

Stand your ground

[Law](#), [Common Law](#)



Diamond Crenshaw Professor Roost VPA 192: MW 31 October 2013 Stand Your Ground Law Liberty cannot be preserved without general knowledge among the people. -John Adams As many of you are aware about the Traywon Martin / George Zimmerman story as well as Marissa Alexander on going story and both final Judgments so I became very curious about the "Stand Your Ground" law. In todays society, many young people especially minorities like me who aren't aware about many laws that could actually prevent a harsh Judgment if not any sentencing at all. Stand your round law originally branched off from another familiar law the Castle Doctrine.

The Castle Doctrine acts as a self-defense law especially designed for those with homes. If an individual experience an intrusion while home they may act in the best possible way of protecting themselves and cannot be charged with any crime. The stand your ground law was to help those who felt the need to take actions into their own hands during tragic and horrific situations. In some cases, citizens felt death was a last resort and they should not be penalized for self-defense. In 2005 (October1, to be exact), Florida was the first state to pass a law where you could revoke (go against) the duty to retreat.

The duty to retreat is if a person who may be faced with existing danger, they are to retreat (step back) before using anyviolence. Stand your ground also provide immunity (exception) from being prosecuted or entire trial all together, in most states. Since 2005, 25 other states have also passed this law which are mostly the mid-western and southern and led by Republicans. States with stand your round law condones someone using force before stepping back and no arrest can be made unless there is evidence proving

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otherwise. Meanwhile every state has their own interpretation of this law, Florida's goes to extreme measures.

In Florida, this law could be applied to you in any environment in that state unlike in Wisconsin this law does not extend to public areas. In North Carolina, it's illegal to use a deadly force to a man of the law, landlords and bail bondsman but in South Carolina; you can only apply this law if the person wasn't engaged in illegal activity. In February 2012, Trayvon Martin was killed by George Zimmerman who was a neighborhood watchman. Trayvon Martin was an unarmed 17 year old boy who was just walking home from a local store when he was stopped by Zimmerman who felt Trayvon was up to no good.

Zimmerman was taken into custody after being treated for head injuries where he was questioned about the incident for five hours. The police chief released Zimmerman stating that he had a right to defend himself with excessive force and by the Stand Your Ground law he was to release Zimmerman immediately. As this case was heard about throughout the country, great deal of media coverage, and protests Florida decided to make a full investigation. About six weeks after the shooting, Zimmerman was finally arrested and charged with murder and if found guilty he was looking at life without any parole.

Trial began on June 10, 2013 and after manslaughter charges. The juries believe Zimmerman was acting in self-defense and there no injustice present. Zimmerman suffered from a fractured nose and injuries on the back of the head. Zimmerman defense team stated due to Martin's taller frame

and stamina, he had to act in such a violent way. Traywon Martin was 5'11, 185 pounds who played football at his local high school meanwhile George Zimmerman who was 28 years old at the time was 5'8 and 200 pounds.

One day after the verdict, the NAACP started a petition asking the Justice department to open a civil rights case against George Zimmerman. In just a few hours, over 130,000 people signed the petition. Attorney General Eric Holder said the Department of Justice was currently looking into opening a civil rights case and also criticized the stand your ground law. One month after the verdict was read, one of the jurors spoke out and stated she "felt in her heart that Zimmerman was guilty and now she regretted her choice".

She also stated that the Judge reminded the jury when deciding on a sentence to use the evidence at hand and not on sympathy for the family. Nonviolent rallies have been held in over 100 cities about racial profiling. Marissa Alexander is also a victim of the stand your ground law. She is currently serving 20 years for shooting warning shots to her estranged husband who was abusive to her during and after her pregnancy in 2010. The mother of 3 had no prior record before the shooting. Alexander went back to her previous home that she thought was deserted to retrieve some of her belongings where she ended up arguing with her husband.

In the midst of the argument, her husband chased her into her bathroom where she locked herself in for protection. Her husband broke down the door, grabs her and slams her head into the bathroom door. Somehow she was able to break away from him and immediately ran past his two young sons and out of the home. She realizes that she left her car

keys inside the home so she retrieves her licensed gun. As she re-entered the home, she fired a warning shot into the wall that ricochet into the ceiling.

The court revoke her from using the stand your ground law because they believe she fired the gun with intentions of harming her husband as well as she had the opportunity to get away once she got outside the house. The children were also present during the ordeal and could've been harmed as well. In the state of Florida there's a law called 10-20 Life which was passed in 1999 whereas anyone who uses the gun in the commission of certain felonies gets an automatic 10 years in prison, if you fire the gun an automatic 20 years and if you shoot and wound someone you get 25 years to life.

Marissa Alexander not only was stripped away her rights of using the stand your ground for acting in self-defense but she was charged with aggravated assault with a deadly weapon and was sentenced to 20 years in prison. In September 2013, the District Court of Appeals for Florida decided to grant Marissa Alexander a new trial since the previous Judge did not properly instruct the Jury on what is considered as self-defense.

Many politicians including Senator John McCain have stated " I can also see that the stand your ground law may be something that needs to be reviewed by the Florida Legislature or any other Legislature" where a lot of people are starting to disagree. So what have we learned from Stand Your Ground law? It's okay to kill a young teen who looks suspect because he's wearing a oversized hoodie and when you actually act in self-defense with nobody

being harmed you are still used the same in every state and in the state of Florida this law needs major adjustments.