Third District Court of Appeal

State of Florida

Opinion filed October 16, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-576
Lower Tribunal No. 17-431-A-K

Matthew Todd Hinnant,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Prohibition.

Michael Ufferman Law Firm, P.A., and Michael Ufferman (Tallahassee), for petitioner.

Ashley Moody, Attorney General, and Gabrielle Raemy Charest-Turken, Assistant Attorney General, for respondent.

Before EMAS, C.J., and SALTER and MILLER, JJ.

PER CURIAM.

Denied. See §§ 776.012(2), 776.041(2), Fla. Stat. (2017); Dennis v. State, 51 So. 3d 456 (Fla. 2010) (holding that, in determining a motion to dismiss based on statutory Stand Your Ground immunity, the trial court must resolve issues of fact in an evidentiary hearing—approving of the procedure set forth in Peterson v. State, 983 So. 2d 27 (Fla. 1st DCA 2008)); Viera v. State, 163 So. 3d 602 (Fla. 3d DCA 2015) (holding that the trial court must apply an objective standard in evaluating the factual circumstances presented in a Stand Your Ground motion to dismiss, and denying petition for writ of prohibition where there was conflicting testimony as to the defendant's claim of immunity, and competent substantial evidence supported trial court's determination that it was unreasonable under the circumstances for the defendant to attack the victim); State v. Vino, 100 So. 3d 716, 719 (Fla. 3d DCA 2012 (holding that the trial court's findings of fact are "presumed correct and can be reversed only if they are not supported by competent substantial evidence"); McComb v. State, 174 So. 3d 1111 (Fla. 2d DCA 2015) (holding that, where the evidence at trial does not establish, as a matter of law, whether force used was deadly or nondeadly, the question is a factual one to be determined by the factfinder); Michel v. State, 989 So. 2d 679 (Fla. 4th DCA 2008) (same); DeLuge v. State, 710 So. 2d 83 (Fla. 5th DCA 1998) (same).