American Bar Association

NATIONAL TASK FORCE ON STAND YOUR GROUND LAWS
Southeast Regional Hearing

THURSDAY, OCTOBER 17, 2013
HistoryMiami
101 C West Flagler Street
Miami, Florida
OUR MISSION STATEMENT IS:
“WE DELIVER CREATIVE AND EFFECTIVE BUSINESS SOLUTIONS AND COUNSEL.”
WE ENDEAVOR TO EXECUTE OUR MISSION IN EVERY ENGAGEMENT.
WE ARE HONORED TO HAVE RECEIVED THE FOLLOWING RECOGNITION:

BEST PLACES TO WORK 2013—WINNER!
SOUTH FLORIDA BUSINESS JOURNAL

LITIGATION DEPARTMENT OF THE YEAR 2013—WINNER!
MID-SIZE FIRM GENERAL LITIGATION CATEGORY
DAILY BUSINESS REVIEW

CHAMBERS USA—16 ATTORNEYS RANKED!

BEST LAWYERS IN AMERICA®—22 LISTED ATTORNEYS!

CHAPTER 11 REORGANIZATION OF THE YEAR AWARD
AND PROFESSIONAL SERVICES DEAL OF THE YEAR AWARD 2013!
M&A ADVISOR

22 TOP LAWYERS AND TOP LAW FIRM LISTING!
SOUTH FLORIDA LEGAL GUIDE

FLORIDA SUPER LAWYERS—36 ATTORNEYS LISTED!

SOUTH FLORIDA’S GOOD TO GREAT AWARD
TRI-COUNTY CHAMBER OF COMMERCE
Welcome to Miami and the Southeastern regional hearing of the American Bar Association’s National Task Force on Stand Your Ground Laws. The Task Force has served as an independent leader on the legal critique and analysis of the impact of state Stand Your Ground laws, consistent with the mandate conceived by its primary sponsoring entities—the ABA’s Coalition on Racial and Ethnic Justice, the Center for Racial and Ethnic Diversity, the Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, the Section on Individual Rights & Responsibilities, the Criminal Justice Section, the Standing Committee on Gun Violence and the Commission on At-Risk Youth.

During today’s public hearing, you will hear testimony from a diverse selection of featured California community leaders, regional stakeholders, legal experts and policymakers who will offer their distinct perspectives and open the dialogue on the many issues concerning the impact of Stand Your Ground laws, which have substantially altered the contours of traditional self-defense law in over half of jurisdictions in the United States.

The Task Force will receive testimony concerning a range of issues, including:

1. The utility of Stand Your Ground laws from legal and policy perspectives;
2. The impact of Stand Your Ground laws on public safety;
3. The impact of Stand Your Ground laws on traditionally marginalized communities and racial and ethnic minorities; and
4. The impact of Stand Your Ground laws on the criminal justice system, with a particular focus on law enforcement and the prosecutorial function.
The Southeastern regional hearing marks the fifth of a series of public hearings in jurisdictions across the United States at which the Task Force will receive official testimony for its assessment and consideration in preparing the final report of its findings. The final report will summarize the comprehensive legal study undertaken by the Task Force and make recommendations concerning the utility of enacted state Stand Your Ground laws as well as their impact on the criminal justice system, public safety and individual liberties. We hope that this report will serve as an important guide to state and federal policy makers, government agencies, and organizations throughout the United States.

We thank you for your support of the work of the Task Force. We would like to give particular recognition and convey our appreciation to the law firm of Berger Singerman for its sponsorship and HistoryMiami for hosting this Southeast regional hearing.

Leigh-Ann Buchanan, Co-Chair  
Jack Middleton, Co-Chair  
ABA National Task Force on Stand Your Ground Laws
Public Hearing Announcement

ABA National Task Force on Stand Your Ground Laws to Hold Southeast Regional Public Hearing in Miami, Florida

FOR IMMEDIATE CIRCULATION
Contact: (312) 988-5408; rachel.patrick@americanbar.org

The American Bar Association’s National Task Force on Stand Your Ground Laws will hold its Southeast regional public hearing on Thursday, October 17, 2013 at HistoryMiami, in Miami, Florida. The Task Force was convened principally to review, analyze, and assess the utility of the recently enacted state Stand Your Ground laws as well as the potential impact these laws may have on public safety, individual liberties and the criminal justice system.

Expert witnesses drawn from local and regional community and government stakeholders, law enforcement, prosecutors, public and private criminal defense attorneys, and legal academicians will testify on the impact of Stand Your Ground laws in the Southeast region, where several states that have enacted similar expanded self-defense statutes. Topics will include:

♦ The utility of Stand Your Ground laws from legal and policy perspectives;
♦ The impact of Stand Your Ground laws on public safety;
♦ The impact of Stand Your Ground laws on traditionally marginalized communities and racial and ethnic minorities; and
♦ The impact of Stand Your Ground laws on the criminal justice system, with a particular focus on law enforcement and the prosecutorial function.

WHO: ABA National Task Force on Stand Your Ground Laws

WHAT: Southeast regional public hearing regarding the impact of Stand Your Ground laws on the community, public safety and the criminal justice system

DATE: Thursday, October 17, 2013 from 6:00 p.m. — 8:00 p.m.

WHERE: HistoryMiami, 101C West Flagler Street, Miami, FL 33130

REGISTER: https://americanbar.qualtrics.com/SE/?SID=SV_9nSsecJSvaK2Yol

This hearing is free and open to members of the public and press. Attendees are strongly encouraged to RSVP. For more information on the October 17, 2013 Southeast regional hearing in Miami, FL or the National Task Force on Stand Your Ground Laws, generally, please contact: Rachel Patrick, Staff Director, ABA Coalition on Racial & Ethnic Justice, at: (312) 988-5408 or via email at: corej@americanbar.org.

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The ABA National Task Force on Stand Your Ground Laws is hailed as the prevailing independent leader on the legal analysis and social critique of the impact of state Stand Your Ground laws which exist, to some degree or another, in over half of jurisdictions in the United States. The American Bar Association-affiliated Task Force is uniquely qualified to analyze the impact of Stand Your Ground laws and the implications the expansion of the justified use of deadly force by these laws has on protecting the integrity of the criminal justice system as well as individual liberties, particularly those of systemically vulnerable constituencies.

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With nearly 400,000 members, the American Bar Association is one of the largest voluntary professional membership organizations in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.
SOUTHEAST REGIONAL
PUBLIC HEARING SCHEDULE

HEARING CALLED TO ORDER & REMARKS

Faith Mesnekoff, Chair, Board of Trustees
HistoryMiami

Leigh-Ann A. Buchanan, Co-Chair
ABA National Task Force on Stand Your Ground Laws

PRESENTATION OF TESTIMONY

1. Caroline Bettinger-López, Assoc. Prof. of Clinical Legal Ed. and Dir. of the Human Rights Clinic, University of Miami School of Law

2. Aziza Naa-Kaa Botchway, Chair, Miami-Dade Chapter, National Congress of Black Women


4. Charlotte Cassel, Board Member, Law Students for Reproductive Justice and the National Lawyers Guild

5. Chris Davis, Lead Investigator, Tampa Bay Times

6. H. Scott Fingerhut, Prof. of Law, Florida International University College of Law

7. Cmdr. Ervens Ford, Miami Police Department

8. Marwan Porter, Wilkie D. Ferguson, Jr. Bar Association

10. Edward Shohat, Vice-Chair, Miami-Dade County Community Relations Board

11. Sen. David Simmons, Florida State Senate

12. Sen. Christopher L. Smith, Florida State Senate

13. Ciara Taylor, Political Director, Dream Defenders

14. Father Roger Tobin, Former Rector of St. Thomas Episcopal Parish

OPEN FORUM FOR PUBLIC COMMENT

CLOSING REMARKS

Rachel Patrick, Director
ABA Coalition on Racial and Ethnic Justice

ADJOURNMENT
WITNESS BIOGRAPHIES

Caroline Bettinger-López

Caroline Bettinger-López is an Associate Professor of Clinical Legal Education and Director of the Human Rights Clinic at the University of Miami School of Law. Her scholarship, advocacy, and teaching focus on international human rights law and advocacy, including the implementation of human rights norms at the domestic level. Her main regional focus is the United States and Latin America, and her principal areas of interest include violence against women, gender and race discrimination, immigrants' rights, and clinical legal education. Bettinger-López regularly litigates and engages in other forms of advocacy in the Inter-American Human Rights system, federal and state courts and legislative bodies, and the United Nations. Under her leadership, the Human Rights Clinic recently co-authored a report to the United Nations on Domestic Violence, Gun Violence, and "Stand Your Ground" Laws.

Aziza Naa-Kaa Botchway

Aziza Naa-Kaa Botchway serves as the Chair of the Miami-Dade Chapter of the National Congress of Black Women Inc. She has worked as Florida Election Counsel and Election Administration Manager for Project Vote as well as the Election Administration Manager for the State Voices Florida 501 (C) (3) Civic Engagement Table. Aziza previously served the University of Miami School of Law, Center for Ethics and Public Service as the Director of the Joint Program on Law, Public Policy and Ethics where she collaborated to develop numerous interdisciplinary conferences, colloquia and lectures. She taught courses such as Law, Public Policy and Ethics and Critical Race Feminism. Aziza began her legal career practicing criminal law as an assistant public defender in Miami. She went on to practice civil rights law and community organizing as a staff attorney for ACLU of Florida's Racial Justice & Voting Rights Project. Before attending law school she taught language arts and mathematics for students with special needs in both Atlanta, Georgia and Miami, Florida. She received a B.S., in Psychology, summa cum laude, from Bethune-Cookman College in 1999, a M.S.Ed., in Early Childhood/Special Education from the University of Miami School of Education in 2000, and her J.D. from the University of Miami School of Law in 2005. She has been a member of the Florida Bar since 2005. She is currently pursuing a graduate certificate in Non-Profit Management.

Senator Dwight Bullard

Sen. Dwight M. Bullard is a proud educator, leader and advocate in the state of Florida. Since 2000 he has been a teacher at Coral Reef Senior High School in Miami Florida, and on November 9th, 2012 he was sworn into office as state Senator of Florida District 39. Currently he serves as Vice Chair of Agriculture, and numerous committees ranging from the Appropriations Subcommittee on Education and General Government to Environmental Preservation and Conservation.

During this 2013 Legislative session, Senator Bullard worked tirelessly to introduce legislation that would give teachers and administrators the ability to better protect students who are being harassed online through social media bullying. Through his leadership, the bill known the “Imagine Sheterria Elliot Act” was unanimously passed in the Senate this year.
Charlotte Cassel

Upon her graduation from Barnard College in 2007, Charlotte Cassel moved to San Francisco to work in the research unit at the AIDS Health Project, a mental health care organization dedicated to providing culturally sensitive services to men in the bay area. In 2009, she returned to New York to complete masters in public health at Columbia University. During her time in the department of population and family health, Ms. Cassel worked in the public affairs department of Planned Parenthood - New York City. At Planned Parenthood, she developed a survey that was used to assess the impact of crisis pregnancy centers on women. The survey results were then used by the New York City Council in support of a 2010 bill regulating these pregnancy centers. Based in large part on this experience, Ms. Cassel applied to law school, which brought her back home, to the University of Miami. Ms. Cassel intends to pursue a career in reproductive health policy, with an emphasis on policies and legislation that protect and empower women and their health. Charlotte has worked at VIDA, an organization that provides legal services to immigrant women who have been victims of domestic violence, and interned at the Planned Parenthood Latin American Regional Office during the Spring 2013 semester. She recently completed an internship in the Health and Reproductive Rights unit at the National Women’s Law Center, in Washington, D.C. Ms. Cassel is a student in the Human Rights Clinic and is on the executive board of the UM chapters of both Law Students for Reproductive Justice and the National Lawyers Guild.

Chris Davis

Two-time Pulitzer Prize finalist Chris Davis is the investigations editor for the Tampa Bay Times. A native of South Carolina, he has spent the past 16 years as a reporter and editor in Florida. As an editor at the Sarasota Herald-Tribune, he led the paper in 2011 to its first Pulitzer Prize, for a series on Florida’s property insurance system.
H. Scott Fingerhut

Professor Fingerhut comes to the College of Law with over 16 years of law teaching experience and 23 years as an AV-Preeminent Peer Review Rated criminal trial and appellate litigator. Before joining the FIU College of Law faculty, Professor Fingerhut began in 1995 in the Litigation Skills Program at the University of Miami School of Law, a position he held for 10 years. In 2000, Professor Fingerhut accepted a four-year appointment in FIU’s School of Policy and Management, teaching Criminal Constitutional Law and Procedure, Criminal Law Theory, Law and Social Control, and Judicial Process and Policy in the undergraduate and Master’s Degree criminal justice programs. For the past six years, Professor Fingerhut has served as Assistant Director of the FIU College of Law’s Trial Advocacy Program, teaching Trial Advocacy, Pretrial Litigation (criminal and civil), Criminal Procedure, Criminal Law, and the Criminal and Civil Law Externship Clinic. To maintain his undergraduate ties, Professor Fingerhut was made a Faculty Fellow in The Honors College at FIU, and, recently, was named Director of The Honors College Pre-Law Programs.

Ervens Ford

Ervens Ford has been with the Miami police department for 25 years and currently holds the rank of Commander of the Little Haiti / Buena Vista neighborhood. Prior to that, Commander Ford spent 16 years in Homicide; much of his work has been documented on the show The First 48 Hours. Commander Ford served in the military for four years. He holds several law enforcement related certificates, including polygraph examiner. Commander Ford received his Bachelor degree in Administration from Barry University

Marwan Porter

Upon graduating from law school, Marwan was hired by one of the most prominent and successful lawyers in the country, Willie E. Gary. Marwan trained directly under his mentor for approximately 10 years and learned to develop, process and litigate multi-million dollar cases. While working as a law clerk at the Gary Law Firm, Marwan assisted the firm in securing a
$139,000,000 trial verdict against Anheuser-Busch and as an Attorney was instrumental in representing hundreds of clients in the $800,000,000 mass tort and class action division against big tobacco. In 2011 Marwan took over his father, James Porter’s law firm, which has been in operation since 1969. Marwan continues to work closely with Willie Gary and the Porter Law Firm acts as co-counsel in several Gary Law Firm cases. In less than 6 months, Marwan has grown the Porter Law Firm into a multi-million dollar organization. Marwan is a proficient litigator specializing in litigating wrongful death, catastrophic personal injury, discrimination and business litigation cases, including tobacco litigation and complex contractual disputes. He is licensed to practice law in multiple states including Florida, New York and Washington, D.C. and works with several attorneys throughout the country to assist in funding and maximizing the value of their cases.

Guy David Robinson

Guy David Robinson is an Assistant Public Defender in the Miami-Dade Public Defenders Office for the 11th Judicial Circuit of Florida. He received his Bachelor of Arts degree from the University of Alabama and is a graduate of the University of Miami School of Law. He began his law practice in 1989, with the Miami-Dade Public Defenders Office. In 1992, he accepted a position with the Department of Health and Rehabilitative Services. In 1994 he joined the Florida Attorney General’s Office of Civil Rights where he stayed until he began private practice in 1998. In 2002, he returned to the Miami-Dade Public Defenders Office where he currently serves as Assistant General Counsel and Chief Assistant to Carlos J. Martinez, Public Defender.

Edward R. Shohat

Named by Super Lawyers Magazine 2013 as one of the Top 100 Lawyers overall in the Miami Area and winner of the prestigious 2010 Daily Business Review award for 'Most Effective Lawyer' in Criminal Justice, Mr. Shohat has handled some of the most notorious and high publicity criminal, tax and related civil cases in the US, including the 13-month 'Cotton Club' murder trial in Los Angeles as well as the City of Miami City Manager and, separately, an indicted county commissioner on federal corruption charges achieving, in both cases, what observers described as miraculous results.
For the last 25 years, Mr. Shohat has been selected for recognition in Best Lawyers in America and annually receives recognition in Florida Legal Elite and Florida Super Lawyers (both the general and corporate counsel editions) and is rated a 'Top Lawyer' in The South Florida Legal Guide and Corporate Counsel. Mr. Shohat and his firm have also handled a number of complex corporate internal investigations including the successful representation of a 50-lawyer law firm under criminal investigation in connection with its representation of an individual tried and convicted of fraud in connection with an IRS Sec 1031 Exchange Program.

Mr. Shohat has also been involved in many civic endeavors. He is currently Vice-Chair of the Miami-Dade County Community Relations Board where he also co-chairs the Criminal Justice and Law Enforcement Committee. He is President-Elect Designate and Vice President of the University of Miami Law Alumni Association and serves on the Board of Directors of the Friends of Drug Court in Miami-Dade County.

David Simmons

David Simmons is the State Senator for District 10, serving Seminole and Volusia Counties. He took office on November 3, 2010.

David is chair of the Senate Banking and Insurance Committee. He is a member of the Committees on Criminal Justice, Education, Government Oversight and Accountability, Rules, Appropriations Subcommittee on Education; Appropriations Subcommittee on Finance and Tax, and the Select Committee on Patient Protection and Affordable Care Act. David was a member of the Florida House of Representatives from 2000 through 2008.

David was born in Nashville, Tennessee. He graduated first in his class in Mathematics from Tennessee Technological University in 1974. He earned his Juris Doctorate from Vanderbilt Law School, one of the nation’s premier law schools, where he has served on its National Council. David is the financial managing partner of de Beaubien, Knight, Simmons, Mantzaris & Neal, LLP, one of the largest law firms in Central Florida with about 50 attorneys. He is board certified by The Florida Bar both in Business Litigation and Civil Trial. He is also board certified by the National Board of Trial Advocacy. He holds the highest ranking an individual attorney can receive (AV) as designated by Martindale-Hubbell Directory. He is known as one of Central Florida’s premier commercial litigation attorneys.
Senator Christopher L. Smith

Senator Smith began his public service by serving on local boards within the City of Fort Lauderdale. In 1995 he was appointed to the City's Planning and Zoning Board. At a time of tremendous development within the City of Fort Lauderdale, Senator Smith fought seeking a balance between the need for economic development and the rights of existing property and homeowners.

After being term limited out of the House of Representatives, Senator Smith was elected to the Florida Senate in 2008, representing Broward and Palm Beach Counties. Due to redistricting Senator Smith now represents 14 municipalities in Central Broward County. In only the third year of his first Senate term, Senator Smith was once again elected Democratic Leader of his chamber. As Democratic Leaders he is once again setting Democratic policy on statewide issues.

In 2005 Senator Smith fought against the Standard Your Ground law when it was first introduced in the Florida House of Representatives. After the tragic death of Trayvon Martin in Sanford, Florida, Senator Smith called upon the Governor and the Legislature for action. Due to their inaction, Senator Smith formed his own Task Force to discuss the controversial Stand Your Ground law in the State of Florida. He has now authored bills on revising the Stand Your Ground law Smith and has been used as an expert nationwide on the effects of Stand Your Ground legislation. He has recently discussed the ramifications of that law on CNN, MSNBC, FOX News, NPR and numerous other media outlets. He is currently the author of Senate Bill 122 which is a revision of Florida’s Stand Your Ground law which is scheduled to be heard this fall in the Florida Senate.

Ciara Taylor

Ciara Taylor serves the Dream Defenders as the Political Director. The Dream Defenders is a civil rights organization directed by black and brown youth who are committed to ending systemic oppression in Florida by training and organizing youth and students in nonviolent civil disobedience, civic engagement, and direct action while creating a sustainable network of youth and student leaders to take action and create real change in their communities.

Ciara previously served the Southern Poverty Law Center as the Community Outreach Liaison for Juvenile Justice and as the state Voter Registration Coordinator for the League of Women Voters.
Father Roger Tobin

Father Tobin (The Rev. Roger M. Tobin, M.S., M.Div.) has been providing effective and innovative pastoral care and counseling for individuals and couples for over 30 years. With specific expertise in Crisis Counseling and Intervention, Transitional Ministries (Premarital and Marriage Counseling, Separation and Divorce, Death and Dying), Individual and Couples Counseling, and Addiction Treatment, he has developed a reputation in the south Florida region as a uniquely qualified and experienced caregiver. Ordained as a priest in the Episcopal Church in 1978, he has served in a variety of capacities for over four decades, as a youth minister and counselor, in family ministries and education, and as the Rector and CEO of two congregations, first in Pittsburgh, and for the past 25 years, as the head of St. Thomas Episcopal Parish (Church and Elementary School) in Coral Gables, Florida.

It was during his time in college, and the tumultuous 1960’s and early 1970’s, that Father Tobin first began to feel that he had a call to the priesthood. In 1975, he entered seminary at the Episcopal Divinity School in Cambridge, Massachusetts, where he majored in Pastoral Theology, with and emphasis in Pastoral Counseling. He worked as a member of the crisis intervention team at Project Place, a Teen Crisis center in South Boston, for three years while in seminary, where he became adept at crisis counseling and intervention. He received his M. Div. in 1977, and went to work for five years as a youth minister and assistant priest for family ministries at St. Thomas in Rochester, New York. In 1982, Father Tobin accepted the call to be the Rector of St. Stephens, a small congregation in Pittsburgh, Pennsylvania where he served until 1986, at which time he became the Rector at St. Thomas, Coral Gables.

During these many years of ordained ministry, Father Tobin constantly felt drawn to developing his counseling skills more completely. So in 1994, he entered Barry University to study in the Counseling program there. After many years of academics and clinical work, Father Tobin obtained a Master’s of Science degree in Counseling with a dual major in Marriage and Family Counseling and Mental Health Counseling. He chose Systems Theory as his clinical psychological theory, with a particular emphasis in the Narrative Therapy technique.
WRITTEN SUPPLEMENT TO TESTIMONY OF
AZIZA NAA-KAA BOTCHWAY
Good evening ladies and gentlemen. I am Aziza Naa-Kaa Botchway, Chair for the Miami-Dade Chapter of the National Congress of Black Women, Inc. (“NCBW”), speaking this evening on behalf of NCBW nationally. NCBW was founded in 1984 and is a national, non-partisan, 501(c) 3 nonprofit, community based group, focused specifically on issues impacting the quality of life of all women of African descent and their communities. We thank you for the opportunity to speak with you about this important issue. NCBW truly appreciates the dedication of the Coalition on Racial and Ethnic Justice in getting the American Bar Association’s (“ABA”) to form a National Task Force on Stand Your Ground Laws. We express special gratitude to Leigh-Ann A. Buchanan, Esq., Co-Chair of the ABA National Task Force on Stand Your Ground Laws.

As Professor Donald Jones from the University of Miami School of Law states “the ‘stand your ground’ law, mixing with a post- 9/11 shift toward racial paranoia -has brought back a bit of the old West.”¹ This shift backward has special significance for Black women and our communities as “Stand Your Ground” laws are particularly troubling for communities of color, where violence is already problematic. Black males are already 23 times more likely to be murdered with a gun than their Caucasian counterparts.

Florida provides an excellent case study of why “Stand Your Ground” laws must be repealed and avoided. Florida’s “Stand Your Ground Law” frustrates the purported purpose of the law which was in part to protect victims of domestic violence. The loose standards and ample discretion given to prosecutors and law enforcement promote an inconsistent and inadequately tracked application. This flawed application has led to ironic and tragic situations where vigilante

¹ Notes on file with author, (March 25, 2012).
attackers are allowed to use these laws as a shield from prosecution when they perpetrate immense violence against women and other minorities in situations where violence could and should have been avoided. On the other hand, the law is often not allowed as a defense when minority victims of violence defend themselves in the face of real and imminent danger.

The immensely flawed nature of “Stand Your Ground” laws is exemplified by the case of State of Florida vs. Marissa Alexander (“Alexander”). Alexander is a proud Black mother of three, a loving daughter and sister. She has earned an MBA. She’s a woman of faith, and she’s a survivor of domestic violence. On August 1, 2010, Alexander, who gave birth just nine days earlier to a premature baby, was attacked in her home by her abuser who outweighed her by approximately 100 pounds and against whom she had an active court-issued injunction for protection which her abuser violated by even coming to Alexander’s home. Alexander, a licensed and trained gun owner, fired a warning shot upwards into a wall to halt her abuser during a life-threatening beating.

The State’s Attorney refused to consider Alexander’s history as domestic violence survivor. That at the hands of her abuser, Alexander had endured strangulation, beatings, and hospitalization, including an incident causing the premature birth of her youngest child. Alexander was denied “Stand Your Ground” immunity. She was prevented from introducing the jury to adequate evidence that would have explained why she had a reasonable fear of severe bodily harm from her abuser who had previously threatened to kill her and whom she had court-issued domestic violence injunction against. After only 12 minutes of deliberation, a jury of six found Alexander guilty of three counts of aggravated assault with a deadly weapon with no intent to harm. Alexander was sentenced to a mandatory minimum sentence of 20 years in jail because the Judge in her case had no discretion to depart from the mandatory minimum sentence regardless of whether the sentence fit the crime. Alexander’s case was recently reversed and remanded on appeal due to an improper jury instruction that reversed the burden of proof and placed it on Alexander. This improper jury instruction denied Alexander the right to the presumption of innocence which is bedrock in the criminal justice system. Yet, despite the egregious facts weighing in Alexander’s favor, like the trial court, the appellate court was still unwilling or unable to see Alexander as a true victim and denied Alexander the right to another “Stand Your Ground” hearing. The “Stand Your Ground” law failed Alexander who should never have been arrested let alone charged.

Even though Alexander was armed with a court-issued injunction for protection, meaning that a court had previously found Alexander had a credible fear of her abuser, both the trial court and the appellate refused to see Alexander as a true victim. Alexander’s case raises the question about whether there is any set of facts upon which a Black woman is believed as a credible victim, capable of being in fear of her life or imminent danger such that she can compel the court

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to act and enforce her right to protect herself by granting “Stand Your Ground” immunity. The problem is that we live in a world where the court seems to accept “the reasonable racist” whether it is Bernard Goetz or George Zimmerman but, on the other hand, the court somehow cannot accept the reasonable Black woman, domestic violence survivor who is in actual fear of her life. This is particularly troubling given that violence perpetrated against women and girls can put them at risk for incarceration because like Alexander their survival strategies are often criminalized.\(^3\) Approximately 85-90 percent of women in prison have a history of being victims of violence prior to their incarceration, including domestic violence, sexual violence, and child abuse.\(^4\)

Alexander was hurt by raced and gendered notions of what a “true victim” looks like. Alexander, like many Black women similarly situated was caught between the proverbial “rock and hard place” in what Melissa Harris-Perry cites as the “crooked room”\(^5\) where Black women are forced to bend in order to compensate for the stereotypes and false narratives that they confront in the crooked room on a daily basis. To be empowered like Alexander is to confront the “strong Black woman” and “angry Black woman” narratives which sometimes work together to create an invisible, yet imprisoning “crooked room.” It goes something like this: Black women are strong and can or should handle anything. There is no way Alexander who just gave birth nine days ago to a baby who was born prematurely due to a beating by her abuser who outweighed by 100 pounds and who threatened to kill her could have been in reasonable fear of imminent danger or severe bodily harm from her abuser.

Alexander was also caught by the unconsciousness yet pervasive “Black woman breeder” narrative. That is, Alexander can and should take anything, even right after giving birth to her premature baby. Like slaves who were forced to return to work in the fields immediately after delivering their babies, Alexander should have gone back to “normal” after delivering her baby prematurely. Alexander could have and should have fled even by jumping out of the window as the prosecutor actually, ludicrously argued. So what Alexander just had a baby nine days ago? So what—she’s not a victim right? Even in her own home, armed with a court-issued injunction for protection against her violent abuser, Alexander can’t stand her ground right?

Alexander was also competing against the “angry Black woman” narrative. According to the trial court, Alexander retrieved a gun in the garage because she was angry—not because she was


afraid or standing her ground trying to protect herself from her abuser, who threatened to kill her and who violated a court’s order of protection and came to abuse her again as he had done only nine days ago causing her to go into premature labor. If the court could not accept that Alexander was in fear and standing her ground under these circumstances, it’s almost like there are no circumstances that the court would say that Alexander or any Black woman was in real reasonable fear of imminent danger of severe bodily harm and could stand her ground—because strong Black women apparently have no fear.

The ability to use “Stand Your Ground” laws too often depends on raced and gendered notions of victimhood which are exemplified when comparing Alexander’s case where no one was injured to the case of State of Florida vs. George Zimmerman (“Zimmerman”); where Zimmerman who killed Trayvon Martin (“Martin”), a 17-year-old unarmed Black boy who was walking home, and was acquitted in part because of the jury’s application of the “Stand Your Ground” law in his case. Alexander, a dark-skinned Black woman, was denied “Stand Your Ground” immunity despite the fact that she was protecting herself in her home, against an abuser who outweighed her by almost 100 lbs, and who did not have a legal right to be in her home as she had a court-issued order of protection against her abuser. On the other hand, Zimmerman, a white Hispanic man, who was told by authorities not to follow the young Black boy who was merely walking home was perceived as a victim. Zimmerman was perceived as victim in part because of the “criminal Black man” narrative which allowed the court and public to immediately view Martin as potentially menacing.

Alexander’s case has implications for all Black women, in the “crooked” court room and beyond. To criticize, abuse, dismiss, or even imprison a Black woman for protecting herself from her violent abuser in her own home is sometimes so easily done that one wonders if the “crooked room” has any exits or if we just have to jump out of the window as the prosecutor suggested. NCBW stands our ground with Alexander for doing what she felt necessary to protect her life. It is time to do away with “Stand Your Ground” laws that are ineffective at achieving their purported goals of protecting domestic violence victims like Alexander yet are very effective at devaluing Black life.

The broad discretion given to prosecutors and law enforcement undermines fundamental notions of equal protection under the law for communities of color. For these reasons, on behalf of the NCBW and all people who care about real justice and protecting our community, I urge you to recommend the repeal of all “Stand Your Ground” laws.

Thank you for your time and attention to this urgent matter facing our community.
WRITTEN SUPPLEMENT TO TESTIMONY OF
EDWARD SHOHAT
Teenager’s Death Should Renew Our Commitment to Respect Each Life

A POSITION PAPER FROM THE MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD
July 12, 2013

The killing of Trayvon Martin was a painful blow to those who knew and loved him and a source of distress to all who believe in the value of human life in this community. The members of the Miami-Dade County Community Relations Board (CRB) have extended our condolences to Martin’s family. Ronald Fulton, Trayvon’s beloved uncle, is a member of the CRB Executive Committee.

The emotions of grief, bewilderment, pain and anger that this young man’s death has created across our nation and the world, are being felt with particular poignancy in Miami-Dade County. Trayvon was a local kid, a young man of promise with deep family and personal ties to this community. Many of us have only recently celebrated the school graduations of some of the young people in our lives. Trayvon Martin had been among the Miami-Dade students expected to graduate from high school this year. Like so many of his peers, Trayvon was blessed with unique and valuable attributes that gave his life special worth. Young people such as these inspire a sense of hope for the future. The loss of any of them hurts us all.

For some the feelings of loss can ignite destructive impulses like hatred and revenge. We have all heard the shrill voices among us. Expressions of pain and outrage are understandable from those who sincerely believe that injustice may prevail. But when passions threaten to overwhelm, courage and fortitude are needed most.

The fatal shooting of a promising 17-year-old has raised many questions and concerns among young people in the community where he lived. Last Spring, tens of thousands of students at 31 Miami-Dade senior and junior high schools took part in demonstrations and walk-outs calling for justice. Since then it has become common place to see young people from different ethnic and racial groups in our community carrying their Skittles and iced tea and wearing hoodie sweatshirts to demonstrate solidarity with Trayvon, and with each other and to express their desire to create positive change in the world.

Now that the legal proceedings against George Zimmerman have captured the media and public attention, the focus should also be renewed on addressing the troublesome issues raised by our youth. Leaders and organizations in many Miami-Dade communities have worked to be prepared for the trial and the impending verdict. Miami-Dade County also needs to be prepared to address the issues of gun violence, bigotry, inequity and racial hatred that have destroyed the futures of too many of our promising youth.
It is the youth who are creating a movement that may help save their generation. We applaud the young people’s movement that aspires to value every life in our community. Fueled by action and inspired by teenagers and young adults, their efforts are most sincerely welcomed.

As we look for ways to respond to the killing of Trayvon Martin and the verdict in the George Zimmerman trial, it is important that we focus on supporting each other and that we engage with our fellow community members and responsible authorities in a spirit of cooperation and mutual respect. In this way, we will all do our part to pursue justice and healing.

The primary mission of the Miami-Dade County Community Relations Board (CRB) is to intervene quickly and effectively to prevent and reduce community tensions and conflict. The members are prominent local residents, representative of Miami-Dade’s diverse community, who are business, civic, government and religious leaders. For nearly 50 years, the CRB (founded in 1963) has served as an advisor to county Mayors, Commissioners and administrators and to the community-at-large on issues impacting intergroup relations in Miami-Dade.
Teenager’s Death Should Inspire Positive Change
A POSITION PAPER FROM THE MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD
March 28, 2012

The killing of Trayvon Martin is a painful blow to those who knew and loved him and a source of distress to all who believe in the value of human life in this community. The members of the Miami-Dade County Community Relations Board (CRB) have extended our condolences to Martin’s family. Ronald Fulton, Trayvon’s beloved uncle, is a member of the CRB Executive Committee.

The emotions of grief, bewilderment, pain and anger that this young man’s death has created across our nation and the world, are being felt with particular poignancy in Miami-Dade County. Trayvon was a local kid, a young man of promise with deep family and personal ties to this community. Like so many of his peers, Trayvon was blessed with unique and valuable attributes that gave his life special worth. Young people such as these inspire a sense of hope for the future. The loss of any hurts us all.

These feelings of loss can exacerbate destructive impulses like hatred and revenge. We have all heard the shrill voices. Expressions of outrage and accusations come more sincerely from those who believe Trayvon’s killing was unlawful and racially motivated. But when passions threaten to overwhelm, courage and fortitude are needed most.

Trayvon Martin’s family members have helped to lead the way in calling for both justice and prayers for peace. Their example has helped to guide the many thousands of Miami-Dade young people, mainly high school and university students, who are awakening to the possibility that they can change the world in this community.

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The CRB also understands that Florida laws are critical to the safety and security of all residents. Last week, we reached out to Miami-Dade State Attorney Katherine Fernandez Rundle and she sent some of her senior attorneys to inform and educate us about the so-called “Stand Your Ground” law, (F.S. 776.032). We learned the following:
The law allows a person who has used deadly force against another to avoid arrest by claiming that they feared for their life.

A person who uses deadly force is not required to prove they were in actual danger of imminent death or great bodily injury. It is the state attorney who must prove beyond a reasonable doubt that the fear of danger was not reasonable.

Under the SYG law a judge may determine that the defendant is immune from prosecution depriving the prosecutor from ever presenting the case to a jury.

Courts in Florida do not agree whether the SYG law protects a person who leaves a place of safety and causes injury or death to another. An amendment could make that clear.

Florida’s “Speedy Trial” law requires that the state attorney file charges and present its case to the court no later than 180 days after a defendant is arrested. Therefore, it is not always advisable to push for a speedy arrest as time may run out before all the evidence is collected. A hasty arrest can cause a case to be lost.

The “Castle Doctrine” recognizes a person’s right to defend their home or business and to use deadly force if they are placed in imminent danger of death or great bodily harm. It does not give a vigilante the right to chase a person down and shoot them.

There is much work to be done in the pursuit of justice for Trayvon Martin. The CRB supports the following actions:

- The Florida Legislature and the Governor’s Task Force should take a hard look at the “Stand Your Ground” law to determine whether it achieves the outcomes intended or changes are needed to protect the innocent and punish the guilty. The CRB applauds the efforts of State Senator Oscar Braynon and Governor Rick Scott in this regard.
- Police in Sanford and in Seminole County should cooperate fully with the Special Prosecutor’s investigation of the circumstances and motives that led to Trayvon Martin’s death. We anticipate the best efforts of Prosecutor Angela Corey and the Florida Department of Law Enforcement.
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- DOJ criminal prosecutors should be both vigorous and fair in protecting the civil rights of Trayvon Martin as well as the admitted shooter, George Zimmerman.

People in our community are heartbroken over the shooting death of Trayvon Martin, a promising 17-year-old high school student, under such tragic and troubling circumstances. As we look for ways to respond, it is important that we support each other and engage with community members and responsible authorities in a spirit of cooperation and mutual respect. In this way, we can each do our part to pursue justice and healing.

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MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD
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WRITTEN SUPPLEMENT TO TESTIMONY OF DAVID SIMMONS
The petitioner was convicted of murder in the second degree committed upon one Hermes at a place in Texas within the exclusive jurisdiction of the United States, and the judgment was affirmed by the Circuit Court of Appeals. 257 Fed. Rep. 46. A writ of certiorari was granted by this Court. 250 U.S. 637. Two questions are raised. The first is whether the indictment is sufficient, inasmuch as it does not allege that the place of the homicide was acquired by the United States "for the erection of a fort, magazine, arsenal, dock-yard, or other needful building," although it does allege that it was acquired from the State of Texas by the United States for the exclusive use of the United States for its public purposes and was under the exclusive jurisdiction of the same. Penal Code of March 4, 1909, c. 321, § 272, Third. 35 Stat. 1088. 342 Constitution, Art. I, § 8. In view of our opinion upon the second point we think it unnecessary to do more than to refer to the discussion in the Court below upon this.

The other question concerns the instructions at the trial. There had been trouble between Hermes and the defendant for a long time. There was evidence that Hermes had twice assaulted the defendant with a knife and had made threats communicated to the defendant that the next time, one of them would go off in a black box. On the day in question the defendant was at the place above mentioned superintending excavation work for a postoffice. In view of Hermes's threats he had taken a pistol with him and had laid it in his coat upon a dump. Hermes was driven up by a witness, in a cart to be loaded, and the defendant said that certain earth was not to be removed, whereupon Hermes came toward him, the defendant says, with a knife. The defendant retreated some twenty or twenty-five feet to where his coat was and got his pistol. Hermes was striking at him and the defendant fired four shots and killed him. The judge instructed the jury among other things that "it is necessary to remember, in considering the question of self-defense, that the party assaulted is always under the obligation to retreat, so long as retreat is open to him,
provided he can do so without subjecting himself to the danger of death or great bodily harm." The instruction was reinforced by the further intimation that unless "retreat would have appeared to a man of reasonable prudence, in the position of the defendant, as involving danger of death or serious bodily harm" the defendant was not entitled to stand his ground. An instruction to the effect that if the defendant had reasonable grounds of apprehension that he was in danger of losing his life or of suffering serious bodily harm from Hermes he was not bound to retreat was refused. So the question is brought out with sufficient clearness whether the formula 343*343 laid down by the Court and often repeated by the ancient law is adequate to the protection of the defendant's rights.

It is useless to go into the developments of the law from the time when a man who had killed another no matter how innocently had to get his pardon, whether of grace or of course. Concrete cases or illustrations stated in the early law in conditions very different from the present, like the reference to retreat in Coke, Third Inst. 55, and elsewhere, have had a tendency to ossify into specific rules without much regard for reason. Other examples may be found in the law as to trespass ab initio, Commonwealth v. Rubin, 165 Massachusetts, 453, and as to fresh complaint after rape. Commonwealth v. Cleary, 172 Massachusetts, 175. Rationally the failure to retreat is a circumstance to be considered with all the others in order to determine whether the defendant went farther than he was justified in doing; not a categorical proof of guilt. The law has grown, and even if historical mistakes have contributed to its growth it has tended in the direction of rules consistent with human nature. Many respectable writers agree that if a man reasonably believes that he is in immediate danger of death or grievous bodily harm from his assailant he may stand his ground and that if he kills him he has not exceeded the bounds of lawful self-defense. That has been the decision of this Court. Beard v. United States, 158 U.S. 550, 559. Detached reflection cannot be demanded in the presence of an uplifted knife. Therefore in this Court, at least, it is not a condition of immunity that one in that situation should pause to consider whether a reasonable man might not think it possible to fly with safety or to disable his assailant rather than to kill him. Rowe v. United States, 164 U.S. 546, 558. The law of Texas very strongly adopts these views as is shown by many cases, of which it is enough to cite two. Cooper v. State, 49 Tex. Crim. Rep. 28, 38. Baltrip v. State, 30 Tex. Ct. App. 545, 549.

344*344 It is true that in the case of Beard he was upon his own land (not in his house), and in that of Rowe he was in the room of a hotel, but those facts, although mentioned by the Court, would not have bettered the defence by the old common law and were not appreciably more favorable than that the defendant here was at a place where he was called to be, in the discharge of his duty. There was evidence that the last shot was fired after Hermes was down. The jury might not believe the defendant's testimony that it was an accidental discharge, but the suggestion of the Government that this Court may disregard the considerable body of evidence that the shooting was in self-defence is based upon a misunderstanding of what was meant by some language in Battle v. United States, 209 U.S. 36, 38. Moreover if the last shot was intentional and may seem to have been unnecessary when considered in cold blood, the defendant would not necessarily lose his immunity if it followed close upon the others while the heat of the conflict was on, and if the defendant believed that he was fighting for his life.
The Government presents a different case. It denies that Hermes had a knife and even that Brown was acting in self-defence. Notwithstanding the repeated threats of Hermes and intimations that one of the two would die at the next encounter, which seem hardly to be denied, of course it was possible for the jury to find that Brown had not sufficient reason to think that his life was in danger at that time, that he exceeded the limits of reasonable self-defence or even that he was the attacking party. But upon the hypothesis to which the evidence gave much color, that Hermes began the attack, the instruction that we have stated was wrong.

*Judgment reversed.*

MR. JUSTICE PITNEY and MR. JUSTICE CLARKE dissent.
Without 'stand your ground,' attacker can have advantage
April 15, 2012 | By David Simmons | Guest columnist

Amid all the demagoguery regarding the tragic case arising from the death of Trayvon Martin in Sanford, there have been calls to repeal Florida's landmark "stand your ground" law, which was enacted in 2005. There have also been numerous misleading remarks on how the law was enacted and where the language came from.

I am writing to help clear up the confusion. I was the chairman of the Judiciary Committee in the Florida House of Representatives in 2005. Rep. Dennis Baxley came to me and asked that I work with him and prepare language to reform Florida's law that required innocent victims, when outside their homes, to flee, if they had an ability to do so, before using deadly force against a criminal who had attacked them. I agreed to do so, and was the main drafter of Florida's "stand your ground" law.

One must ask, then, what was the impetus for reforming Florida’s law that required innocent victims to flee before using deadly force against a criminal who was attacking them? Lost in the recent rhetoric is a simple fact: While Florida law (the "Castle Doctrine") permitted a victim to stand his or her ground against deadly force while at home, Florida was in a minority of states that required a victim to, if possible, run rather than stand his or her ground when attacked by a criminal while using deadly force outside the victim's home.

The reason for reform was simple. News articles discussed the confusion in Florida's law that required an innocent victim to flee when attacked by a criminal. Imagine a woman being required to flee when attacked in a parking lot, having to turn her back to the attacker, and then likely being run down and raped. Shouldn't she have the option to stand her ground to protect herself?

But Florida’s law, unlike a majority of states', did not give her that option. Florida’s anti-woman, duty-to-flee law placed the safety of the rapist above a woman’s own life. In fact, there were news reports that criminals were suing victims because victims, in protecting themselves, were allegedly using excessive force against the criminals.

So, where did the operative language of the "stand your ground" law come from?

That, too, is simple. With an important limitation, we simply took Florida's standard jury instruction regarding the Castle Doctrine permitting a victim who has a reasonable fear of death or great bodily injury to stand his or her ground, and meet force with force, in his or her own home. We then deleted the language limiting its application to the victim's home. Standard jury instructions are prepared by a committee of highly qualified lawyers and judges and then submitted to the Florida Supreme Court for authorization for publication and use.

We, however, placed an important limitation on the "stand your ground" law. We stated that in order for a victim to be able to stand her or her ground, the victim must be in a place he has a right to be and cannot be "engaged in an unlawful activity." This important "purity provision" states that an alleged victim, in order to get the protection of the law, must not, for example, be the aggressor; cannot be waving a gun at someone; and cannot be engaged in drug dealing.

As applied to the Trayvon/George Zimmerman matter, it is important to ask what would have happened if the "stand your ground" law had not existed? Likely, it would not make any
difference in Zimmerman's defense. According to reports, Zimmerman claims he was not the aggressor and that he was on the ground being beaten by Trayvon.

Under Florida's prior law, a victim was not required to flee if he had no ability to flee. If he was pinned to the ground, it would appear he could not flee. Thus, under Florida's prior law, it would appear that Zimmerman would still be able to raise self-defense as a defense to the state's claims.

While I emphasize that we don't know the facts yet, the "stand your ground" law may provide a significant limitation on Zimmerman's defense. An alleged victim must show he was not engaged in an unlawful activity, such as threatening, stalking, assaulting or battering the alleged assailant.

He must show he reasonably believed there was a threat of great bodily harm or death. That is why it's so important to let the judicial system run its course and not prejudge the facts of this case.

Florida's statutes are the product of numerous influences. Few of our laws are perfect, and I believe it's important to continually review — and hopefully improve upon — laws we have passed. Florida's "stand your ground" law is a good, common-sense solution to the competing issues that exist in this area of the law.

**David Simmons is a Florida state senator who lives in Maitland.**

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After the tragic death of Trayvon Martin in a fight with George Zimmerman last year in Sanford, many people took to the streets and airwaves, claiming that his death somehow resulted from Florida's "stand your ground" law.

They claimed, erroneously, that Florida's "stand your ground" law protected lawless criminals. Unfortunately, these people did not properly understand this law, its application or its purpose.

Nearly a year and a half later, Zimmerman is being prosecuted and the case has gone to trial before a jury. Much to the amazement of those who had claimed that this case was a "stand your ground" case, Zimmerman's attorneys this spring stated publicly that the case is not.

But I still hear news media today talking about the Zimmerman case and referring to it as a "stand your ground" case. Let me explain why it is not.

I was the chairman of the Florida House of Representatives' Judiciary Committee in 2005, when Rep. Dennis Baxley asked me to assist him in passing a law permitting innocent victims of crimes, in defending themselves against a criminal's use of deadly force, to have the option of either fleeing or standing their ground against the criminal.

At that time, Florida was in the minority of states that claimed to use the so-called enlightened approach that required innocent victims, when not in their homes, to flee when deadly force was used against them by a criminal, unless the victim had no place to flee.

Florida's duty to flee law, however, had been rejected by most states in America and even the U.S. Supreme Court.
For almost a century, most other states have followed the view that it is unreasonable to second-guess a victim of a crime as to whether that victim, in attempting to defend himself, should try to either disarm the criminal or flee from the criminal.

As the U.S. Supreme Court stated in 1921, it is not the place of the courts to second-guess a victim who is confronted with a knife to his or her neck and demand that the victim flee rather than try to disarm the criminal.

Florida's duty to flee law, thus, was anti-woman and elevated the life of the criminal above the value of the life of the innocent victim. It was time to align Florida with the majority of other states — states that have had "stand your ground" laws for a century and were not experiencing a wild West scenario, like some people claimed would happen if Florida adopted such a law.

As the main drafter of Florida's "stand your ground" law, I put language in the bill that states an innocent victim who is (a) not engaged in an unlawful activity, (b) is where he or she has a lawful right to be, (c) does not provoke the use of force, and (d) acts reasonably in the use of deadly force in defending himself or herself, may stand his or her ground rather than flee.

The bill included an immunity to those defendants who claim self-defense if they can prove to a judge by a preponderance of evidence they are innocent, but it is erroneously called, in an over-generalization, as a stand your ground hearing.

The bill passed overwhelmingly in the House and the Senate, with bipartisan support. More than 23 other states have enacted this common-sense legislation.

Properly understood, "stand your ground" is simply a small but important element of the broader concept of self-defense. Some self-defense cases may involve a question of whether a defendant could have fled or stood his ground, and in other cases it is not an issue.

In the Zimmerman case, it apparently would not have made a difference because he says he was pinned to the ground and could not flee.

As such, even under Florida's pre-"stand your ground" law, there was no duty to flee if there was no ability to flee. So, this is not a case questioning whether Zimmerman had the duty to flee or could have stood his ground against Martin.
As such, this is not a "stand your ground" case.

David Simmons is a Florida state senator who lives in Maitland.
A bill to be entitled
An act relating to the use of deadly force; amending ss. 30.60 and 166.0485, F.S.; requiring the county sheriff or municipal police department to issue reasonable guidelines for the operation of neighborhood crime watch programs; providing that the guidelines are subject to reasonable exceptions; amending s. 776.032, F.S.; providing that a person who is justified in using force is immune from criminal prosecution and civil action initiated by the person against whom the force was used; revising the definition of the term “criminal prosecution”; clarifying that a law enforcement agency retains the right and duty to fully investigate the use of force upon which an immunity may be claimed; amending s. 776.041, F.S.; providing that any reason, including immunity, used by an aggressor to justify the use of force is not available to the aggressor under specified circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 30.60, Florida Statutes, is amended to read:

30.60 Establishment of neighborhood crime watch programs.—
(1) A county sheriff or municipal police department may establish neighborhood crime watch programs within the county or municipality. The participants of a neighborhood crime watch program shall include, but need not be limited to, residents of
the county or municipality and owners of businesses located
within the county or municipality.

(2) The county sheriff or municipal police department shall
issue reasonable guidelines for the operation of such programs.
The guidelines must include, but are not limited to, prohibiting
a neighborhood crime watch patrol participant, while on patrol,
from confronting or attempting to apprehend a person suspected
of improper or unlawful activity, subject, however, to those
circumstances in which a reasonable person would be permitted,
authorized, or expected to assist another person.

Section 2. Section 166.0485, Florida Statutes, is amended
to read:

166.0485 Establishment of neighborhood crime watch
programs.—

(1) A county sheriff or municipal police department may
establish neighborhood crime watch programs within the county or
municipality. The participants of a neighborhood crime watch
program shall include, but need not be limited to, residents of
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circumstances in which a reasonable person would be permitted,
authorized, or expected to assist another person.

Section 3. Subsection (1) of section 776.032, Florida
Statutes, is amended to read:

776.032 Immunity from criminal prosecution and civil action for justifiable use of force.—

(1) A person who uses force as permitted in s. 776.012, s. 776.013, or s. 776.031 is justified in using such force and is immune from criminal prosecution and civil action by the person, personal representative, or heirs of the person, against whom force was used for the use of such force, unless the person against whom force was used is a law enforcement officer, as defined in s. 943.10(14), who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer. As used in this subsection, the term “criminal prosecution” includes, with probable cause, arresting or detaining in custody or arresting, detaining in custody, and charging or prosecuting the defendant. This subsection does not restrict a law enforcement agency’s right and duty to fully and completely investigate the use of force upon which an immunity may be claimed or any event surrounding such use of force.

Section 4. Section 776.041, Florida Statutes, is amended to read:

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter, including, but not limited to, the immunity provided for in s. 776.032, is not available to a person who:

(1) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or
(2) Initially provokes the use of force against himself or herself, unless:

(a) Such 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 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 of force, but the assailant continues or resumes the use of force.

Section 5. This act shall take effect October 1, 2014.
Stand Your Ground
Summary

The trial of Mr. George Zimmerman has spurred national debate over Florida’s Stand Your Ground law. It is important to have all the information about what this law means and how it is used before we make decisions about whether to revise or repeal it.

Stand Your Ground in Florida

The current Stand Your Ground law was enacted in 2005. As Chair of the Judiciary Committee in the Florida House of Representatives, I was the main drafter of the law and Representative Baxley was the bill sponsor. Prior to 2005, Florida law (the “Castle Doctrine”) permitted a victim to stand his or her ground against deadly force while at home. When outside the home, a victim was required - if possible - to run rather than stand his or her ground when attacked by a criminal. Florida was in a minority of states regarding this requirement. For almost a century, most other states followed the view that it is unreasonable to second-guess a victim of a crime as to whether that victim, in attempting to defend himself, should try to either disarm the criminal or flee from the criminal. As the United States Supreme Court stated in the 1921 case Brown v. State, “Detached reflection cannot be demanded in the presence of an uplifted knife. Therefore in this Court, at least, it is not a condition of immunity that one in that situation should pause to consider whether a reasonable man might not think it possible to fly with safety or to disable his assailant rather than to kill him.”

Even under Florida’s pre- “Stand Your Ground” law, there was no duty to retreat if there was no ability to retreat. So if a victim was backed into a corner or being held to the ground, that victim would not be able to flee and could use deadly force.

The pre-2005 Florida law favored the criminal over the victim. For example, under the old law, if a woman was attacked and threatened with violence or sexual assault, she had to turn her back on her aggressor and run, hoping the aggressor did not gun her down. Under the current law, a victim is able to stand and defend herself. Florida’s “Stand Your Ground” law is not a partisan or special interest issue – it is a legal doctrine that protects only truly innocent citizens who justifiably defend themselves in public places.

There are important limitations to Stand Your Ground. A person may stand his or her ground and use deadly force, instead of fleeing, only if these circumstances are met:
a) The person using force reasonably believes it is necessary to use deadly force to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony
b) The person is not engaged in an unlawful activity
c) The person is in a location that he has a legal right to be
d) The person does not provoke the use of force

Properly understood, Stand Your Ground is a small but important element of the broader concept of self-defense. Some self-defense cases may involve a question of whether a defendant could have fled or stood his ground, and in other cases it is not an issue because the defendant was trapped and unable to flee.

The George Zimmerman Case:
Mr. George Zimmerman did not use the Stand Your Ground defense. Mr. Zimmerman’s attorneys claimed that he was pinned to the ground and could not retreat. Therefore, his case was a simple self-defense case. Also, after Mr. Zimmerman’s trial at the prosecutors’ post-verdict press conference, the prosecutors stated that “Stand Your Ground” and changes to Florida's self-defense laws generally did not affect how Mr. Zimmerman was prosecuted.

Moving Forward – Senate Bill 130
On March 22, 2012, The Governor appointed a Citizen Safety and Protection Task Force to review issues related to public safety and the Stand Your Ground law. The Task Force published a report with its recommendations on February 21, 2013. I concur with the Task Force’s conclusions. There are small changes that would clarify some of Florida’s laws affecting public safety. Although we need to make small revisions to Florida’s Stand Your Ground law, overall the current statute is a good, common-sense solution to the competing issues that exist in this area of the law.

I recently filed SB 130 to provide more clarity to these public safety laws, including the Stand Your Ground law. This bill makes several changes to existing statute:

a) Requires local law enforcement agencies to issue guidelines for neighborhood watch programs. The guidelines must state that the participants are not to confront or apprehend suspicious persons, except in very limited circumstances such as when someone is being harmed.

b) Clarifies that a person who uses justifiable force is immune from criminal prosecution or civil action by the person, personal representative, or heirs of the person, against whom force was used.
c) Clarifies that the immunity from criminal prosecution does not restrict a law enforcement agency’s duty to fully investigate a case.

d) Clarifies that immunity from legal action is not available to a person who is committing a felony or is the provoker of force, except in very limited circumstances.
776.013  **Home protection; use of deadly force; presumption of fear of death or great bodily harm.**—

(3) A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

776.041  **Use of force by aggressor.**— The justification described in the preceding sections of this chapter is not available to a person who:

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

(2) Initially provokes the use of force against himself or herself, unless:

(a) Such 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 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 of force, but the assailant continues or resumes the use of force.
WRITTEN SUPPLEMENT TO TESTIMONY OF
CIARA TAYLOR
Dream Defenders

We are diverse youth, students, and young adults fighting for a more equitable and just society. We are a new generation of influencers, artists, leaders and organizers tired of having our dreams deferred. We are the ones we have been waiting for. Through strategic non-violent direct-action, issue advocacy, civic engagement, and an unlimited creativity we build concrete power on our campuses and in our communities.

Dream Defenders History & Mission

The Dream Defenders are the product of a 60 student, 40 mile, 3-day march organized by students in response to the murder of Trayvon Martin in Sanford, Florida.

Upon arriving in Sanford, students locked arms and blocked the entrance of the Sanford police department, joining together in an act of civil disobedience. Their demands were as follows: that Zimmerman be arrested and charged for his crime; that Sanford Police Chief Bill Lee resign for his bungling of the case; and that a board of community members be created to oversee the police department. The police station was shut down for the day, and the group was informed that George Zimmerman would be arrested within 48 hours. Police Chief Bill Lee soon announced his resignation, and by the end of the year the community board monitoring police activity was assembled and active.

A shifting of the power dynamics had taken place in Sanford. It was at that moment that Dream Defenders was formed - an organization led by youth of color, taking action against social injustice in our communities and on our campuses. In one year, Dream Defenders spread to eight college campuses across the state of Florida, organizing on issues ranging from education to voting rights.

When George Zimmerman was acquitted, Dream Defenders once again took action, invading Florida’s State Capitol for 31 days. The daily, 24-hour “dream-in” was the longest sit-in at the Capitol in Florida history.

Every day, Dream Defenders sat in Governor Rick Scott’s office and demanded that state politicians work to address the issues of racial profiling, the school-to-prison pipeline, and the Stand Your Ground law central to Zimmerman’s acquittal. This proposed package of policies was titled “Trayvon’s Law.” In just over one month, the Dream Defenders petition supporting this legislation has gathered over 34,000 signatures.

Dream Defenders are the emerging leaders of a new generation. Membership is primarily constructed of youth, students, and young adults of color willing to confront the generational conflicts facing millennials. An organizational emphasis is placed upon political education, leadership development, and training membership in strategic direct-action organizing. Additionally, Dream Defenders promote the creativity of its membership to translate progressive values and power-building into cultural phenomenon through mediums such as art, hip-hop and fashion.

Values: Equality, Democracy, Freedom, Justice, Opportunity, Creativity, Love


www.dreamdefenders.org
Trayvon's Law is a package of bills that aims at the hearts of problematic policies in Florida that allowed for neighborhood watch guard George Zimmerman to stalk and kill 17-year-old Trayvon Martin when he was innocently returning to his father’s fiancée’s house from the store.

Trayvon’s Law seeks to reverse state laws that allow people to shoot-and-kill first, then claim self-defense later with impunity, that encourage racial profiling, and that excessively punish black and brown school students for trivial offenses. It will also implement new policies that will enhance the human experience of all people, regardless of race.

Below are the guidelines for changes that we seek through a fully realized Trayvon’s Law.

DISMANTLING THE SCHOOL-TO-PRISON PIPELINE

KEEPING STUDENTS IN CLASS AND LEARNING

- Keep students in class and learning by placing clear limits on school-based arrests and exclusionary discipline, such as in-school suspensions during class time, out-of-school suspension, transfers to alternative schools, and expulsions, for minor misbehavior.
- Require meaningful parent, student, and community involvement in the creation and implementation of school discipline policy.
- Prohibit exclusionary discipline for minor and subjective behavior, and ensure districts and schools are complying with existing restrictions on suspensions for tardiness, truancy and dress code behaviors.
- Require interventions, in particular Restorative Justice, to be attempted and documented before exclusionary discipline is invoked.
- Remove all references to “zero tolerance” in the administration of school discipline and refocus the purpose away from punitive measures.
- Provide training on and implementation of restorative justice practices at the school level and in juvenile justice diversion programs.
- Require data collection, analysis and concrete, goal-oriented plans at the district and school levels to monitor and reduce racial disparities in all forms of exclusionary discipline, corporal punishment and school-based arrests.

STOPPING THE OVER CRIMINALIZATION OF YOUTH

- Limit the role of police in schools through the use of collaborative agreements, that include student, parent and educators at the table, and data sharing protocols between school districts and school resource/safety officer programs, and establishes clear lines for the narrow circumstances in which law enforcement involvement in school discipline is appropriate.
- Establish selection and training requirements for school resource and school safety officers.
- Foster school environments that are safe and welcoming, free from invasive security equipment and stationed school resource/safety officers.
- Require yearly analysis of school-based arrest data and an evaluation of the cost, effectiveness and necessity of all school resource/safety officer programs, and eliminate or reform programs that lead to the over-criminalization of students or do not cost-effectively increase school safety.
- Fund staff positions proven to improve school climate and safety, like social workers, counselors and restorative justice coordinators at nationally recommended ratios of 250 students to 1 counselor, rather than school resource/safety officers.
- Require immediate notification of parents and school officials anytime a student is arrested at school or a school-related event.
- Ensure that the criminal charge of “disturbing a school function” is used only for non-student disruptions, as the law’s drafters intended.
• End the practice of housing juveniles in adult jails and prison facilities.

ENDING RACIAL PROFILING
• Define and prohibit racial and bias-based profiling by law enforcement on the basis of actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, language, disability, housing status, sexual orientation, and gender identity or expression.
• Require training on racial and bias-based profiling for all law enforcement officers.
• Require detailed, disaggregated data collection on incidents that may be influenced by racial and bias-based profiling, including traffic stops and frisks, among other interactions.
• Create effective enforcement mechanisms through independent Civilian Complaint Review Boards that include representation from youth, people of color, LGBTQ people and other groups protected by this law.
• Create effective enforcement mechanisms through a private right of action for victims of racial and bias-based profiling.
• Create specific community watch program guidelines for adoption at the county level and provide training on avoiding racial and bias-based profiling for community watch programs.
• Fund the development of best practices to end racial and bias-based profiling.
• Collect and publish disaggregated data on victims of homicide cases and outcomes of police investigations into these cases.

REPEALING STAND YOUR GROUND
• Repeal Stand Your Ground.
• Eliminate automatic immunity from prosecution without judicial review.
• Require proof of self-defense claims and establish a burden of proof that does not adversely impact survivors of domestic abuse.
THE PROBLEMS WITH “STAND YOUR GROUND”

Millions are enraged by the failure to deliver justice for Trayvon Martin. Combined with racial fears that make targets of young people of color, George Zimmerman’s acquittal was largely aided by Florida’s “Stand Your Ground” law. It is time for lawmakers to re-examine and repeal.

Florida’s “Shoot First” Law

- The law – which allows people to use deadly force, without any obligation to retreat first, when they believe they are being seriously threatened – came into play several times during the Zimmerman case. It’s why police didn’t arrest Zimmerman for six weeks after he killed 17-year-old Trayvon Martin. The law was also included in instructions to the jury, with at least one juror citing it as a factor in the verdict.

- Illustrating the inconsistency in how the law is applied, Marissa Alexander, an African-American woman from Jacksonville, received a 20-year sentence for what she said were warning shots. She was unable to successfully invoke the law after firing into a wall during a confrontation with her husband, who had a history of abuse.

- There is a racial disparity in “Stand Your Ground” rulings, as the law is more likely to work as a defense when the person killed is black. Of nearly 200 cases examined by the Tampa Bay Times in 2012, 73% of defendants invoking the law faced no penalty when a black victim was involved. The figure dropped to 59% when it was a white victim.

It’s Not Just in Florida

- Some form of Stand Your Ground laws exist in 31 states. In all states where Stand Your Ground laws have passed, there was a near doubling of justifiable homicides from 2005 to 2011, according to data compiled by the Wall Street Journal.

- Cases involving a white shooter killing a black person are most likely to be deemed as justifiable. In the same Wall Street Journal report, cases in which the killer was white and the victim black represented only 3.1% of all homicides, but 15.6% of justifiable homicides. By contrast, cases where the killer was black and the victim white made up 7.1% of all homicides, but just 3.4% of justifiable homicides.

- There is no evidence that the laws have a deterrent effect. A recent Texas A&M study found that after states passed Stand Your Ground measures, there was no drop in robberies, burglaries and aggravated assaults – while murders actually increased.

Trayvon’s Law and “Stand Your Ground”

“Stand Your Ground” is a major issue addressed in Trayvon’s Law. The law would:

- Repeal Stand Your Ground.

- Eliminate automatic immunity from prosecution without judicial review.

- Require proof of self-defense claims and establish a burden of proof that does not adversely impact survivors of domestic abuse.

For the full Stand Your Ground portion of Trayvon’s Law, visit: www.dreamdefenders.org/trayvonslaw
The American Bar Association’s Coalition on Racial & Ethnic Justice (COREJ), along with ABA entities, the Center for Racial and Ethnic Diversity, the Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, the Young Lawyer’s Division and the Section on Individual Rights & Responsibilities, the Criminal Justice Section, the Young Lawyers’ Division, the Standing Committee on Gun Violence, and the Commission on Youth at Risk, have created the National Taskforce on Stand Your Ground Laws to review and analyze the recently enacted state Stand Your Ground laws that have received increased attention for their potential impact on public safety, individual liberties and the criminal justice system.

The Task Force and its advisory committee are comprised of legal scholars, social scientists, public health professionals, law enforcement executives, criminal defense attorneys, prosecutors and leading victims’ rights advocates. Members are appointed by ABA entities and strategic partners, including the Association of Prosecuting Attorneys, the Urban Institute, the International Association of Chiefs of Police and the National Organization of Parents of Murdered Children. Members of COREJ, Leigh-Ann Buchanan of Miami, FL, and Jack Middleton of Manchester, NH, will serve as the Co-Chairpersons of the Task Force.1

The Task Force and its partners have already convened several regional public hearings. The Southwest regional public hearing was held on February 8, 2013 during the 2013 ABA Midyear Meeting in Dallas, TX. The Midwestern and Northeastern regional public hearings were held in Chicago, IL, on May 2, 2013, and Philadelphia, PA, on June 6, 2013, respectively. The Western regional public hearing is slated for August 9, 2013 during the 2013 ABA Annual Meeting in San Francisco, CA.

1 A complete roster of the Task Force members is appended here as Attachment A.
The Task Force will embark upon a comprehensive legal analysis of the impact of the Stand Your Ground statutes which have substantially expanded the bounds of self-defense law in over half of the jurisdictions in the United States. The multidisciplinary study to be conducted by the Task Force will be national in scope, incorporating criminological and social science methodology and perspectives, to assess the utility and necessity of existing and proposed Stand Your Ground laws across the United States. The Task Force is also charged with examining and reporting on the potential effects these laws may have on public safety, individual liberties and the criminal justice system.

THE PRINCIPAL CHARGES OF THE TASK FORCE

The principal charge of this Task Force will be to review existing state Stand Your Ground laws and all available qualitative and quantitative data regarding the impacts of such laws to support the development of recommendations concerning the prudence of modifying or repealing these laws as well as the effect of such legislation on public safety, traditionally marginalized communities, racial and ethnic minorities and economically disadvantaged societal cross sections. In fulfilling this charge, the Task Force will endeavor to:

1. Evaluate the construction of Stand Your Ground laws through the lens of traditional criminal law principles to gauge the propensity for misapplication in operation due to missing or imprecisely articulated procedural safeguards, mandatory statutory presumptions of reasonableness, lesser thresholds of proof at early procedure stages, the absence of proportionality requirements, and absence of guidelines to be applied to circumstances involving unarmed individuals.

2. Analyze existing data compilations, including state records, national and state-level reports and published data concerning the measurable impact of Stand Your Ground laws on crime rates, including fluctuations in homicide rates, with the objective of identifying and extrapolating quantitative support for indicators of ways in which Stand Your Ground laws may adversely impact the criminal justice system and the diverse population of constituents with which it interacts. Further, The Task Force will undertake a review and assessment of existing reports and studies of law enforcement agencies, governmental agencies, public documents and private publications that focus exclusively on examining the ramifications of Stand Your Ground laws.

3. Assess the unique impact of Stand Your Ground laws on the law enforcement and prosecutorial function, including the potential endangerment of law enforcement personnel due to expanded circumstances wherein civilian use of deadly force maybe found justified in addition to the propensity for exploitation of Stand Your Ground protections by criminal offenders and vigilantes.

4. Conduct a quantitative study and investigative review of Stand Your Ground laws by examining the effects of racial or ethnic bias, implicit and explicit, on the perception of threat precipitating the use of force, including deadly force, in circumstances
to which Stand Your Ground laws apply. The Task Force will also examine the extent to which Stand Your Ground laws may exacerbate imbalance across racial and socio-economic lines within the justice system. Indeed, the National District Attorneys Association posits that one such negative consequence of this legislation is its “disproportionately negative effect on minorities, persons from lower socio-economic status, and young adults/juveniles.”

5. Conduct a series of four public hearings in regions across the country which will encompass states that have enacted Stand Your Ground statues. The regional public hearings will enable the Task Force to measure community awareness of Stand Your Ground laws, perceptions of equality in enforcement and application of Stand Your Ground law, opinions concerning of the utility of Stand Your Ground laws, and reactions to individualized experiences involving interactions with Stand Your Ground laws. Each regional public hearing will solicit participation from community stakeholders, affected individuals, justice system participants, legal academicians and other legal experts.

6. Prepare a final report and recommendations that will: (i) detail the Task Force’s research and analysis undertaken, (ii) concisely summarize the testimony elicited at the corresponding public hearings, and (iii) state the official policy that the Task Force recommends the ABA adopt and actions that the ABA should undertake as it relates to Stand Your Ground laws. The Task Force intends to present its final report to the ABA House of Delegates for approval at the 2014 Annual Meeting.

The ABA is uniquely qualified to analyze the impact of Stand Your Ground laws and the implications the expansion of the justified use of deadly force by these laws has on protecting the integrity of the criminal justice system, communities and individual liberties, notably, ethnic and racial minorities.

For more information on the ABA National Task Force on Stand Your Ground Laws, please contact Rachel Patrick, Staff Director, ABA Coalition on Racial & Ethnic Justice, at (312) 988-5408 or via email at Rachel.patrick@americanbar.org.
ABA NATIONAL TASK FORCE ON STAND YOUR GROUND LAWS

1. Co-Chair: **Leigh-Ann Buchanan**, Berger Singerman, Attorney  
   *(ABA Coalition on Racial and Ethnic Justice, member)*

2. Co-Chair: **Jack Middleton**, McLane, Graf, Raulerson & Middleton, Managing Partner  
   *(ABA Coalition on Racial and Ethnic Justice, member)*

3. **Jose Arrojo**, Miami Dade State Attorney’s Office, Chief Assistant State Attorney  
   *(ABA Criminal Justice Section Task Force Appointee)*

4. **David Harris**, University of Pittsburgh School of Law, Professor of Law & Associate Dean for Research

5. **Joshu Harris**, Philadelphia District Attorney’s Office, Associate District Attorney  
   *(ABA Young Lawyers Division Task Force Appointee)*

6. **Steven Jansen**, Association of Prosecuting Attorneys, Vice-President and Chief Operating Officer

7. **John Roman, Ph.D.**, Justice Policy Center of the Urban Institute, Senior Fellow / District of Columbia Crime Policy Institute, Executive Director

8. **Joe Vince**, Mount St. Mary’s University  
   *(International Association of Chiefs of Police Task Force Appointee)*

9. **Stephen Wermiel**, American University Washington College of Law  
   *(ABA Individual Rights & Responsibilities Section, Chair/Interim Task Force Appointee)*

10. **To be appointed**  
    *(ABA Standing Committee on Gun Violence, Interim Task Force Appointee)*

11. **Vacant**
ABA CO-SPONSOR ENTITY LIAISONS

1. **Hon. David Perkins**, Third Circuit Court of Wayne County Michigan, Juvenile Referee
   *(ABA Commission on Youth-at-Risk, Task Force Liaison)*

2. **Jared Hautamaki**, U.S. Environmental Protection Agency, Attorney Advisor
   *(ABA Diversity Center Task Force Liaison)*

**TASK FORCE REPORTER**

**Tamara Lawson**, St. Thomas University School of Law, Professor of Law

**TASK FORCE ADVISORY COMMITTEE MEMBERS**

1. **Mario L. Barnes**, University of California, Irvine, School of Law, Professor of Law

2. **Nora Demleitner**, Washington & Lee School of Law, Dean and Professor

3. **Cynthia Lee**, George Washington University School of Law,
   Charles Kennedy Poe Research Professor of Law

4. **Kim McLaurin**, Suffolk Law School, Associate Clinical Professor,
   Juvenile Justice Clinic

5. **Dan Levey**, Executive Director, National Organization of Parents of Murdered Children,
   Inc.

6. **Song Richardson**, University of Iowa College of Law, Professor of Law

7. **Rory D. Smith**, John Marshall School of Law, Associate Dean of Diversity

8. **Dr. Garen Wintemute**, University of California, Davis, Baker-Teret Chair in
   Violence Prevention

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1 The Task Force ABA co-sponsoring entities are the: *Coalition on Racial & Ethnic Justice, Center for Racial and Ethnic Diversity, Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, Section on Individual Rights & Responsibilities, Criminal Justice Section, Young Lawyers’ Division, Standing Committee on Gun Violence, and Commission on Youth-at-Risk.*
A presidential Task Force on Minorities in the Justice system was created in 1992 in the aftermath of the Rodney King disturbances. Shortly thereafter, a report was issued with recommendations by the Task Force. In 1994 the Task Force was re-named the Council on Racial and Ethnic Justice (now the Coalition or COREJ). The Coalition was designed to implement the recommendations and develop partnerships among community groups, civil rights organizations, businesses, religious organizations, and bar associations for the purpose of eliminating racial and ethnic bias in the justice system. Its primary goal is to serve as a catalyst for eliminating racial and ethnic bias in the justice system with a focus on systemic change.

COREJ (1) assists with the development of educational programs; (2) provides public forums for dialogue between legal institutions and non legal groups; and (3) provides technical assistance and advice on how to implement specific programs, strategies, and partnerships that eliminate racial and ethnic bias.

Since its inception, COREJ has been on the cutting edge of social justice issues. It has focused on a number of substantive and diverse issues such as racial profiling, access to the justice system, overrepresentation of juveniles of color, indigent defense, racial profiling and the war on terrorism, teen violence, the impact of foreclosures on communities of color, voting disenfranchisement and the impact of technology, election protection, injustices and discrimination in Tulia, Texas and restoring justice and equity by providing strategies for disaster preparedness and response that reduce patterns of discrimination and unfairness in the delivery of disaster aid and services e.g. Katrina Project.

RECENT PROGRAMS

- Know Your Foreclosure Rights: There’s Hope (August 2012, Tampa, FL)
- Do or Die: Analysis of the Stand Your Ground Statutes (August 2012, Chicago, IL)
- Justice Equality and A More Perfect Union: Community Recovery and Restoration After A Crisis (February 2012, New Orleans, LA)
- Raising The Bar on Foreclosure Prevention Efforts – Implementing Pro Bono Programs To Help Michigan Homeowners, Hosted by Federal Reserve Bank of Chicago-Detroit Branch (October 28, 2011, Detroit, MI)
- HELP! I Need A Housing LIFELINE! (October 29, 2011, Detroit, MI)
- The War Against Foreclosures: Combating Foreclosures and Mortgage Crisis in Communities of Color (July 31, 2011, Baltimore, MD)
- Combating Foreclosures and the Mortgage Crisis in Communities of Color (February 12, 2011, Atlanta, GA)
- Stop Teen Violence: Time To Deliver (August 7, 2010, Golden Gate Law School, San Francisco, CA)
- Stop Teen Violence: Time To Deliver (May 3, 2010, Youthville Detroit, Detroit, MI)
- Stop Teen Violence: Time To Deliver (November 20, 2009, Chicago State University, Chicago, IL)
SIGNIFICANT PROJECTS

- Joint Project with the 10CORE Law Student Organization on Foreclosure

  **Overrepresentation of Juveniles of Color in the Juvenile Justice System**
  After an alarming number of national studies and reports revealed evidence that there is an overrepresentation of juveniles of color in the juvenile justice system and the justice system, the Coalition implemented a two-prong attack on the problems confronting juveniles of color. The first prong focuses on strategies that prevent young people of color from being trapped in the justice system; and the second prong focuses on strategies that divert young people of color and prevent their initial entrance into the juvenile justice system. A complete listing of juvenile justice programs sponsored by COREJ is attached.

**Election Protection Project**
COREJ developed a partnership in conjunction with the Lawyers' Committee and five ABA sections, divisions and entities to remove barriers to the electoral process for citizens of color who sought to participate in the 2004 election. COREJ, along with the Section of Individual Rights & Responsibilities and the Election Law Committee renewed their partnerships for the 2008 Elections and broadened the scope of the Project.

The goals of the 2008 Election Protection Project were: (1) Safeguard voters’ rights before, during and after Election Day by giving voters the information and resources they needed to cast meaningful ballots; and (2) Provide a comprehensive support system for eligible voters across the country that included support for registration programs, developing voter education materials, and providing direct legal assistance to protect the rights of voters. A primary goal for COREJ was to train volunteer lawyers who worked with voters on a national and local level to monitor polling places, educate voters, facilitate dialogues with state and local election officials, provide legal support to poll monitors and help answer the Lawyers’ Committee Hotline.

The three primary ABA Partners for the Election Project developed a plan for recruiting volunteer lawyers and law students and the major activities began in June 2008. An Election Protection website was launched on the ABA website.

- Katrina Project
  The goal of the project was to educate, conduct outreach and coordinate resources and services across the country to assist those survivors that received disparate treatment in the midst and aftermath of Hurricane Katrina. These goals were accomplished by holding a national conference and three CLE programs, conducting outreach, and publishing a Report.

**NATIONAL CONFERENCES**

- Third National Conference – “Making the Invisible Visible: A Dialogue About Lessons Learned In the Aftermath of Katrina”

*Conference Overview:* The Coalition brought together approximately 200 judges, lawyers and their clients, health care workers, social workers, doctors, psychiatrists, psychologists, high school, college and law students, community groups, religious organizations, public and private leaders, survivors, responders and others who have devoted time to assisting victims of Katrina. The primary goals of the Conference: (1) conduct a productive dialogue among the survivors, planners (commissioners), and the participants; (2) produce a Report which identifies the type of problems that might emerge due to race
and ethnicity, how to avoid inequities based on race and ethnicity, and how to mitigate the problems; and (3) assist the survivors of Katrina with the rebuilding of their lives, restore justice and provide equity and respect to those victims that have been treated unjustly.

**Educational Programs:** Three successful panel presentations have been presented (1) ABA Midyear Meeting in Chicago, 2006 titled “Equity for Racial & Ethnic Survivors of Katrina;” (2) a jointly sponsored program with the National Bar Association as a Webcast Program “Hurricane Relief Seminar,” March, 2006 in Chicago; and (3) “Surviving Together; Healing Together” COREJ convened this special panel of experts in New Orleans to provide an in-depth status report of the communities that suffered disproportionately economically, legally, educationally and medically from Hurricane Katrina.

**Report:** The Final Report of the Conference contains specific recommendations from the speakers, participants and survivors. The Report titled “Making the Invisible Visible: A New Approach to Disaster Planning and Response,” contains an analysis of issues ranging from communications and language skills, to resource allocation, to pre-existing economic and social inequities. A number of excellent recommendations were received from the Conference. The recommendations were included in the Report that was issued in August 2007.

**Second National Conference on the Impact of Race and Ethnicity on the Justice System**
In March 2002, the Coalition held a highly successful conference in Baltimore. The conference was diverse, intergenerational, interactive and action-oriented. Recommendations from the Conference were used as blueprints for COREJ programs and projects. A report is available on the Conference.

- **First National Conference on the Impact of Race and Ethnicity on the Justice System**
In Los Angeles, CA 1999, after holding two “think tank” meetings, COREJ convened an extraordinary conference. Two reports are available: *Report on the Impact of Race and Ethnicity on the Justice System* provides a brief overview; and the *Draft of the National Conference Proceedings with Recommendations*.

Several major follow-up projects were developed from the 1999 conference:

1. Enhancing Access to the Justice System through Technology: Would Technology Have Changed the Outcome of the Vote in Florida?
2. Data Collection Project on Color/Racial Profiling: The Tulia, Texas Project
3. Friends of the Council

Justice Michael B. Hyman, Chairperson
Rachel Patrick, Director
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Deidra Franklin, Program Assistant
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Website: [www.americanbar.org/corej](http://www.americanbar.org/corej)
The American Bar Association National Task Force on Stand Your Ground Laws gratefully acknowledges the following:

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If you have an interest in providing written testimony, please contact:

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