

Gavel to Gavel: Hard lessons to learn

By Robert Sheets

Guest Columnist | August 1, 2013



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Many are torn over a Florida jury's acquittal of neighborhood watchman George Zimmerman. Would his case have played out the same way in Oklahoma?

The ruling brings further scrutiny to "stand your ground" laws even though these laws were not brought up in Zimmerman's trial; his lawyers argued simple self-defense. However, self-defense is anything but simple.

A defendant can be convicted of first- or second-degree manslaughter in Oklahoma. In Florida, a jury has only the first-degree option. In Oklahoma, second-degree manslaughter occurs when the death is caused by the defendant's culpable negligence – the omission to do something a reasonably careful person would do, or the lack of usual ordinary care and caution in the performance of an act.

Florida's manslaughter statute requires that the victim's death be caused by culpable negligence. Florida's jury instructions state that a merely negligent act isn't sufficient – the defendant must consciously perform an act or course of conduct likely to cause death or great bodily harm.

When Zimmerman left his car and followed Trayvon Martin against the advice of police, it could appear that Zimmerman's actions may have met Oklahoma's requirements for second-degree manslaughter.

In our state, self-defense is a defense to manslaughter, but self-defense is not available to a person who is the aggressor – defined as a person who by his or her wrongful acts, provokes, brings about or continues an altercation. Thus, Martin would have had no duty to retreat, but may stand firm and use the right of self-defense against an aggressor.

In light of Florida's ruling, many states are now taking a closer look at their own "stand your ground" laws, despite this not being used as a defense in Zimmerman's case. Oklahomans should look to November when state Rep. Mike Shelton, D-Oklahoma City, plans to launch a review of Oklahoma's "stand your ground" and open-carry laws. Shelton has not indicated if he intends to push for repeal of these laws.

That said, this case is a tragedy as it has led to the death of a young man in the beginning of his life. My prayers are with the Martin family for the loss of someone so young and

with the nation as a whole, in hopes we can come together and learn from this tragedy.

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