

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Raulerson v. State of Florida

No. 1D2022-2798 (Fla. 1st DCA Apr. 30, 2025) · No. 1D2022-2798 · Decided April 30, 2025

SUMMARY

The Florida First District Court of Appeal denied Roger Dale Raulerson’s petition for a writ of prohibition challenging the denial of his motion to dismiss based on self-defense immunity under section 776.032(1), Florida Statutes. The court held that Raulerson failed to show clearly and conclusively that he had an objectively reasonable belief that deadly force was necessary when he shot into the victims’ vehicle. A concurring opinion argued that prohibition must remain narrowly limited to preventing a trial court from exceeding its jurisdiction and should not function as direct appellate review.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Rowe, J.; Kelsey, J.; Tanenbaum, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	April 30, 2025
DOCKET	1D2022-2798
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for writ of prohibition challenging the circuit court's order denying Raulerson's motion to dismiss based on statutory self-defense immunity under section 776.032(1), Florida Statutes.
STANDARD OF REVIEW	A writ of prohibition is an extraordinary, narrow, preventive remedy available only in an emergency to prevent an inferior court from acting without or in excess of jurisdiction when no other adequate legal remedy exists. The proceeding is not a direct appeal and may not be used to correct alleged factual or legal errors committed within the trial court's jurisdiction. In this context, the petitioner had to show clearly and conclusively, without a good-faith factual dispute, that he was immune from prosecution and that the trial court was acting beyond its jurisdiction.
PRECEDENTIAL VALUE	Published precedential opinion of the Florida First District Court of Appeal

TOPICS

appellate procedure

appellate jurisdiction

standard of review

criminal procedure

self defense

PRACTICE AREAS

Florida criminal procedure

appellate procedure

extraordinary writs

self-defense immunity

use of deadly force

QUESTIONS PRESENTED

1. Whether prohibition was an appropriate remedy to challenge the circuit court's denial of a criminal defendant's motion for statutory self-defense immunity.
2. Whether Raulerson clearly and conclusively established that he had an objectively reasonable belief that deadly force was necessary to prevent imminent death or great bodily harm when he fired at the departing vehicle.
3. Whether the disputed testimonial and physical evidence concerning the vehicle's movement and Raulerson's position prevented a showing that the trial court was acting beyond its jurisdiction.

HOLDINGS

1. Prohibition may be used by a criminal defendant to seek immediate relief from a denial of a statutory self-defense-immunity claim, but it is an extraordinary preventive writ and is not a substitute for an appeal or a vehicle for correcting ordinary legal or factual errors.
2. Raulerson was not entitled to prohibition because he failed to show clearly and conclusively that he had an objectively reasonable belief that firing deadly force into the vehicle was necessary to prevent imminent death or great bodily harm.

KEY QUOTATIONS

“Rather, Raulerson seeks to invoke the writ authority of this Court, asking for the issuance of the extraordinary writ of prohibition.” (5)

“Raulerson has failed to show clearly and conclusively, without a good faith dispute, that when Husband was driving away from the scene and Raulerson twice fired his weapon into Husband’s car, Raulerson had an objectively reasonable belief that he faced an imminent threat of great bodily harm or death.” (7)

“On these facts, Raulerson has failed to show clearly and conclusively that he is immune from prosecution and that the trial court is acting beyond its jurisdiction.” (10)

FACTUAL BACKGROUND

Raulerson saw or believed that a husband and wife were fighting at a nearby residence and told a law-enforcement officer that he might need to shoot the husband. Although the officer said he was on the way and

instructed Raulerson to remain home, Raulerson went to the property armed with an AR-15-style pistol, pointed it at the couple, ordered them out of their car, and held them at gunpoint. When the husband drove away, Raulerson fired twice into the vehicle, striking the husband, while physical and testimonial evidence conflicted with Raulerson's claim that the vehicle was driving directly at him.

PROCEDURAL HISTORY

The State charged Raulerson with aggravated battery with a deadly weapon, shooting or throwing a deadly missile into an occupied vehicle, aggravated assault with a deadly weapon, and criminal mischief. After an evidentiary pretrial immunity hearing, the circuit court denied Raulerson's motion to dismiss, finding that he lacked an objectively reasonable belief that deadly force was necessary to prevent imminent death or great bodily harm and that deadly force was not reasonably necessary to prevent the victim's escape. Raulerson sought prohibition in the First District, which denied the petition.

DISPOSITION

writ_denied

CASES CITED

- Fla. Dep't of Rev. v. Int'l Bonded Couriers, Inc., 356 So. 3d 320, 323 (Fla. 1st DCA 2023)
- Joughin v. Parks, 147 So. 273, 274 (Fla. 1933)
- English v. McCrary, 348 So. 2d 293, 296-98 (Fla. 1977)
- Fla. Dep't of Transp. v. Miami-Dade Cnty. Expressway Auth., 298 So. 3d 1261, 1263 (Fla. 1st DCA 2020)
- Mandico v. Taos Constr., Inc., 605 So. 2d 840, 854 (Fla. 1992)
- Nadell v. Hursey, 363 So. 3d 1135, 1138-40 (Fla. 3d DCA 2023)
- Snow v. State, 352 So. 3d 529, 532-34 (Fla. 1st DCA 2022)
- Edwards v. State, 351 So. 3d 1142, 1146 n.2, 1148-49 (Fla. 1st DCA 2022)
- Boston v. State, 326 So. 3d 673, 677 (Fla. 2021)
- Craven v. State, 285 So. 3d 992, 994 (Fla. 1st DCA 2019)
- Garrett v. State, 148 So. 3d 466, 468 (Fla. 1st DCA 2014)
- State ex rel. Marshall v. Petteway, 164 So. 872, 874 (Fla. 1935)
- State ex rel. Byer v. Willard, 54 So. 2d 179, 180, 182-83 (Fla. 1951)
- Hair v. State, 17 So. 3d 804, 805 (Fla. 1st DCA 2009)
- State v. Malone, 23 So. 575, 576 (Fla. 1898)
- State ex rel. B. F. Goodrich Co. v. Trammell, 192 So. 175, 176-77 (Fla. 1939)
- Mintz Truppman, P.A. v. Cozen O'Connor, PLC, 346 So. 3d 577, 580-81 (Fla. 2022)
- Puryear v. State, 810 So. 2d 901, 905 (Fla. 2002)
- Tsavaris v. Scruggs, 360 So. 2d 745, 752 (Fla. 1977)
- Smith v. State, 387 So. 3d 495, 496 (Fla. 1st DCA 2024)
- Phoenix v. State, 455 So. 2d 1024, 1025 (Fla. 1984)

- Ripley v. Ewell, 61 So. 2d 420, 421 (Fla. 1952)
- Gates v. Foley, 247 So. 2d 40 (Fla. 1971)

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