

Florida's "stand your ground" law under heavy scrutiny following shooting

Matthew MacEgan
1 August 2018

A parking lot shooting that took place in Pinellas County, Florida is sparking new controversy over the "stand your ground" law that is still in effect in the state. Where such laws are not in effect, the person who is under imminent threat has a duty to retreat before responding with force. Instead, the shooter in this case has not been arrested, and the state attorney's office is still determining whether he should face charges.

On July 19, 47-year-old Michael Drejka, of Clearwater, Florida, confronted a woman who parked in a handicapped parking space outside a Circle A Food Store. Witnesses later told police that the two were arguing because Drejka was upset that the woman parked there without a handicap designation on her vehicle. According to the store owner, the woman's boyfriend, 28-year-old Markeis McGlockton, was inside the store buying his five-year-old son a candy bar.

The woman, Britany Jacobs, later explained that McGlockton had just picked her up from her job as a nursing assistant and that the parking lot was very busy and they were only stopping for a minute. Apparently Drejka approached her car window after checking their license plate and began speaking loudly and gesturing with his hands toward nearby empty spaces.

As the argument escalated, McGlockton exited the store to defend his girlfriend and their other two children, ages three years and four months, who were still in the vehicle, and shoved Drejka to the ground. Drejka then sat up and removed a pistol from his front right pocket and shot McGlockton, who was backing away, in the chest. McGlockton then ran back into the store, where his five-year-old son was standing at the door, and fell to the ground clutching his chest. He was later pronounced dead at a local hospital. The entire incident was captured on surveillance video.

Multiple people witnessed the shooting and called 911. The store owner reported to ABC Action News that Drejka, who carries a legal concealed weapons permit, has a history of assaulting people in this particular parking lot. Rich Kelly, a man who frequents the store, stated that Drejka picked a fight with him over a parking spot one month ago, used racial slurs against him, and threatened to kill him.

The Pinellas County sheriff has not arrested Drejka, citing the self-defense law which allows people to use force without retreating if they feel threatened. Sheriff Bob Gualtieri said that under Florida's "stand your ground" law, Drejka was defending himself. Under a change made by the Florida legislature last year, prosecutors are now burdened with proving that the law does not apply.

Gualtieri said in a statement on Tuesday: "The easy thing, in some respects, would have been for me to arrest Drejka and kick it to the state attorney. The easy thing is not the right thing or the legal thing to do based upon the application of the law in this case. If you don't like the fact that he (Drejka) is not sitting in jail, go talk to the legislature."

Attorney Benjamin Crump, representing McGlockton's family, held a press conference last Thursday, where he stated that race is the reason no charges have been filed, due to the fact that Drejka is white-skinned, and McGlockton was considered black. Crump is the same attorney who represented the family of Trayvon Martin in a similar shooting incident in 2012 involving the now infamous George Zimmerman. Crump called Drejka's actions "cold-blooded murder."

"We all know race is a factor in this case," he stated outside the Clearwater courthouse. Crump said that if McGlockton was white and Drejka was black, "does anyone doubt that he (Drejka) would have been arrested

and taken to jail, if he would have not been shot right there in the parking lot?”

Michael McGlockton, the dead man’s father, told reporters that his son was just protecting his family when he shoved Drejka. “Any man out there would have done the exact same thing.” He said Drejka should have stood up and fought his son, not shot him.

Crump drew comparisons to the case of Trayvon Martin, the 17-year-old black youth who was fatally shot in 2012 by Zimmerman. Zimmerman was a Hispanic man who was his neighborhood’s watch captain and confronted Martin, who was walking back home after making a purchase at a convenience store. Zimmerman said he thought Martin might be a burglar casing homes.

Crump said that both Drejka and Zimmerman started their altercations and that the law should not let them fatally shoot someone. “They could have just let the police do their job, but these wannabe cops initiated the confrontation and shot and killed in cold blood these unarmed black men, and then both were allowed to go home and sleep in their beds.”

Hundreds of people from around the Tampa Bay area marched with the family a day after McGlockton was laid to rest in Largo, Florida. A local branch of the National Association for the Advancement of Colored People (NAACP) held a vigil Sunday for McGlockton before marching from a nearby church to the food store that served as the site of the killing.

Tampa City Council member and mayoral candidate Harry Cohen stated publicly that he wants Governor Rick Scott to call a special session to address the state’s law. Florida Senator Bill Nelson has asked the Department of Justice to look into the case.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact