

March 2016

Legal Actors and the Stand Your Ground Law: Factors Associated with Successful Defenses

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Recommended Citation

McCormick, Albert E. Jr. (2016) "Legal Actors and the Stand Your Ground Law: Factors Associated with Successful Defenses," *The Journal of Public and Professional Sociology*. Vol. 8 : Iss. 1 , Article 4.

Available at: <https://digitalcommons.kennesaw.edu/jpps/vol8/iss1/4>

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Cover Page Footnote

An updated and revised version of a paper presented at the 2015 meeting of the Georgia Sociological Association. The author wishes to thank Fred Zampa, Michelle McCormick, and the peer reviewers for their constructive comments on earlier manuscripts.

Legal Actors and the Stand Your Ground Law: Factors Associated with Successful Defenses

Background

Much controversy has swirled around Florida's Stand Your Ground (SYG) law since its implementation in 2005, especially since the Trevon Martin-George Zimmerman incident. The law permits the *legal* use of deadly force in defense against an imminent and unlawful threat of death or great bodily harm *with no duty to retreat* (Florida Statutes 2013b). The removal of the "duty to retreat" requirement has placed greater weight on the "imminent threat" and "potentially lethal" elements required for a valid claim of self-defense. This has, at least in part, led to inconsistencies and ambiguities in the law's execution by the legal actors (i.e., police, prosecutors, grand juries, judges, and/or trial juries) entrusted with its administration (McCormick 2015).

There is a large body of professional literature describing the participants in and situational contexts of criminal violence (see, for example, Bloch and Geis 1962; Clinard and Meier 2004; Wickman and Whitten 1980). However, there is little reported on the characteristics of those who have employed violence quite legally, nor on the circumstances in which such events occurred. These involve factors of which legal actors must be cognizant and possibly weigh when making their SYG judgments. The current analysis addresses this deficiency by examining those aspects associated with successful Stand Your Ground defenses.

Findings in earlier reports on the enforcement of Florida's Stand Your Ground law (McCormick 2014, 2015), pertinent to this report, may be summarized as follows:

- Both SYG claimants and alleged assailants¹ tended to be male and relatively young.
- Compared to Florida demographics, claimant and assailant ethnicity distributions were disproportionately Black.

¹ Following terminology used in the preliminary report, the author has chosen the term "claimant" to identify those individuals who had or could have availed themselves of the Stand Your Ground law. Because many were never charged, the term "defendant" is not totally accurate or appropriate. Those accused by claimants as having posed threats are here termed "alleged assailants." Even though many were eventually vindicated via the legal process, they usually are referred here as "assailants" simply for the sake of brevity.

- At least half of both claimants and assailants had criminal records, which often included crimes of violence.
- While claimants and assailants were complete strangers nearly a third of the time, most knew each other prior to the incident. About one in five had some sort of kinship connection and an additional third were in another type of primary/quasi-primary relationship.
- The most likely incident location was in or around the home of one of the principals, usually the claimant.
- The most likely incident trigger was an argument or dispute. Defense against forcible felonies comprised about one-fourth of the cases.
- Two-thirds of alleged assailants were unarmed. If armed, the clear choice of weapon was a hand-gun, with a blunt instrument or knife as distant second and third choices.
- Alcohol was a factor in about one-fourth of the cases. If alcohol was present, either the assailant only or both the claimant and assailant had been drinking.
- The claimant's weapon of choice was a hand gun, used in about two-thirds of all cases.
- The most likely result of an incident for an assailant was death (more than half). Only about one in ten escaped unharmed.

These data presented in the author's previous papers describe the demographics of SYG cases. This paper seeks to analyze the relevance of these demographic factors to legal actors and how each factor correlates with the success or failure of SYG claims.

The Data

Using their archive research engines, the author conducted a systematic search through the records of Florida's thirty-five major newspapers. This procedure identified 315 Florida Stand Your Ground (SYG) cases, occurring from October 1, 2005 (effective date) through the year 2012.² Case information was

² This study includes a handful of cases not in the database of the author's earlier papers. Since their publication, subsequent cases were added due to determinations by defendants, attorneys, and/or the media that an incident within the study's time frame was a Stand Your Ground event.

supplemented and checked for accuracy through newspaper accounts, web inquiries on names, a background verification service, on-line mug shot/arrest records, and court proceedings provided through county clerk of court web pages. Data were collected on the date and location of the SYG incident, the backgrounds of the principals, the circumstances of the SYG episode, and the legal outcomes of SYG defenses.

Of the 315 cases, four have been excluded as they involved animal “assailants,” for which court rulings have precluded SYG as a defense.³ This study, therefore, examines 311 SYG cases, involving a total of 323 claimants and 356 alleged assailants.

Supplementary to data caveats delineated in the prior reports, one more requires comment. As of this writing, the database contains eight cases for which SYG decisions have been delivered in hearings, but which are not necessarily final. These are cases where trials or retrials are pending, or which currently are on appeal. Decisions by trial judges, juries, and/or appellate courts, on occasion, have resulted in the reversal of a claimant’s denied SYG motion. Necessarily, this study must use SYG decisions as they currently stand, as final resolution of these pending cases may take years.⁴ The potential fluidity this presents in the data is regrettable, but unavoidable.

Legal Actors and SYG Decisions

In 184 (59.2%) of the 311 cases, 192 claimants (59.4% of the total) were successful with their SYG defenses. The first legal actors who can render a Stand Your Ground decision are the police, who decided not to press any charges against 32 SYG claimants (see Table 1). Not unusually, such determinations were made after conferring with local prosecutors and/or the State Attorney’s office.

Table 1. Legal Actors Who Made the Decisions in Successful SYG Defenses

	Police	Prosecutors	Grand Juries	SYG Hearings	Trials	Total
Successful Claimant N	32	66	3	64	27	192
%	16.7%	34.4%	1.6%	33.3%	14.1%	100.0%

³ Of these four cases (two involving dogs, one a bear, and one an alligator), two actually went through SYG court hearings.

⁴ Some of the cases which are not yet fully resolved go back to as far as 2006. Temporally, two were considerably delayed because the claimants involved had been declared incompetent to stand trial. Such hearings cannot proceed until legal competence is established, a process which can be indefinite. Further, appellate and retrial processes often take years before final resolutions occur.

Local prosecutors (again, frequently after consulting with the State Attorney's office) nol-prossed 66 claimants, about one-third of all successful defenses. Grand Juries were minor players in this process, issuing no bills for only three claimants.

Sixty-four (one-third) of the successful claimants elected to have a pre-trial SYG hearing in front of a judge. This is a special stage in the trial process established by the legal system to determine whether or not a defendant's actions were consistent with the requirements of legal self-defense. In this hearing, the burden of proof is on the defense, which must establish legality with a preponderance of evidence. If the judge rules favorably, the defendant receives immunity from any further criminal or civil consequences stemming from the SYG incident.

Trial judges/juries found 27 claimants, about one in seven of the total, innocent of any charges. The remaining 131 claimants (40.6% of the total) were not successful with their SYG claims. These individuals were either found guilty of criminal conduct at trial, or reached plea deals with prosecutors.

Success and the SYG Principals

About 90% of SYG principals were male (289, or 89.5% of claimants and 333, or 93.8% of assailants). Females were a bit more likely to be claimants (34, or 10.5%) than assailants (22, or 6.2%). Table 2 below breaks down the success rate based upon both the claimant's and the assailant's sex. As may be seen, the sex of the claimant was not a significant factor in the success of an SYG defense. However, note that when a female was the alleged assailant, sex nearly approached statistical significance in favor of denied SYG claims. That is, individuals who claimed self-defense against female attackers were far less likely to be successful than if the attacker was a male. There could be a variety of explanations for this, starting with the extremely low number of female principals creating a statistical anomaly. Another might be gender bias, provided that women are viewed by legal actors, if not by society at large, as less capable of posing a credible physical threat than men.

Table 2. SYG Success versus Claimant's and Assailant's Sex

Success versus Claimant's Sex			
Claimant's Sex	SYG Successful	SYG Unsuccessful	Total
Male	172 (59.5%)	117 (40.5%)	289
Female	20 (57.1%)	14 (42.9%)	34
Total	192 (59.4%)	131 (40.6%)	323
$\chi^2 = 0.0006$		p < .94	
Success versus Assailant's Sex			
Assailant's Sex	SYG Successful	SYG Unsuccessful	Total
Male	204 (61.3%)	129 (38.7%)	333
Female	9 (40.9%)	13 (59.1%)	22
*Total	213 (60.0%)	142 (40.0%)	355
$\chi^2 = 3.562$		p < .06	

* The sex of one assailant was not reported.

Not only were SYG principals overwhelmingly male, they were overwhelmingly young. About two-thirds of the principals were under the age of 40. Median ages of claimants and assailants were 33.5 and 29.2, respectively. Table 3 below shows SYG success rates based upon the ages of both claimants and assailants.

Clearly, the age of the claimant was irrelevant to whether he/she was successful with a SYG defense. Claimants of all age groups were just about as likely to prevail in their cases. The same, however, cannot be said when the age of the assailant is considered. There is a clear inverse relationship here. That is, the younger the assailant, the more likely a claimant's SYG defense succeeded. One explanation is that, as has often been noted in criminological literature, crime and violent acts are largely within the province of the young (see, for example, Pittman and Handy 1964; Pokorny 1965; Sheppard 1971). Again, though, as with gender bias, age bias may be a factor--that older people are thought intrinsically to pose less of a threat.

Table 3. SYG Success versus Claimant's and Assailant's Age

Success versus Claimant's Age			
Claimant's Age	SYG Successful	SYG Unsuccessful	Total
<20	16 (50.0%)	16 (50.0%)	32
20-29	63 (61.8%)	39 (38.2%)	102
30-39	40 (57.1%)	30 (42.9%)	70
40-49	34 (61.8%)	21 (38.2%)	55
50-59	19 (59.4%)	13 (40.6%)	32
60+	20 (62.5%)	12 (37.5%)	32
Total	192 (59.4%)	131 (40.6%)	323
$\chi^2 = 1.818$		p < .88	
Success versus Assailant's Age			
Assailant's Age	SYG Successful	SYG Unsuccessful	Total
<20	39 (73.6%)	14 (26.4%)	53
20-29	74 (61.7%)	46 (38.3%)	120
30-39	44 (60.3%)	29 (36.7%)	73
40-49	32 (64.0%)	18 (36.0%)	50
50-59	11 (42.3%)	15 (57.7%)	26
60+	4 (28.6%)	10 (71.4%)	14
*Total	204 (60.7%)	132 (39.3%)	336
$\chi^2 = 13.716$		p < .05	

*The ages of 20 alleged assailants (usually juveniles) were not reported.

Whites comprised roughly half of the SYG principals, Blacks about one-third, and Hispanics about one in eight. Those of other or unknown ethnicity included less than five percent of the database.⁵ Compared to Florida demographics, SYG principals were disproportionately Black. SYG success rates relative to ethnicity are presented in Table 4. As with sex and age, the ethnicity of the claimant was unrelated to the success of his/her SYG defense. Success rates for each major ethnic group claimant hovered around the overall average of

Table 4. SYG Success versus Claimant's and Assailant's Ethnicity

Success versus Claimant's Ethnicity			
Claimant's Ethnicity	SYG Successful	SYG Unsuccessful	Total
Black	61 (61.0%)	39 (39.0%)	100
Hispanic	29 (64.4%)	16 (35.6%)	45
White	94 (57.7%)	69 (42.3%)	163
Other/ Unidentified	8 (53.3%)	7 (46.7%)	15
Total	192 (59.4%)	131 (40.6%)	323
$\chi^2 = 1.013$		p < .80	
Success versus Assailant's Ethnicity			
Assailant's Ethnicity	SYG Successful	SYG Unsuccessful	Total
Black	78 (63.9%)	44 (36.1%)	122
Hispanic	36 (76.6%)	11 (23.4%)	47
White	93 (54.7%)	77 (45.3%)	170
Other/ Unidentified	7 (41.2%)	10 (58.8%)	17
Total	214 (60.1%)	142 (39.9%)	356
$\chi^2 = 10.684$		p < .05	

⁵ Principals in seven cases involved those of Asian or Mid-Eastern ethnicities. One case involved a Native American.

59.4% (about 60%, 64%, and 58% for Blacks, Hispanics, and Whites, respectively). The ethnicity of the assailant, however, was significantly related. Rates of successful claims against Black (63.9%) and especially Hispanic (76.6%) assailants were notably higher than for Whites (54.7%). Whether legal actors perceive members of certain groups, by virtue of their ethnicity, as posing threats in SYG situations may become part of a long ongoing debate in criminological circles. That is, while the literature consistently reports disproportionate involvement by minorities in crimes of violence, the literature also reports differential treatment of minorities in encounters with legal machinery.⁶

Of interest is the success SYG claims in incidents involving claimants and assailants of the same ethnic group as opposed to different ethnic groups. As shown in Table 5 below, 207 (66.6%) SYG confrontations were intra-ethnic, 79 (25.4%) were inter-ethnic, and 25 (8.0%) were instances where the claimant's and/or assailant's ethnicity was not reported

For 72.3% of Black claimants and 62.4% of Black assailants, one's adversary was also Black. For Whites' adversaries, these figures were 75.6% and 79.6%, respectively. Of the three major Florida ethnic groups, Hispanics were least likely to be involved in an intra-ethnic confrontation, with figures of 41.9% and 48.6%, respectively.

Because Blacks, Hispanics, and Whites comprise the overwhelming bulk of SYG principals, further analyses here will concentrate on the 286 cases involving claimants and assailants of those ethnic groups. Table 6 below depicts the success of SYG claims in intra-ethnic as opposed to inter-ethnic incidents. As seen, ethnicity is not a significant factor for legal actors when principals from two different ethnic groups were involved in a SYG situation. This holds true when ethnicity is controlled for both claimants and assailants, as shown in Tables 7 and 8 below.

For Black claimants, there is virtually no difference in successful claims against Black assailants as opposed to assailants of another ethnicity. Hispanic claimants fare a bit better against Hispanic assailants. The same is true for White claimants against White assailants, but neither set of differences is significant. Inter-ethnic success against Black assailants is somewhat higher than intra-ethnic success, but inter-ethnic success is slightly lower than intra-ethnic success for both Hispanics and Whites. Again, none of these differences is statistically significant. Simply stated, there has been no pattern of inter-ethnic vs. intra-ethnic disparity in the legal machinery's application of Florida's Stand Your Ground law.

⁶ To this end, the U.S. Commission on Civil Rights has taken an interest in the administration of Florida's Stand Your Ground law. A social scientist with that organization has been in periodic contact with the author since September 2014.

Table 5. Intra- and Inter-ethnic SYG Cases, versus Claimant and Assailant

By Claimant's Ethnicity					
Claimant's Ethnicity	Assailant's Ethnicity				
	Black	Hispanic	White	Other/ Unknown	Total
Black	68 (72.3%)	7 (7.4%)	14 (14.9%)	5 (5.3%)	94 (100%)
Hispanic	11 (25.6%)	18 (41.9%)	13 (30.2%)	1 (2.3%)	43 (100%)
White	23 (14.4%)	11 (6.9%)	121 (75.6%)	5 (3.1%)	160 (100%)
Other/Unknown	7 (50.0%)	1 (7.1%)	4 (28.6%)	2 (14.3%)	14 (100%)
Total	109 (35.0%)	37 (11.9%)	152 (48.9%)	13 (4.2%)	311 (100%)
By Assailant's Ethnicity					
Claimant's Ethnicity	Assailant's Ethnicity				
	Black	Hispanic	White	Other/ Unknown	Total
Black	68 (62.4%)	7 (18.9%)	14 (9.2%)	5 (38.5%)	94 (30.2%)
Hispanic	11 (10.1%)	18 (48.6)	13 (8.6%)	1 (7.7%)	43 (13.8%)
White	23 (21.1%)	11 (29.7%)	121 (79.6%)	5 (38.5%)	160 (51.4%)
Other/Unknown	7 (6.4%)	1 (2.7%)	4 (2.6%)	2 (15.4%)	14 (4.5%)
Total	109 (100%)	37 (100%)	152 (100%)	13 (100%)	311 (100%)

Table 6. SYG Success for Claimants in Intra-ethnic and Inter-ethnic Cases*

	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	124 (59.9%)	83 (40.1%)	207
Inter-ethnic	48 (60.8%)	31 (39.2%)	79
Total	172 (60.1%)	114 (39.9%)	286
$\chi^2 = 0.017$		p < .90	

*Includes Black, Hispanic, and White principals only.

Table 7. SYG Success for Claimants in Intra-ethnic and Inter-ethnic Cases, with Ethnicity Controlled*

For Black Claimants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	42 (61.8%)	26 (38.2%)	68
Inter-ethnic	12 (63.2%)	9 (36.8%)	21
Total	54 (60.7%)	34 (39.3%)	89
$\chi^2 = 0.144$		$p < .71$	
For Hispanic Claimants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	14 (77.8%)	4 (22.2%)	18
Inter-ethnic	14 (58.3%)	10 (41.7%)	24
Total	28 (67.7%)	12 (33.3%)	42
$\chi^2 = 1.750$		$p < .19$	
For White Claimants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	68 (56.2%)	53 (43.8%)	121
Inter-ethnic	22 (64.7%)	12 (35.3%)	34
Total	90 (58.1%)	65 (41.9%)	155
$\chi^2 = 0.789$		$p < .38$	

*Includes Black, Hispanic, and White principals only.

This finding is at variance with some research reports, notably that of the Urban Institute (Roman 2013). This investigation, using aggregate data provided in the FBI's Uniform Crime Reports, found that homicides with a white perpetrator and a black victim were significantly more likely to be ruled justifiable than homicides with a black perpetrator and a white victim, and that such a disparity was more pronounced in states with Stand Your Ground laws. However, the author admittedly had no access to the situations or settings in which any of the homicides occurred. Obviously, the justifiability of a homicide is highly dependent upon the context in which the incident took place. As pointed

Table 8. SYG Success against Assailants in Intra-ethnic and Inter-ethnic Cases, with Ethnicity Controlled*

Against Black Assailants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	42 (61.8%)	26 (38.2%)	68
Inter-ethnic	23 (67.6%)	11 (32.4%)	34
Total	65 (63.7%)	37 (36.3%)	102
$\chi^2 = 0.339$		$p < .57$	
Against Hispanic Assailants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	14 (77.8%)	4 (22.2%)	18
Inter-ethnic	12 (66.7%)	6 (33.3%)	18
Total	26 (72.2%)	10 (27.8%)	36
$\chi^2 = 0.554$		$p < .46$	
Against White Assailants			
	SYG Successful	SYG Unsuccessful	Total
Intra-ethnic	68 (56.2%)	53 (43.8%)	121
Inter-ethnic	13 (48.1%)	14 (51.9%)	27
Total	81 (54.7%)	67 (45.3%)	148
$\chi^2 = 0.577$		$p < .45$	

*Includes Black, Hispanic, and White principals only.

out earlier, for example, crimes of violence are disproportionately in the realm of males, the young, and minorities. Clearly, more research is required on this controversial issue.

One last feature of SYG principals needs to be examined. At least half of both claimants and assailants had criminal records prior to the incident, often for violent offenses. Success of SYG claims were examined against, first, the SYG principals' general criminal background, then against their records for violent crimes (Tables 9 and 10, below).

Table 9. SYG Success versus Claimant's and Assailant's Criminal Background

Success versus Claimant's Criminal Background			
Claimant's Criminal Background	SYG Successful	SYG Unsuccessful	Total
None Found/ Unknown	97 (61.4%)	61 (38.6%)	158
Previous Record	95 (57.6%)	70 (42.4%)	165
Total	192 (59.4%)	131 (40.6%)	323
$\chi^2 = 0.488$		p < .56	
Success versus Assailant's Criminal Background			
Assailant's Criminal Background	SYG Successful	SYG Unsuccessful	Total
None Found/ Unknown	95 (57.9%)	69 (42.1%)	164
Previous Record	119 (62.0%)	73 (38.0%)	192
Total	214 (60.1%)	142 (39.9%)	356
$\chi^2 = 0.606$		p < .47	

Interestingly, prior criminal records had no general bearing on the outcome of SYG cases. That is, the rate of claimant success was about the same for those with criminal records as compared to those with no criminal record, even with regard to records for violent offenses. Similarly, as a general tendency in the administration of the law, the nature of the assailant's criminal record, for either non-violent or violent crimes, was apparently immaterial to the eventual disposition of the SYG claim against him/her.

Table 10. SYG Success versus Claimant's and Assailant's Violent Criminal Background

Success versus Claimant's Violent Criminal Background			
Claimant's Violent Criminal Background	SYG Successful	SYG Unsuccessful	Total
None Found/ Unknown	132 (60.6%)	86 (39.4%)	218
Previous Record	60 (57.1%)	45 (42.9%)	105
Total	192 (59.4%)	130 (40.6%)	323
$\chi^2 = 0.341$		$p < .56$	
Success versus Assailant's Violent Criminal Background			
Assailant's Violent Criminal Background	SYG Successful	SYG Unsuccessful	Total
None Found/ Unknown	146 (60.1%)	97 (39.9%)	243
Previous Record	68 (60.2%)	45 (39.8%)	113
Total	214 (60.1%)	142 (39.7%)	356
$\chi^2 = 0.000$		$p < .99$	

Success and the SYG Incident

Principals were involved in a variety of relationships prior to the SYG incident. In about one-fifth of the cases (19.0%), principals were grouped as family or pseudo-family, including married couples and cohabiters, kin (e.g., father-son, uncle-nephew, etc.), various in-laws, ex-spouses and former lovers, and love triangle situations (e.g., boyfriend, girlfriend, ex-girlfriend). A bit more than a third of the cases (37.0%) involved some other type of primary or quasi-primary tie between the principals, including roommates, friends, acquaintances, neighbors, rivals (e.g., two competing drug dealers), and co-workers. About four in ten pre-incident associations (38.4%) involved some type of secondary relationship, including legitimate commercial ties (e.g., landlord-tenant, cabbie-fare), illegal commercial ties (e.g., prostitute-client, drug dealer-buyer), situations in which one of the principals was acting as a legal functionary (e.g., repo man, meter reader), or where the principals were total strangers.

Examination of the association between SYG success and pre-incident relationships (Table 11 below) clearly demonstrates that when the principals had a

Table 11. SYG Success versus Claimant-Assailant Relationship, by Case

Pre-Incident Relationship	SYG Successful	SYG Unsuccessful	Total
Family/Pseudo-Family	27 (45.8%)	32 (54.2%)	59
Other Primary/ Quasi-Primary	73 (63.5%)	42 (36.5%)	115
Secondary	76 (62.8%)	45 (37.2%)	121
Unknown	8 (50.0%)	8 (50.0%)	16
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 6.494$		$p < .09$	
Family/Pseudo Family versus Other Categories Combined			
$\chi^2 = 5.413$		$p < .05$	

family or family-like tie, the claimant was significantly less likely to prevail with his/her defense. That is, while claimants were successful in about two-thirds of cases in which they had primary, quasi-primary, or secondary ties with assailants, they were successful in less than half of the situations involving people with whom they were or had been quite close.

It is difficult to specify a particular reason for this finding, given the rather different relationships in this grouping. After all, the associative dynamics between spouses are different than those between in-laws, which are different than those between ex-lovers, and so forth. Perhaps the finding can be better explained by looking at the two-thirds success rate for the other two categories. That is, might more credence be given to self-defense claims against those more distantly related to the claimant? Might situations involving more impersonal ties be inherently viewed by legal actors as more threatening to the claimant? Examination of other SYG situational factors may provide some clues (see especially the results below for incident triggers, unarmed assailants, and defense against a crime).

A factor of interest is the location of the SYG incident. As seen in Table 12 below, the single most likely place for a SYG incident was in or around a claimant's (or claimant's relative's) home or business. This involved about 40% of all SYG cases. Other locations included public areas (such as a park), in or around a business or commercial establishment, on a street or highway, in a neighborhood or apartment building common area, in or around an assailant's home or business, or in or around a bar, lounge, or party location.

Table 12. SYG Success versus Incident Location, by Case

Incident Location	SYG Successful	SYG Unsuccessful	Total
Public Area	9 (69.2%)	4 (30.8%)	13
Claimant's (or Relative's) Home/Business	85 (64.9%)	46 (35.1%)	131
Business Area	17 (60.7%)	11 (30.3%)	28
Neighborhood/ Common Area	26 (57.8%)	19 (42.2%)	45
Street/Highway	16 (57.1%)	12 (42.9%)	28
Assailant's (or Relative's) Home/Business	14 (50.0%)	14 (50.0%)	28
Lounge, Bar, Etc.	16 (43.2%)	21 (56.8%)	37
Unknown	1 (100.0%)	0 (0.0%)	1
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 7.277^*$		$p < .30$	

*Excludes the Unknown category.

While there is not a significant relationship between SYG success and incident location, a pattern might none the less be discernible. Note that a location of very high claimant success was in or around his/her home or business. Given that many view the Stand Your Ground law as an extension of the Castle Doctrine, this finding should not be surprising. Also note that claimant success was notably less frequent in or around the alleged assailant's home or business. It might very well be that such locations are ones where the "assailant" is more likely to be viewed by legal actors as the ones who were legally defending themselves. Finally, note that claimants are least likely to be successful in or around bars, lounges, or party locations. That is, these are locations where alcohol can assist in lowering inhibitions, impairing judgments, and clouding both perceptions and memories.

Also of interest in claimant success is its association with the SYG incident's trigger. Close to 70% (N = 217) of the SYG cases studied were started

by an argument or dispute of some type. These included arguments over money, domestic disputes, road rage incidents, interventions in confrontations between two other people, complaints (e.g., of speeding or dogs barking), etc. About one-fourth (26.7%) were self-defense cases, where the claimant alleged resistance against the commission of a felony or criminal trespass, or was acting to enforce the law. The relationship between SYG success and incident triggers is found in Table 13.

Table 13. SYG Success versus Incident Triggers, by Case

Incident Trigger	SYG Successful	SYG Unsuccessful	Total
Argument	114 (52.5%)	103 (47.5%)	217
Defense	67 (80.7%)	16 (19.3%)	83
Disputed/Unknown	3 (27.3%)	8 (72.7%)	11
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 24.545$		$p < .05$	

Without a doubt, an individual who claimed self-defense against the commission of a crime was significantly more successful than if he/she had been involved in an argument. In the sense of the legislative purpose behind the Stand Your Ground law, cases of pure self-defense were successful for the claimant eighty percent of the time. However, claimants who were embroiled in ostensibly out-of-control disputes had a decidedly more difficult time convincing legal actors, prevailing in only a little more than half of their claims.

In the eyes of legal actors, certain situations occurred which bolstered a claimant's assertion of self defense. These included whether or not the assailant was armed, the claimant was injured, the assailant was committing a crime leading to or during the incident, or the incident occurred on the claimant's property.

Of the 311 cases in which SYG decisions have been rendered, 199 (64.0%) involved situations where the assailant was unarmed. As is shown in Table 14 below, this is a significant element in successful defenses. That is, when an assailant was armed with any type of weapon, claimants successfully used the SYG defense in three out of four instances. However, when assailants were unarmed, claimants legally prevailed in just over half of the cases.

Table 14. SYG Success versus Armed Assailant, by Case

Assailant's Weapon*	SYG Successful	SYG Unsuccessful	Total
Unarmed	103 (51.8%)	96 (48.2%)	199
Handgun/ Other Firearm	32 (78.0%)	9 (22.0%)	41
Knife/Other Sharp Instrument	16 (69.6%)	7 (30.4%)	23
Blunt Instrument/ Other Weapon	15 (75.0%)	5 (25.0%)	20
Possession Disputed/Unknown	18 (64.3%)	10 (35.7%)	28
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 13.979$		p < .05	

* Some categories combined due to low cell frequencies.

It was rather rare that a claimant was injured in a SYG episode. Less than one in five claimants (17.7%) was harmed in any way. Understandably, though, Table 15 demonstrates that this was an important factor in a SYG claim. Certainly, because physical harm is clear support for an assertion of threat, more than three quarters of incidents in which the claimant received an injury were decided in his/her favor. Similarly, as shown in Table 16 below, in five out of six occasions when the assailant was committing a crime, a claimant's SYG defense was successful. And in about two-thirds of situations, a claimant successfully (although not significantly) utilized the SYG defense when the incident occurred on his/her property (Table 17 below). On the other hand, in a situation where none of these factors was present, claimant success was something over 50%.

Table 15. SYG Success versus Claimant Injury, by Case

Claimant Injured	SYG Successful	SYG Unsuccessful	Total
Yes	42 (76.4%)	13 (23.6%)	55
No	138 (56.1%)	108 (43.9%)	246
Disputed/Unknown	4 (40.0%)	6 (60.0%)	10
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 9.212$		p < .05	

Table 16. SYG Success versus Assailant Committing a Crime during Incident, by Case

Committing Crime	SYG Successful	SYG Unsuccessful	Total
Yes	58 (82.9%)	12 (17.1%)	70
No	116 (51.6%)	108 (48.4%)	225
Disputed/Unknown	10 (62.5%)	6 (37.5%)	16
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 21.729$		p < .05	

Table 17. SYG Success versus Incident Occurring on Claimant's Property, by Case

On Claimant's Property	SYG Successful	SYG Unsuccessful	Total
Yes	74 (63.8%)	42 (36.2%)	116
No	108 (56.0%)	85 (44.0%)	193
Disputed/Unknown	2 (100.0%)	0 (0.0%)	2
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 1.837^*$		p < .18	

* Excludes disputed/unknown category.

Belligerence augmented by the presence of alcohol is by no means unknown. In his study of Philadelphia homicides, Wolfgang (Bloch and Geis 1962:257) reported alcohol as a factor in about two-thirds of all his cases. It is therefore somewhat surprising that alcohol was clearly present in only a fourth (26.4%) of the SYG incidents. Indeed, as indicated in Table 18 below, alcohol was not a statistically significant element in the success of SYG claims. Nonetheless, a pattern of success or nonsuccess is apparent. Note that the claimant SYG success rate when no alcohol was present is virtually the same as the overall case rate. Nearly three-fourths of SYG claims were successful when only the assailant had been drinking. The success rate fell to about half when both claimants and assailants were drinking and to well under half if only the claimant had been drinking. On one hand, an alcohol-fueled assailant lends extra

Table 18. SYG Success versus Presence of Alcohol, by Case

Alcohol Presence	SYG Successful	SYG Unsuccessful	Total
Assailant Drinking	25 (73.6%)	9 (26.4%)	34
Claimant Drinking	5 (50.0%)	5 (50.0%)	10
Both Assailant and Claimant Drinking	19 (50.0%)	19 (50.0%)	38
No Alcohol Present	126 (60.3%)	83 (39.7%)	209
Disputed/Unknown	9 (45.0%)	11 (55.0%)	20
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 6.342$		p < .18	

credence to a defendant's contention of real or perceived threat. On the other hand, alcohol consumption by the claimant undermines such a claim, and may, in some instances, lead legal actors to believe that it was the assailant, not the claimant, who was the one actually in danger.

Two final situational factors require consideration in the success of SYG defenses: the claimant's choice of weapon and the consequences of the incident for the assailant. Table 19 reveals that claimants who used a handgun or other

Table 19. SYG Success versus Claimant's Weapon, by Case

Claimant's Weapon*	SYG Successful	SYG Unsuccessful	Total
Handgun/ Other Firearm	130 (64.4%)	72 (35.6%)	202
Knife/Other Sharp Instrument	32 (47.8%)	35 (52.2%)	67
Blunt Instrument	8 (44.4%)	10 (55.6%)	18
Fists/Hands/Feet	14 (58.3%)	10 (41.7%)	24
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 7.481$		p < .06	

* Some categories combined due to low cell frequencies.

firearm were much more successful in their defenses than those who utilized any other type of weapon, a difference which approaches statistical significance. At first glance, this finding seems diametrically opposed to what might be expected. At the very least, it might be thought that carrying a firearm, or having one in close proximity, indicates an anticipation of potential trouble. The other weapons, however, might be more likely to be utilized spontaneously in response to a threat simply because they happened to be at hand. This line of thought could lead one to conclude that this supposed bias in favor of “gun-toters” is the natural result of laws in a firearms-friendly state.⁷

On the other hand, in the state of Florida, individuals must pass through a number of legal hoops before they can acquire a concealed weapons license (Florida *Statutes* 2013a). First, such a person cannot be a minor, a convicted felon, mentally impaired, or an abuser of alcohol or controlled substances. Second, the individual must successfully complete a firearms safety course (which includes instruction in legal obligations) taught by a state-certified or licensed instructor. Therefore, many, if not most, firearms carriers would be quite cognizant of when they could and could not employ their weapons. Conversely, one could also point out that spontaneously obtained weapons of any sort might have been aggressively picked up by an assailant in a heat of passion circumstance.

Unfortunately, the most prevalent outcome for assailants was death, which occurred in about six out of ten cases. In most of the remainder, almost one-third, assailants suffered some sort of injury, sometimes critical. Only about ten percent came through the confrontation unharmed. However, whatever the result was for the assailant, it was absolutely immaterial to the success or failure of a claimant’s SYG defense, as is demonstrated in Table 20 below. This is explained by the legal requisites of the Stand Your Ground law. By definition, the claimant must be in reasonable fear of life or limb. If such is the case, the claimant, by law, is entitled to use whatever force is necessary, including deadly force, to escape the threat.

⁷ Indeed, an NRA official was at Gov. Jeb Bush’s elbow when the Stand Your Ground act was signed into law (Associated Press 2005).

Table 20. SYG Success versus Outcome for Assailant, by Case

Outcome for Assailant	SYG Successful	SYG Unsuccessful	Total
Killed	103 (56.0%)	81 (44.0%)	184
Critically Injured	13 (72.2%)	5 (27.8%)	18
Suffered Minor Injury	43 (63.2%)	25 (36.4%)	68
Injured, Unknown Extent	7 (63.6%)	4 (36.4%)	11
Unharmmed	18 (60.0%)	12 (40.0%)	30
Total	184 (59.2%)	127 (40.8%)	311
$\chi^2 = 2.610$		p < .63	

Summary and Conclusions

The current inquiry, building upon the results of prior reports (McCormick 2014, 2015), examined the elements and conditions associated with successful Stand Your Ground claims. Covering the period from October 1, 2005 through the year 2012, 310 cases were identified in which SYG rulings had been rendered by legal actors. The general patterns found are summarized as follows:

- The claimant's sex, age, nor ethnicity was related to the success of a SYG defense.
- The assailant's sex, age, and ethnicity were all important. Successful SYG claims were more likely if the assailant was male, young, and/or non-white.
- There was no difference in SYG success between intra- and inter-ethnic principals.
- There were no differences in SYG claim success based upon the criminal backgrounds of either the claimant or the assailant, even when considering a history of violent crimes.

- Success rates were significantly lower in family and pseudo-family situations, compared to other primary or secondary relationships between the principals.
- While not significant, incident location may be a factor, with greater success rates in or around the claimant's home or business, and lesser success rates in or around bars, lounges, or party locations.
- Claimant success was significantly higher in incidents triggered by self-defense (rather than an argument), when the assailant was armed and/or committing a crime, and when the claimant was injured in the incident. While not significant, a claimant tended to be more successful if the SYG event occurred on his/her property.
- The presence of alcohol in a SYG incident was not a significant factor, but success rates were higher in instances in which only the assailant had been drinking.
- Defense success was greater when the claimant's weapon was a firearm as opposed to any other type of weapon.
- The success or failure of a SYG claim was unrelated to the degree of harm done to an assailant.

This analysis sheds light upon the characteristics of those who have legally used or threatened deadly force in response to life threatening situations, the contexts within which such force was used, and the association of these factors with SYG decisions made within the legal system. The stated intent of Florida's Stand Your Ground law was to protect the rights of law-abiding citizens who are assaulted, and to provide another crime deterrent measure (Associated Press, 2005). Certainly, a portion of the findings indicate that the pure purpose of law is being served. It was shown here that, for those successfully claiming a SYG justification, a meaningful proportion of situations involved self-defense, facing an armed assailant, defending against the commission of a crime, and/or defending one's property. Further, SYG defenses tended to be more successful against those categories of individuals criminological literature reports as disproportionately involved in violent behavior, to wit, males, the young, and minorities.

But, these are tendencies on the part of those charged with administering the law, not absolutes. Another portion of the findings leads to the conclusion

that legal actors have allowed the successful use of Stand Your Ground outside the intent of the law. SYG claimants have been granted immunity in situations where violence was used by prior felons, to settle an argument or dispute, against unarmed assailants, etc. Indeed, as a result of the Trayvon Martin and certain other high profile Florida SYG trials, some interest groups are pursuing reforms to the law, or its outright repeal (see, for example, Strassman 2014). Further, as reported above, the U.S. Commission on Civil Rights has taken an interest in the law and its application. Nonetheless, Stand Your Ground enjoys wide support throughout the state (Man 2012, Reuters 2013).⁸

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⁸ Thus far, the Florida legislature, with one exception, has been content to leave the law as is. In the 2014 legislative session, lawmakers added and the Governor approved a proviso (which has generated its own controversies) permitting a person to fire a warning shot in fending off an unlawful attack (Associated Press 2014).

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