

Justifiable homicides rise in Palm Beach County

Date: January 18, 2012 11:01 AM

Author: [Cory Strolla](#)

Source: [Julius Whigham](#)

Permalink: <http://bit.ly/wtgVFN>

Though Palm Beach County's overall homicide rate continued to decline in 2011, authorities say justifiable homicides increased. "There definitely was an increase in the Stand Your Ground claims in 2011," said Terri Skiles, chief of the Major Violent Crimes Division in the Palm Beach County State Attorney's Office.

Not counting three fatal shootings that involved officers, six of the county's 84 homicides last year were either determined to be justifiable or resulted in no charges against the alleged assailant. That is the highest number of justifiable homicides involving private citizens since the Stand Your Ground law went into effect in late 2005, according to the Florida Department of Law Enforcement.

There were four justifiable homicides involving private citizens in 2010, and three each in 2008 and 2009, FDLE statistics show.

Law enforcement officials caution that it's too soon to determine whether the increase reflects an emerging trend.

However, the Stand Your Ground law became a topic of contention in September when Circuit Judge Richard Oftedahl dismissed charges against Monahan in the shooting deaths of Raymond Mohlman, 49, and Matthew Vittum, 43. At issue was whether Monahan had reason to fear for his life. Neither man was armed and neither touched Monahan.

The law says people who are attacked on their property have no duty to retreat and can meet force with deadly force to protect themselves.

The law's proponents say it has resulted in law enforcement investigators and prosecutors examining potential instances of justifiable force more thoroughly before pursuing charges. "There's no question that law has certainly brought to light the fact that certain situations and certain circumstances, as tragic as they are, often are the product of justifiable shootings and killings, whether it be self-defense, Stand Your Ground or officer-related shootings," criminal defense attorney Michael Salnick said. "I think it goes to law enforcement's credit and to prosecutors who are doing the right thing in looking at the law before making a snap decision to charge someone."

In some situations, such as the Greenacres confrontation, investigators did not file charges. Police said Fritz charged at homeowner Joseph Wagner with knives on July 17 after breaking into the residence. Fritz "was looking for blood," Wagner's son Joe told The Palm Beach Post in July. "We have guns for protection, and now we know why."

After a Dec. 29 incident in Royal Palm Beach, Palm Beach County sheriff's detectives determined that Damian Niemeyer fired his gun out of fear when he confronted a teen and two others who were allegedly trying to steal

his motorcycle. Niemeyer, 37, told detectives that he fired his gun at them after one of the men pointed a gun at him while Niemeyer was shouting at them from his townhouse's second-floor bedroom window. The shooting left 19-year-old Benjy Young of West Palm Beach dead on the townhouse complex's pavement.

Despite the spike in alleged justifiable homicides last year, the county's overall number continued to drop: There were 11 fewer killings in 2011 than in 2010. The total of 84 marked the third straight year that Palm Beach County had fewer than 100 homicides.

[Distributed by Viestly](#)