, and each time you try to evade him, he continues to pursue you, placing his truck perpendicular to your path so you have to walk in front of his truck while he's staring you down, revving his engine, and you're in full belief he may very well run you down, and he is making verbal threats to you during this time... would you really not consider that an assault on your life with a deadly weapon (the truck)? Is that no longer a felony? Is it not even worthy of a simple assault charge? Not even worthy of a restraining order? Even after Trayvon? Really?

I used to enjoy our nice, peaceful, little town. It was the quintessential "Small Town, USA" where one could walk as they pleased, enjoying the old, moss covered trees and wonderful wildlife one would spot along the way at dusk. Now, I feel I need to buy a weapon and arm myself whenever going outside since there is a dangerous individual living on the same street whom appears to be free to stalk, harass, and threaten anyone as he pleases with no legal repercussions. And now I can only wonder what

repercussions there will be against me for having made this incident known, but I feel it is too important to remain silent about it. Citizens in this area need to be aware of the danger in our town, especially when walking the streets here.

My aim, hope, and prayer is for stronger laws to be written to grant the citizens of our town and across our state greater protections before more innocent citizens become the next Trayvon Martin. Perhaps there can be legislation addressing the type of actions that were perpetrated against me that can be incorporated into the "Stand Your Ground" law. I'm willing to testify for the need for such legislation. Perhaps a crime watch patrol can also be established in our town as local law enforcement is unable to arrive quickly enough to render aid should our citizens require it. I don't claim to know the answers. I just know some answers need to be found quickly, especially here in McIntosh.

Sincerely,



Dan Wright
PO Box 416
McIntosh, FL 32664

cc:

McIntosh Town Council
Florida Governor Honorable Rick Scott
Congresswoman for Florida's 5th District, Rep. Corrine Brown
Florida Senator Marco Rubio
Florida Senator Bill Nelson
Florida Attorney General, Honorable Pam Bondi
Florida State Attorney 5th District, Honorable Brad King
Ocala Star Banner
Gainesville Sun
WCJB TV20
FOX 51

Bethel Missionary Baptist Church



CHURCH OFFICE 850/222-8440
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224 North Martin Luther King, Jr., Boulevard
Tallahassee, Florida 32301

Dr. R. B. Holmes, Jr., Pastor

November 7, 2012

**Honorable Lieutenant Governor
Jennifer Carroll**
Executive Office of Governor Rick Scott
400 S Monroe St
Tallahassee, FL 32399

Dear Lieutenant Governor Carroll:

I have been honored to serve as the Vice Chair of the Task Force on Citizen Safety and Protection, and I thank you for inviting me to participate. I wanted to take this opportunity before the upcoming hearing to express my support for State Attorney Katherine Fernandez Rundle's suggested reform language and to build upon her thoughtful recommendations with some of my own. I think these suggested reforms will together help ensure greater public safety in Florida without undermining the original goals of the legislators who enacted our Stand Your Ground law.

Although the law is meant to protect law-abiding citizens, a statewide investigation by the Tampa Bay Times found that the majority of the people shielded by Florida's Stand Your Ground law had previous arrest records. A significant number had even been previously caught threatening others with a gun. The Tampa Bay Times's investigation, which included an examination of over 200 Stand Your Ground cases, has received national accolades and was featured in this quarter's Investigative Reporters & Editors Journal.

Other studies have shown that this law is associated with an increased death toll that falls disproportionately on minority groups. A New York City analysis of FBI data showed that justifiable homicides in Florida increased by 192% after we passed this law. Moreover, an investigation by the Urban Institute revealed a troubling racial disparity, finding that, even when controlling for age differences, whites who kill blacks are far more likely to be protected by this law than blacks who kill whites. Meanwhile, researchers at Texas A&M disproved the notion that Stand Your Ground laws deter violent crime. Accordingly, I support the amendments suggested by Ms. Rundle. She has raised similar concerns as those articulated by Allie Braswell at the September 13th Task Force meeting regarding the nature of the law's presumptions, immunity

**Honorable Lieutenant Governor
Jennifer Carroll**
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provisions, and protection afforded to initial aggressors. As Ms. Rundle has eloquently explained, an irrebuttable presumption has no place in criminal law. Neither does an immunity provision that ties the hands of law enforcement and prosecutors and upends our criminal justice system. These were consequences of the law that I imagine the legislature did not intend, and they can be easily corrected by making the changes Ms. Rundle proposes. I also appreciate her definition of "unlawful activity" and suggest we recommend it be added to the law.

In addition to Ms. Rundle's suggested reform language, I recommend that we reconcile the Task Force's desire to keep the "no duty to retreat" provision with the valid concerns expressed by law enforcement, prosecutors, civil rights groups, and citizens, by clarifying that while there is no affirmative duty to retreat, judges and juries may consider the clear possibility of safe retreat in determining whether the use of deadly force was necessary. If a person could simply drive away from an unarmed attacker, then shooting the attacker is not necessary and should not be protected under Florida's self-defense laws.

I also suggest that the legislature clarify that the presumptions do not apply once an intruder is in retreat. Shooting a person in the back, as he is trying to escape, is, by definition, not self-defense. As the law is written, it does not create an exception for trespassers in retreat, so the courts are currently divided between common sense and the letter of the law.

Again, I thank you for the giving me the opportunity to serve as Vice Chair of this Task Force. I trust that we will use what we have learned to create a fair law that respects all Floridians' right to self-defense while promoting safety and decreasing violence in all of our communities.

Respectfully submitted,



Reverend Dr. R. B. Holmes, Jr.

Vice-Chair, Governor's Task Force on Citizen Safety and Protection

Lt Gov. Jennifer Carroll
Fl. State Capitol
South Adams St.
Tallahassee Fl 32301
Oct 31, 2012

Russell D Cole
740 White Dr #13
Tallahassee, Fl
32304

re #776 'stand your ground' Committee

Dear Madam Chair Carroll,

Concerning the meetings Sen Baxley & Justice Bell noted early on fixing #776 (stand your ground) "was'nt going to be easy"

Indeed, framing into law exactly what constitutes imminent danger and reasonable response is no small undertaking. The dynamics & variables seem at times overwhelming.

So far the only concensus reached appears to be that SELF DEFENCE IMMUNITY won't apply if pursuing, chasing down, and confronting a perpetrator with DEADLY FORCE.

On that subject I enclose a stunning News update on one of the cases your guest Miami Chief Asst State Atty Don Horn described at the June 12th Sanford meeting. to wit; the fellow who chased down and stabbed to death a thief who had stolen his truck radio then claimed 776 immunity. Now according to a July 28th report he himself has been shot dead while driving to work and caught in a Gang Shoot-out Crossfire. A Greyston Garcia, age 26. A 16 year old Boy also died. Perhaps no 776 issue but yet another stark reminder of the extent of violence that permeates our streets & how your important work is far from done.

This 'Stand Your Ground' #776 Statute dilemma must be clarified and made workable & 'fool-proof'—for the sake of us all. Much is at stake. Your Panel seems up to the task. but getting side-tracked & bogged down by unnessasary clap-trap & non-relevant diversion.

Not helping at all is one of your panelist the Miami Atty Seiden sneering and making inane & controversial comments and statements at every meeting. For example:

- 1) He inexplicably cast the lone vote against the Sanford Mtg Venue.
- 2) He blurted "We don't want just anybody up to the mike with their concerns & self-fullfilling prophecies" (at which you promptly corrected him.) That meeting was a total success, by the way—in spite of his own prophecy, which failed to self full-fill..as it were.
- 3) He wants theater patrons armed so they can shoot any 'Batman'nut who bursts in! (and what can possibly go wrong with that idea?)
- 4) Wants neighborhood watches armed to shoot guys out of vacant lots!
- 5) He 'conducts experiments' to 'outdraw a knifer @21ft'—but can't!
- 6) He mutters "What concerns me is if I'm walking my dog and DON'T PICK UP AFTER HIM, UH; A MISDEMEANOR I BELIEVE, (supposedly in the commission of a crime) and a guy tries to rob me do I lose #776 protection"? And how LAME is that?

There seems no end to it. (Even the speaker in the White suit, a Reverend, scoffed at Seiden's dumb spiel)

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pg 2 cont.

Now it's even gotten worse. During the Miami Gdns Sept 12th meeting Mr Seiden suddenly took to ridiculing and belittling a guest over a few harmless comments and ended up insulting Allie Braswell of the Orlando Urban League—but then attempted to deny and squirm out of it when Braswell took exception to Seiden's 'black thugs' reference.

How was it Mr Seiden was allowed to show such contempt for an honored guest? Were you stunned or caught off guard? It seems to be his mode of operandi—and well known in the Miami/Dade area.

And how was he named to your panel to begin with I'm wondering? During the following day's meeting—Sept 13th in Cutler—again. out of the blue and unprovoked your panel member Atty M Seiden unleashed a near-hysterical tirade against what appears the Dist. 11 (Miami/Dade) State's Atty Kathy Rundle, an esteemed fellow panelist sitting right next to you, and bitterly complaining that "a client of his, a Landlord who had every right to shoot and kill an evicted tenant over a security deposit" was "WRONGLY charged and put thru the trauma & expense of a trial by the S.A." !

Mr Seiden's version of course, but now making serious accusations and using the mtg as a mere stage to vent his personal agenda.

He ended with an angry "I want a Judge to decide on charging & not some S.A. with 6 or 7 years experience" (even implying she's exceeded her legal authority?)

I for one cannot imagine the Miami S.A. Kathy Rundle inclined or capable of charging anyone frivolously or without due cause nor her Chief Asst Don Horn, et al. How uncouth of this Miami Atty to ambush the S.A. in such a way. This fellow lacks class for sure.

Sour grapes and a cheap shot, in any case and the whole incident now calls for a complete disclosure of the facts—to clear the air.

Sorry for any unpleasantness. I don't know when your next mtg is skeduled but frankly I don't look forward to tuning in if this Seiden provocateur is still on board. His presence is detrimental to the panel's badly needed progress. Time is of the essence.

My compliments to you Madam Chair and Vice Chair Holmes for your good efforts along with Senators BAXLEY, SIPLIN, SIMMONS, Judge MARX, S.A. KATHY RUNDLE, Pub Def TRACY, Sheriff ASHLEY, Justice BELL, Rep BRODEUR, and the others.

Thanks and best wishes,

Russell D Cole

copy to SA RUNDLE

Russ Cole
tel 576-3987

State: Too late for South Florida prison privatization

A lawyer for the state concedes it's too late to carry out the Legislature's plan to privatize nearly 30 South Florida prison facilities.

Assistant Attorney General Jonathan Glogau acknowledged that to the 1st District Court of Appeal on Wednesday in Tallahassee. A budget provision calling for the outsourcing expires Saturday.

Glogau still urged a three-judge panel to reverse the trial judge's ruling the budget provision was unconstitutional and uphold the Legislature's ability to use that option again.

Circuit Judge Jackie Fulford of Tallahassee ruled the Republican-led Legislature should have passed a stand-alone law instead.

A separate privatization bill subsequently was defeated.

The judges, meanwhile, questioned Attorney General Pam Bondi's ability to appeal the ruling after the Department of Corrections declined to do so.

'Stand ground' man shot dead in Miami

MIAMI — A man who won a controversial ruling under Florida's "stand your ground" self-defense law has been fatally shot in Miami.

Police told *The Miami Herald* that 26-year-old Greyston Garcia was killed late Tuesday by a stray bullet during a shootout between rival gangs. Garcia was shot in his truck while driving to work. A 16-year-old boy also died.

Police don't believe Garcia was involved with the gangs.

Garcia in March successfully invoked the "stand your ground" law to win immunity from murder charges. Garcia claimed self-defense when he chased and fatally stabbed a radio thief

truck. The man had swung a bag containing radios at Garcia.

Garcia's case won national attention because of the self-defense law's role in the shooting of teenager Trayvon Martin.

Obama keeps slight lead over Romney

President Barack Obama is clinging to a small lead in Florida over Republican challenger Mitt Romney.

A new poll of three key swing states shows Obama leading the former Massachusetts governor 45 percent to 41 percent in a random telephone survey of 1,200 registered Florida voters taken between June 19 and June 25. The survey's margin of error was 2.8 percentage points. Obama had larger leads over his opponent in both Ohio and Pennsylvania.

Obama's oranges support among Florida voters comes from young voters and minorities. He opened up a 50-32 advantage over Romney among Florida's growing number of Hispanic voters.

Fla. ranks No. 5 in beach-water quality

A new report is ranking Florida No. 5 in the nation in the quality of its beach water.

The report released Wednesday by the National Resources Defense Council says 3 percent of the Florida beach water it sampled last year exceeded national standards for bacteria and fecal matter.

Beaches in Dixie County, along the Gulf Coast, had the state's highest rate of instances exceeding the standards. Beaches in Collier, Duval, Flagler, Franklin, St. Johns and Wakulla counties had no instances.

Florida has the most coastal swimmers in the nation with more than 1,000 miles of coastline.

Meadows Community Association, Inc.

November 2, 2012

Lt. Governor Jennifer Carroll
The Capitol
Tallahassee, Fl. 32399

Re: Article and Picture on Task Force

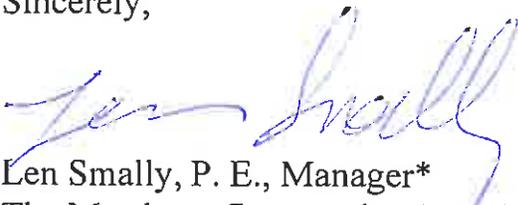
Dear Lt. Governor Carroll:

Thank you again for selecting me to make a presentation to the Governor's Task Force on Neighborhood Safety in Arcadia. It was an honor and a good experience for me.

The Meadows is a 3500 home community with a commercial shopping village, retirement center and large country club. We publish a monthly newspaper, The Meadoword. Enclosed please find a copy of our August issue with a story, about the Task Force, and picture on page 9. (I would have sent it earlier, but I was waiting for a similar story to appear in The West Coast Wire, a Community Associations Institute magazine; they did not publish the story.)

I am proud to have made your acquaintance and I am glad to help my State of Florida whenever I am called. Thank you for your service to the State and for all that you have done for veterans.

Sincerely,



Len Smally, P. E., Manager*
The Meadows Community Association

C: Ginny Coveney, MCA President
MCA Board of Directors

(*YN3 Smally to you, Lt. Commander.)



Governors Task Force on Neighborhood Safety

The Meadows represented on state task force panel to discuss neighborhood safety issues

By Len Smally—MCA Manager

As a result of the Trayvon Martin shooting/George Zimmerman case, Lt. Governor Jennifer Carroll is heading up a task force to address neighborhood safety. In July, her office contacted Willow Green Association President Gail Stephens, who is also President of the local chapter of The Community Associations Institute (CAI), to request that our CAI chapter send representatives to a meeting in Arcadia to speak on safety and security in neighborhoods.

The task force was made up of State Legislators, county sheriffs from throughout the state, and a judge from West Palm Beach.

Ed Marchiselli, a St. Petersburg businessman experienced in the organization of Neighborhood Watches, and I were selected to serve on the panel, along with a Melbourne police officer. Each of us gave a short presentation followed by questions and answers.

In my role, I addressed professional security companies, such as our Meadows Safety Patrol, staffed by G4S (formerly, Wackenhut). Prior to my presentation, I also interviewed Sgt. Neal Scully, of the Sarasota Sheriff's Office and reported to the task force on Sarasota County's programs of Neighborhood Watch and citizen patrols.

It was a great experience and an honor for me to represent CAI, The Meadows, and Sarasota County at this event.

The Lt. Governor was very

impressed with The Meadows and made quite a fuss about the size and number of units in our community.



Lt. Governor Jennifer Carroll with MCA Manager Len Smally at Neighborhood Task Force meeting



Central Florida Urban League

*Empowering Communities.
Changing Lives.*

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October 24, 2012

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Allie L. Braswell, Jr.

Dear Governor Scott:

On behalf of the Central Florida Urban League and the Second Chance on Shoot First Campaign, I was honored to have the opportunity to testify before the Florida Task Force on Citizen Safety and Protection on September 13, 2012. Following my testimony, Thomas A. Dunne from your Office of Policy and Budget asked my colleague to send my recommendations for reform of our Stand Your Ground law to your office for review. As such, I am writing to relay my concerns about the law as it currently stands and describe the reforms I believe will reduce the unintended violent consequences of the law and promote safety in our communities. Attached to this letter are draft amendments to the statute which will achieve the reforms I have described below.

Seven years after the passage of Florida's Stand Your Ground law, we are able to objectively assess the impact of the law, and it is clear to me that the law has led to dangerous results.

First, several studies have shown a correlation between Stand Your Ground laws and increases in justifiable homicides as well as an increase in the overall homicide rate. According to an analysis of FBI data, average annual justifiable homicides in Florida increased by 192% since we passed our Stand Your Ground bill. Other states with Stand Your Ground laws have experienced significant increases in justifiable homicide rates. Another study by researchers at Texas A&M University found that Stand Your Ground Laws



are associated with an increase in overall homicides—by as many as 700 per year. And a recent National Bureau of Economic Research study found that passage of a Stand Your Ground law was associated with a 15.6% increase in firearm-homicides for white male victims.

Second, the trends in violent crime associated with Stand Your Ground laws have a disparate racial impact. According to a recent study by John Roman and Mitchell Downey of the Urban Institute, the rate of homicides deemed justifiable in the black population in Stand Your Ground states as a whole more than doubled between 2005 and 2010, while it fell in the rest of the country. Roman and Downey found that when white shooters kill black victims, 34% of the resulting homicides are deemed justifiable, while only 3.3% of deaths are ruled justifiable when the shooter is black and the victim is white.

Third, the practical effects of the Stand Your Ground law have not met its stated purpose of deterring violent crime or protecting law-abiding citizens. Raw data of Florida crime rates may give Task Force members the impression that our Stand Your Ground law has deterred crime. However, by comparing crime rates in Stand Your Ground states to non-Stand Your Ground states, the Texas A&M University study found no association between the presence or absence of Stand Your Ground laws and changes in the rates of burglaries, robberies, or aggravated assaults, indicating that these laws do not reduce crime.

Furthermore, while proponents of Florida's Stand Your Ground law continue to claim that the law exists to protect law-abiding citizens, the majority of people who have been shielded by the law have criminal backgrounds. In a comprehensive study of all known Stand Your Ground cases in Florida that was featured in this quarter's Investigative Reporters & Editors Journal, The Tampa Bay Times found that most of those who raised a Stand Your Ground defense had been arrested at least once before the day they killed someone. In fact, 40% of the people claiming Stand Your Ground in fatal cases had three arrests or more. Notably, more than a third of the defendants who killed someone and then claimed Stand Your Ground had previously been in trouble for threatening someone with a gun or illegally carrying a weapon.

Finally, even when law-abiding citizens are involved in Stand Your Ground cases, the supposed necessity of this statute is not clear to me. The examples cited by proponents of the law to show its necessity are all cases in which the defendants would have been deemed to have been acting in justifiable self-defense under Florida's pre-Stand Your Ground, self-defense statute. Florida law has always recognized citizens' rights to "stand their ground" and protect themselves when necessary. However, until 2005, the law expected people to retreat and leave a dangerous scene if they could do so safely before taking a life. In this way, Florida common law struck a centuries-old balance between recognizing the sanctity of human life and the need for self-defense. By eliminating this "duty to retreat," Florida's Stand Your Ground law abandons these core de-escalation principles and encourages people to resort to violence rather than avoid confrontation when they safely can.



Following my testimony to this effect at the last Task Force hearing, Representative Dennis Baxley suggested that the primary problem with Florida's pre-2005 self-defense law was "the presumption was not in favor of that person who was a victim of violence," and that a person

who used deadly force in self-defense would be treated as a criminal if he or she could not "prove that there was no way [he or she] could get away." However, Florida law prior to 2005 never required that a person claiming self-defense prove that he or she could not escape from the situation. Once a defendant presented some evidence that he or she was acting in self-defense, the burden was on the prosecution to prove beyond a reasonable doubt that the defendant did not act in self-defense.

For all of these reasons, I find the Florida Stand Your Ground statute to be at best unnecessary and at worst dangerous. I do not believe the anticipated benefits have outweighed the unintended costs. As such, I support the full repeal of the statute and a return to Florida's pre-2005 self-defense law. However, I recognize that, short of repeal, there are many modest amendments we could make to the statute to reduce its negative impacts on our communities. As I outlined in my testimony before the Task Force last month, I recommend the following statutory reforms, some of which were also suggested by State Attorney Katherine Fernandez Rundle and former National Rifle Association president Marion Hammer:

- Clarify in § 776.012 that the opportunity to retreat may be taken into account. Even without a duty to retreat, the statute could make clear that the opportunity to retreat may be a factor considered when determining whether a use of deadly force was necessary.
- Amend §§ 776.013(1), 776.013(2), and 776.013(4) to create an inference rather than a presumption. Under current law, it is a matter of debate whether the statute creates an irrebuttable presumption, even though irrebuttable presumptions are typically unconstitutional. State Attorney Rundle has recommended amending the law to replace the presumptions with inferences, which would help restore balance in our criminal justice system by removing one of the prosecutorial obstacles created by the law. Given her expertise on Florida state criminal law and procedure, I support Ms. Rundle's suggested amendment.
- Clarify in § 776.013(2)(e) that the inference no longer apply once a trespasser starts to retreat or otherwise tries to leave the home or vehicle. The courts are currently split as to whether the presumption applies when the person on whom force is used is in retreat.
- Define "unlawful activity" in § 776.013(5)(d). The courts are currently split as to whether a person unlawfully in possession of a firearm must retreat before using deadly force outside the home. Clarification would eliminate the availability of a Stand Your Ground defense to people who commit homicide while engaged in criminal activity, while allowing those people involved in noncriminal unlawful activity to retain their rights under this law. State Attorney Rundle has proposed a definition which would clarify this issue, and I was



heartened to hear Ms. Hammer agree at the last Task Force meeting that such an amendment would be acceptable to her.

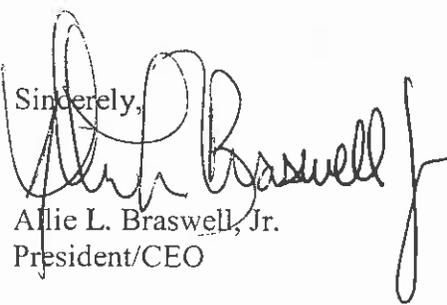
- Amend §§ 776.041(2), 776.013(3), 776.012, 776.031, and 776.032 to prevent people who initially attack using deadly force from later claiming self-defense, even if they withdraw. Florida's Stand Your Ground law currently has an exception for initial aggressors, but this exception contains a loophole that I cannot imagine the Florida legislature intended. The law allows an aggressor who initially attacks using deadly force to claim immunity if he or she fails to immediately kill the victim, the victim responds with equal force, and the initial aggressor is unable to escape. My recommendation would be to prevent a person who initially attacks another with deadly force from ever recovering the right to self-defense, which is how many other states, including other Stand Your Ground states, treat initial aggressors.
- Clarify in § 776.013(3) that, in order to justify the use of deadly force, the person must reasonably believe that the threat of death or great bodily harm, or the commission of a forcible felony, is imminent. The requirement is currently included § 776.012 but not 776.013.
- Amend § 776.032(1) to limit civil immunity to suits arising from injury to the person on whom defensive force was used. Under current law, injured innocent bystanders are unable to bring suits against shooters for the negligent or reckless use of defensive force.
- Remove the criminal immunity provision from the statute. As Ms. Hammer stated in her Task Force testimony, the immunity hearings are a mess. Proponents claim that the criminal immunity provision protects law-abiding citizens from having to wait for a case to work its way through the criminal justice system. However, the immunity provision does not in practice save much time or effort. With or without a Stand Your Ground law, prosecutors do not file charges in clear cases of self-defense. And in close calls, it can still take years for the parties to prepare for the immunity hearing. For example, in Miami, Dennis Sosa Palma, who fatally stabbed his brother during a 2010 brawl, waited more than two years for a favorable determination on immunity. This is not an isolated case: because immunity hearings are essentially bench trials, they take an immense amount of preparation from both parties. The immunity provisions do not obviate uncertainty; they just throw a wrench into the judicial system by requiring judges to make determinations of fact typically left to juries. However, even if you choose to recommend retaining the criminal immunity provision, the following changes could lessen its onerous effects:
 - Clarify in § 776.032(2) that police must do a full investigation even if someone claims immunity.
 - Remove the provision in § 776.032(1) that gives shooters immunity from arrest and detention.



- Clarify in § 776.032(1) that people who use defensive force on undercover officers cannot be afforded immunity.
- Amend § 776.031 to change the title of the Defense of Property statute. Currently, the statute is misleadingly titled Defense of Others.
- Amend § 776.013(1) so that the statutory language triggering the presumption is consistent with the standard for using deadly force. Under current law, the standard for using deadly force is that a person “reasonably believed that deadly force was necessary to prevent imminent death or great bodily harm.” Confusingly, the statute then creates a presumption that a person “held a reasonable fear of imminent peril of death or great bodily harm” when these two standards should match.

I strongly believe that these reforms will correct some of the unintended consequences of Florida’s Stand Your Ground law and will protect the rights of law-abiding citizens while promoting public safety and preserving the integrity of our criminal justice system. I very much appreciate the opportunity to present my recommendations to you and your staff. Please do not hesitate to contact me with questions or if I can otherwise be of assistance.

Sincerely,


Allie L. Braswell, Jr.
President/CEO