

Posted 3/18/12

## WALKING WHILE BLACK

### *A Florida CCW permittee avoids arrest after killing a 17-year old he mistook as a threat*

*By Julius (Jay) Wachtel.* About 7:30 pm Sunday, February 26, Trayvon Martin, 17, a Miami high school junior, [was on foot inside a gated community](#) in Sanford, Florida. It was raining lightly. Trayvon was returning to a residence where his family was watching basketball with candy and a drink that he bought at a convenience store.

George Zimmerman, the leader of a recently formed community watch group, spotted Trayvon from his SUV. A 28-year old criminal justice student at Seminole State College, Zimmerman had a CCW license and carried a 9mm. pistol in his waistband. Thinking Trayvon suspicious, Zimmerman telephoned police and [told the dispatcher](#) that a black youth in a hoodie was walking slow and peering in windows. "There's a real suspicious guy. This guy looks like he's up to no good, on drugs on something." It was his 46th. similar call in fourteen months. Zimmerman was told that an officer would be sent, and [when he offered to follow the youth](#) the operator said "we don't need you to do that."

Several 911 callers soon alerted police about an altercation in the same area. When officers arrived they found Trayvon on the ground, dead or dying of a bullet wound to the chest. Zimmerman stood nearby. He told police that he had shot the youth in self-defense. (Click [here](#) to listen to Zimmerman's call and the 911 tapes.)

Trayvon had nothing on his person other than \$22 cash, a bag of Skittles and an Arizona iced tea.

Police handcuffed Zimmerman and took him to the station. [They released him several hours later without charges.](#) "Until we can establish probable cause to dispute [the claim of self-defense] we don't have the grounds to arrest him," said police chief Bill Lee. Indeed, [the chief strongly suggested](#) that the evidence favored self-defense. "Mr. Zimmerman's claim is that the confrontation was initiated by Trayvon...All the physical evidence and testimony we have independent of what Mr. Zimmerman provides corroborates this claim of self defense....Zimmerman had injuries consistent with his story..."

Exactly what "all the physical evidence and testimony" comprises we can't say. Much of what the chief alluded to apparently stemmed from Zimmerman's physical condition when officers arrived. Zimmerman had a bloody nose and a wound on the back of his head. His shirt was damp and had grass stains. Taken as a whole, these characteristics appear consistent with being punched in the face and falling to the ground.

It's unknown whether Trayvon had injuries other than the bullet wound.

Citizens have come forward with bits and pieces of information, but so far no one claims to have witnessed the entire incident. Residents overheard someone screaming for help in a high-pitched voice, but whether it was Trayvon or Zimmerman isn't clear. Zimmerman reportedly told police that he called for assistance but no one came.

Chief Lee said that Zimmerman established the community watch group two months ago in response to a rash of burglaries. Of course, given the tragic events, the chief's endorsement of the group was qualified. "We encourage residents to report any suspicious activity, to not to put it in their own hands." Still, [he refused to say that Zimmerman was wrong](#) to intervene. "When dispatchers told him not to do anything, it was just a recommendation."

Florida law [doesn't require that persons retreat](#) before using force in self-defense:

776.012 Use of force in defense of person. – A person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat if...he or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony....

Sanford police have turned the case over to prosecutors, and what they will do is anyone's guess. Although the chief's comments seem favorable to Zimmerman, we expect that he will eventually be charged. It seems excessive to shoot someone for being decked, and certainly not under these circumstances. After all, the youth had no idea who the strange man was or what he really intended. It's not surprising that Florida's gun-licensing authority, which [sets out the circumstances](#) under which citizens can use firearms in self-defense, anticipated just that situation when it warned permit holders not to act like vigilantes:

The law permits you to carry a concealed weapon for self-defense. Carrying a concealed weapon does not make you a free-lance policeman or a "good samaritan."

As one might expect, not arresting Zimmerman incensed Trayvon's family and friends. They question whether a shooter would have received the same kid-gloves treatment from police had the victim been white. Their concern – that Trayvon's race was the deciding factor in his death, if not in his treatment by police – isn't without foundation. Frank Taafe, a local resident, told a reporter that black youth have been a problem: "Young black males have been seen in burglaries here, they've been seen in drug dealings here, and Sanford police is well aware of everything, and they've been called out here on numerous occasions. And I believe it was just the perfect storm...."

Now let's imagine that Florida wasn't a "shall issue" state, where [CCW permits must be granted](#) to nearly every adult who wants one (including all the angry ones Mr. Taafe mentions.) If so, Zimmerman wouldn't have had a gun while on "patrol." Lacking his safety blanket, he might have been more inclined to let a real cop check things out. Once one did and found nothing untoward, they could have all watched the rest of the game together. Trayvon would be alive, his family wouldn't be devastated, and Zimmerman could continue pursuing his studies, so that maybe he could be a real cop someday.

Just imagine.