

## [20 years for a Warning Shot](#)

### Marissa Alexander

KYTX

(CBS) - Last Friday, Jacksonville mother Marissa Alexander was sentenced by a Florida judge to 20 years in prison for firing what she says was a "warning shot" into the wall after a physical altercation with her husband, Rico Gray.

The case has set off yet another controversy involving the state's "stand your ground" law, which is under intense scrutiny after the shooting death of Trayvon Martin in February. Critics, including Congresswoman Corrine Brown (D-Fla.), are crying foul.

How, they ask, could a 31-year-old woman in a relationship with a man who had a history of domestic violence, and whose actions did not result in any physical injury, be sentenced to two decades in prison while George Zimmerman, the man who shot and killed Martin, is out on bail?

"The Florida criminal justice system has sent two clear messages today," Rep. Brown said in a statement on May 11. "One is that if women who are victims of domestic violence try to protect themselves, the "Stand Your Ground Law" will not apply to them...The second message is that if you are black, the system will treat you differently."

According to a sworn deposition taken in November 2010, Gray, 36, said that on August 1, 2010, he and Alexander began fighting after he found text messages to Alexander's first husband on her phone. The two were already estranged - according to her father, Alexander had been living at her mother's since the birth of the couple's daughter nine days earlier, and Gray, a long-haul trucker, said he spent the night before in his tractor-trailer. Gray began calling her names, saying "If I can't have you, nobody going to have you," and blocking her from exiting the bathroom.

Alexander pushed past Gray and went into the garage where she got her gun from her car's glove compartment.

Gray told prosecutors in the deposition that Alexander came back into the house holding the weapon and told him to leave. He refused, and what happened next is somewhat unclear. In his deposition, Gray said "she shot in the air one time," prompting him and the children to run out the front door. But when Gray called 911 the day of the incident, he said "she aimed the gun at us and she shot."

In August 2011, a judge rejected a motion by Alexander's attorney to grant her immunity under the "stand your ground" law. According to the judge's order, "there is insufficient evidence that the Defendant reasonably believed deadly force was needed to prevent death or great bodily harm to herself," and that the fact that she came back into the home, instead of leaving out the front or back door "is inconsistent with a person who is in genuine fear for her life."

Alexander's case was prosecuted by Angela Corey, the Florida State's Attorney who is also prosecuting George Zimmerman. Alexander was charged with aggravated assault with a deadly weapon, and because she discharged a firearm during the incident, the case fell under Florida's "10-20-life" law, enacted in 1999, which mandates a 20-year sentence for use of a gun during the commission of certain crimes.

Corey initially offered Alexander a three year deal if she pleaded guilty to aggravated assault, but according to CBS affiliate WTEV, Alexander did not believe she had done anything wrong, and rejected the plea. Her bet did not pay off: the jury in the case returned a guilty verdict in less than 15 minutes.

Now, Alexander's family is looking for a new attorney to take the case on appeal and plans to ask the governor for clemency.

"I know that she truly tried to defend herself," says Lincoln Alexander, Alexander's first husband.

Rep. Brown is helping. The Congresswoman told Crimesider she has contacted several attorneys about taking the case and is helping the NAACP plan a May 29 march in support of Alexander.

According to Mitchell Stone, a Jacksonville defense attorney who has tried numerous stand your ground and domestic violence cases, there were several problems with Alexander's case. First, according to court documents, Alexander violated her bail by returning to the home where the shooting incident took place several months later.

"A lot of people would say, if she's so afraid of him, what's she doing going back there?" says Stone.

Second, as the judge pointed out in the ruling that denied stand your ground immunity, presumably Alexander could have fled the home through the back door instead of returning to the house and confronting Gray.

"Obviously, the jury believed the state's position, that she went into garage to get the gun and make a stand, and that's not going to be tolerated," Stone says.

Stone says the case is "not perfect from a defense perspective," but believes Alexander may have grounds for an appeal based on the judge refusing to admit testimony from witnesses who could tell the jury about Gray's history of violence against women.

And there are disputes about significant facts in the case, including whether Alexander could have escaped out the garage instead of getting her gun and returning to the house; Gray said he "knew she couldn't leave out the garage door because the garage door was locked" in his November 2010 deposition, but in her ruling against allowing Alexander "stand your ground"

immunity, Judge Elizabeth Senterfitt wrote that "there was no evidence presented to support her claim."

"You can't shoot a gun at people," says Corey. "It ricocheted from the wall to the ceiling, but what if it had hit someone?"

Alexander's case is bringing scrutiny to mandatory minimum sentences, which Stone says "take discretion out of judges' hands" and essentially hand that power to prosecutors, who already decide which charges to bring. Corey, for example, could have charged Alexander with straight aggravated assault, instead of adding the gun charge, but she told Crimesider that once Alexander rejected the plea deal, she felt it was her duty to charge according to the law.

As Corey put it, "She discharged a gun to kill them, and she has to answer for that."

Her decision didn't surprise Stone: "When Corey took office in 2008, part of her platform was getting tough on gun crime."

While Florida's Gov. Rick Scott has convened a task force to look at the state's "stand your ground" law in the wake of the Trayvon Martin case, Stone says that people lobbying to repeal mandatory minimums are in the "extreme minority."

So, while Alexander waits in prison, her family and supporters insist her conviction and long sentence are a grave miscarriage of justice. They've created a [website](#) to spread the word about Alexander's case and raise money for an appeal.

Alexander's father, Raoul Jenkins, told Crimesider that his daughter had had a licensed gun for years and the two had been to the shooting range together.

"If Marissa wanted to shoot anybody she could," Jenkins says. "But that was not her intent. Her intent was to diffuse the situation without anyone getting hurt or killed."

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## [Marissa Alexander accepts plea deal](#)

11/24/14 03:51 PM—UPDATED 01/27/15 11:47 PM

By [Aliyah Frumin](#)

Marissa Alexander, the Florida woman sentenced to 20 years behind bars for discharging a firearm in the presence of her estranged husband and his two sons has agreed to a plea deal. Her case had sparked widespread attention amid allegations that the state's "Stand Your Ground" [was being unfairly applied](#).

According to the [Florida Times-Union](#), Alexander, who is African American, was ordered on Monday to serve three years in jail after pleading guilty to three felony charges. The 1,030 days she has already been behind bars will count as time served, meaning she will be released on Jan. 27.

In the lead up to the 2010 shooting, Alexander, 32, said she and her husband, Rico Gray, had gotten into an argument over a series of text messages. Alexander, who had given birth to a daughter nine days earlier, had locked herself into the bathroom, at which point Gray broke through the door and grabbed her neck. Alexander testified that she then ran into the garage, couldn't get the door open and returned with a gun from her car. When Gray threatened, "Bitch, I'll kill you", Alexander said she fired the gun as a warning shot. No one was injured, but a jury convicted her in 12 minutes.

**Related:** [Marissa Alexander denied new Stand Your Ground hearing](#)

The case gained national notice after Alexander's attorneys claimed self-defense and cited Florida's Stand Your Ground law, which also came under fierce criticism after the shooting death of Trayvon Martin in 2012. Under the law, in some circumstances, individuals can use force to defend themselves without first attempting to retreat. George Zimmerman, the man who shot and killed Martin, was acquitted in 2013 and his attorneys also cited Florida's Stand Your Ground statute.

A circuit judge had previously denied Alexander request for a new hearing for immunity under the Stand Your Ground law and she was sentenced in 2012 under Florida's 10-20 Life laws, which involves mandatory minimum sentences for gun-related crimes. The prosecutor in the case was Angela Corey, who also prosecuted Zimmerman. Alexander was [granted a new trial](#) last year after the First District Court of Appeal in Florida ruled that a judge didn't properly instruct the jury on self defense.

After Alexander is released from prison early next year, she will have to spend two years under house arrest with a monitor.

## [Marissa Alexander released from jail](#)

01/27/15 01:44 PM—UPDATED 01/27/15 09:17 PM

By [Irin Carmon](#)

Marissa Alexander, the Florida mother whose case became a rallying cry for anti-racism activists and survivors of domestic violence, was released today after three years of incarceration.

Alexander had faced up to 60 years behind bars for firing a single shot near her abusive husband, unable to convince a jury she had feared for her life. A hearing Tuesday confirmed the terms: Having pleaded guilty to assault in exchange for credit for time served, she will be subject to two years of electronic monitoring and house arrest, except for approved appointments and employment.

Circuit Court Judge James Daniel acknowledged that the case had drawn national attention but claimed his decision was “not based on any public opinion of any larger issue of public interest or social concern, but on the specific facts of the case.”

### **RELATED: [Marissa Alexander accepts plea deal](#)**

Alexander’s case has long sparked outrage about the unequal application of the law for both black Americans and women. Alexander was prosecuted by Angela Corey, who was also the prosecutor in the trial of George Zimmerman, who was acquitted in the February 2012 killing of Trayvon Martin. Corey did not appear at Tuesday’s hearing.

“We are thrilled that Marissa will finally be reunited with her children, her family, and her community,” said Sumayya Coleman, co-lead of the Free Marissa Now Mobilization Campaign. “Today’s hearing revealed that Alexander intends to attend school to become a paralegal and she is a wonderful mother to her children who urgently need her. Amazingly, the State continued their campaign of punishment by trying to add two more years of probation.” But the state didn’t get its way.

In November, Alexander [pleaded guilty](#) to three counts of aggravated assault with a weapon in exchange for credit for time served. A second trial had been planned for December, when Corey had planned to seek a 60-year sentence, triple the 20-year sentence Alexander got in her first trial.

The Free Marissa Now Mobilization Campaign and The Monument Quilt wrote on Facebook that “350 quilt squares containing stories from survivors of domestic violence and sexual assault will blanket the Duval County Courthouse lawn to let Jacksonville and the world know Marissa is NOT ALONE.” A fundraiser on Alexander’s behalf exceeded its goals, [raising](#) \$58,297 from 1,122 backers on the site GoGetFunding.

“We have always believed that forcing Marissa to serve even one day in prison represents a profound and systemic attack on black women’s right to exist and all women’s right to self-defense,” the Free Marissa Now Mobilization Campaign [said](#) in a statement after Alexander’s plea deal.

The incident in question took place in 2010, nine days after Alexander, now 34, gave birth to a daughter. Alexander testified that her estranged husband, Rico Gray, had physically abused her several times and

that on that day, he threatened to kill her. No one was injured, but a jury convicted her in about 12 minutes.