No Downside to Competitive Shooting

by Guy Neill

How often do you practice your shooting skills? What challenges do you present yourself in practice? Do you practice the same things each time?

Regrettably, most don't practice as much as they should. It's easy to put it off, with an "I'll go tomorrow, or next weekend" – that never comes. It's also easy to fall into a routine practice that concentrates on the things that are either easy for you, or comfortable.

handguns is much like riding a bicycle. Once you learn how, you can do it, but to do it well, you must do it often. I can ride a bike, but I would not ride it well since it's been a long time since I last rode one. On the other hand, I shoot several times a month in diverse scenarios.

It's been said that shooting

My shooting encompasses a variety of challenges that vary each time. They are challenges placed in front of me by others, so I'm not falling into a set practice regimen. Each shooting session presents new problems that I have to solve to the best of my ability. As with all shooting, though, it comes down to sight picture and trigger control.

My practice is in the form of participating in practical pistol competitions. A variety of people design the stages, thereby presenting a wide variety of problems to be solved. My responsibility is to solve the problems safely.

You've invested a considerable amount in your handgun, learning to shoot it, and obtaining a carry permit, where available. You want to make

Magazine change is performed quickly and smoothly as competitor Tony Hawkins continues through the rest of the stage. Photo by Robin Taylor, courtesy of USPSA

yourself, and your family, as safe as possible in an uncertain world. Maintaining your shooting skills, and learning new ones, is part of that preparation.

Shooting in practical pistol competitions is a great way of maintaining

and developing those skills. It presents diverse challenges and the addition of a timer puts pressure on you to perform under stress.

It's sometimes heard that "Shooting in competition will get you killed!" from some that feel that competition will build "bad habits" in your shooting. Is it bad to

develop a deeper understanding of your gun and your ability with it? Is it bad to verify the reliability of your gun and associated equipment? Is it bad

to face unknown shooting problems in a setting where no one is shooting back?

To me, the advantages of participating in practical pistol competitions outweigh any real or perceived disadvantages. Three noted gunfighters of my acquaintance, Jim Cirillo, Charlie Askins and Bill Jordan all engaged in shooting competitions. Each felt the skill developed shooting in competition benefitted them in their real encounters.

The father of modern pistolcraft, Jeff Cooper, developed the Modern Technique through his

participation and observation of competitive shooting. The Weaver Stance was developed by Jack Weaver for competition. The Weaver Stance is now commonly taught at many training academies for defensive shooting.

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When you look at it, an awful lot of what is accepted as THE way of defensive shooting originated in competition. Competition is, in the final judgment, what you make of it.

What about developing "bad habits" as some fear? Bad habits may develop anytime you are not aware. One of the problems with solo practice is that it is easy to not see your own problem areas or mistakes. Even when practicing with someone, it's easy to fall into a routine each (all) of you are comfortable with and still not see mistakes or problem areas. In competition, since a score is kept, and you can see how you compare to others, it gives you a

gauge of your ability. An important aspect is that it gives you a chance to see how others approach the same problem. They may, or may not, have a "better" solution.

Most important of all, competition puts you under a degree of pressure by virtue of keeping a score, and by having you shoot while being timed. It's amazing the amount of pressure we subject ourselves to simply because someone else has a timer showing how long it takes.

The normal argument I hear pertaining to a bad habit stemming from competition is that the tactics of shooting a match are not the tactics you would use in an armed confrontation. I have no problem with that. The tactics are different. The key is that you must be able to assess and adapt to any situation. If the situation is a match, then using match tactics is appropriate. If the situation is a dark alley in the wee hours, then different tactics than those used in a match are appropriate. It is the ability to analyze the situation and

utilize suitable tactics that carry us through. Whether that situation is a sunny match setting, or a dark alley – the ability to see the problem and solve it expeditiously is what counts.

This is where many fail to think it through. Tactics are stressed in defensive training – and rightly so. However, the ability to adapt to the situation is the most valuable tactic there is. Success in a match is not a matter of winning the match. Instead, success in a match is what you come away with.

If you are looking at keeping your defensive shooting

abilities sharp, the variety of situations faced at a competition will serve you well. Do you have to use match tactics? No. Shoot the stage tactically. Your time may be slower, and your placement in the final results lower, but so what? You have accomplished what you determine to be important.

I have won local matches and come home disheartened. My wife would ask why, since I won the match. Yes, I won the match, but I didn't shoot as well as I'm capable of shooting. I was better than the rest of the field that day, but I wasn't up to my ability.

Other times, I placed well down in the listing, but felt good about the match since I felt I shot up to my ability. Early advice I received was to not worry about the other shooter and to shoot to my ability. If I was defeated, it was because the other shooter was better, but if I was worrying about his shooting, I was beating myself.

We know the importance of practice to make ourselves better. Shooting in practical pistol competition is practicing both shooting and the exercise of looking at a situation and solving it. Your point of view will determine how you approach the problem.

An age old argument within practical shooting has been between the "martial artists" and the "gamesmen." The martial artists argue that the matches are preparation for real encounters. The gamesmen argue that it is a sport. As with much in the world, there is no black and white.

Carina Randolph reloads while moving to the next shooting position at the 2007 Limited/Production Nationals in Tulsa, OK. Photo by Robin Taylor, courtesy of USPSA

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The real truth is that the answer is somewhere in the middle. As stated earlier, it is what you make it.

Practical shooting has developed as a sport. Just like tennis, golf or other leisure activities, it can be casual or all consuming, depending on your passion for it. Besides local competition, there are regional, area, national and world matches. You can take it to whatever level works for you.

You will develop enhanced gun handling skills. You will prove the reliability of your equipment. You will enhance your ability to look at a situation and come up with a suitable solution.

Many find themselves intimidated about shooting in front of others. Don't worry about it. You will find the other shooters supportive and more than willing to help you. Being nervous when a timer is on you is okay. That's part of the reason you are there – to overcome your unease.

The two organizations sanctioning practical pistol competition are the International Defensive Pistol Association (www.IDPA.com) and the United States Practical Shooting Association (www.USPSA.org). USPSA is the United States affiliate of the International Practical Shooting Confederation (www.IPSC.org). Both types of matches present a variety of challenges, though the USPSA matches tend to be more free form than those seen in IDPA. Both groups will help you find a club in your area to shoot with.

IDPA tends to be more tactically oriented, often requiring beginning with a concealed gun. Courses of fire will be fairly short, requiring only about 18 rounds maximum to complete.

USPSA is more free form. It presents a problem and leaves it to the shooter to safely solve. The emphasis is on shooting quickly with good hits.

IDPA requires membership to participate. USPSA allows non-members to shoot, but classifications are only for members. While many new shooters tend toward IDPA (and that's not bad), I tend to recommend USPSA first. It allows learning the gun and shooting without the pressure of tactics. Once the shooter is comfortable with the gun, adding tactics is much easier.

As stated in the title, there is no down side to shooting in competition. It teaches you many things that contribute

to your well being as a person concerned about self protection. You learn to ignore the pressure of the timer, react to unexpected problems such as gun malfunctions, and how to work through a wide variety of shooting situations. It makes you a better shooter. It teaches you to think about the problem and situation.

You want the gun handling skills to become second nature – not requiring thought. You never want to go on autopilot when facing a shooting problem – in competition or actual gunfight.

It is sometimes the smaller things that make larger differences. I remember reading of a man wanted for killing several police officers some time back. It was very much like the depictions of the old west gunfights in that he had faced several officers in separate incidents and won the gunfights. He ended up surrendering to a rookie cop without a squawk. When interviewed, he was asked why, after facing more than one experienced officer, and winning the gunfights, he simply surrendered to the rookie.

He stated that he always looked at the officer's gun. If he noted that the gun was stock, he felt the officer may not be all that good with the gun, and he went for it. In the case of the rookie, he noted the rookie's gun had custom grips. That suggested to him that the rookie knew something about guns and shooting and he was not willing to risk going against a skilled opponent, so he surrendered.

My belief is that the more confident we are in our ability with a gun, the more this is communicated in the way we conduct ourselves going about day to day business. This non-verbal communication marks us as not a victim or prey, and reduces the chances of an actual confrontation. Perhaps this is wishful thinking, but I'd still rather

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have the confidence of knowing I can use the gun effectively. Shooting regularly, in competition, contributes to that confidence.

We carry concealed, so we won't have the opportunity for a potential adversary to evaluate our guns, so if we can project an aura of confidence in our ability, it can only be beneficial. As shown with the rookie cop, really small things can make really big differences. This can be the difference between being in a fight and avoiding one. As we know, avoiding a fight is much, much better than surviving one, but surviving one is definitely better than losing one. Skill with your gun may contribute to avoiding the fight, and it will certainly contribute to winning the fight.

It's also been noted that the way the equipment works can differ between simply going to the range, and participating in a match. The adrenaline rush when the timer beeps magnifies things that may never show themselves when shooting on our own. Proving the equipment works as it should, and that you handle it as you should under competition pressure contributes significantly if ever placed in a life and death situation. It's much better to find any weaknesses in either before someone is shooting at you.

Shooting under the pressure of a clock and a score does not mean you will be immune to pressure of a real confrontation, but it is better than shooting under no pressure. When things go wrong at a match, it is a learning experience. When things go wrong in a gunfight, it's on top of other things going wrong to put you in the position of having to fight. The beginning or middle of a fight is not the time to find your equipment is not up to the task.

Get good equipment, get training – and shoot regularly in competition. All will serve to give you confidence and proof in your equipment and ability. The results could save your life whichever way a situation falls.



About the Author:

Guy Neill is a mechanical engineer, with extensive experience in the firearms and ammunition industries. His résumé shows stints at the Blount/CCI ammunition factory in Lewiston, ID, a time with Wilson Combat, plus life-time involvement with the shooting sports, including IPSC, the Bianchi Cup and IDPA. In a departure from the norm for this industry insider, he currently works for a steel company.

From Our Members

After viewing the Network DVD Recognizing and Responding to Pre-Attack Indicators, member W.F. Ryan told us that it reminded him of something that happened one dark evening. He shared the following experience:

Sometime ago in Tacoma, WA I was the last one to leave a restaurant at 1:30 a.m. I was armed, and since the hour was late and I was leaving by the rear entrance, I unbuttoned my suit jacket to give myself faster access to my sidearm. Exiting the building, I found myself in a U-shaped area bounded on my left and right by the projecting walls of an adjacent bank building and another business that led out to the alley and the lot where my car was parked.

As I started to cross the alley to my car, someone in the alley called out, "Hey, mister, wanna buy a brand-new VCR real cheap?" By this time I had got to the lot and was within perhaps fifteen feet of my car. I turned to look back and saw a man standing in the alley holding a box in his arms and looking directly at me.

My situational awareness alarm went off as I put together the place, time of night, the circumstances and my first action was to wonder why he wanted my attention, and where was the other guy? I turned to my right and saw another man creeping up on me from behind.

When I pushed back my jacket, put my hand on my holstered pistol and commanded, "Hold it right there!" he froze, and the big smile on his face disappeared completely. I changed my body position to keep both men in sight and, considering that no crime had been committed though arguably attempted, I said, "I'm going home and I suggest you two do the same, now!" The first man to react was the one to my left and he called to the other, "Come on man, let's go, let's go!" This action unfroze his accomplice, who then ran in front of me from right to left into the alley, and they both disappeared running toward the street exit.

My later investigation showed that the second man had concealed himself in a recessed personnel access door at the rear of the bank building and only emerged when I had passed into his line-of-sight from the restaurant rear, and his buddy had gained my attention by calling out to me as I crossed that alley. Had I not asked myself, "Why here? Why now? Where's the other guy?" I feel reasonably sure I would have been mugged, and probably lost my side-arm as well as my wallet. Both of these young men were stocky fellows in their early twenties, and would have had little trouble controlling this elderly gentleman.

Marty Hayes

President's Message

I enter 2010 with a renewed sense of enthusiasm for the Armed Citizens' Legal Defense Network based on its growth over the last few months, and the positive feedback we continue to receive. In fact, if I were to estimate the ratio of positive to negative comments about the Network (heard either in person, over the phone or on

the Internet) I would estimate that 90% are positive and 10% negative or neutral. I will accept that, knowing that some people are just plain resistant to any new ideas, or think it must not be a good idea because they didn't think of it themselves.

Being a business owner for more than 20 years and knowing long term success in the business world depends on satisfying customers, it has always been my goal to

make sure that the customers are happy, and if not happy, that they can walk away from the problem bearing no ill will. I can count on one hand, the times when I feel I did not meet that goal. I bring the same commitment to the Network.

To that end, the Network recently signed up to be a member and receive accreditation from the Better Business Bureau. This serves two purposes. One is to let prospective members know that the reliability of our business management and our commitment to customer satisfaction meets a standard that is recognized worldwide. I think this is important because the Network is such a unique organization, that there really isn't

much to compare us to. In fact, when signing up with the BBB, one topic of discussion was the uniqueness of the Network, and how we could work within their existing structure. The second reason to join the BBB is their dispute resolution services. Several years ago, I pushed a complaint through the BBB and was satisfied with the result. I ended up getting all my money back, for what I felt was poor service from the vendor. Because the vendor wanted to keep their good BBB rating, they bent over backwards to satisfy me quickly. That is the way it should be.

Now, I don't think the Network needs a dispute resolution service to handle any problems with our members, as I hope that I will always remain approachable and willing to help satisfy member complaints. But, if BBB membership helps put some new, prospective members at ease, then it is, as Martha Stewart is fond of saying, "a Good Thing."

Pulse of the Industry

Having just returned from the 2010 SHOT Show, I can report that the mood of the industry is very upbeat. In fact, it is more so than I can ever remember, and I have been attending these shows for 20 years. That bodes well for our industry, and for the American gun owner. So, what was new at the show? Frankly, not much, but I saw a few noteworthy additions.

One item I saw, which I first poo-pooed, but later went back to fondle, was a new take-off on the Taurus Judge revolver. It is a .410 double action revolving carbine. Years ago, I was aware of this type of arm, and being a revolver aficionado, I thought that would make a great home de-

fense gun. It's as simple and reliable as a good revolver, but more effective because of its barrel length. The introduction of the Taurus/Rossi Circuit Judge is a logical extension of the wildly popular Judge .410 pistol, which has been the flagship of the Taurus line for a few years now.

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The Circuit Judge is manufactured by Rossi, which is owned by Taurus. It is small, lightweight and nicely finished. Assuming that the production models look as good as the ones we saw at the show, I think they will be a nice addition to the Taurus line. You can get one with a smooth bore barrel for the .410 shot cartridge, or one with a rifled barrel for the .45 Long Colt cartridge, which would be my preference, though I would really like to see one chambered in .357 magnum.

With more than a little glee while at the show I also discovered the re-emergence of Coonan Arms pistols,

coonanine

which were originally manufactured in the 1980s. The Coonan was and again is a large framed .357 magnum semi-auto pistol, patterned roughly after the 1911. While working at a gun range back in the late 80s, I had the opportunity to shoot one and was impressed with it then, so I'm happy now to see its return.

One other noteworthy introduction was the Generation 4 Glocks, which come with a replaceable backstrap by which you can make your Glock larger or smaller, depending on hand size. It is my understanding that this was done to compete with police contracts that called for this feature, and if that is the case, then it is, again, "a Good Thing." The smallest of the options fits my hand to a "T" which means they really should have gone even smaller. Perhaps design issues forbade this. These Glocks should be hitting the gun store shelves soon, so check them out when they hit. I believe this option has just made all other Glocks obsolete. Well, maybe not obsolete, but certainly this is a great new feature.

Lastly, during SHOT Show I had the honor of meeting and shaking hands with Mr. Alan Gura, Esq. As some readers will recall, he was the attorney who argued before the United States Supreme Court in the Heller case, which resulted in an affirmation of our individual right to keep and

bear arms. He is also the lead attorney in *Mc-Donald v. Chicago*, funded by the **Second Amendment Foundation**. I thanked him on behalf of the members of the Network for the good work he did in Heller, and gave him my words of encouragement for *McDonald*.

Where does the Network fit into the picture of a strong gun industry? With gun sales trending upwards, more and more armed citizens are being created daily. These new gun owners need Network education and benefits just as long-time gun owners do. Our job is to be sure they know about the Network and why it is important to them. And that's why I feel such optimism for the future.



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Top: Coonan pistols are back!

Middle: Hayes tries on a 4th Generation Glock for size.

Bottom: Grip inserts increase Glock grip size for larger handed personnel.



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J. Vincent Shuck

Vice-President's Message

A New Decade

I can barely remember the

beginning of the last decade in 2000 when everyone was concerned about Y2K and what would happen at midnight. But, we made it, in spite of the evil predictions.

The past decade did bring about a number of new items, innovations and even some tragic events. A brief review may bring back some memories of what the last decade produced:

- Eight (8) new right-to-carry state laws
- Expiration of the federal assault weapons ban (2004)
- Approval of HR 218 allowing "qualified" LEOs to carry concealed nationwide (2004)
- Facebook (2003)
- Twitter (2006)
- 26 hurricanes making landfall in the US
- Blackberries (2002)
- · Ubiquitous cell phones
- Crocs Footwear (2002)
- Online dating (I remember struggling at the local soda fountain)
- "Green" shopping bags
- iPods (2001)
- Reality TV
- Air America (2004) ...but nobody listened so it ended in January 2010
- Texting (OMG)
- YouTube (2005)
- · The real estate boom and bust
- Two recessions (2002 and 2009)
- A barrel of oil going from \$20 to \$147 and then back to \$79
- Global terrorism, including 9/11

Some good and some bad, but that's the way life usually goes. What about the shooting industry? In the self-defense/handgun market, I can think of several introductions that gave us an excuse to add to our collections. Here are

a few, but admittedly not exhaustive, new products we saw over the past decade.

Ruger (<u>www.ruger.com</u>) – The LCP (2008) is a .380 ACP autoloader in an ultra-light compact pistol. Stimulated by the demand for small pistols, the LCP has an ergonomic design, polymer and nylon frame, and steel components weighing in at 9.4 ounces. Not to be outdone in the

revolver market, Ruger introduced the LCR in 2009. The 13.5 ounce, 5-shot revolver is constructed of polymer, aluminum and stainless steel and will handle .38 Special +P loads

loads. Spr

Springfield Armory (<u>www.springfield-armory.com</u>) – The XD was introduced in 2001. This polymer frame model has a grip

safety, safety trigger system, "point and shoot" ergonomics and a large magazine capacity in the full-size models. The XDm was added to the line in 2008 and contains most of the elements found in the XD but sports a contoured



Ruger's completely re-de-

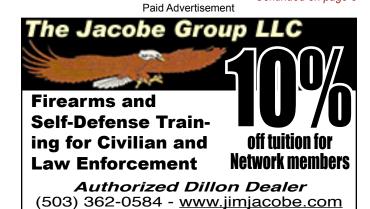
signed revolver, the LCR and

their wildly popular .380 LCP

pocket pistol.

Springfield's XD has grown from a modest imported 9mm to a staple of their product line in 9mm, .40 and .45 with lots of options.

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frame, deeper slide serrations, match-grade barrel, shorter trigger travel and reset and interchangeable backstraps. Beginning in 2007, the EMP (Enhanced Micro Pistol) was Springfield's answer for the sub-compact 1911 shooter.

Sig Sauer (<u>www.sigsauer.</u> <u>com</u>) – A modular pistol has got to be considered a novel concept. In 2008 the company introduced the P250 that allows the shooter

to change caliber and overall size using one fire control and trigger assembly. This assembly or functional mechanism contains the serial number and can be placed into a full, compact or sub-compact grip and topped with the like-size slide assembly. As a result, one can have three different sized handguns from one serial number. While you're at it, also change the caliber with different slides, barrels and magazines while

using the one trigger mechanism. "Honey, it's just one gun. Are you going to believe me or your eyes?"

Taurus (<u>www.taurususa.com</u>) - The 24/7



One pistol action, numerous barrels, frames, and other options make up the innovative SIG P250.



The Judge wears Taurus' superb Ribber grips.



Left: Shuck meets Peter Pi, president of Cor®Bon at the 2010 SHOT Show.

Series hit the market in 2007 with a double/single action trigger, match-grade barrel, Ribber Grip®, and decocker safety. In 2008, Taurus redefined the two or four-legged problem solving handgun with the Judge revolver, chambered for the .410 GA and .45 Colt. This Big Boomer is not a pocket gun, but can make a great nightstand decoration. Various models with a choice of options between the 2-1/2" and 3" shotshells and even one with a Picatinny Rail system should meet just about anyone's need.

That's a quick peak at defensive handgun introductions during the past decade; what about ammo? The .45 GAP appeared early in the decade and is commonly considered a solution to an imaginary problem. That said, the decade did see an increase in the availability of high velocity expanding ammunition in all self-defense calibers. The non-lead, all copper defensive ammunition, such as that manufactured by Cor®Bon (www.dakotaammo. com) appeared in 2003. Their DPX ammunition has developed a record on the street of delivering stopping power with proven bullet expansion and penetration.

A new decade has just started that will no doubt bring us more innovations in the self-defense arena, a number of "why didn't I think of that" new products or services in the market place, some surprises and

even a few tragedies. I remain positive about the future. But, we need to be prepared for any and all occasions, as being prepared for the bad ensures we can celebrate all the good times that occur in our lives each day. Don't you agree, it is better to be prepared for a situation and not have one than to have a situation and not be prepared?



Network News Updates

Spurred by Publicity, Network Membership Tops 1,600

During the final weeks of January, 2010, Network membership went on a growth spurt the likes of which we have not seen before. Ironically, it came during the same time period during which the entire Network crew was attending the SHOT Show, the gun industry's yearly convention, though that was not the reason for all the excitement.

Joining with the outreach provided by Network President Marty Hayes' guest speaker role on one of the Personal Firearm Defense DVDs, was an excellent interview of Hayes in <u>Concealed Carry Magazine</u>. In the interview, conducted by CCM editor Kathy Jackson, Hayes speaks candidly about how he started the Network and his goals and aspirations for the organization. You can download a PDF of the interview by clicking on its picture.

Apparently the two interviews hit home with a lot of gun owners, because membership services processed more new memberships on the last Monday of January than any other single day in the Network's two-year history!

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beef up benefits like the \$5,000 deposit against fees paid the member's lawyer after a shooting and other Network projects and operations are better distributed across the broader membership base.

To date, no Network member has called for financial help (though we've had to turn away a considerable number of charity-seekers who had no connection to the organization). This fact speaks well of Network members' understanding of when deadly force in self defense is justi-

fied and to their alertness to opportunities to avoid conflict. Realistically, however, we know that this trend can't last indefinitely. Eventually, a Network member will be trapped in unavoidable conflict, and their attorney will call to ask for the assistance of the Network. (Remember, the individual member must not call, as there is no attorney-client privilege protecting us from being compelled to testify in court about any details reported.)

With each passing month, we are gratified to watch the defense fund growing and becoming more capable of providing assistance to whichever member inevitably becomes the first recipient of this part of the Network's benefits. With the deposit from January membership dues, the Foundation currently has banked just over

\$34,500 and trebling or quadrupling that total is a goal of which we are continuously conscious. At the same time, we are proud of the Network's progress, because not so long ago there was no Foundation and no members' defense fund at all.

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One Quarter of All Dues Now Goes to Foundation

With Network growth in January better than ever, the organization's leadership has decided to increase the percentage of membership dues contributed to the Armed Citizens' Legal Defense Foundation. The Foundation banks and manages the account from which Network members may request grants of financial assistance if they are charged with a crime or sued in civil court following legal self defense.

When the Network got started just over two years ago, we felt that setting aside 20% of all dues was the best we could do while establishing Network operations, vigorously pursuing membership growth, and providing the educational benefits that are primary to our mission. Costs to produce the educational materials, run the organization,

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Affiliated Attorney Question of the Month

We are delighted that, with the support of our affiliated attorney members, we can continue this column designed to introduce our members to our affiliated attorneys. Our goal with this column is to demystify aspects of the legal system for our readers.

This month, we asked the following question:

In your experience how prevalent is prosecutorial misconduct? What does the defense attorney do to protect his or her client if confronted with a district attorney or prosecutor who obtains and uses false testimony or fabricates evidence, for example?

Debbe Von Blumenstein

154 SW Oak Street, Dallas, OR 97338 503-831-1550 – hotpotato59@hotmail.com www.debbevonblumenstein.com

I have found prosecutorial misconduct to be rare. One's career is much more valuable than winning a case.

Prosecutors may be my adversaries in court but I have a very good working relationship with most. I think that also keeps them honest. It is the rare prosecutor that I cannot go to directly, sit down and hash out issues ahead of time and put in my extensive discovery requests. They respect me as a worthy opponent because I have earned that reputation.

The issue I find is the prosecutor who wants to keep out evidence and I have leaned across the table many times locked in on their eyes and demanded, "Why are you afraid of the FACTS?!" However, those issues can be overcome by being diligent as a defense attorney and knowing procedural motions to file or being prepared to overcome objections. Also, making sure I know the personalities of the different prosecutors helps me be prepared for such issues: knowing who is most reasonable and who the "Whack-A-Mole" prosecutors are (the ones who keep jumping up and objecting and I keep knocking them back down).

I think it is crucial to know all the players—the prosecutors, the judges and the police officers—what they are like, their personalities, their styles and how they act and respond, in order to do the best job for one's clients. My undergrad degree in psychology has served me very well in my career as a lawyer...along with my memory about each person I encounter in a case for reference in future cases.

Lawrence Lewis

Lawrence Lewis, P.C. 242 Culver St., Suite 103, Lawrenceville, GA 30045 678-407-9300 — www.lawrencelewispc.com

In my experience prosecutorial misconduct is rare. I was a prosecutor for five years. Half of the defense bar were prosecutors. Let me suggest that close to 70% of the defense bar that actually tries cases before a jury and know what they are doing were former prosecutors. Half of the judges sitting on the bench are former prosecutors. Therefore, any defense attorney that tells you that prosecutorial misconduct is rampant is either: (1) marketing herself as a defender of justice; or (2) has no idea what he is doing in the courtroom. In the last ten years, only the North Carolina lacrosse rape case comes to mind. If there are only one or two cases every ten years, I would consider that rare.

Similarly, I am sure that there have been prosecutors that have knowingly used false testimony. However, we should all understand what is at risk. A young man or woman does well in high school, and decides to attend college. He or she excels academically in college and decides to attend law school. The total cost of the minimum seven years of post-secondary school education: at least \$100,000. He or she then takes a job making 1/3 of what his or her peers that go to large law firms are making. The motivation: (1) trial skills will make me more marketable in a few years, whether I go to a law firm, or become a defense attorney (in which case that prosecutor will not risk his great pay day in a few years fabricating evidence to imprison some defendant); or (2) I always wanted to be a prosecutor (I find that person to be sanctimonious, but not criminal).

Make no mistake, a prosecutor that creates evidence is a criminal, and will be imprisoned, which is why it is rare. What may be less rare is a police officer creating evidence, and a young prosecutor lacking the discernment or the courage to call the officer on it. As for knowingly using false testimony, if you were not there how would you ever know it is false? I try 12 to 15 major felonies every year (e.g. murder, rape, child molestation, trafficking drugs, armed robbery). My client may change his story five times. Which story is the truth? Which story is a lie? I cannot support perjury, but I have no idea what is the

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truth. Same with the prosecutor. Bottom line: If a person who does not have a criminal history of wantonly discharging firearms shoots some trespasser (not a guest) on/in his property (not outside of his local bar), while he is in his right frame of mind (not highly intoxicated, which brings into question judgment) in defense of himself, another or his property, he will have little to worry about.

Peter N. Georgiades

Greystone Legal Associates, P.C. 2130 Fox Way, Pittsburgh, PA 15203 412-381-8100 – <u>peterg@greystonelaw.com</u> <u>www.greystonelaw.com</u>

Prosecutorial misconduct happens. Police misconduct (particularly perjury) happens so often in some places it is fairly described as commonplace. But I doubt police officers lie as often as defendants do, or that prosecutors cheat any more frequently than defense counsel. The system only works if there are competent counsel on both sides, keeping each other honest.

The irony is that so many people who declare themselves to be advocates of "law and order" (most of whom fancy themselves "conservatives") vilify "defense lawyers" at every opportunity. I say this is ironic, because one of the primary functions of criminal defense attorneys is to make the government obey the law. In the context of a criminal case, it is their legal and professional duty to do so, and they may in fact be the only player in the game who has any interest in doing so.

Government, in any of its manifestations, is precluded under our Constitution from punishing any person other than in accordance with law. My "law-and-order conservative" friends heartily agree. Yet, when a defense attorney is able to show the police or prosecutor have broken the law in the course of investigating or prosecuting their client, bitter howls of indignity invariably arise over what the "scum-bag defense lawyer" did.

The truth, however, is the individual who "let someone off on a technicality" is the officer or prosecutor who ignored his or her duty to obtain the evidence and prove guilt beyond a reasonable doubt within the bounds of the law, not the lawyer who caught them trying to be their own law, or the judge who consequently suppressed the evidence or dismissed the case.

Our constitution demands that every person, no matter what terrible crime they are accused of, be given the

benefit of a vigorous and competent defense. This is one of many checks deliberately placed upon the power of government under our Constitution. The people who put that concept into practice, and thereby make the promise on paper into something real, are the attorneys who appear in court and defend rapists, child molesters, cop-killers and others whose conduct we perceive to be indefensible. It is, frankly, stupid to confuse those lawyers with the people they represent.

I do not do criminal defense work, beyond occasionally defending people charged with certain firearms-related offenses. In that context, I have found that people charged with firearms-related offenses are uniformly thankful for the right to have defense counsel, and to have the ability to vigorously challenge the government's claims, accusations and evidence. I have yet to hear a defendant in a gun case complain because the prosecution was dismissed "on a technicality," or belittle me for "helping a criminal get off."

We all live under the same law. So long as that is the case, what you would deny another you deny yourself.

Mitchell Lake, Esq.

Carswell Law Office, LLC
924 Noble Avenue, Bridgeport, CT 06608
203-336-1111 – espada129@aol.com

In my experience, prosecutorial misconduct is extremely rare. Connecticut is fortunate to have unelected prosecutors who are not slaves to public pressure, and thus the prosecutors aren't treating every case as if it's a press conference for an election.

However, should a prosecutor's misconduct come to light, I would bring such information to the presiding judge, put the matter on the record, and if necessary to the Chief State's Attorney's Office for their own internal investigation.

I would also consider filing a grievance, but that would just be for shits and giggles because after the State's Attorney's Office went after him for suborning perjury, not much would be left. However, doing this I would be sure I have my ducks in a row. This would be the opening shots in a war that I would not want to lose.

We appreciate the contributions our affiliated attorneys make to the Network, including their interesting responses to questions posed in this column. These writers and our other Network affiliated attorneys are listed at www.armedcitizensnetwork.org/attorneys-ntl.html



Affiliated Instructor Question of the Month

One of the Network's great strengths is its affiliation with firearms instructors and attorneys. With the goal of introducing more of these professionals to Network members, in this edition, we are delighted to continue the *Question of the Month* feature. Last month, Network President Marty Hayes posed the following question to our affiliated instructors:

If you were only allowed to own one gun, and that gun had to take care of all your needs for the foreseeable future, what would that gun be and why?

The query generated so many responses that we complete the column this month.

Nick Bolton

Firearms Academy of Seattle, Inc. P O Box 400, Onalaska, WA 98570 360-978-6100 – www.firearmsacademy.com

That is always a difficult question! Which two is easier, which three is downright simple, but which one, that is a teaser.

I believe that if I could only have one firearm it would have to be a Ruger 10-22. Why the 10-22? Well, it is a light, compact, accurate, very reliable carbine in a caliber that is usually available anywhere. If I had to put the 10-22 in the vehicle I know when the time came to use it it would be there working for me. If I had to move on foot it is no burden to carry. If I had to be discreet it could be concealed with a lightweight over garment (particularly if equipped with a Butler Creek style folding stock). In the home it could be safely stashed either in condition one or three ready but unobtrusive, its short length would make it usable in the confines of the house, the accuracy would be a benefit if one moved outside.

With the appropriate magazines it can be very high capacity, yet with the lightweight ammunition it would not be a burden to carry several magazines (each of 25 or more rounds) and to carry a number of 50 round boxes of spare cartridges.

Ammunition cost is negligible, allowing a stockpile at home plus plenty of practice to take advantage of the inherent accuracy of this carbine. For young eyes there are excellent iron sights provided and for more mature eyes either a red dot or compact low power scope can easily be attached (that adds little to weight or bulk).

The caliber is probably not ideal for any purpose other than target shooting, but in a pinch can be used for many purposes. For fun and practice it is great. For self defense the carbine format would allow fast accurate shooting (headshots maybe) and the magazines provide an ample supply in reserve. The 10-22 is perfect for small game hunting and with careful stalking and shot placement could take medium game. It has been said that 22LR has taken all known species of game.

For those that consider it important (mea culpa) it is a handsome firearm, particularly in the "International" model and with a little effort it can be made more handsome. To those who like them there are gadgets galore available to decorate it and "improve" its function.

I cannot think of a better answer to the question.

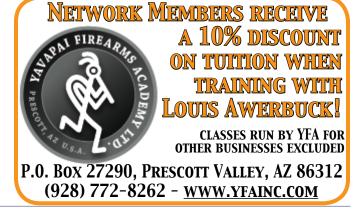
Steve Moses

Bluff Dale Firearms Academy Weatherford, TX 76086 817-308-2607– stevemoses@lipan.net

That gun for me would be a Glock 19. Much as I would prefer something with more punch and distance (like a M4 with an Aimpoint), my reality is that I frequent environments that prohibit the carrying of a long gun almost all of the time. If the first rule of a gunfight is have a gun, logic dictates that it should be a gun that I can have on my person all the time. The Glock 19 fits the bill. 9mm is readily available, easy to shoot, and perfectly capable of working as well as any service pistol round under most circumstances. Being a high-capacity 9mm, I can easily carry it and 45 rounds, and as we all know, the only time you can

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have too much ammunition on your person is when you catch on fire. While most any Glock will do fine, I like the compact Glocks simply because they are small enough to conceal and large enough to shoot well (I just got my IDPA Master rating with mine). However, a similar-sized Smith and Wesson M&P or Springfield XD would probably work as well. I really do like my long guns, whether compact carbine, precision rifle, or shotgun, but they just aren't practical to carry while shopping for groceries, walking the dog, answering the door, or taking long walks on the beach in the shimmering moonlight with my long-suffering wife.

Dan Rose

Tactical Source, LLC
P. O. Box 235, Bel Air, MD 21014
443-791-0666 – www.tacticalsourcetraining.com

Lots of factors here that need to be considered such as concealment, lethality, range, reliability and versatility just to name a few. In re-reading your question, the key words "own" (versus carry) and "gun had to take care of all your needs" assisted me in making this difficult decision. My answer without hesitation is the shotgun. It's extremely reliable, lethal and its versatility can't be beat. Munitions are endless based on the mission at hand. In a perfect world I would maintain 1 ounce slugs, 00 Buck, less lethal rounds, breaching rounds and even a few gas rounds. Equipping it with a collapsible buttstock, picatinny rail system for a tactical level lighting system and attaching a quality retention/ sling would add to its overall capabilities. In making this choice, the big sacrifice is concealment but where there is a will, there is a way.

Ketan V Ranchhod

Woodall's Self-Defense and Fitness Centers 9250 Cypress St., Newcastle, CA 95658 916-303-3746 – http://www.fit4defense.com

I would choose the diversity gun. It can be used to put food on the table from small birds to large game. With correct shot placement, it can bring down the fearsome Cape buffalo or a grizzly bear. It is of course, the revered 12 gauge shotgun. The gun itself could be any combat shotgun with interchangeable choke tubes. This gun is versatile enough to match most intermediate goals, and in most cases, commands respectful compliance from two legged violent predators. Though its range is limited with birdshot and buckshot, slugs would allow one to reach out to 75-

100 yards. It may be unwieldy in the home as a defense tool, but is a champion when defending you and your loved ones stationed in a safe room. The shotgun is ubiquitous and generally not considered a "reach out and touch you" defensive tool. It can wear many different hats and this diversity allows its employment as a food provider, and defensive tool.

Marty Hayes, Network President and Director of Firearms Academy of Seattle, Inc. P. O. Box 400, Onalaska, WA 98570 360-978-6100 – www.firearmsacademy.com

Thank you, instructors, for all your responses. It was a fun exercise, and I knew the answers would be all over the board, as each and every person has different life situations to consider. For my pick?

I would settle on a Smith and Wesson revolver, a Model 610 (10 mm) with a 3 1/4 inch barrel. Never seen one? Well, I have one, and if I could only own one gun (within current sociological conditions) then that would be it. Why? Well, while I know that 10mm ammunition is rare, .40 S&W is not, and the 610 takes it fine. Using full-moon clips, the six round revolver can be reloaded just about as fast as a semi-auto, especially with .40 ammo. I reload, so I can tailor my ammunition for my needs, which would vary from a hunting load (good to 100 yards with full-power 10mm loads) to concealed carry for self-defense. I can also reasonably be assured that parts will not break on this firearm, so I could get by the rest of my life with this one.

We appreciate the many contributions made by our affiliated instructors of which this shared wisdom is only one part. We hope this column helps you feel you know more about our affiliated instructors. We further hope our members will contact these professionals when they need training, and refer friends and family members to them, as well.

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DVD Review

Legal Defense Considerations

Personal Defense DVD series, hosted by Rob Pincus with Marty Hayes Sold at:

www.shoparmedcitizensnetwork.org

1 hour 24 minute presentation

Price: \$19.95; Network members'

discounted price: \$15.98

Reviewed by Gila Hayes

Last year, Rob Pincus asked Network President Marty Hayes to appear with him on one of his Personal Firearms Defense DVDs. The DVDs are distributed to NRA members on a plan through which recipients receive DVDs on approval, then may return them or keep and buy the DVDs. The distribution list is sizeable, so this opportunity tells many gun owners about the Network, while it also provides an excellent review of the principles on which the Network is founded: that armed citizens, by their actions before, during and immediately after self defense, influence how their interaction with the legal system plays out.

The DVD program, in which Pincus interviews Hayes, is yet one more educational resource through which we can refine our understanding of the likely legal outcomes of using a gun in self defense. Let's take a closer look at the topics discussed in *Legal Defense Considerations* and why the program is worth your consideration.

After the standard Personal Firearm Defense lead in, Pincus introduces Hayes, explains the topic's importance and notes that he formatted this program around questions asked by his students about self defense and the justice system. Hayes then identifies three things viewers can expect to get out of the presentation—

- 1. Information about use of deadly force;
- 2. A roadmap of how to research your own state laws;
- 3. Strategies in defending a self-defense case and how the individual can prepare to defend their actions in court, though the DVD focuses on avoiding that outcome.

Answering questions posed by Pincus, Hayes explains how the law would address situations surrounding a self-defense shooting, as well as addressing other "what ifs," adding details that gun owners need to know before



ever deciding to "pull a gun," as Hayes puts it.

The program uses the model penal code to identify crimes relating to use of deadly force and the elements of those crimes, thus creating a program free of the limitations of specific laws from different jurisdictions. Hayes cites the history of and differences between various types of law, giving examples to clarify how laws come to be, how they are interpreted and how the different types of law affect armed citizens. Note taking is eased by title pages that recap critical information. In addition, Hayes and Pincus suggest possible scenarios that help the layperson understand the crimes of murder, manslaughter and assault.

Exceptions Made for Self Defense

Pincus notes that the model penal code does not include exceptions for use of force in self defense. That's right, Hayes answers, explaining that exceptions allowing self defense derive from case law, because it is in judicial interpretation of the law that we find spelled out the circumstances under which one may lawfully assault or kill another. Those allowances are codified, he explains, in the rules of civil and criminal procedure contained in various state laws.

"If you point your gun at someone and pull the trigger, you have met the elements of one of those crimes," Hayes points out. "The fact that you may have been justified will come up later." He adds that invoking the exception for self defense should begin during first contact with police to establish the elements of the legitimate case of self defense.

Post-Shooting: What to Report

Introducing what to do in the critical time following a shooting, Pincus contributes the perspective of a police officer when responding to a critical incident. Advice given

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includes what to state in a call to 9-1-1, plus how to behave during the period in which the shooter is detained, but not arrested, during which the police form their opinion about what happened.

Pincus and Hayes debunk advice to remain silently uncooperative with police on the scene of a self-defense shooting. "Don't act like a guilty person," Hayes stresses. An innocent person victimized by a criminal should clearly identify crimes committed against them. The innocent victim has less to fear from the criminal justice system than does a criminal, and should avoid acting on advice designed to defend criminals!

After a shooting, Hayes suggests—

- 1. Don't have a gun in your hand when the police arrive.
- 2. Identify yourself as a victim of a crime to police.
- Point out your injuries and evidence of the assault against you.
- 4. Point out evidence at the scene that may disappear.
- After explaining basic details about the assault against you, request legal counsel before giving a detailed statement.

Scenarios, details from Hayes' previous cases, and other examples illustrate these principles.

What should you do if arrested? Pincus asks next. Now is the time to be silent and ask to speak to your attorney, Hayes answers. After receiving the Miranda warning, speak to no one about the incident – not the corrections officers, not medical personnel, not friends by cell phone, indeed, speak to no one but your attorney.

Statements to anyone but your lawyer jeopardize your legal defense owing to an exception to the hearsay rule known as "admission against self interest" that allows the prosecution to use injudicious statements about the inci-

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360-978-6100 http://www.firearmsacademy.com/ P O Box 400, Onalaska, WA 98570 dent. Finally, avoid conversing with jail inmates, Hayes recommends, since snitches make up all kinds of stories in exchange for leniency in their own cases. Any conversation may be misconstrued or become inspiration for lies.

Criminal Trial Procedures

What should we know about defending ourselves at trial? Pincus asks. First, you need a criminal defense attorney backed by a solid law firm with private investigators, paralegals, other attorneys and all the necessary resources, Hayes responds. Defending a self-defense case differs from ordinary criminal defense in which the prosecution need only prove the elements of the crime beyond a reasonable doubt, he explains.

In a self-defense case, you've acknowledged that you shot that person, so your trial strategy cannot rely on merely disproving the prosecution's case, Hayes continues. By claiming self defense, you shoulder the burden of proof, and must convince the jury that your actions were necessary and reasonable under the circumstances. You will need to tell the jury what you did and why. "They want to believe you," Hayes observes. "But if you don't take the stand and explain why you did what you did, it's going to be pretty hard for them to put themselves in your shoes."

Part of explaining your actions draws on knowledge acquired during training, reading, and viewing educational DVDs. The jury has the right to view your acts through your eyes, and your training records provide this background. Training documentation is advance preparation for court and it can explain self defense decisions. Individuals must act as their own "training officer," Pincus adds, since they have no police department keeping a file, as do law enforcement officers. His <u>Training Log Book</u> is a good way to keep track of all sorts of learning experiences.

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Legally Appropriate Use of Force

Next the discussion covers appropriate use of force in self defense. Defining justifiable use of deadly force, the triad of Ability, Opportunity and Jeopardy still serves well, especially when combined with the doctrine of the reasonable person, Hayes outlines. Again examples given make it easier to apply the principles to daily life. The important detail is the reasonable perception that your life is in danger and that is what you have to communicate to the jury, Hayes comments.

This section closes with information about defending furtive movement shootings, which Hayes says are fairly common. These are defined as making a movement consistent with going for a gun during an altercation, even if that is not the intention. Examples used include the notorious Amadeau Diallo shooting. Hayes closes this section citing the experience of one of his students that began with a furtive movement and culminated when the prosecutor dropped the charges against the student.

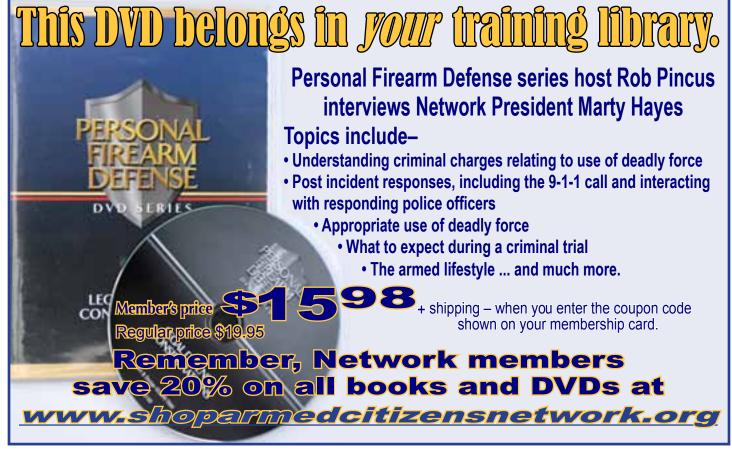
The next chapter is entitled *Exceptions to General Guidelines* and it shows how some circumstances can in-

validate claiming self defense, such as a scenario in which you are the initial aggressor. Tips on how to withdraw from an altercation and relieve the burden of initiating a conflict that escalated unexpectedly are offered. Additional topics covered include the duty to retreat, Castle Doctrine issues, deadly force in defense of others, excessive force, inappropriate use of deadly force, and a good wrap up of lifestyle considerations for armed citizens.

Wrapping it Up

The DVD covers a plethora of possible legal eventualities, and viewers may find it more productive to break the viewing into several sittings, or review the material more than once to produce a good set of notes documenting the lessons learned.

Pincus wraps up the hour and twenty minute program by commenting, "Legal awareness, knowledge of the law, knowledge of what you should or shouldn't do and knowledge of what you can do in some cases is really important to your total self-defense preparation. When you take it upon yourself to be armed to defend yourself or your family or even your home, not having this piece of the puzzle – the legal defense – is really foolish!" he concludes.





Gila Hayes

Edítor's Notebook

Are you as smart as a little child?

Borrowing the phrase, "run away screaming like a little girl," may I ask if you've made evasion and escape your first priority in dealing with danger? Of course, in our society, men are rewarded for aggressive responses, while women, strug-

gling to shake off centuries of second-class status, exclaim, "There's no way I'm going to scream and run away!" In the old days, police instructors called taking on odds beyond one's reasonable ability "Tombstone Courage."

Most of God's creatures recognize danger and go to considerable lengths to stay clear of it. Young humans, too, do a pretty good job until pressures of socialization kick in and we worry that our status is compromised if we don't act more aggressively than the other person. So the next time you think, "Why should I worry about (pick your danger)?" ask yourself if a child would be scared.

Naturally, the outcome for which we all hope and practice is detecting danger when it is distant enough that we never ping the predator's radar. Absent that, eye contact to communicate recognition of the predator's plans followed by a hasty retreat, runs a close second in desirable outcomes. There's no glory in a fight for your life (or your wallet) that transpires because you "refuse to be pushed around by some punks," whether that entails walking at night in the park, insisting on parking your car in a risky area "because its closer," or any other excuse you may choose.

Just a few days ago, I took a phone call from a nonmember seeking charitable assistance for his son who had shot into a car full of alleged gang members who were driving away after harassing him, "just to scare them off for good." How sad to fall prey to the urge to make a show of strength at just the moment when safety was almost his.

It reminded me of the profound appreciation I have for Network members, for their serious study and commitment to living as safely as they can, and vowing to resort to deadly force only when no other options remain.

This stuff is serious!

I always come away from the industry's yearly convention, the SHOT Show, somewhat bemused at the state of the industry. As the women's columnist for the yearly <u>Gun Digest</u>, I get to make a detailed survey of exhibitors and their products, looking for innovations that will be of particular interest to female shooters, though most of the products are marketed to a masculine audience.

After four grueling days of viewing the biggest, baddest, most powerful equipment for defense, law enforcement, hunting and sports, I had to wonder if anyone in the industry had thought beyond the "This will look really cool at the range" mentality to consider how utilitarian their product would be in a life and death fight, and whether or not a product's attributes reflect badly on the owner, if they face scrutiny in court and in the court of public opinion.

As outlined in this journal's lead article, competitive shooting and other recreational shooting pursuits have good side effects. If we didn't enjoy shooting, few would train to attain reasonable levels of competence, let alone maintain our shooting skills. Still, let's maintain realistic and sensible boundaries between the "fun guns" and the ones which we load for self defense.



PO Box 400, Onalaska, WA 98570 • 360-978-5200 • info@armedcitizensnetwork.org

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Marty Hayes, President J. Vincent Shuck, Vice President Gila Hayes, Operations Manager

We welcome your questions and comments about the Network. Please write to us at info@armedcitizensnetwork.org.



How to join

Print this application form and FAX it to 1-360-978-6102 (if you are using a VISA/MC), or mail it to P.O. Box 400, Onalaska, WA, 98570 with your check for \$85 for a 1-year membership (add \$50 each for additional memberships for others in your household–must reside at same address) or a 3-year membership for \$225. If you have any questions, please call 360-978-5200.

When your application is accepted, you will receive three DVDs concerning the lawful use of deadly force for self-defense. Additionally, you will become immediately eligible to have any future case of self-defense reviewed by one of our Network experts at no charge, and may apply for a grant of financial assistance for any litigated self-defense cases initiated after membership application (please read http://www.armedcitizensnetwork.org/benefits.html). You will also receive a membership card with your user name and password for the member's Internet forum and other areas of the Network web site restricted to members only, as well as your coupon code for the 20% discount at the Network's on-line book and DVD store.

We look forward to your participation in the Network as part of a family of armed citizens who passionately care about the right to armed self-defense, and want to protect themselves from the legal nightmare that sometimes accompanies a lawful act of self-defense.

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City	\$50 Each Additional Household Resident per year
State Zip	Name(s)
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Email	Charge my card Check enclosed
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