

Florida appeals court upholds 'Stand Your Ground' changes

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A South Florida appeals court has upheld the constitutionality of a controversial change to the state's "stand your ground" self-defense law — but also might have set the stage for a debate at the Florida Supreme Court about how the change should apply in some cases.

The decision Friday by the 3rd District Court of Appeal in a Miami-Dade County shooting case came a week after another appeals court ruled on similar issues in a Hillsborough County case. The two appellate courts disagreed on a key issue about how judges should carry out the "stand your ground" change in older cases, a type of legal conflict that can spur the Supreme Court to take up issues. Both rulings dealt with a move by the Legislature in 2017 to shift a key burden of proof in "stand your ground" cases from defendants to prosecutors.

In the decision Friday, a panel of the 3rd District Court of Appeal disagreed with a Miami-Dade County circuit judge, who ruled that the legislative change was unconstitutional because it violated the separation of powers. The circuit-court ruling was rooted in the Supreme Court's constitutionality authority to set rules of practice and procedure for the court system.

Shifting the burden of proof in 'Stand Your Ground' cases

The "stand your ground" law says people are justified in using deadly force and do not have a "duty to retreat" if they believe it is necessary to prevent death or great bodily harm. When the defense is successfully raised in pre-trial hearings, defendants are granted immunity from prosecution.

Before the change was passed last year, the Florida Supreme Court had said defendants had the burden of proof in pre-trial hearings to show they should be shielded from prosecution. With backing from groups such as the National Rifle Association, the 2017 change shifted the burden from defendants to prosecutors to prove whether self-defense claims are justified.

In Friday's decision, the 3rd District Court of Appeal said the Legislature did not overstep its constitutional authority in shifting the burden of proof. It said lawmakers have "the constitutional authority to enact procedural provisions in statutes that are intertwined with substantive rights."

"The amendment (to the "stand your ground" law in 2017) shifts the burden of proof to the prosecution after the defendant has made a prima facie claim of justified use of force, and it requires that the state (prosecutors) meet this burden of proof with clear and convincing evidence," said the decision, written by appeal-court Judge Ivan Fernandez and joined by judges Thomas Logue and Edwin Scales. "This is consistent with the well-established legislative practice of passing statutes allocating the burden of proof in judicial proceedings."

Martin appealed his conviction, and the appeal was pending when the Legislature and Scott changed the "stand your ground" law. In ruling that the change should apply retroactively to Martin, the 2nd District Court of Appeal overturned his conviction and ordered that he receive a new "stand your ground" hearing under the 2017 law.

The 2nd District panel noted the potential implications of retroactively applying the burden-of-proof change to cases pending in the court system at the time the 2017 law passed, saying it "could impact a significant number of criminal proceedings." Also, the appeals court asked the Florida Supreme Court to take up the retroactivity issue, a move known as certifying "a question of great public importance" to justices

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