Stand Your Ground and the Architecture of “Justified” Harm

I remember standing in a courtroom waiting for a Stand Your Ground hearing to begin.

The courtroom was quiet in that particular way courtrooms get quiet before something irreversible happens. The victim’s family was sitting behind me. The defendant was across the aisle. Everyone knew the stakes.

If the judge granted immunity, the case would never go to trial.

No jury.
No testimony.
No reckoning.

Just dismissal.

That is what Stand Your Ground changes.

I have tried homicide cases. I have reviewed countless self-defense claims. I have listened to 911 calls where voices shake and adrenaline surges. And I can tell you this: in far too many cases, if someone had simply walked away, a person would still be alive.

Self-defense law existed centuries before Stand Your Ground. It allowed people to protect themselves from imminent harm. But it included a basic principle that grounded it in common sense — if you could safely retreat, you should. Deadly force was the last option, not the first.

Stand Your Ground removed that guardrail.

In Florida, where I prosecuted homicide cases, the law goes even further. A defendant doesn’t just argue self-defense at trial. They can seek immunity before trial. At a Stand Your Ground hearing, the judge determines whether the case can even proceed. If immunity is granted, the prosecution ends there.

And here’s the part most people don’t realize: once Stand Your Ground is raised in Florida, the burden shifts. Prosecutors must prove the defendant was *not* acting in lawful self-defense.

That is not a small procedural tweak. It fundamentally alters the architecture of accountability.

What most people don’t see is what happens the moment someone utters the phrase “Stand Your Ground.”

Investigations slow.
Charging decisions become more cautious.
Risk calculations change.

Prosecutors — particularly elected ones — have to assess whether they can overcome immunity at a pretrial hearing before ever reaching a jury.

Sometimes the answer is no.

Sometimes that caution is appropriate. But sometimes it allows narratives rooted in bias to harden into legal shields.

But here’s what troubles me most: fear in America is not neutral.

When someone says they were afraid of a “large Black man,” or “aggressive kids,” or a “hostile, loud woman,” those words do not float in a vacuum. They land on centuries of racialized tropes. Stand Your Ground gives those tropes legal oxygen.

The killing of Ajike "AJ" Owens in Florida is one example that shook many of us. The defense narrative centered on fear — fear of children, fear of a Black mother, fear of confrontation, fear escalating into gunfire. Only after intense public scrutiny was the case charged.

And that’s the other truth: the mere existence of Stand Your Ground changes how quickly — and how confidently — cases move forward.

Data backs up what many of us in courtrooms have sensed. A widely cited Urban Institute study found that homicides with white shooters and Black victims were far more likely to be ruled justified than cases with reversed racial dynamics. Other analyses have shown that defendants of color are less likely to successfully claim Stand Your Ground protections than white defendants.

Fear, filtered through bias, becomes legally consequential.

Bias does not disappear just because it is filtered through a statute.

And we have to be honest about history. The Second Amendment was not historically applied equally across racial lines. Expanding armed self-defense protections without addressing that history does not create equality. It magnifies disparity.

Here's what makes this conversation hard: there was never a crisis requiring the removal of the duty to retreat. Juries were capable of evaluating self-defense. They understood imminence. They understood reasonableness.

Stand Your Ground didn't fix confusion. It expanded immunity.

Now the genie is out of the bottle. More than half of U.S. states have some form of Stand Your Ground law. Repeal is politically fraught.

So what is left?

Prosecutors must still file cases when the evidence shows malice, escalation, or contradiction. We cannot allow risk aversion to quietly replace accountability. But we also cannot ignore that the procedural structure makes some cases extraordinarily difficult to bring.

And that leaves families in limbo.

As someone who now works with families navigating the criminal justice system through my Justice Concierge practice, I see the emotional toll of that limbo. People don't just want punishment. They want clarity. They want transparency about why a case is — or is not — moving forward.

Stand Your Ground makes that conversation more complicated.

If you want to engage on this issue, start local:

• Learn whether your state has a Stand Your Ground statute or retains a duty to retreat.
• Ask your elected prosecutor where they stand on filing decisions in self-defense cases.
• Ask legislative candidates whether they support returning to traditional self-defense standards.

And if you are directly impacted — as a family facing a self-defense claim in a case involving your loved one, a community advocate, or someone trying to understand why a case stalled — get guidance early. Do not navigate that alone. Immunity hearings move quickly. Burdens shift. Evidence matters. All of this can change how you advocate.

You deserve clarity about how that process works.

Stand Your Ground reshaped the legal boundaries of justified harm.

But the moral question remains ours:

Are we comfortable with a legal structure that makes escalation easier to defend than retreat?

Because in too many courtrooms I have stood in, the tragedy was not inevitable.

It was a choice.

Melba V. Pearson *is a former homicide prosecutor and civil rights attorney who works at the intersection of accountability, policy, and community impact. She is the founder of* ***Justice Concierge,*** *which helps families and organizations navigate complex criminal justice matters. She regularly provides legal commentary on Law & Crime and YouTube's LegalAF and has provided analysis for national outlets; learn more at* ***www.melbapearsonesq.com****.*