

# “The Megaro Criminal Law Library,” a public service of Lawyer Patrick Megaro, updated with recent articles and videos

*“The Megaro Criminal Law Library” is available online. Recently, the library has been updated with articles and videos, including an instructional series.*

ORLANDO, FLORIDA, UNITED STATES, September 16, 2018 / EINPresswire.com/ -- As a public service, to make available information on criminal law, [Patrick Megaro](#) has set up “[The Megaro Criminal Law Library](#)” on the internet. [Mr. Megaro](#) is a Criminal Defense Attorney with offices in Orlando, Florida. The library is a public service and contains all of Mr. Megaro’s Criminal Law articles and videos. In addition, there is a “search” feature that allows users to search the videos and articles by keyword. The Library is organized by different sections, Videos, Articles, News and an Archive.



“

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*Patrick Megaro, Defense Lawyer*

Mr. Megaro explains the idea of the Library. He started out with a Blog with his written articles and commentary, but eventually it became too unwieldy and difficult to search. He therefore decided to organize all of the information more efficiently, and use an index service so that users can search the information by keyword. Patrick Megaro is providing all this information as a public service, free of charge. He explains that “I have focused on this area of law for more than 20 years, and at this stage in my life and experience, I would like to share with the public, law students, and my peers all the knowledge I have acquired. I sincerely hope that some of my esteemed colleagues in

the profession will find the materials useful for their own law practice.”

The most recent addition to the Library is Mr. Megaro’s “instructional series.” In his first article in his instructional series, veteran criminal defense attorney Patrick Michael Megaro comments on *Martin v. State*, an appellate decision from the Second District Court of Appeal of Florida, dealing with recent changes to Florida’s self-defense laws. Florida legislature’s amendment to section 776.032 marks an important shift in self-defense laws in the state of Florida. As the *Martin* court explained “[t]he Florida Legislature’s amendment to section 776.032 added the following provision: (4) In a criminal prosecution, once a prima facie claim of self-defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in subsection (1).” The *Martin* court went on to explain that “as it now stands, the State bears the burden of disproving, by clear and convincing

evidence, a facially sufficient claim of self-defense immunity in a criminal prosecution.”

This is obviously a very important change in criminal cases involving self-defense claims. Before the amendment, criminal defendants in Florida who wished to assert self-defense had the burden of proof. It was the defendant that had to convince the jury that their actions were justified due to self-defense. After the amendment, the defendant only has to present a facially sufficient claim of self-defense, a very low bar. The burden of proof now rests on the prosecution to show that there was no justification for self-defense, and the burden is by clear and convincing evidence, one step below beyond reasonable doubt, but still a very significant hurdle.

The Court went on to address whether the amendment applies only to cases going forward or retroactively to all existing criminal cases. “Statutory amendments may take one of three forms: substantive, which are usually applied prospectively, or procedural or remedial, either of which may apply retroactively to pending proceedings”, the Martin court explained. The court discussed that “[i]n the context of criminal cases specifically, ‘substantive law is that which declares what acts are crimes and prescribes the punishment therefor, while procedural law is that which provides or regulates the steps by which one who violates a criminal statute is punished.’”

Finally, the court noted that “[i]n Florida, statutory changes to the burden of proof—the change at issue here—are invariably deemed procedural in nature for purposes of retroactive application.” Therefore, “[s]ubsection (4) now ascribes to the State what had, under common law precedent, been the defendant’s burden of proof. That is not a

substantive change. Neither the substantive rights of a successful claim of immunity nor the necessary elements of proof to establish a claim of immunity were altered by the June 9, 2017, amendment.” Thus, the amended standard of proof in self-defense cases applies not only to



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Video of Attorney Patrick Megaro, Florida



Patrick Megaro, Attorney, on Today Exclusive Television

future cases, but also to existing cases and even those cases under appeal. The case is *Martin v. State*, Case No. 2D16-4468, (Fla. Dist. Ct. App., 2nd District, May 4, 2018), available at [https://scholar.google.com/scholar\\_case?case=5709431534236501779&q=martin+v+state+&hl=en&as\\_sdt=4,10&as\\_ylo=2017](https://scholar.google.com/scholar_case?case=5709431534236501779&q=martin+v+state+&hl=en&as_sdt=4,10&as_ylo=2017).

The article will be published in full in The Megaro Criminal Law Library at <https://themegarocriminallawlibrary.com/> and on the Blog of Mr. Megaro, <https://patrickmegaroblog.blogspot.com/>

#### About Patrick Megaro

Patrick Michael Megaro is an attorney at Halscott Megaro PA. His primary areas of practice are criminal defense, criminal appeals, post-conviction relief, civil appeals, and civil rights litigation.

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