

LEGAL MEMORANDUM

RE: The Unjustified Application of Stand Your Ground in the Homicide of Steven Paul Colon

EXECUTIVE SUMMARY

This memorandum presents a comprehensive legal analysis demonstrating that the shooting death of Steven Paul Colon, a 22-year-old resident, on September 24, 2022, by David Ross Gregory does not qualify as justifiable homicide under Florida's Stand Your Ground law. The evidence overwhelmingly indicates that this case warrants reopening, criminal charges against David Gregory, and a thorough reexamination of the investigative failures that led to this miscarriage of justice.

Based on witness testimony, forensic evidence, and applicable Florida law, we conclude that:

1. David Gregory was the initial aggressor, crossing to Steven's side of the road by his own admission and his wife's confirmation, fundamentally disqualifying him from Stand Your Ground immunity
2. David Gregory was engaged in unlawful activity by carrying a concealed weapon without a valid permit, which alone should have precluded any Stand Your Ground consideration
3. The forensic evidence directly contradicts Gregory's account of a close-range struggle
4. Multiple witnesses heard two gunshots, not one, suggesting excessive force
5. The investigation was procedurally flawed, biased, and failed to collect or preserve critical evidence
6. There is substantial evidence of premeditation, with multiple witnesses confirming prior threats by David Gregory

The Sarasota County Sheriff's Office's conclusion that this was a "justifiable homicide" represents a profound misapplication of Florida law and a failure of the justice system to protect the rights of Steven Paul Colon and his family. The State Attorney's Office has explicitly acknowledged that "there has been a miscarriage of justice," yet procedurally requires the SCSO to reopen the case before charges can be filed.

I. FACTUAL BACKGROUND

A. The Parties Involved

Steven Paul Colon was a 22-year-old resident of the Highland Road community in Osprey, Florida. He lived with his grandparents and was known to follow a strict athletic regimen that

included regular walks and nutritional supplements. Steven wore glasses and had never been in a fist fight in his life, with no history of aggression whatsoever. Despite rumors spread throughout the neighborhood, toxicology reports confirmed Steven had no drugs in his system.

David Ross Gregory and his wife Amy Gregory were residents of the same community. Evidence indicates David had developed a specific animosity toward Steven Paul, telling multiple neighbors he had begun carrying a concealed weapon specifically because of Steven and that he would use it if confronted again. These prior threats were witnessed by multiple individuals, including Penelope Nichols and Kelsie Eden, yet were never thoroughly investigated. Also, HOA president Gary Osgood and resident Tobin Johnston reached out to the parent's of Steven Paul and informed them that "there was this individual in the neighborhood that claimed Steven Paul spit at him and his wife and that he had a gun and was not scared to use it" (referring to David Ross Gregory and Amy Gregory). Oddly enough, there are no calls to SCSO made about this supposed altercation, as the Gregory's made claims that they called several times was a complete lie. SCSO found nothing.

B. Events Leading to the Shooting

On September 24, 2022, at approximately 7:00 AM, Steven Paul was taking his regular morning walk. A specific 10 minute walk made famous after Stan Efferding. Upon encountering David and Amy Gregory at an intersection, Steven chose to walk in the opposite direction to avoid them.

Despite having a regular shortcut through a neighbor's yard that they typically used, the Gregorys chose to follow Steven down the road. When Steven reached the end of the street, he made a U-turn to head home, which required passing the Gregorys on the opposite side of the road.

Critically, both Amy and David Gregory admitted in their own testimony that David Gregory crossed over to Steven's side of the road before the shooting. Amy Gregory explicitly confirmed this fact and so did David. This admission alone establishes David Gregory as the aggressor, fundamentally undermining any self-defense claim. Steven passed Amy Gregory without incident. As he passed David Gregory, with David having crossed to Steven's side of the road, the shooting occurred. Multiple witnesses heard two gunshots and David Gregory yelling profanities at Steven after shooting him.

C. Aftermath and Investigation

After shooting Steven, David and Amy Gregory attempted to leave the scene. David instructed neighbor Dayna Purcell to "call the police" without explanation, then returned to his home to secure the weapon rather than rendering aid to Steven.

A critical inconsistency emerged during the 911 call when the dispatcher asked Amy Gregory if David had been hit or injured. Amy had to ask David "Were you hit?" before responding -

revealing their story was being constructed after the fact rather than reflecting actual events. This damning detail demonstrates the fabricated nature of their self-defense claim.

First responders found Steven in a roadside ditch. He was transported to a hospital where he later died from his injuries. The Medical Examiner determined the cause of death was a gunshot wound to the abdomen, with the bullet traveling from right to left and at a downward angle, with no exit wound.

The investigation by the Sarasota County Sheriff's Office was marked by numerous procedural errors, including failure to collect critical evidence, biased questioning, and selective witness interviews. Witnesses were never thoroughly interviewed, with many key witnesses either interviewed weeks later or not at all. Despite substantial contradictory evidence, Detective King concluded the shooting was "justifiable homicide" under Stand Your Ground.

In August 2024, the State Attorney's Office met with the Colon family and strongly agreed with their findings, stating verbatim that **"there has been a miscarriage of justice."** However, they indicated they cannot proceed with charges until the SCSO reopens the case and sends it to them with a recommendation to file charges.

II. LEGAL ANALYSIS

A. Florida's Stand Your Ground Law and Its Requirements

Florida's Stand Your Ground law, codified in Florida Statutes §776.012 and §776.013, provides immunity from criminal prosecution for those who use deadly force in self-defense when they reasonably believe it is necessary to prevent imminent death or great bodily harm.

For Stand Your Ground immunity to apply, the following conditions must be met:

1. The person must not be engaged in criminal activity
2. The person must not be the initial aggressor
3. The person must have a reasonable fear of imminent death or great bodily harm
4. The use of force must be proportionate to the threat

B. David Gregory's Disqualification from Stand Your Ground Protection

1. Illegal Concealed Carry Automatically Disqualifies Stand Your Ground Protection

The most fundamental disqualification for Stand Your Ground immunity is David Gregory's illegal carrying of a concealed weapon without a valid permit. This alone should have precluded any consideration of Stand Your Ground protection.

Under Florida law at the time of the shooting in 2022, carrying a concealed weapon without a valid permit constituted a felony. Florida Statute §776.012(1) explicitly disqualifies individuals engaged in unlawful activity from Stand Your Ground protection.

Had the Sarasota County Sheriff's Office properly investigated David Gregory's concealed carry permit status and charged him with this felony, the Stand Your Ground determination would have been legally impossible. This represents perhaps the most egregious failure in the application of Florida law in this case. We will be following up with a request for Detective Nathan King's qualifications regarding his training and or case experience in the application of Stand Your Ground.

2. David Gregory as the Initial Aggressor by His Own Admission

Florida Statute §776.041 explicitly states that Stand Your Ground protection does not extend to a person who initially provokes the use of force against themselves. Both Amy and David Gregory admitted in their own testimony that they crossed over to Steven's side of the road before the shooting. Amy Gregory explicitly confirmed this critical fact. This admission establishes David Gregory as the aggressor and should have immediately disqualified him from Stand Your Ground protection.

Additional evidence further confirms David Gregory's aggressor status:

- David and Amy Gregory deliberately followed Steven Paul down the road instead of taking their usual shortcut through a neighbor's yard
- David Gregory was carrying a concealed weapon specifically with the intention of using it against Steven Paul, as evidenced by his prior statements to neighbors
- No witnesses heard any verbal confrontation before the shooting, contradicting Gregory's claim of being verbally threatened
- Witness Sherry Pazzanese testified she saw both men standing together with no physical altercation in progress immediately before the shooting

In *State v. Dorsey*, 74 So. 3d 521 (Fla. 4th DCA 2011), the court held that a defendant's prior threats against the victim are relevant to determining whether the defendant was the initial aggressor. David Gregory's statements to multiple neighbors about his intention to shoot Steven Paul if confronted again are directly relevant to his aggressor status.

3. Absence of Reasonable Fear

For Stand Your Ground to apply, the defender must reasonably believe deadly force is necessary to prevent imminent death or great bodily harm. This reasonable belief is absent in this case:

- Steven Paul was unarmed, wore glasses, and had no history of aggression or fighting
- No witnesses observed Steven Paul attacking or threatening David Gregory

- Forensic evidence from the Medical Examiner indicates the shot was fired from at least 4 feet away, contradicting claims of a close physical struggle
- David Gregory suffered no injuries that would corroborate his claim of being physically attacked
- David Gregory's post-shooting behavior (yelling profanities at the victim, attempting to flee) is inconsistent with someone who just acted in legitimate self-defense
- The 911 call reveals Amy had to ask David if he was hit, indicating no actual injury occurred, and she never actually witnessed an altercation as she claimed in her interview.

In *Dorsey v. State*, 149 So. 3d 144 (Fla. 4th DCA 2014), the court emphasized that the defendant's subjective fear must be objectively reasonable for Stand Your Ground to apply. Given the absence of any weapon or threatening behavior by Steven Paul, David Gregory's claimed fear was not objectively reasonable.

4. Disproportionate Use of Force

Even if there was a confrontation, the use of deadly force must be proportionate to the threat:

- Firing two shots (as testified by multiple witnesses) exceeds reasonable force for self-defense
- The angle of the bullet trajectory (from right to left and slightly downward) suggests Steven Paul may have been turning away when shot
- No evidence suggests Steven Paul posed a deadly threat that would justify the use of deadly force
- Steven was wearing earbuds at the time (confirmed by the EarPod case recovered by police), making Gregory's claim of a verbal confrontation implausible

C. Forensic Evidence Contradicting Self-Defense Claim

The Medical Examiner's report provides objective evidence that directly contradicts David Gregory's account:

- The entrance wound showed "no soot deposition, gunpowder stippling, or muzzle stamp," indicating the shot was fired from a distance of at least 4 feet
- This contradicts David Gregory's claim of a close-range struggle
- The bullet trajectory was "from anterior to posterior, right to left, and slightly superior to inferior," suggesting Steven Paul may have been turning away when shot
- No exit wound was present, which would be unlikely in a close-range shooting

Additionally, no DNA evidence from Steven Paul was collected from David Gregory's clothing, despite Gregory's claim that Steven grabbed his shirt and punched him.

D. Inconsistencies in the Gregorys' Account

The Gregorys' version of events contains numerous contradictions that undermine their credibility:

1. During the 911 call, when asked if David was hit, Amy had to ask David "Were you hit?" before responding - revealing their story was being constructed after the fact
2. Their account of a verbal confrontation is contradicted by the fact that Steven was wearing earbuds (confirmed by the EarPod case recovered by police)
3. They claimed to fear Steven, yet deliberately followed him down the road instead of taking their usual shortcut
4. They claimed Steven was the aggressor, yet admitted to crossing to his side of the road
5. Their description of a close-range struggle is contradicted by forensic evidence showing the shot was fired from at least 4 feet away
6. They claimed David was injured, yet no injuries were documented and no medical attention was sought

These inconsistencies reveal a fabricated narrative designed to justify an unjustifiable shooting.

E. Evidence of Premeditation

Multiple witnesses testified that David Gregory had previously stated he would shoot Steven Paul if confronted again:

- Penelope Nichols stated David told her: "if Steven came at him again like that, he would have his firearm on his person and defend himself"
- Gary Osgood admitted knowing David had begun carrying a gun specifically because of Steven Paul and called the parent's to warn them about this.
- Kelsie Eden also confirmed hearing David Gregory make threatening statements about Steven Paul

These prior threats, witnessed by multiple individuals, were never thoroughly investigated despite their critical relevance to establishing premeditation.

In *Darling v. State*, 81 So. 3d 574 (Fla. 3d DCA 2012), the court held that Stand Your Ground immunity does not apply when the defendant's actions created the circumstances leading to the confrontation. By deliberately following Steven Paul, crossing to his side of the road, and carrying a concealed weapon with the intention of using it, David Gregory created the circumstances leading to the confrontation.

III. INVESTIGATIVE FAILURES

The investigation by the Sarasota County Sheriff's Office was marked by numerous procedural errors that undermined the integrity of the process:

A. Failure to Properly Secure and Preserve Evidence

- Multiple witnesses testified to hearing two gunshots, yet only one shell casing was recovered
- Detective Meghan Vinopal requested a subpoena for Ring.com video/audio records but failed to follow through when Ring.com responded that a search warrant was required
- Statements from Steven Paul's family immediately following the shooting were not preserved, with "audio/visual problems" cited as the reason
- Deputy Jay Patella, one of the first officers on scene, provided no formal statement in the case file despite multiple requests
- The EarPod case recovered by police was not properly considered as evidence contradicting Gregory's claim of a verbal confrontation

B. Inadequate and Biased Witness Interviews

- Detectives King and Ojeda used explicitly leading questions when interviewing David and Amy Gregory
- Detective King and Detective Ojeda made statements to Steven Paul's family about this being a "Stand Your Ground" case just hours after the shooting
- Several key witnesses were not interviewed until weeks after the incident
- Linda Kremblas, who lived directly next door to the Gregorys and had direct knowledge of relevant facts, was never formally interviewed
- Kelsie Eden, who had information about prior threats made by David Gregory, was not thoroughly interviewed nor was her testimony brought in to bear.
- Witnesses were never properly questioned about the Gregorys crossing to Steven's side of the road
- The 911 call inconsistency where Amy had to ask David if he was hit was never investigated

C. Inadequate Forensic Investigation

- No DNA evidence was collected from Gregory's clothing to verify his claim that Steven Paul grabbed his shirt and punched him
- The weapon was secured by David Gregory himself at his home before police arrived, creating an opportunity for evidence tampering when he was specifically instructed by the operator not to.
- The crime scene was not properly documented to establish the exact positions of the parties involved

D. Unequal Investigative Focus

- Investigators focused on obtaining Steven Paul's records but did not equally investigate David Gregory's background

- No thorough investigation was conducted into David Gregory's concealed carry permit status, which would have immediately disqualified him from Stand Your Ground protection
- Despite multiple witnesses stating that David Gregory had previously threatened to shoot Steven Paul, these threats were not investigated as evidence of premeditation
- Steven's character (glasses-wearing, no history of aggression) was never properly considered in evaluating the plausibility of Gregory's claims

IV. PROSECUTORIAL CONSIDERATIONS

The State Attorney's Office has acknowledged the significant issues with this case:

- In August 2024, after meeting with the Colon family, the State Attorney's Office strongly agreed with their findings, stating verbatim that "there has been a miscarriage of justice"
- Karen Fraivillig of the State Attorney's Office called the victim's father Steven Colon on October 30, 2025 after having interviewed Amy Gregory and stated, "Her interview was a complete disaster, she was all over the place and nothing she said made any sense". She once again reiterated verbatim "I believe there has been a miscarriage of justice". She indicated that she would be meeting with the SCSO, but first wanted to speak to some additional witnesses.
- The procedural requirement that the SCSO must reopen the case and send it to the State Attorney's Office with a recommendation to file charges has created a bureaucratic impasse

A. Grand Jury Option

One potential avenue for overcoming this impasse is the convening of a Grand Jury:

- The State Attorney's Office has the authority to convene a Grand Jury to investigate this case independently
- A Grand Jury could review all evidence, including that which was overlooked or mishandled in the initial investigation
- The Grand Jury could issue indictments directly, bypassing the need for SCSO to reopen the case
- This approach would allow for a fresh, independent evaluation of the evidence by citizens of the community

V. LEGAL REMEDIES AND RECOMMENDATIONS

Based on the foregoing analysis, we recommend the following actions:

A. Immediate Reopening of the Investigation

The Sarasota County Sheriff's Office should immediately reopen the investigation into the death of Steven Paul Colon, with the following specific actions:

1. Collection and preservation of all previously overlooked evidence
2. Formal interviews of all witnesses who were not previously interviewed or not thoroughly questioned
3. Forensic reexamination of the weapon used in the shooting
4. Investigation into David Gregory's concealed carry permit status at the time of the shooting
5. Thorough examination of David Gregory's prior statements regarding his intentions toward Steven Paul
6. Proper investigation of the admission by both Amy and David Gregory that they crossed to Steven's side of the road
7. Analysis of the 911 call inconsistency where Amy had to ask David if he was hit

B. Criminal Charges Against David Ross Gregory

The evidence strongly supports criminal charges against David Ross Gregory, including:

1. At minimum Second-degree murder (Florida Statute §782.04)
2. Carrying a concealed firearm without a permit (Florida Statute §790.01)
3. Tampering with evidence (Florida Statute §918.13)

C. Independent Review by the Florida Department of Law Enforcement

Given the significant failures in the initial investigation, we recommend requesting an independent review by the Florida Department of Law Enforcement to ensure an unbiased and thorough reinvestigation.

D. Review of Stand Your Ground Determination

The State Attorney's Office should conduct a formal review of the Stand Your Ground determination, considering all evidence that was not properly evaluated in the initial investigation, with particular focus on:

1. The illegal carrying of a concealed weapon, which alone disqualifies Stand Your Ground protection
2. The admission by the Gregories that they crossed to Steven's side of the road, establishing David as the aggressor
3. The multiple witnesses who heard two gunshots, indicating excessive force
4. The forensic evidence contradicting the claim of a close-range struggle
5. The 911 call inconsistency where Amy had to ask David if he was hit

E. Convening of a Grand Jury

If the SCSO continues to resist reopening the investigation, we recommend that the State Attorney's Office exercise its authority to convene a Grand Jury to:

1. Independently investigate all aspects of the case
2. Review evidence that was overlooked or mishandled in the initial investigation
3. Consider issuing indictments directly against David Gregory
4. Provide a mechanism for justice that bypasses the bureaucratic impasse

VI. CONCLUSION

The shooting death of Steven Paul Colon represents a profound miscarriage of justice, as explicitly acknowledged by the State Attorney's Office. The evidence overwhelmingly demonstrates that David Ross Gregory's actions do not qualify for Stand Your Ground immunity under Florida law. His illegal carrying of a concealed weapon alone should have precluded any Stand Your Ground consideration, and his admission to crossing to Steven's side of the road establishes him as the aggressor.

The investigation was procedurally flawed, biased, and failed to collect or preserve critical evidence. Witnesses were never thoroughly interviewed, and key evidence was overlooked or mishandled.

Justice demands that this case be reopened, thoroughly investigated, and that David Ross Gregory be held accountable for his actions. The Sarasota County Sheriff's Office and the State Attorney's Office have both the legal authority and the moral obligation to correct this injustice.

Respectfully submitted,

Steven Colon

Date: April 9, 2025