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OFFICE OF THE MAYOR

June 27, 2017

U. S. MAIL and NEXT DAY AIR

MAYOR LENNY CURRY  
JACKSONVILLE CITY HALL  
117 WEST DUVAL STREET  
JACKSONVILLE, FL 32202

Re: Our Client : Monifa Petersen o/b/o Estate of Khamoi  
Petersen

Date of Loss : January 16, 2017

Dear Mayor Curry:

Our office represents **MONIFA PETERSON on behalf of the Estate of Khamoi Petersen, deceased**. On or about January 16, 2017, **KHAMOI** and his friends were patrons of Jacksonville Landing, 2 West Independent Drive, Jacksonville, Duval County, Florida. Upon arrival, several arguments ensued between different groups of individuals. At least one (1) individual approached Law Enforcement Officers and requested protection and/or advised that there was about to be significant trouble in the immediate area. Shortly thereafter, **KHAMOI** and friends encountered Tyrik **Solomon**. After an argument, **Solomon** lifted his shirt and exposed a firearm in the waistband or belt. **Solomon** made a quick movement, as if he was about to reach for the firearm. Fearing for his life, **KHAMOI** pulled a handgun. It is unclear if **KHAMOI** ever fired his weapon. **Solomon** pulled his weapon at the same approximate time and fired, fatally wounding **KHAMOI**.

So as to avoid any confusion and to save time, we are stating our theory of liability in this initial correspondence and also addressing certain issues that we deem relevant. Although both individuals had guns, the operative question is why would teenagers feel comfortable carrying guns and engaging in this type of conduct in and around Jacksonville Landing.

YOUR PERSONAL INJURY AND CRIMINAL DEFENSE LAW FIRM

4700 Millenia Blvd. | Suite 175 (1st Floor) | Orlando, FL 32839 | Office: (407) 843-9088 | Fax: (407) 264-8312



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**Based upon the above, it is our opinion that both the City of Jacksonville and Jacksonville Landing Investments, LLC are both liable for the above-described negligence that caused or aided and abetted in the death of the deceased, Khamoi Peterson.**

Please consider this a formal demand for policy limits of any insurance liability coverage that pertains to the subject incident. We are in no way advocating that your potential tender of such policy limits will settle this matter. That determination will be made only after all potential Defendants are contacted. This demand is good for thirty (30) days. Please respond within that time frame.

Sincerely,



**BRUCE W. BATTS, ESQUIRE**  
**For the Firm**

BWB/gs  
Enclosure  
cc: Robert K. White, R.A.  
Monifa Petersen



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The Jacksonville Landing is not a stranger to criminal, violent activity. In fact, a definitive pattern of violent and criminal behavior has developed over recent years. The City of Jacksonville and the owners and/or managers of Jacksonville Landing were on notice that these types of incidents could occur. It was incumbent on both entities to take precautions to ensure the safety of all Jacksonville Landing guests and patrons, including **KHAMOI**.

With respect to the issue of **KHAMOI** possibly reaching for his gun, Florida Statute 776.012, Justifiable Use of Force is applicable. After **KHAMOI** observed Solomon lift his shirt and apparently reach for a deadly weapon, **KHAMOI** had a right to defend himself. **KHAMOI** reached for his gun *as any reasonable person* would if a threat was imminent or if another individual was attempting to kill them with a firearm.

The last issue involves a question of ownership of the subject property where this incident occurred. Does liability rest solely with the City of Jacksonville or Jacksonville Landing Investments, LLC?

As part of the duty to maintain the premises in a reasonably safe condition, a property owner also has a duty to maintain the property to prevent foreseeable risks that exist on adjacent property. This is true because the "duty element of a negligence action focuses on whether the defendant's conduct foreseeably created a broader 'zone of risk' that poses general threat of harm to others." *Almarante v. Art Inst. of Fort Lauderdale, Inc.*, 921 So.2d 703, 705 (Fla 4<sup>th</sup> DCA 2006) (quoting *Goldberg v. Fla. Power & Light Co.*, 899 So.2d 1105, 1110 (Fla.2005)). Accordingly, a "landowner's conduct can give rise to a zone of risk extending beyond the physical boundaries of his property when harm reaching outside those boundaries is foreseeable" *Id.*

*Collins v. Marriott Int'l, Inc.*, 749 F.3d 951, 957 (11<sup>th</sup> Cir. 2014).

