

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO.: 2020-CF-003014

ASHLEY C. BENEFIELD,
Defendant.

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MOTION FOR JUDGMENT OF ACQUITTAL

Ashley C. Benefield, by and through undersigned counsel and pursuant to *Florida Rule of Criminal Procedure 3.380*, hereby moves for a Judgment of Acquittal. In support of the instant request, Ms. Benefield submits the State has failed to meet its burden of proving beyond a reasonable doubt that Ashley Benefield did not act in self-defense. As such, Ms. Benefield is entitled to a Judgment of Acquittal as a matter of law.

I
LEGAL STANDARD

A. Sufficiency of Evidence

The legal sufficiency of the evidence to support a conviction is a matter of law for the court, while the weight of legally sufficient evidence is for the jury. *Tibbs v. State*, 397 So.2d 1120, 1123 (Fla. 1981), aff'd, 457 U.S. 31 (1982). A finding that the evidence is legally insufficient is equivalent to a determination that the prosecution has failed to prove the defendant's guilt beyond a reasonable doubt. *Id.*; see also *Burks v. United States*, 437 U.S. 1, 16 n.10 (1978).

B. Self-Defense and Burden of Proof

While the question of whether a homicide was committed in justifiable self-defense is ordinarily a question for the jury, courts have not hesitated to reverse jury convictions

and discharge the wrongfully convicted when the State fails to carry its burden of proof or when the State's evidence clearly shows that a homicide was committed in self-defense. *McCauley v. State*, 405 So.2d 1350 (Fla. 5th DCA 1981).

Crucially, the State bears the burden of proving guilt beyond a reasonable doubt, which includes proving beyond a reasonable doubt that the defendant did not act in self-defense. As stated in *Bolin v. State*, 297 So.2d 317 (Fla. 3d DCA 1974):

While the defendant may have the burden of going forward with evidence of self-defense, the burden of proving guilt beyond a reasonable doubt never shifts from the State, and this standard broadly includes the requirement that the State prove that the defendant did not act in self-defense beyond a reasonable doubt.

This principle has been consistently upheld by Florida courts. In *Hernandez Ramos v. State*, 496 So.2d 837, 838 (Fla. 2d DCA 1986), the court emphasized:

"The state has the burden of proving guilt beyond a reasonable doubt, which includes proving beyond a reasonable doubt that the defendant did not act in self-defense."

Similarly, in *Rodriguez v. State*, 550 So.2d 81 (Fla. 3d DCA 1989), the court reiterated this standard.

C. Uncontradicted Evidence

The legal effect of competent evidence which is not impeached, discredited, or controverted is a question of law for the court. *Holton v. State*, 87 Fla. 65, 99 So. 244 (1924); *Brannen v. State*, 94 Fla. 656, 114 So. 429 (1927). In *Harris v. State*, 104 So.2d 739 (Fla. 2d DCA 1958), the court reviewed the testimony of the appellant and his daughter, the only eyewitnesses to the killing, found it to be uncontradicted and unimpeached, and reversed the manslaughter conviction, finding as a matter of law that the homicide was justifiable as having been committed in self-defense.

D. Judgment of Acquittal

As stated in *Brown v. State*, 294 So.2d 128 (Fla. 3d DCA 1974) and reiterated in *Garmise v. State*, 311 So.2d 747, 749 (Fla. 3d DCA 1975):

As a general rule, when a defendant moves for a directed verdict of acquittal, he admits all facts in evidence adduced and every conclusion favorable to the State fairly and reasonably inferable therefrom; a motion for directed verdict of acquittal should be granted where it is apparent that no legally sufficient evidence has been submitted on which a jury could legally find a verdict of guilty.

While this standard requires the Court to view the evidence in the light most favorable to the State, it does not relieve the State of its burden to present legally sufficient evidence to support a conviction.

II ARGUMENT

A. The State Failed to Rebut the Defendant's Clear Evidence of Self-Defense

Florida courts have long recognized that the State bears the burden of disproving a *prima facie* case of self-defense beyond a reasonable doubt. In *Jenkins v. State*, 942 So.2d 910, 914 (Fla. 2d DCA 2006), the court held that "Once a defendant makes a *prima facie* showing of self-defense, the State has the burden of proving beyond a reasonable doubt that the defendant did not act in self-defense." Here, the State has failed to meet that burden.

The uncontroverted testimony of Ashley Benefield, the only eyewitness to the incident, establishes a *prima facie* case of self-defense under Florida Law. Ms. Benefield's testimony detailed a series of escalating aggressive acts by Doug Benefield, culminating in a violent physical assault and a situation where she reasonably feared for her life.

Ms. Benefield testified that on September 27, 2020, she and her husband, Doug, were loading items into a U-Haul truck. Ashley had pre-arranged with Doug that her belongings would be loaded last for easy unloading. Upon inspecting the truck, Ashley noticed that the items were mixed together, contrary to their agreement. When she pointed this out, Doug became visibly upset, loudly stating it shouldn't be "your stuff, my stuff, your house, my house." He then demanded that Ashley "start acting like a wife."

As the day progressed, Doug's behavior became increasingly aggressive and threatening. Ashley, attempting to avoid confrontation, tried to de-escalate the situation by changing the subject and repeatedly suggesting they finish for the day, saying she was tired. However, Doug completely disregarded her efforts and became more agitated. The situation escalated to physical confrontation on three separate occasions:

1. In the living room, Doug deliberately body-checked Ashley with his shoulder, catching her off guard and causing her to stumble and almost fall. During this incident, Doug was clearly hostile, mumbling under his breath and glaring at Ashley.
2. In the garage, after Ashley strongly suggested ending the day's work, Doug again body-checked her, demonstrating a pattern of increasing physical aggression.
3. In the hallway, Doug intentionally and forcefully drove the corner of a box into Ashley's right hip area. He looked her directly in the eye while doing this, showing clear intent. The impact caused scratches and a burning sensation.

After the third incident, Ashley, feeling frightened and desperate to prevent further aggression, apologized to Doug, despite being the victim. Doug then continued to the garage with the box.

The situation continued to deteriorate rapidly. He began screaming at Ashley, yelling "Shut the fuck up," and calling her names. He accused her of trying to make him

leave and threateningly asserted, "I don't have to leave. I can stay and spend the night if I want to 'cause I'm your husband." At that point, Ashley was terrified for her personal safety. In a desperate attempt to escape the volatile situation, she ran towards the front door, in an attempt to leave the house, but was physically restrained by Doug, who grabbed her hand and yanked her back. He maneuvered himself between her and the door, trapping her. With menace in his voice, he demanded, "Where the fuck do you think you're going?"

In a moment of sheer desperation, Ashley blurted out, "I'm done and you need to leave now!" Doug's chilling response, "You can't fucking leave me," was followed by an unprecedented act of violence – he struck Ashley on the side of her head. This was the first time in their relationship that Doug had actually hit her, marking a terrifying escalation of his abuse. Panic-stricken, Ashley ran to her room, the only place she thought might offer some protection. She grabbed her gun, her heart pounding with fear. As she did so, she heard the ominous sound of the door hitting the doorstop, signaling Doug forcefully entering the room.

The sight that greeted Ashley was nothing short of terrifying. Doug stood in the doorway, his face contorted with rage – red, with veins bulging in his neck. His eyes, which Ashley described as "black." He uttered the chilling words, "You're fucking done!"

In a desperate attempt to stop him, Ashley held the gun in front of her and yelled, "Stop!" Instead of retreating, Doug assumed a fighting stance, bladed, crouching and making erratic, jerking motions with his arms and hands. Ashley thought Doug would leave when he saw the gun. To her horror, he did not. Ms. Benefield was trapped in the bedroom, with Doug between her and the only exit.

In that moment, Ashley believed she was in imminent danger of death or great bodily harm at the hands of Doug – as he was visibly enraged and had struck her on the side of her head just a moment before. As he lunged towards her, she began pulling the trigger in sheer terror. Even as she fired, Doug kept advancing, his determination to reach her seemingly unaffected by the gunshots. Ashley, in her panic, moved laterally, toward the side of her bedroom, to get away from him. She described the entire ordeal as chaotic and terrifying. The confrontation ended when Doug's feet appeared to slip out from under him, his legs going up in the air as he fell, backwards. Still gripped by fear, Ashley immediately ran next door, to John Sant's house, for help.

When asked why she shot Doug, Ashley's response encapsulated the sheer terror of her experience: "I was scared to death. I thought he was going to kill me. There was nowhere to go. I was trapped in my own home. He wouldn't let me leave." The trauma of the event was evident as Ashley described what happened.

Ms. Benefield's testimony established all elements necessary for a claim of self-defense. Critically, **the State presented no evidence to rebut Ms. Benefield's direct testimony that she acted in self-defense**, nor was it able to diminish her testimony on cross-examination. The unrebutted direct testimony of Ms. Benefield demonstrated that, due to the threatening conduct and actions of Doug Benefield, she reasonably feared for her life and believed that deadly force was necessary to prevent imminent great bodily injury or death. The unrebutted testimony also established that Doug had committed a forcible felony (i.e., False Imprisonment¹).

¹ "The essence of false imprisonment is the act of depriving the victim of personal liberty or freedom of movement for any length of time." Proko v. State, 566 So. 2d 918, 920 (Fla. 5th DCA 1990) (finding false imprisonment when the defendant grabbed the victim's hand and a brief "tug of war" ensued as the victim tried to pull free); Jane v. State, 362 So. 2d 1005, 1006 (Fla. 4th DCA 1978) (finding

B. Circumstantial Evidence Insufficient to Overcome Direct Testimony

In *Diaz v. State*, 387 So.2d 978 (Fla. 3d DCA 1980), the court held that when the defendant presents direct testimony of self-defense that is not rebutted by the State, only those inferences properly arising out of the State's testimony in chief can be considered to rebut the defendant's assertion of self-defense. The court stated:

Under these circumstances, only those inferences properly arising out of the state's testimony in chief can be considered to rebut the defendant's assertion of self defense. In this posture, that evidence, circumstantial in its entirety, is woefully inadequate to rebut the direct testimony that [the defendant] committed homicide in self defense.

This principle was also applied in *Mayo v. State*, 71 So.2d 899 (Fla. 1954), where the Florida Supreme Court reversed a conviction based upon the State's failure to rebut the defendant's claim of self-defense.

The instant matter is analogous to *Ferguson v. State*, 379 So.2d 163 (Fla. 3d DCA 1980), where the court reversed a second-degree murder conviction. In *Ferguson*, the State had no witnesses to testify about the actual shooting incident and presented no evidence to contradict the defendant's claim of self-defense. The court held that under these circumstances, the defendant was entitled to a judgment of acquittal.

Here, the State's evidence is similarly circumstantial and insufficient to rebut Ms. Benefield's direct testimony of self-defense. Critically, none of the State's witnesses had any direct or personal knowledge about what happened in Ms. Benefield's home on September 27, 2020. The State's case relies entirely on circumstantial evidence and

false imprisonment when the defendant held the victim briefly but tightly in a "bear hug"). The force used to restrain the victim need not be substantial; it must simply be sufficient to restrict the victim's movement. *Conner v. State*, 19 So. 3d 1117, 1124 (Fla. 2d DCA 2009). For this reason, false imprisonment "may be completed by the simple momentary grasp of another person." *Id.* at 1124-25.

witnesses who were not present before or during the incident in question. The State's witnesses can be categorized as follows:

1. Background and Purported Motive Witnesses: Tommie Benefield, Eva Benefield, Stephanie Murphy, Dr. Brad Broeder, Dr. Jason Quintal, Det. Gillum, and Det. Moreland. These witnesses provided no direct evidence about the events of September 27, 2020 and, at best, only offer testimony about background and history.

2. Crime Scene Technicians: Amanda Conlon and Meghan Dvorak. These witnesses merely described the process and manner in which they collected items of evidence. They offered no testimony about the actual shooting or the events leading up to the shooting.

3. Responding Officers: John Jones, Tyler Ackerman, and Dan Dickerman. These deputies and detectives described what they observed upon arriving at Ms. Benefield's home after the incident. They laid the foundation for the admission of evidence but provided no direct testimony about the shooting itself.

4. Other Witnesses:
- Deputy Thomas Baurle: Described Ashley's appearance after the incident.
 - Daniel Hausdorf (FDLE expert): Discussed how the gun worked and the many different reasons for the absence of gunshot residue (GSR) or stippling on the shirt.
 - John Sant (neighbor): Described the 911 call.
 - Alicia Byers (Ashley's mother) and Dr. Barbara Russell: Established that Ashley had not discussed the shooting with them at any time.

5. State Medical Examiner: Dr. Russell Vega testified that Doug's injuries were consistent with Ashley's version of events. Importantly, as can be seen below, the testimony of the State's Medical Examiner, Dr. Russell Vega,

corroborates Ms. Benefield's account of the events rather than contradicting it. This further weakens the State's case and strengthens the Defense's claim of self-defense:

Q: You said that the wound to the scalp was indicative of, you traditionally see it, of somebody falling backwards and hitting a hard surface like a tile floor?

A: Yes.²

Q: Would it be a fair statement for me to say that for the chest shot, the weapon would have had to have been pointing at his chest from the front?

A: Yes.

Q: With respect to the leg, you've told us that the gun would have had to have been lower than the leg to get that upward trajectory?

A: Yes. Although I would say that, you know, lower is a relative term and legs can be put into various different positions. If we're going to say lower, then it needs to be clear that lower means with respect to the leg in an upright position. If the leg were horizontal, for example, then we might be talking about a position which is above the leg but pointing up towards the head of the body, for example.

Q: So let's try to be clear here. If Mr. Benefield fell backwards and his legs went up in the air, might that injury be consistent with that, given that scenario?

A: It's possible.³

The State's reliance on purely circumstantial evidence is particularly problematic in light of Ms. Benefield's direct testimony of self-defense. As noted in *Davis v. State*, 90 So.2d 629, 631-32 (Fla. 1956):

² 5:53:27 – 5:53:43 https://youtube.com/clip/UgkxJVAzr_I3rvi5tL_EwsXrG5Ru_K1Wlw2kz?si=QfzzABL2HNlgPgKA

³ 5:56:10 – 5:57:09 <https://youtube.com/clip/UgkxfUzoflrEv9jI2ym65PRHyCQruCa8EiIS?si=86qe8nhGPikjmobS>

[W]e must not lose sight of the basic proposition that one accused of a crime is presumed innocent until proved guilty beyond and to the exclusion of a reasonable doubt. It is the responsibility of the State to carry this burden. When the State relies upon purely circumstantial evidence to convict an accused, we have always required that such evidence must not only be consistent with the defendant's guilt but it must also be inconsistent with any reasonable hypothesis of innocence. [...]

Evidence which furnishes nothing stronger than a suspicion, even though it would tend to justify the suspicion that the defendant committed the crime, it is not sufficient to sustain conviction. It is the actual exclusion of the hypothesis of innocence which clothes circumstantial evidence with the force of proof sufficient to convict. Circumstantial evidence which leaves uncertain several hypotheses, any one of which may be sound and some of which may be entirely consistent with innocence, is not adequate to sustain a verdict of guilt. Even though the circumstantial evidence is sufficient to suggest a probability of guilt, it is not thereby adequate to support a conviction if it is likewise consistent with a reasonable hypothesis of innocence.

In this case, the State's circumstantial evidence fails to meet this standard. The evidence presented is not inconsistent with Ms. Benefield's reasonable claim of self-defense, which constitutes a valid hypothesis of innocence.

Moreover, the Florida Supreme Court has long held that circumstantial evidence is insufficient to overcome direct, unimpeached testimony. In *Holton v. State*, 87 Fla. 65, 99 So. 244 (1924), the court stated:

The rule is that where competent unimpeached direct testimony is adduced tending to prove a fact, such testimony cannot be arbitrarily rejected and circumstantial evidence substituted as the basis for a verdict.

This principle applies directly to the case at hand. Ms. Benefield's direct, unimpeached testimony of self-defense cannot be arbitrarily rejected in favor of the State's circumstantial evidence, which at best suggests a suspicion, but fails to contradict or disprove Ms. Benefield's account of the events.

In light of these principles and the nature of the evidence presented, it is clear that the State's circumstantial evidence is woefully inadequate to rebut Ms. Benefield's direct testimony of self-defense. The State has failed to present **any** evidence that directly contradicts Ms. Benefield's account of the events, and the circumstantial evidence presented is insufficient as a matter of law to overcome her clear and unimpeached testimony of self-defense.

C. The Uncontroverted Evidence Supports Self-Defense

As stated in *Harris v. State*, 104 So.2d 739 (Fla. 2d DCA 1958), the legal effect of uncontradicted evidence is a question of law for the court. In *Harris*, the court reviewed the testimony of the only eyewitnesses to the killing, found it to be uncontradicted and unimpeached, and reversed the manslaughter conviction, finding as a matter of law that the homicide was justifiable as having been committed in self-defense.

Similarly, in the present case, Ms. Benefield's testimony stands uncontradicted and unimpeached. The State failed to present any forensic evidence or eyewitness testimony to contradict or impeach Ms. Benefield's version of events. In fact, the medical examiner's testimony corroborated her account.

The principle that uncontradicted testimony cannot be arbitrarily disregarded has been consistently upheld by Florida courts. In *Brannen v. State*, 94 Fla. 656, 114 So. 429 (1927), the Florida Supreme Court held:

Where the evidence is uncontradicted, is not impeached in any way, either directly or indirectly, and is not opposed to the probabilities, nor in its nature surprising or suspicious, there is no reason for denying it conclusiveness.

This principle applies directly to the case at hand. Ms. Benefield's testimony is uncontradicted, not impeached, and is consistent with the physical evidence presented by the State.

D. Evidence is Legally Insufficient to Overcome the Presumption of Innocence

As reiterated in *Garmise v. State*, 311 So.2d 747, 749 (Fla. 3d DCA 1975), a motion for directed verdict of acquittal should be granted where it is apparent that no legally sufficient evidence has been submitted on which a jury could legally find a verdict of guilty. In this case, given the uncontroverted evidence of self-defense presented by Ms. Benefield and the State's failure to present any evidence that rebuts this claim, there is no legally sufficient evidence on which a jury could find Ms. Benefield guilty beyond a reasonable doubt.

The Florida Supreme Court in *Holton v. State*, 87 Fla. 65, 99 So. 244 (1924), emphasized that while the jury are the sole judges of the credibility of the witnesses and the weight of the evidence, they are not the sole judges of its sufficiency. The legal effect of competent evidence which is not impeached, discredited, or controverted is a question of law for the court. In light of these principles and the evidence presented at trial, it is clear that the State has failed to meet its burden of proving beyond a reasonable doubt that Ms. Benefield did not act in self-defense.

E. Evidence is Insufficient When Viewed in the Light Most Favorable to the State

The Florida courts have consistently held that "[a]s a general rule, when a defendant moves for a directed verdict of acquittal, he admits all facts in evidence adduced and every conclusion favorable to the State fairly and reasonably inferable therefrom; a motion for directed verdict of acquittal should be granted where it is apparent

that no legally sufficient evidence has been submitted on which a jury could legally find a verdict of guilty." *Brown v. State*, 294 So.2d 128 (Fla. 3d DCA 1974); *Garmise v. State*, 311 So.2d 747, 749 (Fla. 3d DCA 1975).

While this standard requires the Court to view the evidence in the light most favorable to the State, it does not relieve the State of its burden to present legally sufficient evidence to support a conviction. In the case at hand, even when admitting all facts in evidence and every conclusion favorable to the State fairly and reasonably inferable therefrom, the evidence remains wholly insufficient to support a guilty verdict.

First, it is crucial to note that the standard requires conclusions to be "fairly and reasonably inferable" from the evidence. In *State v. Law*, 559 So.2d 187, 188 (Fla. 1989), the Florida Supreme Court held that "it is the trial judge's proper task to review the evidence to determine the presence or absence of competent evidence from which the jury could infer guilt to the exclusion of all other inferences." In this case, the State's evidence, even when viewed most favorably, does not exclude the reasonable inference of self-defense. The undisputed facts that both parties were in Ms. Benefield's bedroom and that Mr. Benefield was blocking the only exit are entirely consistent with Ms. Benefield's claim of self-defense. No fair and reasonable inference from these facts can exclude the possibility of self-defense.

Second, the Florida Supreme Court has held that "where the State relies upon purely circumstantial evidence to convict an accused, we have always required that such evidence must not only be consistent with the defendant's guilt but must also be inconsistent with any reasonable hypothesis of innocence." *State v. Law*, 559 So.2d at

188. Even when viewed most favorably to the State, the circumstantial evidence presented is not inconsistent with the reasonable hypothesis of self-defense.

Third, in *Fowler v. State*, 492 So.2d 1344, 1347 (Fla. 1st DCA 1986), the court held that "It is fundamental that circumstantial evidence must exclude every reasonable hypothesis of innocence before a conviction can be sustained." The State's evidence, even when all inferences are drawn in its favor, fails to exclude the reasonable hypothesis of self-defense.

Fourth, the Florida Supreme Court in *Owen v. State*, 432 So.2d 579, 581 (Fla. 1983), stated that "The state cannot rely on the jury's disbelief of the defendant's story to supply essential elements of its case." Even if the jury were to disbelieve aspects of Ms. Benefield's testimony, this disbelief cannot supply the essential elements of the State's case or negate her claim of self-defense.

Finally, in *Jaramillo v. State*, 417 So.2d 257 (Fla. 1982), the court held that "when the State's case is circumstantial, 'the evidence must be consistent with guilt and inconsistent with any reasonable hypothesis of innocence.'" The State's evidence, even when viewed most favorably, is not inconsistent with the reasonable hypothesis of self-defense.

Thus, even when admitting all facts in evidence and every conclusion favorable to the State fairly and reasonably inferable therefrom, the evidence presented is wholly insufficient to support a guilty verdict. The State has failed to present legally sufficient evidence from which a jury could exclude every reasonable hypothesis of innocence, particularly the reasonable hypothesis of self-defense. Therefore, this Court should grant the Defendant's Motion for Judgment of Acquittal.

F. Court's Threshold Determination and State's Failure to Contradict Testimony

In *Fowler v. State*, 492 So. 2d 1344, 1346-47 (Fla. 1st DCA 1986), the court articulated a crucial principle in evaluating motions for judgment of acquittal:

It is for the court to determine, as a threshold matter, whether the state has been able to produce competent, substantial evidence to contradict the defendant's story. If the state fails in this initial burden, then it is the court's duty to grant a judgment of acquittal to the defendant as to the charged offense, as well as any lesser-included offenses not supported by the evidence. This must be so because "the version of events related by the defense must be believed if the circumstances do not show that version to be false." (citing *McArthur v. State*, 351 So. 2d 972, 976 (Fla. 1977))

This principle establishes a clear standard for the court's role in evaluating the sufficiency of evidence before a case can proceed to the jury. It places an initial burden on the State to produce competent, substantial evidence that specifically contradicts the defendant's account of events. This is not merely a procedural formality, but a fundamental safeguard against convictions based on mere suspicion or conjecture.

In the case at hand, the State has failed to meet this initial burden. Ms. Benefield has provided a clear account of the events leading to the shooting, describing a situation of escalating threats and fear for her life that culminated in an act of self-defense. The State, in response, has not produced any competent, substantial evidence that directly contradicts this account.

Let us examine the State's evidence in light of this principle:

1. Background and motive witnesses: While these witnesses may have provided context, none of them were present during the incident and thus cannot contradict Ms. Benefield's account of the actual events.

2. Crime scene technicians and responding officers: These witnesses described the scene after the fact but provided no evidence that contradicts Ms. Benefield's version of events leading up to and during the shooting.

3. Medical examiner: Dr. Russell Vega's testimony that Doug's injuries were consistent with Ashley's version of events actually corroborates, rather than contradicts, her story.

Crucially, no witness or piece of evidence presented by the State directly contradicts Ms. Benefield's testimony that she was trapped in her bedroom, in fear for her life, with Mr. Benefield advancing on her in a threatening manner. The circumstances presented by the State do not show Ms. Benefield's version to be false; in fact, they are entirely consistent with her account.

As stated in *Buenoano v. State*, 478 So. 2d 387, 390 (Fla. 1st DCA 1985), the jury can choose to disbelieve the defense only "regarding facts on which the state has presented contrary testimony." Here, the State has presented no contrary testimony to the key elements of Ms. Benefield's self-defense claim. A defendant's version of a homicide cannot be ignored where there is an absence of other evidence legally sufficient to contradict his explanation. *Mayo v. State*, 71 So. 2d 899, 903 (Fla. 1954)

Given this failure by the State to meet its initial burden of producing competent, substantial evidence contradicting Ms. Benefield's story, it is this Court's duty to grant a judgment of acquittal. To do otherwise would be to ignore the clear standard set forth in *Fowler*, *McArthur*, and *Mayo*, and allow a conviction based not on evidence, but on speculation.

Moreover, this principle applies not only to the charged offense but also to any lesser-included offenses not supported by the evidence. The State's failure to contradict Ms. Benefield's account leaves no room for a jury to legitimately find guilt on any lesser charges related to the shooting.

In conclusion, the threshold determination required by *Fowler* clearly indicates that the State has failed in its initial burden. As such, this Court has not only the authority, but the duty, to grant a judgment of acquittal to Ms. Benefield on all charges related to this incident.

III CONCLUSION

Based on the foregoing analysis of Florida case law and the evidence presented at trial, it is clear that the State has failed to meet its burden of proving beyond a reasonable doubt that Ashley Benefield did not act in self-defense. This failure is manifest in several crucial aspects of this case:

1. Insufficiency of Circumstantial Evidence: As established in *Diaz v. State* and reiterated in *State v. Law*, where the only proof of guilt is circumstantial, a conviction cannot be sustained unless the evidence is inconsistent with any reasonable hypothesis of innocence. The State's purely circumstantial case fails to meet this standard, as it is entirely consistent with Ms. Benefield's claim of self-defense.

2. Lack of Contradictory Evidence: The State has presented no direct evidence or testimony that contradicts Ms. Benefield's account of the events. As held in *Buenoano v. State*, the jury can only disbelieve the defense regarding facts on which the State has presented contrary testimony. Here, no such contrary testimony exists for the critical elements of Ms. Benefield's self-defense claim.

3. Failure to Rebut Prima Facie Case of Self-Defense: As established in *Jenkins v. State*, once a defendant makes a prima facie showing of self-defense, the State bears the burden of disproving it beyond a reasonable doubt. Ms. Benefield has clearly established such a prima facie case, and the State has failed to present any evidence that would disprove her claim beyond a reasonable doubt.

4. Absence of Physical or Forensic Evidence: There is no physical or forensic evidence that rebuts, contradicts, or impeaches Ms. Benefield's direct testimony.

5. Threshold Determination: As articulated in *Fowler v. State*, it is the Court's duty to determine, as a threshold matter, whether the State has produced competent, substantial evidence to contradict the defendant's story. If the State fails in this initial burden, the Court must grant a judgment of acquittal. In this case, the State has clearly failed to meet this initial burden.

6. Insufficiency Even in Light Most Favorable to State: Even when admitting all facts in evidence and every conclusion favorable to the State fairly and reasonably inferable therefrom, the evidence remains wholly insufficient to support a guilty verdict. No fair and reasonable inference from the presented facts can exclude the possibility of self-defense.

In light of these principles and the nature of the evidence presented, it is not only appropriate but imperative that this Court grant Ms. Benefield's Motion for Judgment of Acquittal. Allowing this case to proceed to the jury ignored the clear standards set forth in Florida case law and resulted in a conviction based not on evidence, but on mere suspicion, conjecture, and prosecutorial misconduct.

The law is clear: "the version of events related by the defense must be believed if the circumstances do not show that version to be false" (*McArthur v. State*). Here, the circumstances not only fail to show Ms. Benefield's version to be false but in many ways corroborate her account. The State has failed to present any evidence that directly contradicts Ms. Benefield's account of the events inside her bedroom on the day in question.

Therefore, in accordance with the principles outlined in *Fowler* and the long line of cases it synthesizes, it is this Court's duty to grant a judgment of acquittal. This applies not only to the charged offense but also to any lesser-included offenses not supported by the evidence. The State's failure to contradict Ms. Benefield's account left no room for a jury to legitimately find guilt on any charges related to this incident.

Wherefore, Ms. Benefield prays the Court grant her Motion for Judgment of Acquittal.

Respectfully submitted,

/s/ Neil G. Taylor
Neil G. Taylor, Esquire
Florida Bar No. 283029
For the Firm
GRIMES GALVANO, P.L.
1023 Manatee Building
Bradenton, FL 34205
Tel: (941) 748-0151
NTaylor@grimesgalvano.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion has been furnished to ASA Suzanne M. O'Donnell, Manatee County State Attorney's Office, through the e-portal, on this 9th day of August, 2024.

/s/ Neil G. Taylor
Neil G. Taylor, Esquire