# CAPTION: STATE V. ROBERTSON

**07-28-23**

APPEAL NO.: C-220047

TRIAL NO.: B-2101596

KEY WORDS: JURY INSTRUCTIONS – CASTLE DOCTRINE – SELF-DEFENSE – ABUSE OF DISCRETION

SUMMARY:

 The trial court abused its discretion when it failed to instruct the jury on the Castle Doctrine presumption because the evidence warranted the instruction where defendant, who shot the victim in defendant’s covered carport, had lost a family member to gun violence, the victim threatened defendant and her family, the victim appeared at defendant’s home at midnight, the victim, who was drunk, entered defendant’s home without permission and refused to leave, the victim fought with defendant and defendant’s boyfriend, the victim had a history of assaulting people, both defendant and her boyfriend had been injured prior to the incident, and the victim was in a physical altercation with defendant’s boyfriend just before defendant shot her.

JUDGMENT: REVERSED AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, P.J.; WINKLER and KINSLEY, JJ., CONCUR.