

# Is Florida more tolerant of deadly force?

In another era, in another state, the video might be too unsettling to watch.

A suspected shoplifter is looking for a way to slip past a Lakeland store owner who is holding a gun. The shoplifter gets one hand on the door at the same time the store owner reaches out to stop him.



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He nearly makes it outside as the store owner grabs his shirt, and then opens fire. The shoplifter falls face first and the store owner stands over him for several minutes, watching a life slowly come to its end.

The video is equal parts sad, voyeuristic and disturbing.

It has also become a digital gathering spot for legal and moral debate. Once more, the infamous stand-your-ground provision in Florida law is ripe for a public vetting.

And a scene that would have been horrifying not so long ago is now defended by many.

So what does that say about Florida life in 2018? Has stand your ground changed the way we approach self-defense, and has it made us more tolerant when it comes to deadly force?

Bullet by bullet, is our perspective changing?

"If you'll forgive me for being short, the answer is yes," said Bob Dekle, a longtime assistant state attorney who prosecuted serial killer Ted Bundy. "What 'stand your ground' has done is taken an unnecessary killing and made it into a justifiable killing."

The Polk state attorney said last week that his office did not believe Lakeland store owner Michael Dunn, 47, was protected by the stand-your-ground law and charged him with second-degree murder in the death of Christobal Lopez. That is not the end of the matter, however. Dunn, who has resigned as a Lakeland city commissioner, can still pursue stand-your-ground protection in a pre-trial hearing and later, perhaps, seek a self-defense claim in front of a jury.

Like the Markeis McGlockton shooting that was captured on video outside a Clearwater convenience store in July, the circumstances in this case are nuanced.

Lopez was accused of trying to steal a hatchet and, although he was attempting to flee the store, it could be argued he had a deadly weapon because the hatchet appears to be in his right hand. It is clearly visible next to his body after he was shot.

And in that sense, the Lakeland video

shares common ground with the McGlockton case. McGlockton was also backing away when he was shot, but only after knocking Michael Drejka down and stepping ominously toward him.

So, even though Florida jurors are instructed to focus only on the facts of a given case, do these high-profile and controversial confrontations gradually move the needle of public perception toward a more permissive definition of self-defense?

"If people aren't paying attention to the fine details of a video, there might be a tendency to simplify it and walk away with the wrong message," Clearwater defense attorney Stephen Romine said. "So if a guy gets acquitted, they think it's okay to shoot someone if they shove you in a parking lot. Or it's okay to shoot a shoplifter if he tries to leave a store."

Casual observers can be excused if they do not completely grasp the legal minutiae. Even experts wrestle with the vague concepts of whether a person "reasonably believes" they are in danger, or what constitutes "imminent peril."

In the Clearwater parking lot shooting, there was a split second when McGlockton was standing over Drejka after knocking him

down. At that moment, it is reasonable to believe that Drejka was in imminent danger. But two seconds later, when the gun is fired, McGlockton has already retreated.

In the Lakeland store shooting, Dunn could argue that he had a legal right to detain Lopez and he shot him only after realizing the hatchet was in the other man's hand.

Those claims may not have been persuasive 20 years ago, but the legal hurdle for defending oneself was arguably lowered with stand your ground.

For some, that's a scary thought.

For others, it was overdue.

The legal distinction of stand your ground is that it removed a person's obligation to retreat before responding with deadly force. The practical distinction today, is that it often provides a justification to overreact.

"We keep pushing societal boundaries with stand your ground," said Charles Rose, a professor at Stetson University College of Law. "In the minds of a lot of people there is an acceptability of behavior that was not acceptable a short time ago."

It is often said by Second Amendment supporters that an armed society is a polite society. Rose has a different interpretation. An armed society, he said, is a fearful society.