

Casey Smith takes stand in DeRossett shooting 'stand your ground' immunity hearing

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Former Brevard County Sheriff's Office agent John "Casey" Smith took the stand Wednesday in the third day of a "stand your ground" immunity hearing for the man accused of shooting him just over three years ago.

Smith and two other Brevard agents were conducting a prostitution sting Aug. 20, 2015 at a Port St. John home on Covina Street when Mary Ellis DeRossett's uncle, John DeRossett, began firing on the agents.

"(Agent Peter Stead) pulled out his badge and said 'Sheriff's Office!' and grabbed her," Smith testified. "Then all hell broke loose. He grabbed her out of the door and pulled her toward the yard, and she started screaming very loudly."

Smith said he saw the uncle coming through the house from the back bedroom with a handgun.

"Gun, gun, gun! He's got a [expletive] gun!" Smith said he remembers yelling.

There were elements of the night Smith said he couldn't remember, including whether DeRossett fired at the other agents first or if he told the defendant he was law enforcement before returning fire.

DeRossett, who at the time was an off-duty security guard, is facing attempted murder charges, accused of firing several shots at the trio of deputies. He is asking Judge Robin Lemonidis for immunity from prosecution using the state's "stand your ground" law.

Florida's "stand your ground" law expands the state's long-standing "justifiable use-of-force" statute that governs a citizen's right to self-

defense. It provides greater legal protections to people who shoot or use other deadly force when threatened or attacked.

Before the “stand your ground” law, a person confronted in public could only use deadly force after first trying to retreat. “Stand your ground” removed that duty to retreat in the face of an attack.

Last year, the Legislature made a change that forces prosecutors, rather than defendants, to shoulder the burden of proof in such cases.

Defense attorney Michael Panella focused Wednesday on whether the agents, including Stead and Jason Roberts, properly identified themselves to DeRossett before the shootout that left Smith with near fatal injuries.

Throughout questioning, Panella asked Smith about conducting the sting at Mary Ellis DeRossett's home rather than the motel where they had set up a controlled environment to conduct the arrests.

Smith, who said he was not involved in setting up the actual meeting with Mary Ellis DeRossett, told the court that, although Stead identified himself as law enforcement to her when he grabbed her from the threshold of her doorway, he couldn't recall if any of them identified themselves when her uncle came out with a gun and fired a shot.

When prosecutors began cross examining Smith, they brought out the bulletproof tactical vest he wore the night of the shooting. Smith momentarily broke down in tears recalling the night of the shooting that nearly left him dead.

The hearing is expected to conclude Thursday in the Vassar B. Carlton Historic Titusville Courthouse, 506 South Palm Ave. The judge is expected to issue a ruling by next week.