

Testimony on House Bill 796
Civil Justice Committee

Submitted by:
Deborah Cooper

Chair Hambley, Vice Chair Patton, Ranking Member Brown, and members of the committee, thank you for allowing me to present this testimony in opposition to House Bill 796.

I am a private citizen, a mother and a grandmother who does NOT want Ohio to follow the lead of Florida, where George Zimmerman was able to justify the shooting of unarmed Trayvon Martin with a claim of self-defense. While we have a more recent case of such a spurious claim of self-defense based on Stand Your Ground (Ahmaud Abernathy, whose murder factors into motivation for the protests we're experiencing now), it's helpful to review the first high-profile case of Trayvon Martin because Florida's experience with Stand Your Ground since 2012 has only underscored the dangers this law poses. Further, a Tampa Bay reporter learned that many killers who have escaped consequences under Stand Your Ground have a history of violence. (See <https://www.usatoday.com/story/news/nation/2018/07/26/stand-your-ground-laws-renew-ed-scrutiny-florida-shooting/840272002/> and <https://www.tampabay.com/news/courts/criminal/many-killers-who-go-free-with-florida-st-and-your-ground-law-have-history/1241378/>.)

Ohio legislators should be cautious when considering a law that cases in Florida strongly suggest causes more harm than good.

On February 26, 2012, 17-year-old Trayvon was walking back from a convenience store after having bought a package of Skittles and iced tea. He was unarmed. He had been an honors English student whose favorite subject was math, but in late February that year, he'd started having some trouble at school, and was spending a third suspension from school with his father and his father's fiancée at The Retreat at Twin Lakes in Sanford, Florida, a gated community.

Like Trayvon Martin, all three of my sons experienced various problems and made mistakes during their teen years. Like Trayvon Martin, none of them had criminal records. But they unlike Trayvon Martin, they were white. All three grew up to become fine, caring young men, but in many ways, they were simply lucky, unlike Trayvon

Martin.

George Zimmerman had been selected as the program coordinator for a neighborhood watch group that had been established in response to a rash of robberies and burglaries in 2011. He patrolled the streets regularly and carried a firearm. Between August 2011 and February 2012, he had made several calls to police to report “suspicious” individuals. All of them were black males.

On February 26, Zimmerman saw Martin, who had left his father’s house for a nearby convenience store to buy snacks. Zimmerman called the police department from his SUV to report a “suspicious guy” who was walking between homes and starting to run. The police dispatcher told Zimmerman not to get out of his car and follow Martin, but Zimmerman disregarded those instructions and pursued the teen anyway.

Video footage of Martin shopping at the 7-11 showed no criminal or aggressive behavior. Later, interviews revealed that Martin was talking with his girlfriend on the phone when Zimmerman spotted him. Martin’s girlfriend said that, when the teen noticed he was being followed, he began to run. Doubts have been raised about whether Zimmerman identified himself as part of a community watch, and the circumstances surrounding Martin’s death remain mysterious and conflicted. What we do know is that Trayvon Martin was an unarmed teenager, while George Zimmerman was an armed adult. Zimmerman was not seriously injured, but Martin was shot in the chest and died on the scene, less than a hundred yards from his father’s townhouse.

At 7:17 p.m., an officer arrived on the scene, finding Martin dead and George Zimmerman on the ground, bleeding from head and face wounds. Zimmerman, who was taken into custody, claimed he had shot Martin in self-defense. He was released and no charges were filed. Following extensive pressure to investigate the case, Zimmerman was finally charged with second-degree murder on April 11, 2012. On July 13, 2013, a six-member, all female jury acquitted Zimmerman of murder. Later that same year, Zimmerman was charged with domestic aggravated assault, after having allegedly choked and aimed a gun at his girlfriend. The girlfriend declined to press charges, but Zimmerman was arrested again on another charge of aggravated assault in 2015. In 2019, Zimmerman sued Trayvon Martin’s family, asking for more than \$100 million and claiming he was the victim of a conspiracy, as well as malicious prosecution and defamation.

When I picture any one of my sons at age 17, alone, unarmed, trying to figure out how to survive a confrontation with a much older, armed man, I shudder. Is it reasonable to believe that any 17-year-old, unarmed boy could pose such a serious threat that an

armed, full-grown man would be forced to shoot him?

So what does Stand Your Ground have to do with the Zimmerman case? Well, changes to Florida law in 2005, under Stand Your Ground, made it very difficult to arrest someone who claims self-defense. (See <https://www.theatlantic.com/national/archive/2013/07/how-stand-your-ground-relates-to-george-zimmerman/277829/>. Also see <https://www.reuters.com/article/us-usa-florida-shooting-idUSBRE9620RL20130703>.)

When George Zimmerman claimed self-defense in 2012, that law gave him immunity from arrest, with an exception for probable cause (which the police can use to make an arrest). While there are some disagreements about whether Stand Your Ground applies directly to the Zimmerman case, one of the jurors in that case clearly thought it applied: “COOPER: Because of the two options you had, second degree murder or manslaughter, you felt neither applied? JUROR: Right. Because of the heat of the moment and the Stand Your Ground. He had a right to defend himself. If he felt threatened that his life was going to be taken away from him or he was going to have bodily harm, he had a right...”

If there are plausible arguments about whether Stand Your Ground applies directly to the Zimmerman case, Florida officers in an earlier case concluded that Stand Your Ground complicated a case against Trevor Dooley, the school bus driver accused of shooting and killing a Valrico Air Force veteran on a basketball court. Law enforcement officers reached this conclusion: “The arrest on manslaughter charges may have been complicated by the state's "stand your ground" law, which allows the use of lethal force if a person feels threatened by another with great bodily harm. The law makes it more difficult to make arrests and prosecute assailants when there has been a fight.”

In short, Stand Your Ground laws lower the bar for using deadly force in a confrontation. Ohio already has the “Castle Doctrine,” which allows people to “meet force with force” without retreating when threatened in their homes and cars. Stand Your Ground extends the Castle Doctrine to apply in locations outside the home and car. When combined with a permitless carry law that, if passed, would allow Ohioans to carry lethal weapons without so much as a license or training, an unarmed citizen would be at a serious disadvantage if an armed person decided, as George Zimmerman did, that he could get away with shooting an unarmed citizen by claiming self-defense.

In 2018, the RAND Corporation’s Gun Policy in America research initiative issued a comprehensive assessment of the effects of 13 state-level gun policies.

(See

<https://www.rand.org/blog/2019/09/stand-your-ground-laws-increase-violence.html>.)

RAND concluded there was “moderate” evidence that Stand Your Ground laws are associated with an increase in homicides, which is the highest level of evidence for any gun policy.

In previous committee meetings, proponents have stated that Stand Your Ground does not increase, or even decreases, violent crime. They provided no evidence for such a claim, however, because according to the RAND review, there is none. If there is strong evidence that Stand Your Ground laws will do more harm than good in protecting a majority of Ohio citizens—especially its black and brown citizens—why would the Ohio legislature want to impose such a law?

Thank you for allowing me to share my concerns and please oppose bringing Stand Your Ground to Ohio.

Deborah Cooper