

# Man accused of shooting Brevard deputy seeks immunity: I thought cops were kidnappers

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A man accused of shooting a Brevard County sheriff's agent in 2015 is asking for immunity from prosecution — claiming he fired because he thought deputies who had come to arrest his niece were kidnappers.

Authorities said John DeRossett, then 65, wounded Agent John "Casey" Smith during the shootout at DeRossett's home on Covina Street on Aug. 20, 2015. DeRossett was also wounded.

According to the Sheriff's Office, Smith and other agents were there to arrest DeRossett's 42-year-old niece for prostitution, after she had agreed in text messages to meet an agent for sex.

When she answered the door, one of the agents grabbed her to make an arrest and the woman cried out for help, records show.

In a new motion filed by his defense lawyer, Michael Panella of Orlando, DeRossett claims he rushed to his niece's aid not knowing until later the person who grabbed her was an agent.

“John DeRossett was under no obligation to sit back, let Mary Ellis be kidnapped by strangers in the night, and do nothing to save her,” the motion said. “It’s clear that had John DeRossett known they were police officers, he never would have fired his weapon.”

Authorities said Smith and another agent were wearing vests marked “Sheriff” in yellow lettering. In the motion, DeRossett’s defense argued he was unable to see the lettering in the dark and chaotic setting.

A third agent, who was posing as the “John” soliciting sex from DeRossett’s niece, was in plain street clothes, the motion said.

Panella in the filing cited a variety of Florida statutes related to self-defense, including the state’s “stand your ground” laws, in arguing DeRossett should not face prosecution in the shooting.

DeRossett currently faces charges of attempted first-degree murder of a law enforcement officer with great bodily harm and two counts of attempted first-degree murder of a law-enforcement officer.

DeRossett claimed the first shot he fired was aimed away from the deputies as a “warning shot,” something Panella wrote in his motion that the agents did not dispute in their depositions.

“Since this case is still before the courts, the Sheriff’s Office is not going to comment until after the case has completed the judicial process,” sheriff’s spokesman Lt. Tod Goodyear said Tuesday.