

State drops charge against Key Largo shooter

Author: Kevin Wadlow (kwadlow@keynoter.com)

Posted : Saturday, February 12, 2011 11:09 AM EST

Original Link: <http://www.keysnet.com/2011/02/12/308248/state-drops-charge-against-key.html>

A Key Largo businessman facing a gun charge that carries a mandatory 25-year prison sentence saw the case against him dropped Jan. 24.

Dimitrios Theodosiou, 62, was charged Dec. 13 with aggravated battery with a firearm after shooting a man on Theodosiou's Poinsettia Drive property at 1 a.m. The apparent intruder, Marlon Perez Monzon, 18, was wounded in the ankle after he tried to escape by scrambling over a fence.

Prosecutors and investigators initially concluded the shooting was not covered under the state's Castle Doctrine or Stand Your Ground laws that allow people to defend themselves when in fear of their lives. The fleeing Monzon did not pose "an imminent threat" when shot, an investigator summarized.

But by Jan. 24, Assistant Monroe County State Attorney Colleen Dunne had reversed that position.

"[G]iven the circumstances and location of the alleged offense [under Florida law], the evidence is insufficient to prove guilt beyond a reasonable doubt," Dunne wrote in a filing that declares the state's intent to halt prosecution.

"On the night [Theodosiou] was arrested, law enforcement and the State Attorney's Office had somewhat limited information," said Donald Barrett, Theodosiou's attorney. "There were some facts they could not have been aware of that night."

Monzon worked with Theodosiou's daughter at a local restaurant, and had been "making unwanted advances toward her," according to a Monroe County Sheriff's Office account.

"I tried to present all the facts, and tried to convince them that the Stand Your Ground law did apply," Barrett said. "I'm thankful they were willing to take such a thorough look at the case."

After the shooting, called in by the Theodosiou family, Dimitrios Theodosiou told detectives he heard someone trying to open the front door of his house at 1 a.m. He shouted at the unknown man, then grabbed his .38-caliber revolver and went outside as the man fled around the side of the home. Theodosiou followed.

"Theodosiou yelled at [Monzon] to stop. Monzon dropped to the ground and Theodosiou shot him in the ankle," according to the Sheriff's Office.

Monzon was flown by helicopter for treatment at a Miami hospital. His current medical condition was not available at press time.

More than a dozen people, including several from the Tarpon Springs area, sent or signed letters to the court praising Theodosiou's good character. Others argued for a ruling of justifiable self-defense.

"Property owners have the right to be able to protect their loved ones and property," wrote Catherine Rogers of Key Largo. Filing charges against Theodosiou for acting in self-defense "is an insult to the American people," wrote Homestead resident Richard Vihlen.

"This is a man who had never been arrested before in his life," his attorney said.

Theodosiou previously worked with the casino-cruise operation in Key Largo, and now runs a property-maintenance business.