

Introducing Our New Network Advisory Board Members

by Gila Hayes

The Network's greatest strength has always derived from bringing together armed citizens, instructors, experts, attorneys and other leaders in the self-defense world as a united force. Network members, affiliates and advisors all stand in defense of an individual member, who otherwise would be one small voice with limited resources, easily victimized by an anti-gun prosecutor or district attorney bent on misrepresenting lawful self defense as a crime or by a plaintiff's attorney hoping to win a big monetary award against an intended victim who chose to fight off a criminal who intended to kill or cripple them.

Backing up one another is not just limited to fending off unmeritorious prosecution or lawsuit. We start by helping members better understand self-defense issues, what to expect and how to manage the legal aftermath of a use of force incident; that all starts on day one with a member's induction into the Network via our extensive member education package and continues through our monthly online journal's educational interviews and

columns. For years, our Network Advisory Board of Massad Ayoob, John Farnam, Tom Givens, Emanuel Kapelsohn, Dennis Tueller and the late Jim Fleming have contributed interviews to help Network members better prepare to defend themselves and their families and to weather the legal aftermath of self defense. We are happy this month to anticipate input to our member education efforts from our two newest Advisory Board's voices and we know we will value their knowledgeable input when needed in defense of members after self defense.

Both of our new Advisory Board members have been rank-and-file Network members for over a decade. As follow up to last month's President's Message briefly announcing that Karl Rehn and Marie D'Amico had accepted his invitations to serve on our Advisory Board, we wanted members to become better acquainted with both. One, a life-time Texan, and the other recently retired from a 22-year career as an attorney in upstate New York, both bring with them tremendously different backgrounds and experiences, so the best way for members to get to know them is, perhaps, in their own words.

Marie D'Amico, Esq.

I've been privileged to be acquainted with Marie for several decades, owing to her work with Kahr Arms and her efforts on pro-gun litigation. After a 21-year career as Deputy County Attorney for the Monroe County NY Law Department, she became General Counsel for Kahr Arms, having been associated with the gun maker for many years providing marketing support, staffing their exhibits at conventions, advising on product development and assisting in many other ways.



A certified Force Science analyst, Marie contributes litigation support to legal cases, including the recent, high-profile case [New York State Rifle & Pistol Association v. Bruen](#) and others dealing with red flag laws, community caretaking, disparity of force, justified force, orders of protection, firearms confiscation, mental health, licensing and more. She serves on the Board of the New York State Rifle & Pistol Association and represents Kahr Arms as a voting member of the Boards of the National Shooting Sport Foundation and Sporting Arms and Ammunition Manufacturers, Inc., commonly called SAAMI, which sets performance and safety standards for ammunition. I enjoyed a long

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Karl Rehn

When introducing Karl Rehn, our other new Network Advisory Board member, I knew that I had my work cut out for me – not in finding enough to talk about, but in deciding upon which elements of his many accomplishments to focus. Visit Karl's KR Training website and read his [curriculum vitae](#) and you'll see what I mean.



Now in his 31st year of teaching, Karl was among the first of the regionally prominent firearms instructors to join forces with the Network and has introduced many of his students to us. He was one of the first guest columnists for this online journal, writing [Beyond the Firing Line](#) about force-on-force classes. We revisited his work several years ago in an [article about training](#). Network members may also recognize Karl from his book, [Strategies and Standards for Defensive Handgun Training](#) which we reviewed in 2019.

Karl worked in a research lab for 23 years and taught homeland security courses for the Department of Homeland Security for nine years before retiring from government service. He has attended over 3,000 hours of training with more than 80 instructors, paid out of his own pocket, not by his agency or

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phone visit with Marie in July, getting caught up on her many accomplishments. She is such a strong pro-freedom voice that I think members will enjoy some of that conversation, so we switch now to Q & A.

eJournal: I understand your work as a county attorney included representing law enforcement. I'd like to hear about that.

D'Amico: In New York State, the county attorney is an office of civil attorneys that represent all the departments of the county. For a short time, I was counsel to the sheriff. Our office was well staffed and two of the supervisors handled most of the 1983 claims (42 US Code § 1983 civil action for deprivation of rights) filed in court against the officers, so I was very interested in that work, but had limited opportunity to be involved in it.

One day, one of my supervisors had met with a deputy who was the subject of a complaint on a use of force. He asked me, "How do you think this could have happened? What do you think of what the deputy said?" and I thought for a minute, and I said, "How can we even evaluate what he said? We don't have any expertise in that area or any way to judge what he said. Who is to say it didn't happen the way he said it did?" I was not a subject matter expert, but it caused me to go and research how that kind of thing happens, who are the experts and how do they train. *[Laughing]* I went deep into the rabbit hole!

eJournal: Were you an armed citizen at that point?

D'Amico: Yes, I had my concealed carry permit when I started working there. Because I'm a lawyer, I was concerned about safety and legality. I had gotten my concealed carry permit in New York in the county I reside in, which was generally issuing concealed carry permits if you weren't a prohibited person or had other indicators that you were not going to be safe and responsible with a firearm. I began to study New York's Article 35 on use of force and use of deadly force. There weren't a lot of instructors, and the gun club wasn't doing formal instruction, so I started out taking classes about shooting and then I became an NRA certified handgun instructor.

eJournal: You invested considerable effort into unarmed defenses, too. How did that come about?

D'Amico: The building I worked in, the courthouse I had to go to and other places I worked were specifically enumerated by statute as places you could not carry. I knew we had violence in the workplace. I knew a lot of the advice given in mandatory workplace violence training was not going to suffice for my own or anyone else's safety and protection.

What can you do to enhance your own safety when you are in a position where you can't carry, where deadly force is not an option? I'm a woman so realistically there is disparity of force. You can be in relatively good health and still not able to defend yourself against multiple aggressors or against a stronger person, or a male or bigger person.

We had a workplace violence seminar that included the story of a woman who had an order of protection. This guy got into the offices and stabbed her when somebody coming back from lunch held the door open for him and the security guard didn't see him come in. The comment that stuck with me was, "Well, in spite of our best efforts, sometimes things like this happen."

I said, "These are your best efforts?! These are the efforts that people are relying upon?" It is not good enough! It is just not good enough! It was a terrible message to give at a mandated program. I basically said to the sheriff's deputy teaching the program, "This is BS. Is that your best effort? Well, I am not going to rely on it!" I was pretty outspoken, and the sheriff's deputy said, "Maybe you should go and talk to Guy Rossi."

eJournal: Good advice! Guy Rossi contributed a very instructional interview to this journal a few years back. Readers who missed it should browse to <https://armedcitizensnetwork.org/january-2016-defending-against-physical-attack> and read it.

D'Amico: I wanted to take some unarmed training because I knew I couldn't always control distance from people on the street, and even if deadly force was justified, I might not be able to use my gun in close proximity. With Guy, I trained in the unarmed areas. It was very important for me to know that I would not just go to the gun out of reflex – that was what I was used to doing at the range. I had to make sure that my response was lawful.

When I went to meet him, Guy told me that there were recruits in the police academy that were not going to pass because they could not deliver force—due largely to the physicality of it. He didn't want to fail people so late in the program, but he needed to teach them something different about delivering power so they could pass their defensive tactics classes.

eJournal: Techniques for smaller people are challenging!

D'Amico: Right! The techniques should prevail, but if you've taken classes like this, you will see that there are always people who are bigger and stronger and they will try to muscle you through instead of showing the validity or invalidity of the technique. Guy was asking, "Does this technique work? Under what conditions does it work or not work for this person?" His teachings really affected me because he had more concern for the individual student than commitment to the technique.

eJournal: You have since gone on to also train police in your county, haven't you?

D'Amico: I teach a special program, incorporating defensive tactics, that is offered at the police academy a couple of times a year, once to the basic firearms instructor class and once to the advanced firearms instructor class.

eJournal: Your influence goes beyond police. Ten years ago you founded Legal Force E.T.C. What is your company's focus?

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D'Amico: The name is Legal Force, E.T.C., and E. T. C. stands for education, training, and consulting because I focus on the continuum to provide education, to provide training, and to provide consulting. It is a full spectrum because you teach it, you train it, you break it down and you go back, and you redo it, and you keep working at it. It is one thing to educate, it is another thing to do the training, and then you have to stand back and ask did that work? Why did it work?

I do consulting because a lot of defense attorneys just do not understand use of force. In everyday life, there is so much about use of force that we all fail to understand! As John Farnam says, "There is a difference between violence and use of force." The use of force is the lawful application to oppose violence. Most people have no concept in their minds to understand the violence they see everyday.

I am a resource to the attorneys defending use of force cases. I don't testify as an expert; I provide services to help prosecutors and defense attorneys understand what they need to know about use of force in a case, whether they even want to take a case, and to help them find expert witnesses. Sometimes it is police unions that are trying to reconcile whether to provide a defense or put an officer on light duty or put them through a disciplinary or termination proceeding. I also work on litigation support for the [New York State Rifle and Pistol Association](#) (NYSR&PA) and the National Rifle Association. Through those entities, I've come into contact with people throughout the country seeking attorneys or assistance from the NRA's Civil Rights Defense Fund.

eJournal: That brings up the supreme court decision, [New York State Rifle & Pistol Assn. v. Bruen](#). At what point did you and NYSR&PA get involved?

D'Amico: It was really a ground game. Robert Nash came to the New York state association after he had been denied a permit. He reapplied and we worked with him through the whole reapplication process. We worked to set that up for contesting the [Kachalsky](#) case.

eJournal: Is starting from the ground up how you win big victories like *Bruen*?

D'Amico: Yes. A lot of people try to represent themselves and then they get denied. Not everybody can afford to hire a lawyer to exercise a constitutional right! The state rifle and pistol associations are a clearing house for those issues. They help people navigate through the licensing process, starting with a list of attorneys that we would refer them to. If it was something that would apply across the country – like this case on permitting and proper cause and standard of review, which *Bruen* affected, too – that is the kind of case that the NRA would take because it would affect a lot of jurisdictions and lawful gun owners beyond the boundaries of New York State.

That's one reason the *Bruen* case was so important. Fundamentally, the question needed to be resolved: Is it a right, or

is it a privilege to be granted or not granted on a good reason, bad reason or no reason or on a whim. I think the supreme court answered that pretty clearly.

eJournal: The decision has set our imaginations running wild. Could this be the basis of a challenge to magazine capacity limits, to bans on so-called assault weapons, to other restrictions? Laypersons want to know if what was illegal before the decision immediately becomes legal. What does *Bruen* mean to us in the short term and what could it change in the long term?

D'Amico: The case was remanded, so we have to wait and see what happens on the remand. The implications are huge. Four cases that got remanded back to the states in light of the *Bruen* decision are: *Young v. Hawaii*, *Duncan v. Bonta*, *Assoc. of New Jersey Rifle and Pistol Clubs v. Bruck*, and *Bianchi v. Frosh*.

The court did two very important things. First, they said that the second amendment was a right and not a privilege and threw out what they called the two-prong test. Think of it like this: the constitutional right being affected is one prong; the second prong was the justification for the impingement. Typically, it entails what people would call a balancing test. You hear it in language like, "If it saves just one life." If you're going to eradicate the second amendment because it could save one life in a "just in case" scenario, then you really have no right.

The court is saying that if the government makes a magazine capacity restriction or bans semi-automatic firearms like Illinois is trying to do, the burden is no longer on me to say why I need an AR-15 or why I need a handgun that holds more than ten rounds. Those firearms have been held to be in common use in *Heller*, so the combination of *Heller*, *McDonald* and *Bruen* taken together means that the citizen no longer bears the burden of asserting a particular reason to justify the exercise of a constitutional right. That is the difference between a right and a privilege.

The court said that an individual doesn't have to prove proper cause. The language of the statute is that an applicant must show proper cause or a unique need to carry a firearm on their person outside their home. The supreme court said you have a right to carry a firearm on your person outside your home. The government has the burden to say why you shouldn't be able to do that. The burden is not upon the citizen. The constitution has already answered that question.

eJournal: What happens on remand? Could they just stiffen their necks and defy the Supreme Court of the United States? You shared an explanatory [video by attorney Stephen Halbrook](#) at that discusses some of the backlash from New York, but you are on the ground there – how do you view what is happening?

D'Amico: The legislation passed by the governor in New York directly contradicts the clear holding of *Bruen*. That is an attack on the rule of law! We still have the three branches of government and if you get a supreme court win and the country's

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elected officials don't follow it, they have eradicated the rule of law. It is like having a crime on the books, but saying you're not going to prosecute it.

We see the eradication of the rule of law in so many different areas. Defund the police is part of the eradication of the rule of law. That is a way to restructure what is legal and what is not legal. So is the arrest of a person clearly acting in self defense like the bodega worker who defended himself. There are places outside of America where you cannot defend yourself inside your own home without being a criminal. We don't want to be that place! Unless we enforce the rule of law that is what will happen.

We have a supreme court ruling that is very clear. We are just going to have to see what will happen when the cases are remanded and see if they will honor the rule of law by the United States Supreme Court.

It is a scary time because the respect for the checks and balances of this country and the three branches of government is really gone. When you lose the three branches of government, you have just eroded what makes America America. We need to understand that the core right to self defense applies where the person is or else the idea of the basic dignity of every human life is really lost.

I feel really strongly that we need to take a step back and ask why is it that people are concerned for their self defense these days? Why are people buying guns? Why is it so much in the news? If gun control is what people want "if it saves just one life?" well, maybe the life that a gun saves is my life when someone is breaking into my house.

eJournal: Earlier, you mentioned your work in litigation support pointing attorneys toward experts who can testify and other resources. Do you find prejudice against armed defense amongst lawyers? You mentioned the difference between violence and use of force. Is that a hard concept for lawyers to embrace?

D'Amico: I think most people have not looked very deeply into violence and what kind of force is needed to counter violence. In their own lives, they have not done what I consider some fundamental work to prepare to face a violent situation. You know as well as I do the statistics about the growing violence across the country; it is out of control. Right now, a lot of women are buying firearms for self defense and I support that, but when they ask me if I will teach them to shoot for self defense, a lot of times I say probably not. The reason is that I do not know that they have done the fundamental work to create boundaries to make other decisions short of deadly force to prepare themselves to respond to a violent encounter.

Yes, there is a lot of prejudice; there is a lot of bias. There is the prejudice that if you have a gun you are looking for trouble, although today it seems like trouble is coming to people in broad daylight, unprovoked, so I don't know if they can really maintain that position with a serious face. Every day newspa-

pers are filled with stories about truly innocent victims – not someone who got shot because they were trying to rob a drug house. The stories are about truly innocent people who are getting bashed over the head with skateboards in the middle of the afternoon.

eJournal: You just suggested an interesting prediction: will the surge in violent crime change biased opinions held by people who don't want to admit that bad things happen to good people? Maybe the risk is going to become harder to ignore.

D'Amico: I hope people can understand and see what is happening, because you can't guard against what you don't recognize. I think of it as "trained eyes." It is a matter of trained perspective. If you, I, or [John or Vicki Farnam](#) were walking down the street, we would see things differently than a person with a different bias. We would see a person and then maybe another person who would be what we call the "plus one," right? Do they look to us like they could be acting in concert for some reason? We watch their movement and their synchronicity.

We perceive things in our situational awareness; we're trained to be aware of certain things around us and what they mean. We aren't just aware of our situation; we are aware of patterns of behavior, patterns of movement. We are aware of areas where crimes have been committed, where there have been prior rapes, where there have been robberies in the past. We are not going to walk close to buildings that are abandoned or boarded up.

Until you can train someone's eyes to see what you see, they will never understand the danger and they will never understand the use of force against it.

eJournal: I'd like to come back to you in the months and years to come and have you teach us more on those topics and on the legal use of force.

D'Amico: I have been the recipient of a lot of very good instruction in the firearms and use of force areas: Guy Rossi teaching me what it is like to be an instructor, Vicki and John Farnam instructing me on the technical firearms issues, but also their training methodology and their values. It has been a 20-year endeavor, and I am still continuing. I think everyone should continue to grow. I'm happy to join the Advisory Board because I look at it as an opportunity for me to help members grow through their understanding of these issues.

eJournal: You're so right to cite the people who have so strongly influenced both you and me – the Farnams, Guy Rossi and so many others. That we stand on the shoulders of giants is more than a common saying; for me, it is so very true. Tomorrow's leaders, currently on their way up, will do better because of *your* guidance. Thank you for all of your behind-the-scenes work and the many ways you share your knowledge.

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employer. He is now a full-time trainer and professional musician, spending roughly equal amounts of time on both careers. His practical, down-to-earth approach draws from real life experience. Let's switch to Q&A format so you can meet Karl through his own words.

eJournal: I was overwhelmed by the bio on your website...

Rehn: [Interjecting] The short version is that I did research for the government for over 23 years, I did training for the Department of Homeland Security for nine years, and all through that I had the KR Training business going on. [Laughing] I think the synopsis of my life history would be that "if he had ever applied himself to just one thing, he would have been really good at it." I am happy and I have no regrets, but I am not a world champion or big rock star because I was unwilling to give up the day job to pursue shooting or music full-time. Now I teach a few road classes, I teach a lot at home, I play a lot of gigs within an hour or two of where I live and do all those things at a professional level just not at the national, rock star level.

eJournal: How did you get started shooting? Did you just go to a shooting match one day and decide you liked it?

Rehn: Pretty much, yes! My dad died when I was three, and we had guns in the house, but my mom didn't know anything about them. When I got old enough, she said, "Here are all of your dad's guns but if you want to learn about them you are going to have to go figure it out because I don't know who can teach you."

I ended up at the local [USPSA](#) club. Within a year I was shooting all the matches; I was hooked. In 1991, I started occasionally teaching people. In 1995, the Texas carry permit law passed. I already had a training business going, some name recognition, and a mailing list, so it was quite natural to move from shooting matches into teaching classes.

eJournal: Let's not forget that all this time, you worked full-time at the university. What was your original career plan?

Rehn: My original plan was to be a rock star! I started taking music lessons when I was about five years old. By the time I got to high school, I was in rock bands, playing in clubs, but then my mom gave me a deal: "You can live at home, go to the University of Texas, major in engineering or business, or get the hell out." That was the deal.

I was able to live at home while I went to college. Through blind luck we knew someone whose dad worked at the University of Texas research lab and they hired student workers. It was an acoustic research lab, so I thought "OK, I am going to learn about electronics and that will help me in the recording studio." It was a very cool job. I started out as a freshman student worker and ended with a top-secret clearance as a project manager,

writing project proposals, going to the Pentagon, traveling internationally and doing all sorts of interesting stuff.

It got particularly interesting after the bombing of the USS Cole. The Navy wanted some of the things the lab had been working on for military port security. All of a sudden, I found myself overseas, in Europe, and in the Middle East. After 9-11, it got even crazier. I was home hardly at all from about 2001 to 2006.

During that whole 20+ year period, I was playing in bands in Austin, writing songs and recording albums – I've got multiple albums out on Amazon and iTunes – I was trying to make it as a musician while I also had the KR Training business going on.

eJournal: As a musician, were you exposed to people, shall we say, letting their hair down and behaving badly?

Rehn: Yeah, I was working on Sixth Street in Austin three nights a week when the drinking age was 18. I saw some things. When I was 18 or 19 years old, I got mugged. Getting robbed at gunpoint in an alley was part of my awakening to the need for self defense. That was a wake up for me. It made me a lot more aware.

eJournal: Now, when you play a venue like a club, how do you take care of your personal safety?

Rehn: Well, it is complicated because in Texas you cannot carry in places that derive more than 51% of their revenue from liquor sales; it's a felony. There, it's pepper spray, medical and mostly just being aware. Some venues are restaurants, and for the most part, you can carry. You can carry at outdoor gigs. There have only been a few times that I've had a problem although I've played everywhere from country clubs to rural honky-tonks and biker rallies. I have seen a lot of drunken debauchery, but not a lot of violence.

eJournal: When you were mugged at 18-19 years of age, would you even have had the option to carry weapons?

Rehn: I didn't get into shooting until I was in my early 20s, besides, Texas didn't have a carry permit program at that time. Texas didn't pass the concealed carry law until I was 30 so it wasn't technically legal to go around armed at all in TX. When the carry law passed, it got a lot easier.

eJournal: You got busy teaching the permit classes, too. Your curriculum has much more advanced training than the carry license class. Tell us about KR Training and its student body.

Rehn: We teach 500 to 1,000 students a year. A lot of those people are repeat customers because we have developed a 40-hour program that is 10 four-hour classes. If you take the entire series, it is like a Gunsite 250 or a Thunder Ranch four- or five-day class so it includes everything from basic pistol, concealed

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carry, force-on-force, low light shooting, shooting from cover and all the different topics – it has a little bit of everything. Once folks take a few classes, they think, “I can finish this program and get my shiny challenge coin that means I’ve accomplished something, and I am a better shooter than the average bear.” We get a lot of folks who like that approach.

eJournal: Those short four-hour blocks raise an interesting question. When you start a total beginner, what do you believe the student absolutely must master before leaving?

Rehn: #1: They have got to be safe handling their gun. #2: We really try to motivate people to carry. We want them to carry properly, which means don’t leave your gun unsecured in your car. Find a way to carry it with you, and if you can’t, find a way to secure it in your car.

There were 3,600 guns stolen out of cars in Houston last year, because most of the people with carry permits in Texas do not carry. Their employer will fire them if they carry at work, so the only way they can have their gun while they drive to work or drive home is to leave it in the car. Most stick it in the glove box, under the seat or in the center console. It is easy to fail to put it on when it is time to drive home and easy to leave it in the car in the driveway or apartment parking lot instead of taking it inside. I work with the lobbyist for the NRA and Texas State Rifle Association trying to get the laws improved, and I’ve testified before the legislature several times.

Having worked in real jobs, and having had to deal with work-place restrictions, I get it! Not everybody can wear a battle belt and a plate carrier to work. I am not a fan of instructors whose profile pictures show them with a slung AR, battle belt and plate carrier. A lot of new shooters show up thinking that is what you wear to firearms classes. Tom Givens says if you didn’t wear it as you drove to class or you would not wear it to dinner, then why are you training with that sort of thing? I am focused on the practical, too. You need to learn to shoot that little gun that you are going to stick in your pocket. You need to figure out how to get that gun out of your purse or backpack. If you have to shoot that gun, can you hit with it at greater distances – like the distance across the church? Can you do that with the little gun that you want to carry because it is convenient, not the big gun that you bring out on range day?

eJournal: That reminds me that you are a strong proponent of force-on-force training.

Rehn: You cannot complete our program and earn our challenge coin without doing force-on-force. We have a four-hour decision-making class called *Personal Tactics Skills* using Brian and Shelley Hill’s [Image Based Decisional Drills](#) to teach people to make decisions under time pressure. We put a picture up on the screen and they have seven cards. Can they choose the right card for the scenario on the screen?

You can’t send somebody into a scenario without the tools to succeed, so we start by just sitting in the classroom, making decisions. Then we give you a red gun, and you do and say the right things with a red gun that doesn’t have bullets coming out of it. Once you have that down, we give you a live opponent. They might grab your purse, spray you with pepper spray or “shoot” back at you. It is a progression.

Since we made force-on-force mandatory to get our challenge coin, we do a pretty good job getting people into and through the program. I still get a lot of invitations to teach force-on-force classes on the road but less than 50% of those classes happen because the people won’t come. They want 1,000 round live fire classes where you stand 5 yards from the target and shoot as fast as you can. 1,000 round classes are all kinds of fun, but force-on-force is hard on the ego. Force-on-force makes you think, “I am going to do badly. I am going to ‘die.’ I am going to embarrass myself. I am going to destroy what little confidence I have by screwing up,” so we try to ease people into that, right?

It is too easy with traditional force-on-force training for every scenario to end with the gun being drawn and shot. I think there is a certain amount of danger in programming that response. There has got to be a pathway through scenarios where sometimes the right answer is to leave, where the right answer is to de-escalate, where the right answer is to say, “I’m sorry!” Put up your hands and walk away or simply to draw the gun and give commands but don’t shoot. We try to integrate all of that into our [Personal Tactics Skills](#) program.

eJournal: Sometimes students resist practicing de-escalation because they don’t think it’s worthwhile. They came to practice shooting or at least to mime shooting in role-play.

Rehn: I’ve had students do that. I’ve said, “Why did you intervene in that 7-11 robbery? You were in the bathroom, and it wasn’t any of your business. The guy was just grabbing the money and you shot him in the back as he was running out the door. Is that really what you were going to do in a real situation?”

They say, “Oh, I did that just because I was in a class, and I wanted to shoot my gun.”

eJournal: We let our egos cheat us out of valuable training experiences! What other blind spots do you see?

Rehn: Here is my favorite! I’ll ask, “Why don’t you come to a class beyond the carry permit?” Here’s the answer people always give me: “I shoot good enough.” I hate that phrase.

I ask, “What is good enough? Can you define that standard?”

“I shot a perfect score on the concealed carry test.”

I’ll ask, “How do you know that means anything? How do you know if that is related to realistic standards?”

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People don't want to be tested against higher standards because they might have to think, "Oh, now I have to go and work to get better." They do not want to go down that rabbit hole. It is right out of Dunning-Krueger – they can stand at the top of Mount Stupid and say, "Yeah, I can shoot good enough," and be convinced their draw is fast enough and that they are going to make the right decisions. They do not want to explore or test those things. If the testing turns out bad, #1: I have lost my confidence, and #2: now I have got to go work on things.

You have to find what motivates people. I push minimum competency because people need a realistic standard that they can get to and maintain without a ridiculous amount of effort. We don't tell them, "You are going to die if you do not have a 1-second draw from concealment." What you need is a 2-second draw all the time and you need to be able to hit an 8-inch circle. We tell students, "If you get to this level, you dramatically improve your odds of success if you need to use your gun."

Those standards are based on real life, not some arbitrary standard that some bureaucrat forced on us. I was around when they made the state standards for carry permits. There was terrible pressure not to set the standards too high. They didn't want to deny permits by requiring people to be experts, so they based the standard on what it would take to be safe if they carried in public, not to be successful in an armed encounter. Nearly every state has gone down that same road.

eJournal: The state shouldn't be involved at all! Washington state has no training requirement but doesn't have more injuries or mistakes with guns than the neighboring state of Oregon which requires training before you can get a carry license.

Rehn: That is why we now have constitutional carry in Texas. Look at the data from Vermont and Washington and other places; the licensees are not the problem. It is the career criminals with stolen guns in neighborhoods and cultures with chronic violence problems that account for the majority of the violence.

eJournal: Some say, "Just don't go to those problem areas," but not everyone can choose, due to work, economic stress, or other reasons. Sometimes, the problem comes to you even in your lovely, safe neighborhood.

Rehn: Look at the Highland Park shooting in Chicago. You don't know when it is going to be your day. One of my students was in the parking lot of the Whataburger in Pflugerville across from the high school in the middle of a weekday afternoon when a gang member shot at him. He drew his pistol, shot back and one round was enough to deter the kid who drove away. There is a lot of that kind of stuff.

eJournal: Your students and our Armed Citizens' Network members don't need training to go on SWAT raids. They are more likely to be in a parking lot when they encounter some

idiot too stupid to know the value of human life. They're going to have their carry gun concealed and have to draw and control the threat. That's hugely different from either concealed carry permit training or emptying your 30-round rifle magazine into the target at 5 yards. The man who stopped that gang member is lucky he chose you as his trainer.

Rehn: I am heavily influenced by [Claude Werner](#), who is one of the unheralded, big thinkers in our industry. Claude and I are of the opinion that firearms trainers should be more like the local golf pro with whom students have an ongoing relationship. Training is not a "one and done, give me a pile of money and you will never see me again" kind of thing. We have ongoing relationships. You finish one class, and we hope you will come back and take another. I have students who have taken my classes for 15 to 20 years. Maybe I only see them once a year now, but they get the newsletter and they think, "Oh, I would like to come back and take low light shooting for the ninth time." I give half price retakes and push the idea that people can benefit from repeating classes.

That is what new shooters need. They need the continuing opportunities; they need the reason to come back and refresh their training because when they go to the range by themselves, the practice isn't structured. We are trying to educate people on how to practice effectively and I think it is working.

You need to do something useful with your gun at least every two or three months. You need to do some realistic practice and training. You do not need to be a grand master, but you need to be better than the state carry permit requirement because that is what you are going to need for self defense.

I am a big advocate of Kathy Jackson's philosophy that the beginning students need the best instructors. The beginning students do not need amateur instructors. If you're a beginner and want to get good, go find somebody who really knows what they are doing to help you get started. You will get better faster, and you will make fewer mistakes and waste less time.

Unlike a lot of the big-name traveling trainers, I still teach absolute beginners. I have a lesson in the morning with an 83-year-old lady. This is her third lesson. She has got a carry permit now, and we are working through the curriculum. We have finally got a gun figured out for her, and now we are going to start drawing from a purse and some other stuff.

eJournal: It is exactly that realism that adds such value to your instruction. You lead by example. No one can say personal safety is theoretical to you. No one can say you don't have to deal with nasty stuff that happens to ordinary working people. That brings so much credibility to the things you teach. It makes you a great resource. Now, the Network is fortunate to add you to our Advisory Board. Thank you for this interview and joining our Board.



President's Message

by Marty Hayes, J.D.

Since the outstanding and heroic actions of Eli Dicken on July 19, 2022 in the Greenwood, Indiana mall where he single-handedly took down an active shooter, many members have called or written and asked us about the Network's position on carrying a gun in a no-gun zone, as Mr. Dicken was doing

when he stopped the active killer.

First off, it is illegal to help people to commit crimes. If not statutorily illegal, it is against public policy for an organization such as ours to say that we will help a person to commit a crime. That means we cannot state to our members and prospective members that the Network would supply financial assistance for committing the crime of being armed in a statutorily established no-gun zone. Some of the questions I've been asked, though, have gone beyond the recent example of a mall into questions about gun free zones like schools, where it is illegal to possess guns.

Not all no-gun zones are statutorily established. I understand the shopping mall where the July 19th incident occurred was only posted no guns allowed, and it was okay for the mall to deny access to patrons with guns. If a person carries into a non-permissive environment such as the mall, the worst crime that would be committed would be the crime of trespassing, and in each state, the definition of trespassing is different, so the individual must educate themselves as to the details of the statute defining trespassing.

Typically, the crime of trespass occurs when a person enters a property that is posted no trespassing AND (this is important) that communication must be known to the individual or be so obvious that the person should have known. In the case of

carrying a firearm, it would mean you knew that you and your gun together were not wanted, and you either knew or should have known you were prohibited from entering with a weapon. The "should have known" part routinely means you had to walk past a conspicuous sign to enter the building. That's usually a sign on the door, but I have also seen many places where the no gun sign was posted, but in a manner that one would need to be looking for it to notice it.

In other circumstances, there are states where the no guns signs are furnished by the state. That's usually a fairly recent trend where the state legislature, in passing a concealed weapons permit scheme, included a provision allowing shop keepers to post their premises with no gun signs citing the statute number. Ignoring these signs typically results in criminal charges, and a conviction results in loss of carrying privileges.

Now that we have a general understanding of the issue, where does the Network stand? First off, if the issue was purely a violation of a no gun statute, absent any self-defense components, we would not assist in a defense to that charge. But if you were carrying a gun in violation of a statute, and stepped in to stop an active shooter, how would the Network respond? Likely there would be no request for assistance, because the person intervening and stopping the active shooter would not be arrested or charged because they would correctly be seen as a hero, and it is not good optics for an elected prosecutor to go after a local hero.

But what if the local hero is prosecuted for the firearms possession? Each situation is unique, and so we would carefully scrutinize each detail and all of the facts of the case to make sure a criminal offense was, in fact, committed; that the signage was conspicuous and you intentionally violated the statute.

In all cases such as this, an individual assessment of the facts is going to need to be made before a decision would be forthcoming. The bottom line is don't go to places where you and your gun are not wanted.



Attorney Question of the Month

Last month's attorney question introduced a discussion of alternatives to going to trial. The options vary a lot from state to state, and our affiliated attorneys were very generous, weighing in with numerous responses. We continue that question this month. If you missed the first installment, read <https://armedcitizensnetwork.org/july-2022-attorney-question>, in addition to the commentary from our affiliated attorneys that follows. Here is what we asked:

Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-upon time without any further incidents (of specific concern to Network members, are gun rights restored)?

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

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Maine does indeed offer a deferred disposition process. The defendant pleads guilty, usually to all the charges, but the court does not find him or her guilty. That part is delayed. At the end of the process, during which the defendant will be on bail and have to meet certain conditions, the case will either be dismissed or the guilty plea withdrawn and the charge or charges reduced. In rare cases, the defendant will receive a certain sentence on the charge or charges to which he entered a guilty plea.

The highest level of crime does not give the option of a deferred disposition, so a self-defense shooter charged with murder would not be able to get that deal. However, a person charged with manslaughter might be able to. Obviously, if the person shot does not die, the odds of the charge, if any, being low enough to get a deferred are much higher.

Most likely, the person taking a deferred disposition could keep his or her guns, but not be able to acquire any new ones during the period of deferral, based on having been charged with a felony level offense. Conditions could include no use or possession of dangerous weapons, other than as part of a job.

If the person gets through the deferred disposition period, he or she gets the good outcome and would normally not be a felon, there would be no conviction for the original crime, only for the new, lesser charge, if any. Obviously, if the option did not exist to get a dismissal or a plea to a non-felony, I would advise a client to go to trial unless I thought a loss was likely. I might have them plead to a non-felony charge and not bother with a deferred. And remember, you can get the bad outcome without actually committing a crime. Then the conviction sets in, the plea cannot be withdrawn, and "life" as a felon begins.

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In Indiana, there's a general state-wide statutory and guidance framework allowing for prosecution deferral for some, but not all cases (notably excluding serious vehicular offenses such as OWI/DUI, any form of homicide, and anything above a very low felony), but each county prosecutor has absolute discretion as to whether to implement and to what extent to do so, any deferral program, within the state guidelines.

What that translates to practically is that someone would be first charged with a Level 5 or 6 felony or A or B misdemeanor (battery, assault by brandishing, drug possession, resisting arrest etc.), being offenses which might be eligible for some form of deferral but which trigger or may trigger automatic firearm rights losses due to the charged offense or the terms of any deferral agreement. That's the loss or potential loss of firearm rights. Then the person has to be eligible by offense type, criminal history, and facts of the charged offense for any deferral program offered in the county where the charges are brought. That will vary wildly, but for this we'll assume there is a very liberal deferral program in this hypothetical Indiana county. If the prosecutor approves the defendant's entry into the deferral program, a suspended guilty plea, as negotiated, is entered. At that point the program participant needs to keep their nose clean for 6-12 months, typically.

If, at the end of that time, they have completed all program requirements, which may include online courses and community services and kept in all necessary contact with the program supervising personnel assigned to them (and that would typically be for the defense attorney to handle in terms of reporting address or employment changes, program benchmarks achieved, costs, fines and any restitution timely paid, etc.), at the end of the program period, the case is dismissed with prejudice, any rights suspended by way of the charge or program participation are restored, including firearm rights, and the defendant starts the clock to being able to petition for expungement of the charge and the arrest.

In Michigan, things are a bit more complex. Overall, if you are between 18 and 26 years old (as of 10/2021), the offenses you can expect to be deferred, if you qualify, are similar to those
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found in Indiana, with exclusions for homicide offenses and OWI/DUI, due to the Holmes Youthful Trainee Act. For older defendants, various Michigan statutory provisions allow for deferred guilty pleas for less serious and/or first time acts.

If you are approved for deferral, as with Indiana, a deferred guilty plea is entered. When the deferral is completed, the offense is dismissed, any lost or suspended rights are restored, and the offense becomes eligible for expungement per the normal process for a dismissed charge. The substantial mechanical difference between the two states, for the most part, is that in Indiana, a program participant reports to someone designated in the prosecutor's office, and the charged case merely remains open until the participant completes the program and has the case dismissed or fails the program and the guilty plea is entered.

In Michigan, participation in a deferred guilty plea program means being subject to probation and probation reporting and potentially even jail time, as the participant is effectively pleading guilty and serving their sentence, but with the potential outcome of a clean record at the end if they complete the program successfully. That means, for example, that while an Indiana deferment of more than 12 months would be unusual, and that program participant would be at worse dealing with significant community service and restitution obligations, a HYTA program participant might need to complete 36 months of jail and probation and pay restitution before successfully having their charged offense dismissed, depending on the offense and case specific circumstances, though that would be of course on the far end of the deferred guilty plea outcome.

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Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

For most cases involving firearms, NO. If just alleging the display of a firearm, then maybe diversion of some form. But if convicted of almost all gun-related crimes enhanced with an allegation "dangerousness," prison is mandatory. Probation is not possible. Losing at trial normally equals prison. Prosecutors use the allegations to force pleas.

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-up time without any further incidents (of specific concern to Network members, are gun rights restored)?

If diversion is offered, it is normally a condition of a guilty plea with sentencing deferred. Complete the program, case dismissed. Fail the program, the plea is enforced, the sentence enforced and the conviction is permanent with the sentencing.

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

Regarding deferral options: Limited normally to matters with no priors, no physical harm, no discharge, and even then, rarely granted. In terms of the self-defense argument, it would likely never be offered. If the self-defense claim is strong enough, the prosecutor may not file charges. If not strong enough, then charges are filed. Once filed, the client would either need to admit the use of the weapon in self defense; that leads to trial related outcomes. Or there is no self defense; he owns the conduct, and MAYBE gets a diversion outcome.

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Deferred prosecution and deferred judgment are permitted in Colorado courts.

A deferred prosecution is along the lines of a "diversion." On a deferred prosecution the individual may be required to take a class or perform some other act and remain law-abiding for a period of time. After such time, the case/prosecution is dismissed without having ever entered a guilty plea.

Two things must occur for an individual to be convicted of a criminal offense. First, there must be a "finding of guilt." That can happen either by a jury finding an individual guilty after trial or an individual entering a guilty plea. Second, the judge enters Judgment of Conviction.

In a deferred judgment, the second part (entry of Judgment of Conviction) does not occur at the outset, and hopefully never. The individual enters a guilty plea. However the judge does not enter Judgment of Conviction. The judge "holds on" to the guilty plea. The judge orders that the individual take a class or perform some other act and remain law-abiding for a period of time. After such time if the individual has been successful, the judge allows the individual to "withdraw" the guilty that was previously tendered and the case is then dismissed. However, if during the deferral period, the individual does not do what he was ordered to do or does something he was ordered not to do, then the judge simply enters Judgment of Conviction and the individual faces sentencing. It is a strong motivator to be compliant and one of the few ways in which the accused individual is wholly in control of getting his case dismissed.

Generally, deferred prosecution and deferred judgment cases are supervised. That means, generally there is a probation officer that checks to make sure the individual has done the things he was ordered to do and has not done the things he was ordered not to do. This is not always the case as some of

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these deferred or deferral periods will be unsupervised. On a case by case basis, the individual may or may not be allowed to possess firearms during the deferred or deferral period.

In either situation, once the period has successfully ended and the case has been dismissed the individual has a right to have his record sealed as it pertains to this case. While law-enforcement will always be able to see the history of the case, it will be hidden from the view of the general public and legally "it never happened." In this situation, gun rights are unaffected moving forward.

On the whole, a deferred prosecution or deferred judgment is a negotiated offer that should be strongly considered by the individual. No matter what the circumstance, it is an opportunity to "earn your way out" of the charges.

As with every case, there are no guaranteed offers. Your attorney must work diligently to negotiate any dismissal or resolution, including one so advantageous as a deferred prosecution or deferred judgment.

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In response to your email requesting information about deferred prosecution, I can offer the following information for Florida.

Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

In Florida, it is possible to have a deferred prosecution agreement or a pre trial diversion agreement. Different circuits within the state have variations on the name of the agreement.

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement's conditions? Does the person report to a probation officer? Is the person's record cleared after an agreed-up time without any further incidents (of specific concern to Network members, are gun rights restored)?

Diversion is essentially a special type of probation. A person would be expected to check in monthly with a diversion officer (think probation officer) and they would be required to certify that they have been abiding by the terms of the agreement. The office will run background checks and check for any interaction with law enforcement. Assuming the person on diversion completes the contract, their case will be dismissed by the prosecutor's office. Typically, the case is closed and no further prosecutorial action will be taken. However, I have seen some agreements that allow for a case to be reopened if the person is rearrested within a certain period of time. This typically does not occur even if a person is subsequently arrested, but it is a possibility.

Once the agreement is completed, the person who was on

the diversion track can apply to have their case sealed or expunged. They are essentially the same legal result. The only difference is that an expungement is a physical destruction of the record and a sealing is not. Neither record is available for the general public's review.

A person who has completed diversion will not need to have their gun rights restored because they were not taken away. However, if they have a concealed carry permit, then they will need to apply to have their status adjusted to allow for them to get their license back if it had been suspended.

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

Deferred prosecution is completely controlled by the prosecutor and victim. Typically, both the prosecutor and the victim must consent to this being offered to a person accused of a crime. Further, some prosecutors have an internal policy not to offer diversion on some cases. Typically, one would not expect diversion to be offered on any offense that is a Second Degree Felony, First Degree Felony or a felony involving a police officer as a named victim.

In Florida, people have a broad legal right to self defense and may resort to deadly force to defend themselves, others on their property. This is known as the "Stand Your Ground" law. Seeking a deferral of prosecution depends upon the facts of the specific case that I am dealing with and is always something that can be considered. However, there is no firm and set criteria as to when to seek a deferred prosecution. I typically do my investigation and let the facts that I uncover lead to the result rather than have the result being sought influence the investigation. I do this because if I am too focused on obtaining the result the client wants, I might miss critical details that could influence the case. Suffice it to say, I am always trying to obtain the best possible result for my clients whether a gun was involved or not.

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In California, the process is called Deferred Entry of Judgment [DEJ]. Theoretically, it is available as to any criminal charge. Theory and practice are two different things.

Defendant, through his attorney, will have to seek and reach a deal/plea bargain with the prosecutor, which includes a DEJ offer. If the court will accept and agree to the deal [usually, but not guaranteed], the court will take the defendant's plea of guilty on the record to the agreed charge, but would not sentence the defendant at that time. Most defendants want to

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resist “pleading guilty,” but that is the requirement to get the “deal.”

A sentencing hearing date will be set at some date in the future. How far out depends upon the agreement with the prosecutor and judge, and that depends upon the nature and severity of the crime charged, and generally upon a “clean” prior record, or at least not a serious rap sheet. The time can be from several months up to a year, or more. DEJ is intended to provide a “second chance” to deserving non violent defendants to prove they are “rehabilitated.”

Upon the defendant successfully completing all the terms of whatever informal or formal probation are agreed to in the deal, and imposed by the court, then at the sentencing hearing the court would allow defendant to withdraw his guilty plea and then dismiss the charges on motion of the prosecutor. That leaves the defendant with a “clean” record that reflects arrest but no conviction, because he was not sentenced on the charges.

If the defendant failed to comply with all the terms of probation, then the court could and would sentence the defendant to the terms of the original guilty plea deal.

If the criminal charge carries a firearms prohibition, that prohibition would be part of the terms of court ordered probation until the final sentencing hearing, where the firearms prohibition would [generally] be lifted, as there has been no “conviction” to justify continuing the prohibition. DOJ would not have a conviction shown, so no loss of firearms rights imposed as a result of this case.

As to when DEJ is offered by the prosecutor, it is a case by case basis, negotiated with defendant’s counsel, with no assurance of it being offered. No promises should ever be made to defendants seeking “reassurance” of outcome. When DEJ is sought for a member charged with use of weapon or deadly force, and claiming self defense, getting a DEJ is going to be a possible but difficult outcome to achieve, requiring a showing almost of “innocence” of intent or fault in the charges. It might be granted in “brandishing” or non violence cases, maybe even in perpetrator’s injury outcomes, but not likely in perpetrator’s death cases. Many serious self defenses cases will require going to trial and praying for a not guilty verdict after a vigorous and diligent defense presentation. Trial is always the last resort in these cases. Defendants should be educated that a “certain” but unpleasant deal is almost always better than an uncertain trial with prison outcome if convicted.

Members must be thoroughly educated and properly trained on lawful use of self defense force rules, personal safety risk assessment rules, firearms storage, transportation and safe handling rules, necessary marksmanship and training standards, and the expensive psychological, social, personal, moral and financial consequences of violating them. Members in California must keep in mind that most of California’s legal systems are very anti-gun and anti-2AM. You can rate the local area by

how “liberal” the county sheriff is in issuing CCWs. Whether their firearm is in the nightstand drawer, a closet, behind the door, or being carried CCW, members need to understand that “this ain’t the old West” now, nor a TV show or movie. Members involved in a self-defense incident in California are almost certain to be taken into custody, at least temporarily, pending law enforcement investigation of the incident. Members’ need for an attorney begins immediately upon the end of the “incident” and before discussing what happened to law enforcement or anyone else, including the 911 operator.

Stay safe, avoid danger or conflict.

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Does your state offer the option of deferred prosecution or deferred judgment/sentencing?

The State of Montana does have the option for both a deferred prosecution agreement (DPA) and a deferred imposition of sentence.

How does it work? Does the person plead guilty or are charges filed only if they fail to meet the agreement’s conditions? Does the person report to a probation officer? Is the person’s record cleared after an agreed-up time without any further incidents (of specific concern to Network members, are gun rights restored)?

A deferred prosecution agreement is an agreement between the defendant and the prosecutor. The defendant agrees to abide by certain conditions and in exchange the charges are dismissed. If the defendant fails to follow through on what they promised in the agreement, the charges can be refiled and the prosecution starts anew. A deferred sentence occurs when an individual pleads guilty to the charge, and is put on probation and if they successful complete probation without violations, the charge will be dismissed at the end of that time. However if the defendant violates probation they can face up to the maximum sentence at a revocation hearing.

To what offenses are deferral options limited? If a Network member turned to you for representation after defensive display of a firearm in self defense, under what conditions might you consider seeking deferral?

This is fairly complicated to answer, the simple answer is that if the facts warrant it, any case could end up with the charges reduced with a deferred sentence or a deferred prosecution agreement. There are limits on these types of agreements, but there are often alternatives that allow these tools to be used.

Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month for more from our affiliated attorneys on this interesting topic of discussion.

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Attorney Recruitment Successes

by Josh Amos

One element in the Armed Citizens' Legal Defense Network service to our members is maintaining an ever-growing network of affiliated attorneys. The attorney network is constantly expanding and contracting; however, we launched a new recruiting effort this spring and I am happy to say that we have added over 200 new attorneys nationwide through our spring/summer 2022 campaign. These newly recruited attorneys are in addition to our existing network. I am proud of this milestone and thought this was a great time to revisit some of our suggestions for members wanting to connect with attorneys in their home states.

Network affiliated attorneys allow us to post their names and contact information in the member-only portion of the Network website. As you saw in the foregoing pages, many of our generous Network affiliated attorneys also contribute to our monthly online journal's Attorney Question of the Month column, an entirely voluntary effort. I intentionally use the word "generous." Please understand that Network affiliated attorneys only get paid if they get a call to represent a member after the member has justifiably used force in self defense. That has only happened 29 times since the Network opened its doors in 2008, so some of our affiliated attorneys feel a little like the Maytag repair man waiting for the phone to ring.

We never tell a member that they must use a Network affiliated attorney "because we say so." In fact, after a member legally defends himself or herself, we will fund any attorney a member chooses to represent them in the legal aftermath. If a member doesn't have their own attorney, however, we offer our lists of affiliated attorneys to ease the task of identifying and meeting an attorney nearby before needing a lawyer.

To start, members should use our website's geographical interface to identify affiliates within a 200 mile radius.

- Login to the members only area of the Network website (If unsure of your username and password, call us).
- Click the big red "Affiliates Near Me" link above and to the right of your name or if you plan to travel and wonder what affiliates are near your destination, browse to <https://armedcitizensnetwork.org/our-affiliates/attorneys-map> as illustrated to the right and enter the city and state or the zip code of the area you wish to research in the search box in the upper left of that web page.
- Click on the names of several of the affiliates closest to you.

If you want to call one or two of the affiliated attorneys

closest to you, please follow some basic business courtesy guidelines.

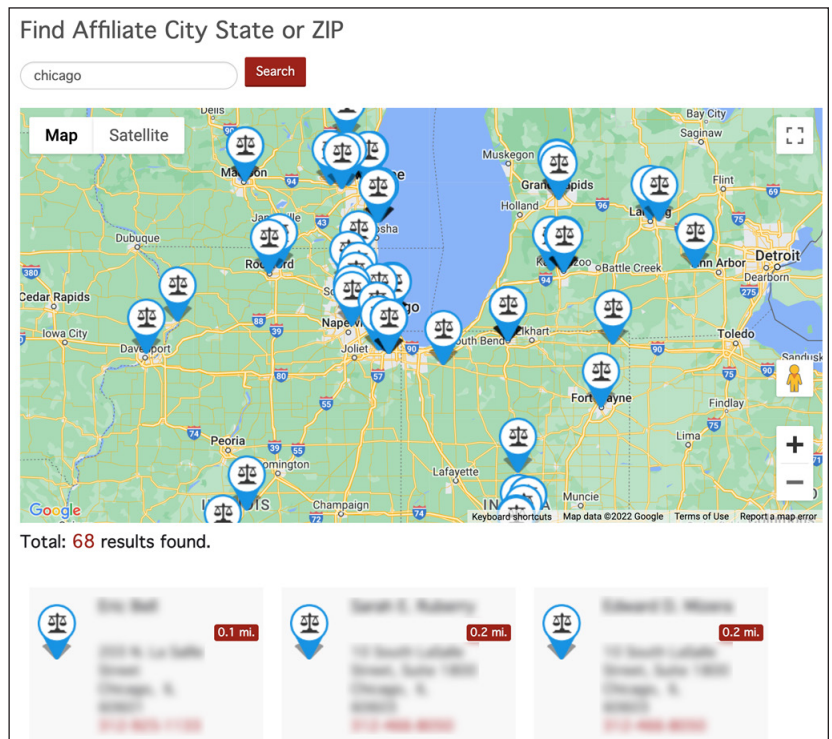
The Introductory Call

If you want to do a pre-need call to introduce yourself, please follow these guidelines:

1. Understand that when you call in, you will most likely talk to the receptionist, secretary or paralegal. Please know that is fine.
2. Introduce yourself-
"Hi, my name is and I am a member of the Armed Citizens' Legal Defense Network. I saw Mr./Ms. Joe/Jane Attorney listed as an affiliate of the Network, and I am calling to make contact and make sure I know how I would engage the attorney's services if I ever were to need legal representation.
3. Ask three following questions:
 - a. Is Mr./Ms. Attorney available to represent me if I call after a self-defense incident?
 - b. How do I reach you for help after hours or on the weekend?
 - c. Is there anything that you need me to know?

Then, hopefully, you won't need to call them again, but if you do, you are calling a team with which you have already had contact. Alternatively, you can also provide the Network with

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the name and contact information for your chosen attorney. We store that information with your private membership record and if you have an incident in which you legitimately use force in self defense, we can engage the attorney you designated on your behalf.

The Network has invested considerable staff time to recruit affiliated attorneys and to maintain relationships with them. Our goal is for affiliated attorneys and their receptionists, clerks and paralegals to enjoy courteous, positive interactions with Network members so we can retain them as affiliates. When reaching out to Network affiliated attorneys, we ask members to avoid approaches that have created problems in the past. We respectfully request that members avoid calling and trying to “screen” the attorney by asking about numerous hypothetical situations or what their “win-loss” record at trial is, as discussed in an article we published some years ago at <https://armedcitizensnetwork.org/44-our-journal/263-finding-the-right-attorney>.

You may choose, at your own expense, to ask if the attorney can schedule a brief legal consultation with you to explore the laws of your state, how the local courts are treating use of force issues, or other matters that are heavily influenced by local trends. This could be accomplished by phone, Zoom or another online meeting service, or in person. If you do seek a consultation, please keep in mind that a law firm is a business, and you are proposing to become a client of that business. If you schedule a consultation, go into the meeting with a clear set of questions that bear on your legal well-being as an armed citizen about which you would like clarification, but keep in mind that every case has its own set of circumstances and the attorney may have to tell you that the answer is, “It depends...” because there’s a nearly endless array of possibilities that could unexpectedly be part of a situation you might face.

“But how can I figure out if the attorney is a good attorney?” is a common, plaintive question and one that we hear quite a bit. While, as I mentioned earlier, it is entirely voluntary, many of our affiliated attorneys contribute to the *Attorney Question of the Month* column in our online journal. Read it and keep an eye out for contributions from attorneys in your home state. We put a lot of effort into that column and so do the attorneys who contribute commentary and answers. Take advantage of it!

These days, many attorneys have blogs on their websites; look for their commentary and educational content they provide online. Law firm websites often also announce public speaking events at which their attorneys are appearing as well as snapshot descriptions of important cases the firm has defended. While we all take what’s on the Internet with a grain of salt, reading up on those cases is a great way to start your own research into an attorney’s accomplishments. Additionally, if you wish to reach out to me and ask if I have recently had contact with an affiliated attorney, as the affiliates manager, that’s my job and I may be able to give you some useful pointers. Call me at 888-508-3404 or email josh@armedcitizensnetwork.org and I will do what I can to help.

As armed citizens, our unusual level of preparation for needs that we hope to never face makes us unique. Not all attorneys and law firm partnerships are comfortable consulting with potential clients who have no pending legal matter that the attorney can resolve. As a result, the response of law firm receptionists and attorneys to pre-need contact is extremely varied.

The Network recognizes that a member may either not have chosen or been able to get to know an attorney in advance, or in today’s extremely mobile society, may have traveled for business or pleasure far from their home base. That’s one of the reasons we keep how we provide assistance to members after self defense extremely adaptable. One does not fit all! In many of our 29 member-involved cases since opening the Network in 2008, the member answered “No,” to one of our first questions, “Do you have an attorney? What’s their name?” When that happens, our first task is to connect the member with an attorney, determine if the member wants that attorney speaking on his or her behalf, and pay the law firm to get busy on behalf of the member as quickly as possible.

All our affiliated attorneys – long-standing and new – play an important role in getting members represented by counsel as quickly as possible after legitimate use of force in self defense. Please join me in welcoming these new affiliates to the Network. As we sometimes jokingly say, we hope our relationships between member, affiliated attorneys and the Network is long and boring, but if trouble does arise, we and our affiliated attorneys stand ready to help.

Book Review

Pivot Points:

Creating A Culture of Preparedness and Resiliency in America

By Paul T. Martin

ISBN-13: 978-1515310679

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174 pages, 6x9 paperback, \$11.95

Reviewed by Gila Hayes

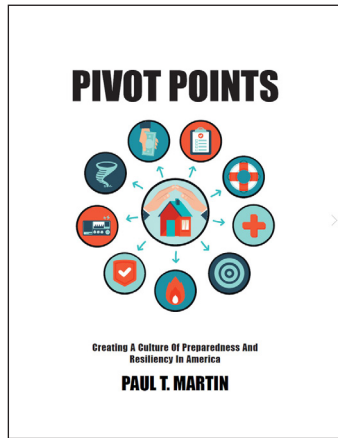
I read to learn. Biographies teach me about events and people, and as you know if you read this column often, “how to” or instructional writings top my reading list. I am not a big consumer of inspirational or motivational books. This month, I somewhat inadvertently stumbled into an inspirational book when I picked up *Pivot Points* by Paul Martin and started reading.

I became intrigued with comparisons between the challenges facing the preparedness community and prejudice with which armed citizens contend. Martin brainstorms how to overcome prejudices that inhibit growth of the prepper community when the ignorant and misinformed equate preparedness to hoarding and bizarre doomsday fears.

The numbers of dependent Americans who couldn’t survive a week-long emergency compare poorly against previous generations of Americans who enthusiastically embraced self-sufficiency, Martin writes, reminding readers of the Victory Gardens planted by many of our parents and grandparents during World War II, civil defense leagues, and even today, our rich heritage of volunteerism in emergency services. In the same way, he observes, being prepared for power outages or disruptions to sanitation or emergency services is elemental to good citizenship.

Martin promotes the idea that by encouraging preparedness, entire communities can avoid collapse if hit by catastrophic flooding or deadly weather events. Fewer victims mean less strain on fragile police, medical, or supportive services that provide food, sanitation, heat or cooling. Preparation prevents many from falling ill or being injured in the first place. “Look at it this way, he writes. “If ninety percent of those people in the Superdome hiding from Hurricane Katrina had a good plan, some supplies, and some know how, would they have fared better? Probably so.” He later exhorts, “Building a culture of preparedness means entire communities are part of the culture.”

Martin’s call for grassroots leadership includes an echo of our Independence Day book review about the roots of the Republic. “Successful self-government requires that citizens willingly participate in public affairs, make sacrifices for the common good, curb their selfishness, and join in taking responsibility



for themselves and others. The central question for those concerned about maintaining the health of our republic must be, ‘how do individuals acquire the virtues necessary for self-government?’ History provides only one answer: through the institutions of civil society, like the family, religious groups, and voluntary associations, which inculcate a sense of moral values in the young.”

While citing gun ownership and shooting skills as part of the prepared lifestyle, along with stockpiling supplies, Martin also stresses good health and physical conditioning, connectedness within neighborhoods, shouldering leadership responsibilities, and good citizenship as the foundation of getting through tough times.

Practice preparation daily, he recommends, suggesting that readers “Make an everyday carry (EDC) kit. You can take a small flashlight, a pocketknife, a section of paracord, and a cell phone almost anywhere ... Never leave the house without them. Have it nearby wherever you are. Most of us will never have to fight our way through the chaos spawned by a crazed gunman at the mall or live through a protracted economic collapse. The odds are much higher that you will need to illuminate a darkened parking lot or cut a length of string to tie something together. Good citizens prepare themselves to handle large and small emergencies.”

Encourage preparation within your circle of influence, Martin urges. He suggests workplace lunch-time seminars and safety campaigns, inclement weather drills, fun neighborhood “grid down” cookoffs, and even charity work, not to bail out those living in poverty, but to prepare people in advance, since the poor suffer the worst during disasters. He highlights the value of food banks that can help poor families with meals and recommends youth-focused educational efforts because lasting culture change begins with the young. He suggests training for kids to focus on life skills, first aid and emergency care, crisis leadership and “enabling them to help themselves and others.”

In a thought-provoking chapter, Martin discusses the power of citizens speaking out for unpopular beliefs – in his case, prepping. He stresses that he is not critical of proponents using fake names or shielding where they live or work, but adds, “I do think there is a place for some of us within the movement to use our real name, identify the city where we live, and make ourselves available to talk face-to-face with those who want to learn more about what we are doing. If we are going to create a culture of preparedness in America, people need to see others setting an example of it. Right or wrong, it is the decision that I have made, because I believe it is the best one for me.”

As I admitted, I am not much for motivational books. I appreciated the way Martin’s book provided meaningful examples of parallel experiences we already experience as armed citizens. His encouragement to be an exemplary citizen and to encourage good behavior in others, really resonated with me, too.

August 2022



Editor's Notebook Signs!

by Gila Hayes

We're getting a lot of questions about No Gun signage, and understandably so as we have all kept one ear glued to the news reports about Elisjsa Dicken, the young man who stopped the Green-

wood Park mall shooter in Indiana. While Indiana law includes the usual list of places where firearms possession is illegal, on most private property No Guns signs do not carry the force of law. That is not true for private property signs in all 50 states.

What does the signage mean? No Gun signs on private property in Indiana, as is true for quite a few other states, derive from the owners' property rights to restrict what you or anyone else does on their private property. There are lots of behaviors stores and other private properties restrict. There's the ubiquitous dress code of No Shirt No Shoes No Service, or perhaps they don't like it when you enthusiastically play your accordion in the shopping center, or perhaps the grocery store management asks that you don't come inside accompanied by your pack of puppies, or as is all too common, large shopping mall chains love to post signage prohibiting possession of weapons – and that includes you and me, despite the multiple state-issued concealed carry permits and licenses filling our wallets. In brief, if the property owners don't like what you are doing there, they can legally eject you and you are required to leave promptly when asked or you will face trespass charges in states where No Gun signage relies on private property rights alone.

Contrast Indiana law with Arkansas or Texas restrictions, for example, where No Gun signs on private property have the force of law. In most states, there's a long list of government facilities, buildings and offices where firearms possession is illegal, but we see extreme variations in how firearms restrictions on private property are enforced. With open carry allowances as well as permitless concealed carry becoming more widely practiced, expect even more variations, restrictions and consequences for one who violates No Gun restrictions on private property. It's tough and getting tougher.

Keeping up with the law is challenging, but keep up we must! How can you stay current on your state's restrictions and allowances? A great starting place is <https://handgunlaw.us>. While that excellent resource leads with details about carry

license reciprocity, it maintains up-to-date PDFs about each state's firearm and carry laws, replete with hyperlinks to the actual laws. Use that resource and read the laws to which the links lead, and while you're there, may I encourage you to drop a little donation in the "Want to help keep www.handgunlaw.us on-line?" link? This amazing resource is the thankless passion of two armed citizens who freely share their work online.

After Mr. Dicken stopped the mall shooter, social media and online news sources exploded with supposition about the No Gun signage posted by Simon Property group, the owner of the Greenwood Park Mall and a string of other shopping centers. Naturally, not all of the comments and suppositions published were rooted in fact, but that didn't keep emotions from flaring and a lot of baseless rhetoric was spewed.

For lawfully armed citizens, this is an opportunity to refresh our understanding of our own state's laws, allowances and restrictions. As we've reinforce for a number of members over the last several weeks, the Network's assistance to members after self defense is limited to lawful use of force in self defense using weapons that are legal in the place where the incident occurs. To do anything else would put the Network in the position of having encouraged members to violate the law. For a number of obvious reasons, we can't allow that to come about.

A handful of callers have snorted derisively (I'm pretty sure some of my email responses to these questions have earned the same response) when we suggested that where No Gun signage has the force of law, one has the option of staying away or carrying alternative self defense options. The reaction only underscores what an independent-minded, self-sufficient community armed citizens are! At the same time, I am reminded of the advice my friend Penny Dean, an attorney back east, gives when she urges, "If you can't afford the ticket, don't get on the carnival ride." That "take responsibility" attitude was echoed by Chris Cerino on a Gun Talk midweek podcast (<https://www.guntalk.com/>) when he stressed that if he should be in a mall that's subject to No Gun restrictions, he was prepared to accept the punishment for violating the restriction; he owns the decisions he makes. We should all adopt the same philosophy of personal responsibility for our decisions.

Knowledge is a great protector! Know your state gun laws! Start with <https://handgunlaw.us> and follow the hyperlinks to your own state laws and codes online. For more discussion of ways to research laws in your jurisdiction, give a listen to Network President Marty Hayes Armed Citizens Educational Foundation's presentation on *Researching your State Statutory and Case Law* <https://youtu.be/C1GWm28M8g8>. Ignorance is never an excuse.

About the Network's Online Journal

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In addition, material presented in our opinion columns is entirely the opinion of the bylined author and is intended to provoke thought and discussion among readers.

To submit letters and comments about content in the eJournal, please contact editor Gila Hayes by e-mail sent to editor@armedcitizensnetwork.org.

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