

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Pierce Nelson Hoempler v. State of Florida

Hoempler · No. 3D24-1811 · Decided March 26, 2025

SUMMARY

The Florida Third District Court of Appeal denied Pierce Nelson Hoempler's hybrid petition for prohibition and certiorari. The court held that the trial court's findings rejecting Stand Your Ground immunity were supported by competent, substantial evidence, and that the trial court did not commit reversible error in its treatment of a 911 recording or testimony concerning an earlier threat. The court concluded that neither prohibition nor certiorari relief was warranted.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Miller, J.; Scales, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	March 26, 2025
DOCKET	3D24-1811
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original-jurisdiction hybrid petition seeking prohibition to prevent prosecution based on Stand Your Ground immunity and certiorari to quash two evidentiary rulings.
STANDARD OF REVIEW	The court reviews legal conclusions concerning Stand Your Ground immunity de novo and historical factual findings for competent, substantial evidence. Certiorari relief from a nonfinal order requires a showing that the order cannot be remedied on postjudgment appeal, causes material injury for the remainder of the case, and departs from the essential requirements of law.
PRECEDENTIAL VALUE	Published Florida Third District Court of Appeal opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Pierce Nelson Hoempler v. The State of Florida

TOPICS

- self defense
- criminal procedure
- evidence
- appellate procedure
- standard of review

PRACTICE AREAS

criminal procedure

appellate procedure

evidence

self-defense

QUESTIONS PRESENTED

1. Whether Hoempler was entitled to Stand Your Ground immunity from prosecution under sections 776.032 and 776.012, Florida Statutes.
2. Whether the trial court's treatment of Hoempler's 911 recording constituted a legally cognizable error warranting certiorari relief.
3. Whether the trial court improperly admitted testimony concerning Cruz's earlier encounter with Hoempler and his threat to shoot her.

HOLDINGS

1. Hoempler was not entitled to immunity because the trial court's supported factual findings established that a reasonable and prudent person in the same circumstances would not have believed deadly force was necessary to prevent imminent death, great bodily harm, or a forcible felony.
2. Although the 911 recording qualified for admission as an excited utterance or spontaneous statement, the trial court did not commit reversible legal error because it admitted or considered the call but declined to credit Hoempler's explanation in light of contrary forensic and testimonial evidence.
3. The trial court did not depart from the essential requirements of law by admitting testimony about Hoempler's earlier encounter with Cruz because the testimony was relevant to the chronology and context of the shootings and was not used as substantive proof in the immunity analysis.

KEY QUOTATIONS

“The State bears the burden of overcoming a prima facie claim of Stand Your Ground immunity by clear and convincing evidence.” (at 7)

“But we disagree with the proposition that the trial court erroneously refused to admit the exhibit.” (at 8)

“Absent legal error, “[s]o long as there is competent substantial evidence to support the findings made by the judge who was on the scene, the reviewing court must yield.”” (at 10)

FACTUAL BACKGROUND

Hoempler shot and killed his neighbor Hector Rivera and Rivera's two adult sons, Frank and Jeremy, after a confrontation outside Hoempler's apartment. The victims were unarmed; testimony and physical evidence indicated that they were at a distance from Hoempler or turning away when he fired, and that Rivera was later shot while on the ground. Hoempler called 911 and stated that the men had rushed him, but the trial court found that account contradicted by the forensic and testimonial evidence.

PROCEDURAL HISTORY

Hoempler was charged with three counts of second-degree murder and moved to dismiss based on immunity under Florida's Stand Your Ground statutes. After a two-day evidentiary hearing, the trial court denied immunity

and entered rulings concerning admission of a 911 recording and testimony about an earlier threat. Hoempler sought prohibition and certiorari in the Third District Court of Appeal, which denied the petition.

DISPOSITION

writ_denied

CASES CITED

- Bouie v. State, 292 So. 3d 471, 479 (Fla. 2d DCA 2020)
- A.H. v. Dep't of Child. & Fams., 277 So. 3d 704, 707 (Fla. 3d DCA 2019)
- State v. Quevedo, 357 So. 3d 1249, 1253 (Fla. 3d DCA 2023)
- Mobley v. State, 132 So. 3d 1160, 1164-65 (Fla. 3d DCA 2014)
- Toledo v. State, 452 So. 2d 661, 663 (Fla. 3d DCA 1984)
- Thompson v. State, 247 So. 3d 706, 708-10 (Fla. 3d DCA 2018)
- Barron v. State, 990 So. 2d 1098, 1101 (Fla. 3d DCA 2007)
- Laflipe v. State, 888 So. 2d 104, 105 (Fla. 3d DCA 2004)
- Bearden v. State, 161 So. 3d 1257, 1263 (Fla. 2015)
- Williams v. Nuno, 239 So. 3d 153, 155 (Fla. 3d DCA 2018)
- Darling v. State, 81 So. 3d 574, 578 (Fla. 3d DCA 2012)
- Monestime v. State, 41 So. 3d 1110, 1112 (Fla. 3d DCA 2010)
- Morlas v. State, 211 So. 3d 286, 291 (Fla. 4th DCA 2017)
- Sanders v. State, 254 So. 3d 1038, 1041-42 (Fla. 4th DCA 2018)
- Charles v. State, 223 So. 3d 318, 326 (Fla. 4th DCA 2017)
- State v. Vino, 100 So. 3d 716, 719 (Fla. 3d DCA 2012)
- Levy v. Donnenfeld, 338 So. 3d 395, 396 (Fla. 3d DCA 2022)
- Mack v. State, 231 So. 3d 578, 579 (Fla. 1st DCA 2017)
- Finkelstein v. State, 157 So. 3d 1085, 1087 (Fla. 1st DCA 2015)
- Yacht Club by Luxcom, LLC v. Vill. of Palmetto Bay Council, 316 So. 3d 748, 751 (Fla. 3d DCA 2021)