

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D21-215

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JOHN WESTCOTT,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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Petition for Writ of Prohibition—Original Jurisdiction.

August 30, 2021

PER CURIAM.

In his petition for writ of prohibition, Petitioner challenges the trial court’s Order Denying Defendant’s Claim of Immunity Pursuant to Sections 776.032(1), (4), Florida Statutes. Because competent, substantial evidence supports the trial court’s determination that the State presented clear and convincing evidence to overcome Petitioner’s self-defense claim, we deny the prohibition petition on the merits. *See Gainey v. State*, 292 So. 3d 1287, 1287 (Fla. 1st DCA 2020) (denying the prohibition petition because competent, substantial evidence supported the trial court’s determination that the State presented clear and convincing evidence to overcome the petitioner’s self-defense claim); *Craven v. State*, 285 So. 3d 992, 994 (Fla. 1st DCA 2019) (“Because the State met its burden by presenting clear and

convincing evidence that a reasonable person in Petitioner's position would not have used the same force as Petitioner, the trial court's findings were supported by competent, substantial evidence.").

DENIED on the merits.

LEWIS, MAKAR, and BILBREY, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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John Merrett, Jacksonville, for Petitioner.

Ashley Moody, Attorney General, and Tabitha R. Herrera, Assistant Attorney General, Tallahassee; Melissa W. Nelson, State Attorney, and Sheila Ann Loizos, Assistant State Attorney, Jacksonville, for Respondent.