

# LOCAL & STATE **B**

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## FLORIDA SUPREME COURT

# Key self-defense case upheld

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The Florida Supreme Court won't take up the case of an Opa-locka man who claimed self-defense in shooting and killing two unarmed men during a fight outside a Northwest Miami-Dade restaurant.

Prosecutors had asked the high court to review a local appeals court decision to grant immunity to Gabriel Mobley under Florida's controversial Stand Your Ground self-defense law.

But this week, high-court justices without explanation issued an order refusing to accept the case, which means Mobley is free and clear of murder charges.

The decision means Mobley's case will set legal precedent in Florida. Legal experts have long seen the case as a key test of the controversial law, which eliminated a citizen's "duty to retreat" before using lethal force in the face of a deadly threat or great bodily harm.

Critics say the 2005 Florida law, and similar ones across the country, promote a shoot-first vigilante culture that allows criminals a pass on justice.

The law came under national

scrutiny in the case of George Zimmerman, a Sanford man who claimed self-defense in killing unarmed Miami Gardens teen Trayvon Martin in February 2012.

Police initially did not charge him because of the law, and he was later acquitted at trial of murder.

More vexing for prosecutors, the law also gave judges greater leeway to throw out criminal charges — before a jury trial — if they deem someone acted in self-defense.

In Mobley's case, Miami-Dade Circuit Judge Thomas Rebull refused to grant immunity to Mobley. But the Third District Court of Appeals in January reversed the judge, saying Mobley acted reasonably that night in using deadly force against two aggressors.

"Mobley did not shoot two innocent bystanders who just happened upon him on a sidewalk," the court said in a 2-1 opinion.

Miami-Dade Chief Assistant State Attorney Kathleen Hoague said Wednesday the victims' relatives were "crushed" and "to say we are disappointed is an understatement."

She said Rebull, not the higher

courts, sat through an immunity hearing and himself gauged the evidence and Mobley's credibility first hand.

"I think Judge Rebull was correct in denying the Stand Your Ground immunity and allowing a jury to decide whether Mobley was guilty of murder," Hoague said.

However, his lawyer on Wednesday said while Mobley was "extremely happy" that he had been cleared, the case had "no winners."

"Despite being justified in his actions, not a single day will ever go by that Mr. Mobley doesn't think about those two kids and about February 28, 2008, when — through no fault of his own — he was forced to defend himself and his friend from an unprovoked ambush," said Miami-Dade Assistant Public Defender Antonio Valiente, who worked the case with Herbert Smith.

Mobley shot and killed Jason Jesus Gonzalez and Rolando Carranza in February 2008 outside the Chili's restaurant at 5705 NW 173rd Dr.

Gonzalez and Carranza had gotten into an argument with Mobley and a friend inside the res-

taurant. No fight occurred and the two men left the eatery, though not before banging on the outside windows and pointing at Mobley's group inside.

Some 20 minutes later, Mobley and his friend, Jose Correa, were smoking cigarettes outside the restaurant. Mobley had retrieved his Glock pistol from the glove compartment of his parked car.

Suddenly, Gonzalez appeared out of nowhere, delivering a "vicious punch" to the face of Correa, fracturing his eye socket, according to court documents. Gonzalez danced backward, his arms raised as if to taunt the men.

Seconds later, Carranza appeared rushing toward the men.

"I was scared, and then I seen this other guy coming up from the back and then he reached up under his shirt so I was scared," Mobley testified at an immunity hearing in January 2012. "I thought, you know, they were going to shoot or kill us."

Neither men was armed with a gun. Mobley, who had a concealed weapons permit, fired a volley of bullets, mortally wounding both men. A security guard, Mobley cooperated fully with police that night.