

West Palm Beach Violent Gun Defense

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In Case # CF-00943A last year, Attorney Andrew D. Stine, West Palm Beach defense attorney, represented a man who was charged with aggravated assault with a firearm. The defendant was arrested for pointing a gun at an off-duty sheriff in a road rage incident and was facing a minimum sentence of three years in prison for the aggravated assault charge.

Gun laws are different in every state. In Florida, no permit is required to possess or purchase a rifle, shotgun or handgun. However, pointing a gun at another person and placing them in fear has a mandatory minimum sentence of three years.

But - as of 2005 - Florida also became a "Stand-your-ground" state. This is a self-defense and self-protection law which has four key components:

- 1) It establishes that law-abiding residents and visitors may legally presume the threat of bodily harm or death from anyone who breaks into a residence or occupied vehicle and may use defensive force, including deadly force, against the intruder.
- 2) In any other place where a person "has a right to be," that person has "no duty to retreat" if attacked and may "meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another to prevent the commission of a forcible felony."
- 3) In either case, a person using any force permitted by the law is immune from criminal prosecution or civil action and cannot be arrested unless a law enforcement agency determines there is probable cause that the force used was unlawful.
- 4) If a civil action is brought and the court finds the defendant to be immune based on the parameters of the law, the defendant will be awarded all costs of defense.

Attorney Andrew Stine demonstrated to the Palm Beach County Assistant State Attorney that the defendant was acting in self-defense and in fear for his own safety because the off-duty officer was insulting him with racial slurs.

These racial slurs equal fighting words and the defendant had a right to act in self defense. The charge was subsequently dropped. On May 21, 2009, the state dismissed the case and the man was free from criminal conviction, a criminal record and any jail time.

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