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U.S.

More Killings Called Self-Defense

By **JOE PALAZZOLO** and **ROB BARRY**

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At a time when the overall U.S. homicide rate is declining, more civilians are killing each other and claiming self-defense—a trend that is most pronounced in states with new “stand your ground” laws.

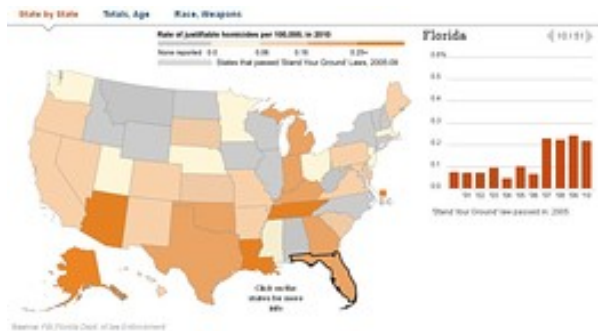
These laws, which grant people more leeway to attack and even kill someone who is threatening them, are attracting close scrutiny following February’s controversial killing of 17-year-old Trayvon Martin in Florida by a neighborhood watchman. Florida has one of the broadest self-defense laws of the 25 states with some version of a “stand your ground” principle.

So-called justifiable homicides nearly doubled from 2000 to 2010, the most recent data available, when 326 were reported, according to a Wall Street Journal analysis of crime statistics from all 50 states. Over that same 11-year period, total killings averaged roughly 16,000 a year, according to the state figures, which the Journal obtained from the Federal Bureau of Investigation and from Florida.

The data on justifiable homicides and their relationship to “stand your ground” laws hasn’t been rigorously studied, according to criminal scientists, and it leaves some questions unanswered. For instance, does a rise in justifiable homicides reflect killings that otherwise wouldn’t have happened? Or does it reflect the fact that more killings might naturally fall into the “justifiable” category, if a new law broadens that category?

HOMICIDES, BY THE NUMBERS

As 'Stand Your Ground' laws proliferate nationwide, there has been an increase in the number of cases in which killers are determined to have acted in self defense.



- More photos and interactive graphics (http://online.wsj.com/public/page/0_0_WP_2003.html)

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average was 32. By either yardstick, the February killing of 17-year-old Mr. Martin was an outlier.

The death of Mr. Martin, a black teen, is driving a widespread debate about the role of race. The nationwide data show that in three-quarters or more of all killings, "justifiable" or otherwise, the killer and victim were of the same race. Proportionally, blacks are more often the victims of homicide.

A split appeared in the data when the race of killer and victim differed. Among all homicides, when races differed, the victim was more often white. By contrast, in justifiable-homicide cases, when the races differed, the opposite was true: The victim was more often black.

James Alan Fox, a professor of criminology at Northeastern University, said that

The statistics don't capture why a killer felt threatened, or whether the victim was armed. And by definition, the dead man—and justifiable-homicide victims are almost exclusively male, unlike nonjustifiable homicides—isn't around to testify.

Still, the numbers provide a rich snapshot of justifiable-homicide characteristics over the 11-year period:

- In about 60% of justifiable-homicide cases in which the relationship between victim and killer was known, the pair were strangers. This differs sharply from nonjustifiable cases, where more than three-fourths of victims knew their killers.
- Firearms were used in more than 80% of justifiable cases. (In seven cases, the victims were asphyxiated or strangled.) In nonjustifiable cases, guns were used about 65% of the time.

- The average age of victims in justifiable cases was 30; in nonjustifiable cases, the



Ebony Fay holds up a sign during rally in Los Angeles to protest the failure of police to arrest a Florida neighborhood watch volunteer for shooting to death an unarmed black teenager, Trayvon Martin. *REUTERS*

LIVE CHAT »

Joe Palazzolo and Arian Campo-Flores discussed "stand your ground" laws and the Trayvon Martin case on April 2. [Replay the event.](#)

difference "is certainly, on the face of it, something that needs to be explored." He noted it is difficult to draw conclusions without deeper study. "Could it be an element of racism? You can't necessarily assume that," he said.

Critics of the stand-your-ground laws say they breed a shoot-first mentality that not only can lead to more killings, but can make it tough to investigate killings that might otherwise be worth a closer look.

"I choose to believe prosecution for murder has a deterrent effect. It should be a huge deal to take a life," said David LaBahn of the Association of Prosecuting Attorneys. He said laws such as Florida's give civilians stronger protections than police officers who kill in the line of duty.

Supporters of stand-your-ground laws say they empower people to confront criminals in life-threatening situations, rather than flee. "I don't want to find out whether I can outrun a bullet," said James Corley, a Columbia, S.C., lawyer who shot and killed an armed intruder a few years ago.

In that 2009 incident, an intruder had broken into a club for recovering alcoholics and demanded everyone's wallets at gunpoint. Mr. Corley shot him with a concealed weapon. The local prosecutor didn't pursue charges, concluding that Mr. Corley acted in self-defense.

For decades, many states embraced the "Castle Doctrine," the principle that a person's home is their castle and they are generally within their rights to defend themselves, even with deadly force, against intruders.

Outside the home, however, most states required people to try to retreat, rather than take on an aggressor.

A wave of "stand your ground" laws, including Florida's in 2005, expanded the doctrine to include places outside the home.

The National Rifle Association is a prominent backer of the new laws. An NRA official didn't respond to requests for comment.

Oklahoma State Senator Harry Coates, one of the sponsors for the law that passed in his state in 2006, said: "At the time, we were dealing with a tremendous number of carjackings."

Under the Castle Doctrine, he said, "It was a little unclear whether you could protect yourself. So we put it in the statutes that yes, you can shoot to kill if your life is in peril, period." Sen. Coates added, "It's not to allow you to blow people away unless your life is being threatened."

The Journal obtained most of the state-by-state data from the FBI, which collects it from the states, and also obtained Florida data from the Florida Department of Law Enforcement. Florida doesn't use the FBI's guidelines when reporting additional information about homicides.

The FBI data don't capture all homicides. The states' reporting is voluntary, and the country's thousands of police agencies aren't consistent in how they report. Some states, including New York, reported no justifiable homicides at all for some years.

In absolute terms, the number of homicides of all kinds reported in the data increased slightly between 2000 and 2010. But when adjusted for population growth, the overall homicide rate declined slightly in that data.

By contrast, over that period, the number of killings categorized as justifiable rose by 85% to 326 cases in 2010 from 176 in 2000, the figures show.

Five of the states that enacted "stand your ground" laws during the past decade—Kansas, Alabama, Mississippi, Montana and West Virginia—reported no significant change in justifiable homicides. In Michigan, which passed its law in 2006, they fell.

Overall, the figures show the sharpest increase in justifiable homicides occurred after 2005, when Florida and 16 other states passed the laws.

While the overall homicide rates in those states stayed relatively flat, the average number of justifiable cases per year increased by more than 50% in the decade's latter half, the data show.

In Texas and Georgia, such cases nearly doubled and in Florida, they nearly tripled. Meanwhile, in states that saw no change in their self-defense laws, justifiable homicides reported to the FBI stayed nearly flat after a slight uptick in the middle decade.

Florida's particularly strong law not only eliminates the duty to retreat, but also presumes that a person who used deadly force in his home or vehicle had a reasonable fear of harm, and it immunizes the killer from civil lawsuits. At least six other states have laws mirroring Florida's.

Justifiable homicides in Florida rose from an average of 12 a year before the law was passed in 2005 to an average 33 a year afterward, according to statistics from the Florida Department of Law Enforcement.

There are a number of ways a homicide can be deemed justifiable. Prosecutors can decide not to bring charges, or a person can be cleared of wrongdoing by a jury. A judge can also find that someone acted in self-defense.

That's what happened in an unusual case in Miami this past week. Citing the Florida law, a judge dismissed a murder charge against Greyston Garcia, who had chased and stabbed to death a suspected burglar who had stolen his car radio. The judge ruled that a bag of radios swung by the suspect, Pedro Roteta, at Mr. Garcia amounted to a lethal threat.

Mr. Garcia "was well within his rights to pursue the victim and demand the return of his property," the judge said.

Prosecutors plan to appeal, according to a spokesman for Miami-Dade State Attorney Katherine Fernandez Rundle. Mr. Garcia's lawyer, Eduardo Pereira, said: "Mr. Garcia defended himself when attacked by an armed burglar."

In the February killing of Mr. Martin in the Orlando suburb of Sanford, a neighborhood-watch volunteer, George Zimmerman, said he acted in self-defense in shooting the teenager. Mr. Zimmerman hasn't been arrested or charged. His lawyer didn't respond to requests for comment.

The scope of "stand your ground" laws is being tested in several court cases across the country, including in Texas, where self-defense killings increased from an annual average of 26 before the law went into effect in 2007 to 46 after, according to the data.

Jose Manuel Morales was convicted of murder for shooting and killing Enil Lopez in a December 2007 gang fight in Dallas. According to Mr. Morales's lawyer, he was acting in defense of his brother, Juan Morales.

Mr. Morales's murder conviction, for which he was sentenced to 25 years in prison, is now in question because the trial judge incorrectly told the jury the brothers had a duty to retreat. A Texas appeals court is considering whether the error was severe enough to warrant a new trial.

Mr. Morales's lawyer, John Hagler, declined to comment specifically on the case. He did say the new law has given criminal-defense attorneys such as himself a new tool where few existed before. "If you've got two guys shooting it out, how many defenses are there?" he said. "I've had cases where my guy shot a guy in the back with an automatic rifle 11 times and claimed self-defense," Mr. Hagler said, noting that as the lawyer representing the accused, "you've got to do something."

Dallas County District Attorney Craig Watkins, whose office is prosecuting Mr. Morales, said the Texas law was too susceptible to abuse. "If someone is trying to kick in your door, I don't think you should have a duty to retreat," said Mr. Watkins, who declined to comment on the Morales case. "But you can't pursue an individual and then claim self-defense."

Write to Joe Palazzolo at joe.palazzolo@wsj.com and Rob Barry at rob.barry@wsj.com

Corrections & Amplifications

A graphic accompanying an earlier version of this article transposed two numbers. The correct figures are as follows: White killers accounted for 37,924 homicide cases, and other/unknown killers accounted for 3,284 cases.