

JUDGE GRANTS STAND YOUR GROUND MOTION IN LAKE CITY, FLORIDA MURDER

Judge Leandra Johnson in Lake City granted defendant Lavell Nicole George's stand your ground motion to dismiss November 7 dismissing a charge of second degree murder. Ms. George, a successful Lake City businesswoman, had been arrested June 30, 2012 in the shooting death of her boyfriend, Maurice Mickler.

Lake City Circuit Court Judge Leandra Johnson granted defendant Lavell Nicole George's stand your ground motion to dismiss in a lengthy written order issued Friday, November 7, 2014. The order followed a two day evidentiary hearing October 23-24, 2014 in which Ms. George, represented by Jacksonville attorneys Richard Kuritz, William Kent, Lewis Buzzell and Teri Sopp, testified in her own defense that she shot and killed her boyfriend, Maurice Mickler, the morning of June 30, 2012, in self-defense. Ms. George, 42, had been charged with second degree murder, tampering with evidence and aiding a fugitive, in the shooting death of Maurice Mickler, 27. At the time of his death, Mr. Mickler was a wanted federal fugitive on drug and firearm charges. Ms. George testified that Mickler had previously badly beaten her after which she bought a gun for self-protection. She had tried to end their relationship but he would not agree. There had been an argument the night before the shooting and Mickler had come to her home the next morning banging on her door demanding entrance. She eventually let him in, but had her gun ready, hidden under a pillow on a sofa, in case she needed it. Mickler became angry and threatened to "wire her up" as he lunged at her to hit her in the face. She reached for her gun and fired a single shot, which killed him. She testified that she then panicked out of fear of retaliation by his family, and instead of calling the police, cleaned up the blood on her living room floor and placed Mickler's body in a Christmas tree bag and dragged it into the bathroom. Later that evening she called the police and told them that she had shot Mickler but made no other statement. She was first charged with first degree murder but that charge was reduced to second degree murder. She was also charged with tampering with evidence and aiding Mickler as a federal fugitive, but the state later dropped the aiding the fugitive charge out of concern that the law did not apply to aiding a federal, as opposed to a state, fugitive.

At the hearing George's counsel put on Dr. Harry Krop, a noted forensic psychologist, who testified that George suffered from battered spouse syndrome

and post-traumatic shock. Dr. Krop based his conclusions in part on the long criminal history of Mickler, which included 41 prior arrests, two prior aggravated battery convictions and three prior domestic violence injunctions obtained by prior girlfriends. Former JSO officer Michael Knox testified as a defense forensic expert and prepared a reenactment of the shooting which demonstrated that Ms. George's description of the shooting was consistent with the medical examiner's findings and the crime scene evidence. Ms. George herself testified that Mickler had threatened her and her daughter and had beaten her so badly in the past that she had had to seek medical attention. She said the morning of the shooting she thought he was going to kill her and she shot in self-defense. During cross examination Ms. George herself interrupted the prosecutor and asked Judge Johnson for permission to demonstrate exactly how the shooting occurred, using the prosecutor as a stand in for Mickler in the demonstration.

The state argued that Ms. George's cleaning the alleged crime scene and delayed reporting of the crime was evidence of her guilty intent. The state presented the testimony of Mickler's sister to try to show that Ms. George was a co-conspirator with Mickler in his drug business. Judge Johnson, however, in her order found Ms. George's testimony credible and the evidence of her cleaning up the crime scene to be consistent with her fear of Mickler's family retaliating against her and concluded that Ms. George had met her burden in proving that the shooting was in justifiable self-defense. Judge Johnson dismissed the murder charge. It is not known at this time if the state will proceed with the prosecution of the tampering with evidence charge or drop it in light of the judge's ruling on self-defense.

Submitted by William Mallory Kent

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