

**STATEMENT OF SYBRINA FULTON  
to the COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON THE  
CONSTITUTION, CIVIL RIGHTS AND HUMAN RIGHTS,  
of the UNITED STATES SENATE**

**HEARING on “‘STAND YOUR GROUND’ LAWS: CIVIL RIGHTS AND  
PUBLIC SAFETY IMPLICATIONS OF THE EXPANDED USE OF DEADLY  
FORCE”  
29 October 2013**

**Short Biographical Note**

Sybrina Fulton and Tracy Martin are the parents of Trayvon Martin, a 17-year-old African-American high school student killed by George Zimmerman on February 26, 2012 in Sanford, Florida. At the time of the shooting, Zimmerman was a 28-year-old self-appointed neighborhood watch coordinator for the gated community where Martin was temporarily residing. Against the instructions of 911 operators, Zimmerman followed, pursued and confronted Trayvon Martin before fatally shooting him in the chest following an altercation. According to former Sanford Chief of Police Bill Lee, Zimmerman was taken into custody but released shortly afterwards on the basis that there was “no evidence” to refute Zimmerman's claim of having acted in self-defense, and that under Florida's “Stand Your Ground” law police were prohibited from making an arrest. On April 11, 2012, a special prosecutor appointed by Florida Governor Rick Scott charged Zimmerman with 2<sup>nd</sup> degree murder. He was subsequently acquitted of all charges on July 13, 2013.

**Introduction**

Thank you all for providing me the opportunity to speak to you today concerning the death of my 17 year old son, Trayvon Benjamin Martin. I know that you are burdened with difficult and important decisions every day and I thank you for your service. For a moment, I would like to ask that you try to step away from your roles as United States Senators and to simply think as human beings -- husbands and wives, and most importantly parents. Imagine how you would feel if you lost a child or a loved one to random violence and then watched their admitted killer evade justice. Words could never capture the feeling of devastation losing my son caused me, nor can they explain the betrayal I felt as I watched his killer go free.

The national and even international outrage over the acquittal of our son's killer has led to bipartisan calls for "Stand Your Ground" laws to be reviewed across the nation. The record is clear: these laws are open to abuse and they encourage violence. People now feel unsafe in public places. Tracy and I have started a petition calling for the amendment of "Stand Your Ground" laws. Our petition has already received more than 425,000 signatures. The law should be changed to include language that clarifies its original intent, as articulated by Florida's former Governor Jeb Bush, who signed "Stand Your Ground" into law. Regarding our son's killing, Governor Bush said "'Stand Your Ground' means stand your ground. It doesn't mean chase after somebody who's turned their back."

### **Public Safety and 'Stand Your Ground' Laws**

Public safety should be a bipartisan issue. Gun control is an emotional issue on all sides, and understandably so. My father, who was a former police officer, always kept a firearm in our home and I grew up around guns. In that regard, I appreciate the feelings of those who choose to legally arm themselves so that they can protect themselves and their families. I do not want to see the responsible ownership or use of firearms restricted in any way. I only want to see the laws surrounding self-defense clarified, so that they are applied logically and, most importantly, consistently.

Sadly, other cases, such as the senseless killing of Jordan Davis, have shown that my son's death was not an isolated incident. Currently, poorly worded self-defense laws create an environment that encourages and enables violent, armed individuals to kill people, including children. Unfortunately, Trayvon and Jordan are not the only victims. The number of homicides ruled "justifiable" each year in Florida has nearly tripled since "Stand Your Ground" took effect.

Many people have mistakenly assumed that because my son's killer did not apply for "'Stand Your Ground" immunity during the trial, that this law was not a factor in his death. The truth is that the "Stand Your Ground" law in its entirety creates many opportunities for people to commit terrible acts of violence and evade justice. By being unclear in when and how it is applied, "Stand Your Ground" in its current form is far too open to abuse. Although we may never know for sure what was going through the head of our son's killer, we do know that our son's killer studied "Stand Your Ground"

closely. That knowledge may have emboldened him to stalk my son and use lethal force even in a situation where it seemed unnecessary and certainly avoidable.

### **“Stand Your Ground” Laws and Law Enforcement**

In our son’s case, the prosecution’s case was severely undermined by the lack of an appropriate initial investigation by the Sanford Police Department. When our son’s killer initially claimed self-defense under Florida’s “Stand Your Ground” law, the State Attorney’s office and the Sanford Police Department failed to arrest George Zimmerman or to treat him as a person who had just committed a homicide. Instead investigators treated him like the blameless victim. Not only did the Sanford Police Department fail to test Zimmerman for drugs or alcohol on the night of the shooting, they also failed to thoroughly interrogate him concerning the details of the incident that led to the fatal shooting of my son. Instead of conducting a thorough and proper investigation to gather the intricate details and the truth surrounding my son’s death, the investigating officers offered psychological support to Zimmerman and sent him home after asking him a series of yes and no questions. They essentially spelled out what he needed to say to successfully claim self-defense.

How can we allow someone to escape liability for killing a total stranger he stalked, chased, and confronted, based solely on the killer’s word? This seems like a classic example of circular logic. It is not logical to allow a person to commit a homicide and then turn around and allow them to speak for the deceased party whom they just killed. “Stand Your Ground” thus rewards killers for silencing their victims and claiming the deceased party was the aggressor in the matter.

### **“Stand Your Ground” Laws and Jury Instructions**

“Stand Your Ground” was also a factor in the way in which the jury in our son’s case applied the law. First, the language of the law is not clear. We don’t know for certain what happened during the jury deliberations, but we do know that the two jurors who have spoken publicly about the case both said that they were confused. In Trayvon’s case, Juror B37 specifically mentioned “Stand Your Ground” multiple times in explaining her decision to set Trayvon’s killer free. The laws relating to self-defense, which determine the guilt or innocence of killers, should be clear and easily understood by those tasked with applying them.

The instructions to the jury included all the protections provided by “Stand Your Ground” without mentioning the primary traditional limitation. For centuries, first aggressors have been denied the right to claim self-defense when they lose fights they start. Our attorneys have explained to me that the “first aggressor” doctrine is a part of the common law tradition predating America, but to me it is just common sense. Allowing my son’s killer to claim the protections of self-defense without constraining him with its accepted limitations violates Trayvon’s rights by providing him with an unequal level of protection under the law. Everyone should be able to feel safe walking in public without fear that someone might randomly stalk, confront and kill them and get away with it because they are not around to tell the court what happened. Knowing that someone targeted and killed a person who was not bothering them or anyone else should be evidence enough.

### **Conclusion**

When enacting legislation, it would be wise to follow the medical principle to “first do no harm”. If “Stand Your Ground” is causing more unnecessary deaths and enabling people to get away with murder, it should be fixed. The Bible says in Deuteronomy 30:19, “I have set before you life and death, blessings and curses. Now choose life, so that you and your children may live.” What choice are we making as a community and as a nation with these laws –life or death? The outpouring of support that my family has received in response to my son’s death leads me to believe that laws and practices that make it easier for one person to kill another with impunity betray the morality of the American people, Republican or Democrat, religious or secular, “black” or “white”. Sadly, Trayvon is one of many young people whose lives were taken by violence. It is my duty here to speak not just for Trayvon and our immediate family, but for all of these victims and all of our human family.

The “Stand Your Ground” law is important in the tone it sets and the message it sends. When an armed adult sees a minor in his neighborhood who he thinks does not belong, do we want the adult to follow him with a gun? When people can easily avoid a confrontation, do we want the law to empower them to go looking for one? Are we a nation that values the rights and lives of our children or not? Do we want laws that protect our children from gunmen, or do we want laws that protect gunmen from accountability?

I am a mother, not a lawyer or a legislator. I don't pretend to know all the details of the law, policy or politics surrounding "Stand Your Ground". What I do know, and what I am reminded of every day, is that my son was murdered. He was walking home with a snack and minding his own business when a stranger stalked him, chased him after he ran, confronted him and finally killed him. I believe in my heart that "Stand Your Ground" shares responsibility for what has happened to my family. "Stand Your Ground" may not have been in George Zimmerman's legal defense. But it was in his head from the law class he had taken, it was in the police chief's explanation for why they handled the case the way they did, and it was in the instructions given to the jury that acquitted him. Our family has dedicated our lives to changing "Stand Your Ground" laws in the hope that other families might be spared what we have gone through.

One of the jurors said, "George Zimmerman got away with murder." People should not be allowed to get away with murder. I find it sad that I even have to say that. How this can be legal is beyond my comprehension. What I do know is that "legal" does not always equal moral. Many terrible injustices were considered "legal" at one time or another, but then people saw the light and changed the law. In America in 2013 it is my belief that the people that you represent do not wish to see immorality justified with legality. To safeguard life and the liberties that we all appreciate so much, we must remain eternally vigilant against the great dangers of legalized injustice.

Thank you for your time.

Sybrina Fulton  
Mother of Trayvon Martin

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