

## Back to Basics: Skill Development and Practice

### An Interview with Karl Rehn

Interview by Gila Hayes

*When making New Year's resolutions, do you vow to practice at the range more often or take a shooting class? Sounds like a good idea, doesn't it?*

*I recently chatted with Advisory Board member Karl Rehn and came away with a different approach to that resolution. I called Karl about the release date and details of a new edition Rehn and his writing partner John Daub have underway for their book [Strategies and Standards for Defensive Handgun Training](#) (first edition reviewed at <https://armedcitizensnetwork.org/december-2019-book-review>).*

*The book outlines realistic shooting standards for armed citizens measured against various shooting qualification tests. Our recent phone conversation explored the differences between measurable skills and tactics crucial to self defense, how skill level supports on-the-fly decision making under stress and using standards to drive self-motivation. I asked Karl about applicability of uniform standards across various age and physical abilities. With many of us in the older demographic, I think members will appreciate Rehn's observations as much as I did. Since the new edition of [Strategies and Standards](#) isn't expected until later this month (January 2023), for now, enjoy sitting in on our conversation and learn about ways to hone armed self-defense skills, while whetting your appetite for Rehn and Daub's book.*

**eJournal:** Why are established standards important to skill development and maintenance? Time limits, 1.5 second to draw and fire a headshot at 3 yards, for example, can seem unachievable and discouraging.

**Rehn:** We need goals that we can measure. There is a point in the skill development process where you have to go slow, and you have to break it down, and you have to be deliberate, and you have to get all the steps right. Then, you need to begin to put the timer on the drill to have a goal.

The book has a list we call the Top 10 Drills. The drills are structured so you practice drill one until you can pass and then you move on to drill two until you can pass and then you practice drill three until you can pass. You are only adding essentially one new skill with each new drill as you move forward.

The simplest is standing still, shooting one target at one

distance with no time limit: accuracy only. The next drill tests accuracy with slow time limits from the ready position. Next, we add a drill that includes drawing from the holster, then one that includes, maybe, different distances or different target sizes, like a head shot and then a body shot demonstrating being able to change cadence based on the target, then add in reloads and in another,



malfunctions. Each drill in the Top 10 adds another skill. The list is built on widely used drills like the F.A.S.T. drill, the IDPA classifier, the FBI Qual and the Bill drill. (Note: See Karl's blog at <https://blog.krtraining.com/handgun-world-podcast-top-10-drills-plus-2/> for videos and details about these and other drills.)

Essentially the Top 10 Drill list is a self-guided program. Shoot from ready, and when you can pass these tests with this accuracy in this amount of time, work on a drill that is mostly about draw time next. Work on that until you get to minimum competency. If you went through those ten drills and worked to pass each of those drills as you went, you are going to be up to the automaticity level by the time you get to the end.

**eJournal:** Can you define "automaticity," please?

**Rehn:** Automaticity means you don't have to think about what you do, to do it. If your brain says, "Draw your gun and shoot that target," you are not thinking, "OK, I need to lift my garment, I need to get my grip, I need to join my hands, I need to aim, I need to press the trigger." You have trained yourself to the extent that there is no conscious thought between the "I need to do this," and it happening.

The one part you cannot automate is the "shoot/don't shoot" decision. That is why you want your gun skills to be at automaticity level so that your brain can process the situation. If your gun handling is at the level of automaticity, you have all of your brain cells available to pay attention to, "Do I actually need to press the trigger?"

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Tom Givens of Rangemaster (<https://rangemaster.com/fire-arms-training/>) does a lot of drills where he emphasizes drawing to ready as opposed to drawing to shoot. John Murphy actually has a drill with an aborted draw. You draw the gun, and halfway through the draw he blows the whistle and at that point you have to change paths. You are thinking that you were going to be drawing and shooting and when he blows that whistle you have to change mid draw to draw to low ready and give verbal commands. It reflects that things can change in the timeframe between when you decide that you are going to draw and shoot and when the shooting happens.

**eJournal:** Change can come so very fast. Even in the fractions of seconds it takes to yell or to draw, there are branching opportunities, similar to what Marc MacYoung has called “off ramps on the freeway to violence” to which we can divert.

**Rehn:** They only exist if your brain is free enough to pay attention to what is happening and not fixate on the mechanical skill of drawing the gun. The vast majority of people have to think about the steps to draw the gun.

I use a music analogy: automaticity is the difference between having to think about where your fingers go on the guitar neck to make an E chord and your fingers automatically going to the E chord on the guitar when you see it on the sheet music. It can get to where you're listening to the song and know what's coming next so your hand just automatically goes to the E chord because it is supposed to at that point.

**eJournal:** ...and while moving toward the E chord, if another band member changes the song unexpectedly, the musician changes the chord they're forming.

**Rehn:** Force Science (<https://www.forcescience.com>) has done a lot of interesting studies on predicting change. At the top level, the people who are really good at making use of force decisions are very good at predicting what is going to happen next, even to the point that they anticipate what the person is going to do before the person does it because they are reading their pre-fight body language. You can't do that if your mind is focused on the mechanical skills of just simply getting the gun and aiming the gun.

**eJournal:** While most classes focus on mechanical skills, you make a strong argument for training in what I think of as people skills. How do criminals act when they are about to resort to violence? What can I do BEFORE the danger level is so high that shooting is the way to survive? As John Farnam is fond of saying, “There is no time to dither!”

**Rehn:** We teach a four-hour non-shooting class that is nothing but decision making based on Brian and Shelley Hill's Image-Based Decisional Drills (<https://www.imagebaseddecision->

[aldrills.com](https://www.imagebaseddecision-aldrills.com)). In class, I give you seven cards, then put a picture on the screen and you have three seconds to decide and pick one of those cards. You have to make the decision and commit to it. You don't have all day. You practice decision making without a gun in your hand. Learning to make those decisions quickly with limited input is a skill that has nothing to do with working on the range, however that mental skill is another minimum competency set.

**eJournal:** When we add in the tools we use in self defense, how are timed drills applicable to real life weapon use?

**Rehn:** You have got to understand speed and timing. John Murphy has some wonderful videos on YouTube (<https://www.fpftraining.com/fpf-on-youtube>) where he times things like how fast you can run from one end of the car to another. How fast can you get in your car and get it started? How fast can you get from your car to the front porch? If you put those on a time tick relative to “How fast can I draw my gun?” that affects your perception of what are your options and what do you need to do at which point in time.

Craig Douglas (<https://shivworks.com>) has for years been trying to get people to understand the difference between a one-step interaction and a five-step interaction. If someone is five steps away there are things that you can do that you cannot do if they are one step away. You can't draw your gun and shoot them without them grabbing and interfering with that draw if they are one step away.

If they are five steps away, maybe you can draw your gun and shoot them. At five steps away, by the time they can get to you and grab your gun, your gun is already up and pointing in their direction; if you are two steps or four steps away, maybe not.

We have also done drills with Airsoft® guns studying moving to cover. How many steps you can be from cover before you get shot? If you are two steps from cover, should you move to cover first and then draw, or should you draw and move? What gets you to cover faster?

It depends on the distance. If it is just two or three steps, you are probably better off putting all your energy into moving to cover and then drawing versus trying to draw and shoot on the move and taking two to three times as long to get to cover from out in the open.

Distance to cover becomes an issue. If you are seven steps from cover, and you try to move to cover while the person is already getting their gun out, you're probably not going to stop them from shooting at you. If you are out in the open, and you have to draw and shoot on the move, it is going to take you longer to get to cover, but the hope is that you will inhibit their

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ability to shoot you back. If you are not shooting and you just run to cover, it is much easier for them to shoot at you.

**eJournal:** That explains the practicality of time limits in practice. I'd like to ask about another term you used: "minimum competency." That sure sounds like something to move beyond, so the question is "how?" What is the path to move beyond "adequacy?"

**Rehn:** The normal person should work to get to a minimum competency level and then they should verify that they remain at that level. If they are serious, then they should work to get to the automaticity level and then verify that they remain at that level.

**eJournal:** When we have achieved automaticity, how do we maintain that level of skill?

**Rehn:** Use the Top 10 drills for practice. Do constant reassessment. You don't necessarily need to return to drill one, but maybe practice drill five, or drill seven.

**eJournal:** Is it practical for everyone to strive for the "grand master" level that you quantify above automaticity?

**Rehn:** I agree with John Hearne (<https://twopillarstraining.com>) and Greg Ellifritz (<https://www.activeresponsetraining.net/available-classes>) who say that once you are into the 80th percent level – you're shooting 80% of USPSA grandmaster which is roughly the same as IDPA master – then your attention should probably shift to some other aspect of self defense. Once you are at that level, maintain it and go pick up some other skill instead of trying to get to 100%. There is limited to no data showing that the difference between 80% and 100% of shooting is likely not to be as important as getting from 20% to 50% on some other skill.

**eJournal:** With age, injury, and diminishing strength and agility it is harder to turn in high scores on shooting drills. Is it reasonable to aspire to score high in the second quadrant of skill you've quantified as minimum competency or getting into the third, automaticity? Are the time limits and accuracy requirements to do that even achievable for an 80-year-old lady with arthritic hands and a five-shot revolver?

**Rehn:** She can get into the second quadrant. The challenge moving into that third quadrant is going to be much more difficult. Everybody will reach the point where they cannot make much more progress. I think when you reach that point you say, "OK, I have put in my work, and this seems to be where I am plateaued out. What else do I need to go get good in?" That might happen at 60% or 80%, but you want to push up

that hill as far as you can go before age changes the slope and progress becomes extremely slow.

Sometimes the problem is gear. If you're insistent that you're going to carry your five-shot revolver, I might say, "Try this Glock 48, or the Sig 365 .380." Maybe you say, "No, I will only carry a 9 mm," and then I have to say, "You only have 50 pounds of grip strength in your hands, let's try this .380. Here is what you can do with that versus what you can do with your snub-nosed revolver with its nub sites and its 12-pound trigger pull. Look how much more capability you have!"

Equipment can buy you some skill in certain cases. Maybe the answer to plateauing out is a red dot sight or a laser on your gun. Maybe you need a gun in a different caliber; maybe you need to carry differently. Instead of trying to fish the gun out of your purse or ankle holster maybe you need an Enigma, or a belly band.

Sometimes you need to be willing to say, "If I make this change to my equipment, I will gain 15% in my performance just by making that change." If your life depends on it, and that change is taking you from the bottom of quadrant two over the hump on quadrant three, there is enough information to indicate that might be worth doing. If it takes you from a 3-second draw to a 1.5-second draw, that is a lot of time! It is a lot of time especially if you are not a fast runner and you are not going to kick and grapple.

Criminals are not going to slow down, move closer, and make themselves easier to shoot. Criminals are not going to attack with less violence or with less speed because you have less skill. That is just how it works! If they are attacking you, it is likely because you have less skill, and you appear easier to victimize than someone else. I explain to people, "Look, this is how long it is going to take a 17-year-old to do this. That is how long you have. What can you do in that amount of time?"

**eJournal:** Even with a better gun or laser or optic, we still have to be able to draw efficiently and hit accurately, both perishable skills that require training and practice. I hear a lot of reasons why people can't get training to increase proficiency. The shooting range is too far away. Ammunition is too expensive. Tuition for many classes is higher than the amount some get from Social Security to live on each month. How are we going to overcome so many impediments?

**Rehn:** What about dry fire? The point that people miss is that there is no benefit to driving to the range and putting ammo in your gun if you can't meet the standards in dry practice. You should treat going to the range as the test. You do your

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dry fire as your homework. Annette Evans, Ben Stoeger and Steve Anderson are the big pioneers of the whole idea that you practice the things you want to improve in dry fire at home until you can do them. Then you go to the range, and you verify with live ammo that you can do them.

Untrained shooters think that the only way you can practice shooting is to go to the range and shoot ammo. The problem, as Tom Givens and John Hearne will tell you, is that the key is frequency of training. The easiest way to get frequency is to buy a SIRT gun or a dry fire magazine, a Mantis or Cool Fire kit or anything that has repeat trigger pulls.

Dryfire our Top 10 Drills. It is a matter of dry firing to a standard, and then taking that to the range once a month, once every two weeks, for just an hour. If you are looking for a New Year's resolution, this is a good one. Here's what you'd do:

- #1) Go to the range and assess your skill. Pick a drill or use one of our Top 10 Drills; use anybody's assessment. Go to the range and shoot it.
- #2) Identify weaknesses, or things you want to improve.
- #3) Commit to working on improvement in dry practice for a few minutes every day or a few minutes every other day.

Work on that. The reward is that you get to go to the range and shoot live fire again once you make the improvements in dry fire. That is the best way to gain new skills.

**eJournal:** And all this time we thought we needed a class ...

**Rehn:** *[Laughing]* It breaks my heart to say that. None of that involves taking a class from an instructor. Most of the work is the dry fire homework. As Tom Givens used to say, "All we can do is 'rent' you the skills during class." If you don't take it home, own it and build on it, then, sure, you can come back and take another two-day class, but you're losing a lot of the improvement that you made.

Look at buying dry fire gear as an investment instead of buying more ammo or paying for another class. You will need a \$100 shooting timer and you need a \$100 dry fire magazine or a \$200 SIRT pistol or dry fire kit. When people ask why they should spend that money, I ask, "How much did you spend on ammo last year?" \$500 will get you about 2,000 rounds of 9mm ammo but if you pull the trigger in dryfire 2,000 times it cost the same amount as it would if you bought and fired 2,000 rounds of ammo into the berm at the range, but now you own the dry fire kit that you can use for a lifetime. Every dry fire trigger pull after the 2,000th is free training. At some point, you have to look in the mirror and ask, "What is really going to make me better?"

**eJournal:** How do we know if we're correctly replicating the drill in our dryfire practice?

**Rehn:** There are plenty of trainers who will do private video coaching, all the way up to Rob Leatham and Mike Seeklander. Ben Stoeger does private video coaching; Tim Herron does it, I think Brian Hill does it, too, and I do that for some of my alumni. Pretty much any trainer, if you ask them, will do it if they are not already doing it already. You send in a video of your dry fire, or you send in a video of your draw, and you say, "What do I need to do better?" The instructor can say, "Here's what you need to do."

There is no shortage of good knowledge for people who are motivated to improve. The trick is to find a way to motivate yourself to improve and to reach attainable standards. If you start with the minimum standards, and then once you achieve those, then you feel like, "OK, now I've got something." If your goal is to win the Nationals or nothing, then you'll just have a lifetime of disappointment. There are tons of people that wanted to win the Nationals that never won the Nationals. Think of all those guys who won silver medals in the Olympics who had trained their whole lifetimes and were just two tenths of a second or half a pound short. You don't want to go down that road! You want to train and accomplish a goal, set a fresh goal, accomplish that and move yourself forward. It is all about goal setting.

**eJournal:** That is what our time together today has been about and that is what the book you and John Daub wrote is all about, too. This has been great to learn more about setting realistic goals, using standards to track our progress and to stay motivated to improve.

**Rehn:** It is a good time to talk about this, because with winter here, it is downtime for many ranges. Now is the time to invest in some gear, make a plan and work it, and get to a reasonable standard and maintain those standards. You don't have to be the best shooter in the class, but you should get to the automaticity level if you can, and then you want to maintain it.

**eJournal:** An excellent point, Karl! Thank you for your instruction, coaching and encouragement.

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*Network Advisory Board member Karl Rehn founded KR Training in 1991, the first professional firearms academy serving Central Texas before Texas passed concealed carry legislation that included a training requirement. In the ensuing 30 years, Karl has honed his craft, bringing to his teaching philosophy the viewpoint of a university research scientist, which makes for an interesting combination. Check out his classes at <https://www.krtraining.com/KRTraining/Classes/classes.html> , order *Strategies and Standards for Defensive Handgun Training* at Amazon.com or watch the KR Training website for availability of signed copies when the new edition is back in stock.*

# 2022 Legal Defense Fund Growth

by Gila Hayes

As 2022 spools down to the end, we offer our year-end review of the Network’s work on behalf of its members. During 2022 several members called and discussed situations of concern with Network President Marty Hayes, but none resulted in any danger of charges for the members so the services of an attorney were not needed and no money was withdrawn from the Legal Defense Fund.

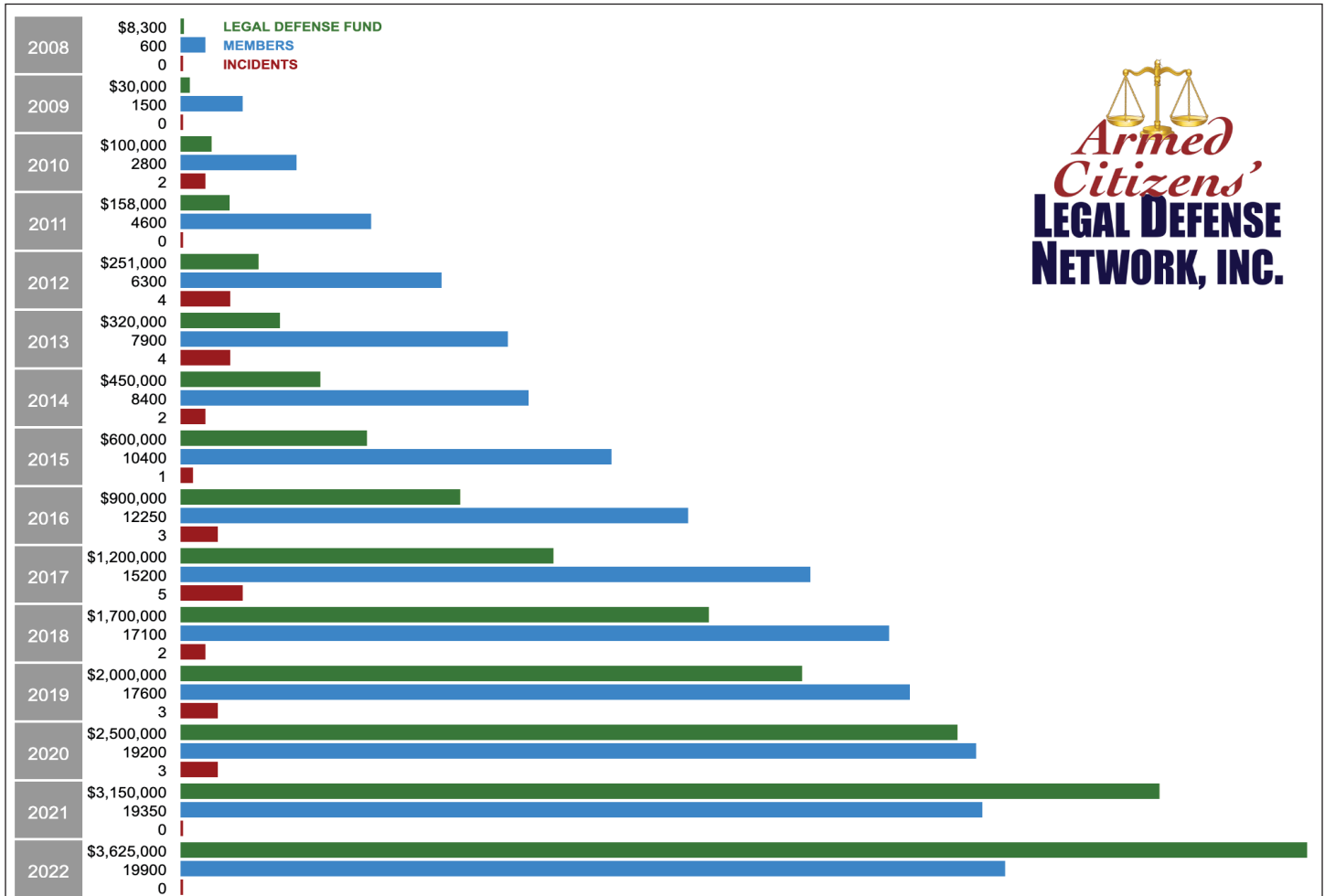
Without any legal defense expenses to add to our statistics this year, let me offer a snapshot of our history of service to members spanning 15 years from 2008 through the end of 2022. During that time, we have paid just short of \$282,500 to attorneys to represent 29 members who have lawfully used force in self defense. We first paid an attorney in February of 2011 to represent a member after he displayed a pistol but did not shoot when threatened by multiple assailants; the most recent member-involved case came in the fall of 2021 and entailed defensive display of a rifle.

Our members’ experiences run parallel to the findings of prominent researchers: armed citizens can and do resolve

violent situations by the display of a firearm. Members have done this 12 times in our 15 years. Called “defensive display,” these situations come up in research more frequently than cases in which armed citizens shoot attackers. In our 15 years, members have been in four fatality shootings all of which were of such necessity that none of the members had to go to trial and explain to a jury why they used deadly force. Two additional members have discharged firearms and received funding for legal defense. Six member-involved cases entailed either physical defense, improvised weapon use or discharging pepper spray. Twice, members shot to prevent injury from attacking dogs. Three times, members did not draw, but were seen to be armed during a conflicted situation and we paid attorneys to defend their rights.

The Network paid in full for the legal services needed so that each of those 29 members received a complete legal defense. That included paying for lawyers, investigators, expert witnesses and more. We’ve assisted with bail several times, but in all but a couple of situations, the members’ post-incident behavior coupled with the very apparent necessity of their use of force

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or the relatively minor level of force used all added up to the member sleeping in his own bed that night. Early representation resulted in no charges being filed in all but a few cases. All our members' cases were resolved without going to trial.

The absence of any trials to report confirms for us that paying an attorney to get involved in defense of the member as soon possible after the incident derails the rush to file charges or quickly brings about dismissal of charges. The lawyer reaches out to the prosecutor or district attorney to make sure the member's side of what happened is clearly shown. An attorney also shields our member and the member's family from the news media, sends out private investigators to establish an independent record of witness testimony and scene evidence and takes care of other critical early steps that can vary widely according to the individual situation.

Experts—they're not just for trial! At the Network, our Advisory Board is composed of the leading experts in use of force for self defense today. When a member's case has had challenging needs that had to be unraveled, we've made sure the member's attorney had funding to hire the best expert witnesses available to guide their decisions about how to get the best result for the member.

In one situation, our Advisory Board member Massad Ayoob conferred with an attorney who was weighing whether he should arrange for our member, the prosecutor and investigating officers to sit down for a frank Q & A about what had happened. That meeting clarified facts the authorities had not previously understood and led to dismissal of charges.

In another situation, after self defense with pepper spray, our member's attorney was impressed by an expert witness who videoed himself being sprayed in the face with the same brand of pepper spray the member had used. The video demonstrated effects of and recovery from exposure. In the end, the State folded and a judge dismissed the case, so the video the expert suffered to make didn't get in front of a jury. His fee was money

well-spent, nonetheless. An expert educates attorneys about subjects outside the ken of those who are not use of force experts, highlights case facts need to be investigated further, identifies the strengths of the more deeply and guides legal defense strategy.

Several members have been called before Grand Juries, and were "no billed," when the jurors decided the evidence presented did not convince them that a crime had been committed and so declined to indict. Attorneys generally aren't allowed to assist members during their appearance before the Grand Jury, but a lawyer's help preparing in advance of the hearing is crucial. Should the member be unsure of what to do during the hearing, he may ask to meet with the attorney who waits outside. When members have been called on to tell a Grand Jury what happened to them, we have paid attorneys to assist. The members were not indicted.

The Legal Defense Fund is the Network resource tapped when a member needs legal representation after lawful self defense. As members know, access to the Legal Defense Fund is not 100% guaranteed, and we reserve the right to deny assistance if we do not believe that the incident was a legitimate act of self defense. We have done this at least eight times.

The Legal Defense Fund is earmarked exclusively for member defense and is held in accounts separate from Network operating or savings accounts. The Fund is split between certificates of deposit for safe interest earnings and liquid money market accounts for immediate access when a member calls.

As we noted at the beginning of this discussion, 2022 came and went without any member-involved cases needing money from the Legal Defense Fund. As a result, our January 1, 2022 Fund balance of \$3,150,000 has grown to \$3,625,000. What will 2023 bring? Whether the number of member-involved cases increases or if the quietness of 2022 continues, the Legal Defense Fund will remain strong. We hope our members join us in the satisfaction of seeing the Network fulfilling its mission.



## **President's Message**

by Marty Hayes, J.D.

Happy New Year! Last month I posed a question to our members in which I asked, "What member benefits should the Network add to the benefits we extend to our members?" I really appreciate the numerous answers you sent me to the question, and since the

answers are still trickling in, I will give it another month before I compile the answers and report back.

In the meantime, I want to clarify something. At least one member expressed confusion about why, on one hand, we would be advising of a likely dues increase to help us meet our obligations due to rising inflation, when, on the other hand, my question implied that we had plenty of money in the Legal Defense Fund and would consider adding benefits.

I can understand the confusion and would like to explain. So, here is how the Network finances work. When we receive member dues, we separate the amount into a 25-75 percent ratio. We then deposit the 25% into our Legal Defense Fund (a separate bank account) and the other 75% goes into our general operating bank account.

We administer the business of the Network from the operating account – salaries, rent and other operating expenses come out of this account. We also maintain a fairly large savings account so we can address any emergencies that come up.

Because of the way we do business, we have been able to fund the legal fight against the Washington State Insurance Commissioner (OIC) out of our operating budget, aided by the generous contributions from members who want to fight this anti-gun politician. We have never tapped into the Legal Defense Fund for the fight against the Washington State Insurance Commissioner or for any operating expenses.

Now, returning to the subject that led to this discussion, if you want to answer the question about increased services to members, my e-mail is [Mhayes@armedcitizensnetwork.org](mailto:Mhayes@armedcitizensnetwork.org) and I welcome your response.

## **Update on the Insurance Commissioner Fight**

We have completed our briefing (we had two briefs, the appellant's brief and our reply to the OIC brief). I read through our legal arguments, and believe they are very solid, much more convincing than those of the OIC. Of course, maybe I just jinxed us, but I have never been all that superstitious.

One thing I have done with this 3-year fight is take a really deep dive into the legal issue of what we ideated and set up 15 years ago. The OIC is making the argument that one can ensure acts of self defense, but the caselaw and legal authority says that insurance ONLY applies to a fortuitous act, not an intentional act. Fortuitous means by chance.

In May of 2022, the OIC made the argument to the trial court that an act of self defense can be both contingent and also intentional, and the trial judge bought the argument. If this rationale was to stand, it would suggest that when a person uses force in self defense, they are not deciding for themselves the nature of the threat and the degree of force they must use to thwart that force used against them, but are simply responding to a physical attack. But caselaw in WA state, along with the statutory law and court rulings, all indicate that the defender must make an "individualized determination of necessity" regarding the response to the threat and the degree of force. One of the reasons we have decided to appeal this decision (and likely would continue to appeal if necessary) is to establish caselaw about what constitutes insurance. There is no caselaw in the country establishing exactly what is or is not insurance, but after this case, there should be!

What we do not know is how our ruling will affect the other companies which do sell actual self-defense insurance. If this appellate court rules that because self defense is an intentional act, and because one cannot insure an intentional act, would that negate the policies of one company which currently does sell self-defense insurance in WA state? It will be interesting to watch and see what happens.

What now? Well, we are now just in a waiting game, and months will likely pass before we get a final ruling. The appellate court will respond at some time with a date for oral arguments, and then after those take place, we will get a ruling. "The wheels of justice grind slowly," I have heard more than once.





## Attorney Question of the Month

Recently, there has been considerable discussion about the role of training for armed citizens and whether or not training could be used against the armed citizen in a court of law. We here at the Network are intimately aware of one such case [https://armedcitizensnetwork.org/images/stories/Hickey\\_Booklet.pdf](https://armedcitizensnetwork.org/images/stories/Hickey_Booklet.pdf) in which an armed citizen was questioned extensively while on the witness stand about attending several military-centric training courses. Consequently, we asked a couple of questions of our affiliated attorneys.

***Do you have personal experience with training becoming an issue in court for an armed citizen in a self-defense trial, and if so, what was the outcome?***

***If a person has a strong training résumé, what steps would you suggest taking to keep their extensive training from creating a negative result in court?***

Our affiliated attorneys responded in such numbers that we ran this topic in December and wrap it up this month. The second half of the attorney commentaries follow:

**Timothy A. Forshey**

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The old “to train or not to train--that is the question” question. I have actually had this issue arise in trial in a shooting case, but only offensively. That is, we brought up my client’s extensive firearms training (a lot of which was, unfortunately, informal—we’ll get back to that in a second) proactively to explain his decision to shoot and to counter the State’s contention that his “tight grouping” somehow indicated the “evil hand, led by an evil mind” concept. This was an aggravated assault case which involved shots fired by my client, from his moving vehicle, at the driver of another moving vehicle who was demonstrably trying to run my client (and his infant daughter) off a highway overpass. Not only did my client’s extensive background in shooting and training impress the jury, it allowed lines of questioning by me that were, frankly, over the head of the non-shooter prosecutor. There were, thankfully, people familiar with shooting on the jury. The strategy worked well—I secured an acquittal on all charges.

I always explain to students that the “only difference between a 22-year-old raw police recruit fresh out of the academy

and a 55-year-old captain of the SWAT team is training and experience.” I think we should all get as much training (good training, that is—the only type you should be exposed to as a member of ACLDN) as your time and budget allow. Particularly conflict avoidance/situational awareness types of training. This will hopefully 1) keep you from ever having to actually use your fighting/shooting skills, or, if that fails to 2) prove it was, in fact, your last option “in the gravest extreme” (thanks, as always, to Mas Ayoob) and you knew how/what to do to avoid the encounter and you simply ran out of other ways to avoid it. The more tools in your toolbox, the better decisions you can make, and I trust that the jury will see that, if properly taught along the way.

I tell my students (who we hope never become clients) to keep all training materials (CVs, lesson plans, notes, photos, videos, targets, exams, etc.) from each and every class in a well-organized (with index tabs and a table of contents) three-ring binder. When that binder is full, place it in a sealable Tupperware storage container in your attic, and add notebooks to that until it is also full—repeat as time/money allow. Producing those documents as Defense Exhibit One shows training. I also keep printouts of all results from shooting competitions (which I highly recommend) with my placement highlighted (lower and lower these days sadly) to show “experience.” Any other demonstrable training/experience, if viewed favorably, should also be included. You might not want to include your (if you have fun friends who invite you) “barricaded dynamic entry” classes, or your “use of flashbang” classes (and be aware that if the right question is asked or the right discovery undertaken those will come out even if you don’t bring them up). As such, classes like those may best be left to the real dudes and dudettes (unlike guys like me) who have a need for them.

In short—control your narrative—don’t let the prosecution do so. Proactively assert why your training was so important and so beneficial. If you’re afraid of what your training record will show, that might be a bigger problem for another day.

**Jerold E. Levine**

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We have not seen training become an issue in a courtroom trial, but we have never had a client who had any training beyond a basic instruction course.

What we have seen is NRA membership, multiple training course certificates, and other things related to shooting activities disaffect the image of clients involved in the gun licensing process. The New York City gun licensing authorities see anyone with a strong interest in guns as a potential danger, and

*[Continued next page]*



NYPD police recruits are taught that if they encounter a person who owns more than one or two firearms, the person should be assumed to be some kind of nut.

Respecting a court trial, and assuming the opposition makes the client's training an issue, I would mitigate the "nut effect" by linking the training to things that seem legitimate, such as training in aid of particular employment. I would look to see what elements of the client's training are similar to the training that is given to police. Trying to emulate police is not the goal, but showing that police use the same training legitimizes the training.

If the client has not given instruction courses, they could give a basic gun instruction course for little old ladies, and another about how to make a house gun-safe for children. They could author an article or pamphlet about the importance of training for new gun owners (including lots of legitimizing language) and post it everywhere. If I could, I would get a local police official to write a foreword for the article, and then ask him to distribute it at the police precinct. If his picture is included in the article, they will be more likely to help (and the picture will help the client). I would do the same if I could find a pro-gun priest or rabbi (there are some). These possibilities are limited only by imagination.

Think of all this in the same way that rich people influence juries. When the rich face criminal or civil trial, they start donating to charity and taking on "save the world" causes. Most clients will not be that rich, but still they can mitigate against anti-gun prejudice — if they work at it. In a place like New York, they must appeal to things that an anti-gunner will appreciate. The jurors will not like guns or the client's interest in guns, but they will like that the client helped the little old ladies.

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This is written from a Maryland perspective and other states may have different laws and court rules. At this time I have not had training become an issue concerning cross examination but I can see how a prosecutor would like to make it an issue. The intent is to show the defendant to look like a member of fringe groups or that they did not do what they were told to do.

In self-defense cases the applicable state/federal self-defense law is paramount but a prosecutor will try to show that despite the training telling them not to (insert act of self defense) they did it anyway. I would ensure the client is well-aware of what the law is and has thoroughly gone over their testimony with the

purpose of meeting the requisite elements of self defense. That should be the foundation of preparation.

I would also find out about each of the trainings and if helpful strike first, bringing out the training and maybe even having an instructor called as an expert witness. This might turn the tables to the extent that the prosecutor objects to the use of such testimony.

If unhelpful somehow, the prosecutor's cross examination on different trainings would be likely subject to a pre-trial motion to prevent the use of the trainings. Unless the intent is to qualify someone as an expert, such questions would also be subject to objections during the testimony to the extent the questions are irrelevant to the split-second decision that caused the court proceedings, and as previously mentioned in some cases I may actually welcome such a discussion on cross examination because it shows my client takes firearms seriously and isn't a cowboy. There is always the prejudicial effect of having trainings by unpopular organizations and that too would be objected to as irrelevant, since the issue is not the quality or source of the training but more often than not the events leading to the act of self defense and the manner in which self defense was asserted.

Every case is different and one must be prepared for what they expect to happen at trial, what they don't expect to happen at trial and for what actually happens at trial. Sometimes strategically things are allowed in only to be demolished during the course of the trial and the qualifications of my client is a good example of something that could be allowed in and turned against the government.

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The key to not having self defense firearms training used against you in a criminal trial is to follow the training. That may be easier said than done in a life or death situation, but if you follow your training then there won't be much that a prosecutor can effectively cross examine you about. Conversely, if you deviate from your training it will be easier for a prosecutor to make you look reckless and unreasonable in your deployment of force.

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*Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month when we have a new question for our affiliated attorneys.*



## News from Our Affiliates

by Gila Hayes

Long-time Network members will remember the *Networking* column from years ago. A play on words, the column's title isn't a noun, it is a verb that smilingly acknowledges the power of working together with like-minded folks to accomplish a common goal.

Network affiliated instructors have, from the Network's very earliest days, been essential to introduce the Network's mission to shooting and concealed carry class students and to explain why being part of our supportive membership organization is so essential for armed citizens. That outreach is important to us and to every member of the Network because the more well-trained, knowledgeable, and careful armed citizens we recruit into membership, the stronger the Legal Defense Fund grows. Outreach by our affiliated instructors puts us directly in touch with the armed citizens we want in the Network; the like-minded men and women with whom we want to associate.

Recognizing how much the Network affiliated instructors do for our organization, it is my hope that Network members will turn to their fellow Network members when seeking training, be that a skills update, mandated training for carry licenses, or to add new skills. Need to learn to run a new firearms platform like expanding from pistols to add rifle skills to your repertoire or get a tactical first aid, defensive knife or other survival class under your belt? I intend to introduce Network members to these affiliated instructors, and in this revival of the old Networking column, let's reintroduce one of our very first affiliated instructors and meet one of our newest, too.

Our earliest flight of affiliated instructors included Jim Jacobe, owner and lead instructor at the Jacobe Group in Salem, Oregon. Jim was a fellow professional whom Network President Marty Hayes had become acquainted while hosting guest-instructed classes taught by Massad Ayoob. Recruiting Jim as one of our first affiliated instructors was a natural reaction. In the years that have rushed by since February of 2008 when he started telling his students about the Network, Jim has introduced thousands of new and experienced armed citizens to the Network as he has taught Oregon and Utah carry license classes, NRA instructor courses in pistol, shotgun, rifle, reloading and more. Jim is a valued resource and good friend to armed citizens in the Salem, OR area and to the Network. Check out his 2023 training calendar at <https://www.jimjacobe.com/calendar.html>.

In 14 years, we have had the privilege to share the Network with hundreds of affiliated instructors, some going back as far as our relationship with Jim Jacobe, who are no longer teaching and have converted over to rank-and-file Network membership,

while others have moved on to other pursuits. Change is inevitable and we benefit by opportunities to meet and recruit new Network affiliates when new instructors start teaching classes.

Sometimes retirement from a life-time career opens new opportunities for use of force professionals, and when that happens, the community of armed citizens benefits by instruction from highly skilled practitioners. Last month, I enjoyed getting to know a Maryland member better when he asked about affiliating as an instructor for his burgeoning firearms classes. Network members and other armed citizens in the region within driving distance of Marion Station, MD will want to get to know Louis Esposito. After rising through the ranks to the position of Chief of Police at the Mansfield, NJ police department, Mr. Esposito retired, only to start a second career



in law enforcement in MD, where he became a firearms instructor and worked as a detective, managing the narcotics unit and the sex offender fugitive unit for the Worcester County Sheriff's Office.

Following his retirement from the Sheriff's Office, Mr. Esposito continued his role as firearm instructor through his own business, Marion Training, LLC, providing the qualifications required for Law Enforcement Officers Safety Act (LEOSA) participants, and he has branched out into instruction

for private citizens, teaching the classes required for Maryland's Wear and Carry permit, as well as teaching the Handgun Qualification License class. He's a life member of the National Rifle Association, with a strong belief in the right of citizens to protect themselves. I love the pleasure he takes in expanding his own training résumé. He recently dropped me a line to let me know that he just completed the Victory First Red Dot Sight instructor class. It would be hard to find an instructor with more real-life experience to teach your concealed carry license class, and we look forward to hearing more as Mr. Esposito expands his classes for private citizens. For contact information, see his affiliated instructor listing on our website at <https://armedcitizensnetwork.org/our-affiliates/map/marion-training-llc>.

With this fun introduction to one of our longest-standing affiliates and one of our newest affiliates, we've come to the bottom of the page. Tune in next month for more affiliate news and remember, the affiliated instructors listed on the geographically-searchable interface at <https://armedcitizensnetwork.org/our-affiliates/map> are helping the Network grow and stay strong. If you have the opportunity to do some business with them, that promotes the "small n" networking that makes our big Network family the great organization it is.



## Editor's Notebook

### Don't Make it Easy

by Gila Hayes

Without jumping into the swirling maelstrom of supposition, opinion and misinformation about mass killing attacks committed with firearms, automobiles, arson, knives or any other

murderous means, I think we best brace for more violence in 2023 as our government, entertainment, news media and social influencers beat the drums of tribalism, disenfranchisement and divisiveness. Because their most popular theory is that guns are responsible for all these evils, it is kind of hard to get an unbiased report on other mass killings of the past few years.

As armed citizens it is hard not to feel singled out for unwarranted hatred and scrutiny after a mass murder conducted with a firearm hits the news, be that the mass killings at schools or the Highland Park parade murders. Forgotten are knife attacks, arsons, or instances in which madmen drove cars into crowds. Being unjustly singled out can make you want to block out any discussion of related concerns. "We didn't cause that mass killing attack, and there is nothing we can do," seems to be the reaction. Feeling helpless to affect any change leads to doing nothing, but in reverse, doing nothing only feeds the helplessness, so it is a bad whirlpool in which to get caught.

Know what? There is something you can do. You can make it hard for a deranged person to access your gun and commit an atrocity. You can make an iron-clad promise and do the work required to secure your firearms when you are not in direct control of them. Regular readers of our Network *eJournal* may remember last January's analysis written for us by Art Joslin, J.D. entitled *Holding Parents Responsible* at <https://armedcitizensnetwork.org/holding-parents-responsible> which looked into the legal precedents for charging Jennifer and James Crumbley with involuntary manslaughter for failing to prevent their 15-year old son Ethan Crumbley from taking a gun they bought for him to the Oxford High School where he killed four children and wounded six students and a teacher.

News reports since have been in disagreement about whether or not the 15-year-old boy simply opened an unlocked drawer and took the gun with him to the school. His parents have been in police custody throughout 2022, charged with involuntary manslaughter for letting him have access to the pistol. That case raised an interesting question about parental duties and

the related, additional responsibilities all of us must shoulder to keep firearms locked up when the guns are not under our immediate control. Don't make it easy for a disturbed person to get their hands on a gun.

We need to learn from that family's tragedy and not let a similar problem brew inside our own families. Guns that are not under the immediate control of a responsible adult have to be locked up. If we fail to do that, we risk the possibility of even more intrusive government intrusion masquerading as enforcement of "reasonable gun safety legislation." We risk the specter of being required to prove that we have and use secure storage devices.

Freedom haters are relentless in legislation and lawsuits trying to restrict Second Amendment and other basic human rights. Please do not give them fuel for their destructive campaigns. Trying to assign responsibility to a third party, currently parents, but potentially even owners of stolen guns, is another tactic in that battle. Let's not make it easy to convince the uninformed that it is reasonable to inspect armed citizens' safe storage provisions.

I was reminded of the problems that come out of irresponsible parenting combined with making it easy for disturbed people to access firearms when I read at <https://townhall.com/tipsheet/mattvespa/2022/12/17/why-the-father-of-the-highland-park-shooter-just-got-charged-by-authorities-n2617261> that the Lake County (Illinois) State's Attorney wants to charge Robert E. Crimo, Jr., the father of the 21-year-old who shot down into an Independence Day parade in Highland Park, IL, where he killed seven people and wounded 45. The father is charged with seven counts of reckless conduct because he helped his son buy a rifle and get an IL Firearm Owners Identification card despite death threats his son had made toward family members.

The Lake County, IL prosecution raises even more interesting problems because while Crimo sponsored his son's Firearm Owners Identification (FOID) application and helped him buy a rifle two years before the murders, the young man was 21 when he killed the parade goers last Independence Day.

This edition of our *eJournal* comes out at the start of a new year. Take some "thinkin' time" alone, honestly assess how well you're doing and what more you can do to keep from making it easy for someone to take a gun and kill innocent people with it. Assess what you can do to keep that kind of a situation from being an illustrative case that convinces uninformed people to vote for restrictions on your rights to have weapons for self defense.

## ***About the Network's Online Journal***

The *eJournal* of the Armed Citizens' Legal Defense Network, Inc. is published monthly on the Network's website at <https://armedcitizensnetwork.org/our-journal>. Content is copyrighted by the Armed Citizens' Legal Defense Network, Inc.

Do not mistake information presented in this online publication for legal advice; it is not. The Network strives to assure that information published in this journal is both accurate and useful. Reader, it is your responsibility to consult your own attorney to receive professional assurance that this information and your interpretation or understanding of it is accurate, complete and appropriate with respect to your particular situation.

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](mailto:editor@armedcitizensnetwork.org).

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We welcome your questions and comments about the Network.

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