



Armed Citizens' Legal Defense Network, LLC

eJournal

Our Nineteenth Issue — August, 2009 — Now In Our Second Year

Personal Defense with an Unarmed Partner

by Gila Hayes

I'd retire and move to a tropical island if I had a buck for every time someone asked me how to interest their spouse in armed defense! I've been told that the armed spouse believes they are shouldering an unfair part of the responsibility, they think the unarmed spouse poses a dangerous disadvantage, and they want to know how to fix things. Welcome to reality! Life is rarely fair. However, with good, open-minded planning you may turn that unarmed spouse into a pretty good partner, even if they never learn how to shoot a gun.

In the July editorial, we discussed educating family members about the aftermath of self defense. In this article, we draw on the collective experience of several defense instructors, asking for strategies to involve the

unarmed spouse in defense planning, specific concerns about defense in public places when only one is armed, and home defense planning when only one family member is trained with a gun. The issues are numerous, and the opinions, solutions and ideas even more abundant.

Even if you are partnered with someone whose shooting and tactical skills mirror your own, I think



Unarmed spouse calls 911 and watches for attack from behind.

you'll find some useful and interesting insights in the discussion of this topic.

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Wanted: Convictions at Any Price

by Gila Hayes

51-year old Ron Michaels didn't seem like a very lucky man in 2005 when, wrongfully accused, he was tried for murder. He was extremely fortunate in some regards, however, and one bit of luck was the informal networking between lawyers that put Michaels in contact with attorney Jim Fleming when he needed help most.

Fleming, now a Network Affiliated Attorney, spent about half an hour telling the story of defending Ron Michaels during a class at which I

was present. Intrigued by Fleming's report, I sought more details in a book about the case entitled *The Bison King*. Together, these sources tell a story containing all the elements of a riveting drama—youthful indiscretions resurfacing decades later, lying cops and ambitious politicians, a lawyer obsessed with showing his client's innocence, and more.

After the bars close on August 11, 1979, some acquaintances continue socializing at the home of a woman and her fiancé who are part of the

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Many years ago while participating in handgun training with Ken Hackathorn, I was surprised to hear that outspoken instructor opine that if a couple was attacked in public, an unarmed spouse could still serve a vital role. If threatened while together, he instructed, your unarmed spouse should immediately grab hold to the back of your belt, turn so you stand back to back, then begin serving as the eyes in the back of your head while you defend against the initial threat.

If rearward retreat is possible, the unarmed partner guides the shooting partner safely over the terrain, while also watching for flanking threats. By gripping your belt, the unarmed partner communicates their location, and is not likely to be left behind if you need to make any rapid movements.

Start practice in this skill in dry fire, using a [Ring's Blue Gun](#) or just pointing your finger to simulate a handgun. Practice staying connected without destabilizing the shooter, who may need to deliver gunfire while retreating, and add precise verbal communication to the exercise once you can move smoothly as a unit.

I vividly remember, these many years later, how amazed I was to hear an instructor of Hackathorn's standing describe a positive role for a spouse who chose not to go armed. Though our prejudices, fed by observing classes largely attended by men, lead us to believe that the unarmed spouses are women, this is not always the case. I know women who chose guns for self defense over the objections of their husbands, whose husbands were puzzled by their interest in guns, and who strove to assure husbands that learning about self defense in no way diminished his standing in the family.

None of these challenges stood in the way of Kathy Jackson, editor of [Concealed Carry Magazine](#), who is the armed and trained adult in her family. With a husband whose job keeps him away from home for days at a time, going armed for the defense of herself and their five children only made sense.

Respect in a relationship is vital, Kathy emphasized when I asked about her experiences. Just as she values

her husband's respect for her decision to carry a gun, she feels compelled to respect his choice not to embrace armed self defense.



Ken Hackathorn

Moving on to practical matters, one of the first tactical concerns of the armed citizen is making sure that those in your presence know not to reveal that you are armed, Kathy explains. She has educated her husband and their children to remain silent about her handgun. "I made sure they knew that if something is happening and I haven't drawn my firearm, it isn't because I've forgotten that I have one," she chuckles. "I don't need somebody to remind me that I have a gun!" Despite the humorous manner in which Kathy illustrates this point, it is vitally important, because prematurely revealing the ability to use deadly force may escalate a merely unpleasant confrontation into a full blown fight for your life.

Though reversing traditional roles, defense arrangements in the Jackson family present some real advantages, Kathy explains. "When the children were small, there was no way that I was physically capable of scooping up two or three of them and running to safety with them in my arms. I'm not particularly strong or fast. my husband, on the other hand, was perfectly capable of running while carrying three toddlers at the same time," she points out.

"Tactically, you have one partner who covers the family's retreat while the other partner scoops up the

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children and retreats to safety. I've always felt that because our physically stronger person was the one in charge of gathering up the children that we would be able to do that more efficiently and more safely." With worries about the children put to rest, Kathy would be able to concentrate on defanging the threat.

Another advantage is the sheer unexpectedness of the woman being armed, Kathy continues. "Marc MacYoung talks about the 'Monkey Dance,' where guys get into the whole posturing thing; women don't typically get into that pattern of behavior. If something like that happens with us, I am prepared to triangulate and take care of the problem without the male aggressor noticing. I've got the element of surprise."

Realistically, Kathy emphasizes, it makes little sense to assign defense roles based on gender. "I personally don't think it matters who has the firearm and who has the phone; who has the job of gathering up the kids and who has the job of contacting the authorities. I think the only thing that really matters is that everybody involved knows who is going to do which job, and that should be based on who is best able to do it. Maybe one partner has better eyesight in the dark; maybe one partner has physical mobility issues; maybe one partner has a better command voice than the other. The choice should be based on what you are able to do under pressure, not on gender."

"It doesn't so much matter who takes point, but it's really important that you not stop to argue about it!" Kathy emphasizes. As the Jacksons planned for home and personal defense, the couple created a code, a made-up word they would use to indicate that the situation was one of dire seriousness, and any command like "down," "run," or "to the car," to follow the code word must be executed immediately and without question. Each family member



While the armed spouse controls the threat at gun point, the other guides him up on to the porch and unlocks the door.

knows it doesn't mean stop and pay the restaurant bill; it doesn't mean look around and figure out what's going on. "It means, 'Do this instantly.' And they all know that I will never say the word unless something has to be done instantly," she stresses.

Fortunately, the plan has never been tested. One of the difficulties, and an aspect with which spouses must come to terms, is whether one can leave the other behind to control an aggressor. Sometimes, splitting up and going for help may be the soundest tactical choice, but is it reasonable to expect one to leave the other in danger?

"We have talked about that," Kathy answered pensively. "And I can't say that we've actually come to any conclusions, except for one: because we're pragmatic people, we agree that we would prefer not to have the entire family wiped out on behalf of one person." The parents readily put the children's welfare first, but will the plan hold up if the husband or the wife is in danger?

Pressed on this point, Kathy referred to a section in Rory Miller's book, *Meditations on Violence*, in which that author explained that there are situations where the best

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solution is to leave another behind, so the person leaving can summon help and is not also ensnared in the aggressor's attack. Helping the spouse grasp this reality is very necessary!

One of the most vital roles for the unarmed spouse is handling communications and making first contact with responding law enforcement. Network Advisory Board member Tom Givens explains, "Any time police are responding to your home concerning a violent confrontation, remember that they won't know who the bad guy is, and at first, they may pose as much of a threat to the family as the intruder(s) did." Givens, who now owns, operates and teaches at [Rangemaster in Memphis, TN](#) comes out of a career in law enforcement and knows of what he speaks.

"A charged cell phone should always be at hand in the bedroom," Givens continues. "A cell phone will still work, even if the intruders have cut the land line. The unarmed spouse should call 911 and remain on the line throughout the incident. The caller can give the police dispatcher updates on the location or disposition of intruders, as well as warn them the other family member is armed and give police a description of the armed family member," Tom explains. "The dispatcher will also be able to hear action in the background, and can advise the caller when police actually arrive on the scene. This interaction between the family and responding police could make the difference between successful resolution of the emergency, and a tragic shooting of the home's defender by the police."



*Tom Givens reviews a target while teaching a class.
Photo courtesy of Rangemaster*

Of course, in addition to calling police, the spouse can gather children together and keep them behind cover so the armed spouse can concentrate on the threat, Givens concludes.

The Ambivalent Spouse

Family dynamics, of course, are extremely individual. Some of our members are wed to people

who, if approached correctly, could become a valuable, armed member of the family defense team. Famed instructor and Foundation Advisory Board member John Farnam points out that "Conversion is a process, not an event! You need to continue to lovingly nudge her in the right direction. You're probably having more effect than you realize," he encourages.

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"Put a newspaper under her nose now and then!" Farnam concludes.

Lynn Givens, who teaches with her husband, Tom, at [Rangemaster](#) explains how critical good training is in preparing an unsure, gun-phobic spouse to embrace armed self defense. "Many of our students are afraid of guns but are also concerned about being home by themselves. They are in the decision-making phase of whether a gun is a realistic choice for them. Once they understand the four safety rules, how to send bullets from point A to point B, mechanical operation, marksmanship, and safe storage, they are usually very enthusiastic," Lynn relates.

"They realize a lot of what they thought was just incorrect. But most importantly, they now have the freedom of being able to take care of themselves. They do not have to live in fear. It's their choice what happens to them."

Lynn is a tremendous role model for these students, because when she tells how a threat against her life and that of her son made her serious about self defense, students listen.

Describing her pre-gun life as that of a typical stay-at-home mom, Lynn relates, "I never thought I would have to pick up a gun until someone tried to take my and my son's choices out of our hands. It then became very real when I found my picture on the front page of the newspaper in an article about crime. I always thought that violence was something that happened to someone else. However, in your eyes I *am* somebody else," she wisely explains.

When a psychotic family member made verbal and written death threats, Lynn says, "I knew I had to take responsibility for the safety of my son and myself. I made a visit to Rangemaster and explained my situation and took Level I Basic Personal Protection class."



*Lynn Givens (right) with a student at Rangemaster.
Photo courtesy of Rangemaster*


Lynn took to shooting and instruction as though to the manner born, and undertook extensive training. "From February through August of that year, I had gone from possible victim to protector of my son and self, to Certified Tennessee Firearms Instructor," she relates. In the latter role, she helps women understand their personal responsibilities in a way a male instructor simply could not, because of the authenticity of her experience.

Lynn relates, "I tell all my students, 'Don't let something happen in your life before you understand that anything can happen to you or your loved ones. You are responsible for your own safety.'"

Vicki Farnam, co-authoring with Diane Nicholl, literally wrote the book on training women! Their first, [Teaching Women to Shoot](#), was published in 2002, and is currently under revision for a second, updated edition. Their follow up book, [Women Learning to Shoot](#), came out in 2006. Both books are full of valuable insights. Seeking solutions for motivating a reticent spouse to learn about guns and self defense, I called Vicki, and predictably, our conversation turned into an hour-long discussion about women, teaching and motivation.

Vicki's initial comments echoed those of Lynn Givens, explaining that motivation comes when the student begins to experience success as a shooter. As our conversation continued, Vicki shared a number of experiences, lessons learned, and explanations for responses new women shooters exhibit on the range. This information is far, far too valuable to trim down to fit in this article, so be sure to read the September edition of the **eJournal** for an interview with Vicki Farnam on teaching women to shoot. ●

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Marty Hayes

President's Message

Latest DVD Going Out to Members

The anxiously awaited fourth educational DVD, *Recognizing and Responding to Pre-Attack Indicators* is going into the mail on Monday, so should soon hit the mailboxes of those who have recently

renewed their memberships!

Thank you so much, folks, for the continued support and confidence you have shown in making the decision to continue your membership in the Network. We are seeing an excellent renewal rate, and combining the renewals with the new members who continue to sign up, we are well on our way to our first goal, that being able to fund a complete legal defense for any of our members who are wrongfully prosecuted or sued for a legitimate act of self-defense. That is, after all, the major reason the Network exists. As I see it, we are simply armed citizens taking care of each other, under the umbrella of the Network.

For those of you who have joined the Network fairly recently, we also have introduced a plan by which you can get the fourth DVD without having to wait until your membership anniversary date. If you simply renew in advance (either send in your next year's renewal or use our new 3-year membership plan) we will ship the new DVD to you right away along with a Network hat!

We chose to address the topic of pre-attack indicators for the fourth DVD because we see many, many cases where people are prosecuted for either "assault" or "brandishing" because, while displaying or even pointing

the gun was justified, the defender was unable to explain why they felt it necessary to draw the gun.

In the DVD, Marc MacYoung and I work to educate our members about what to look for when approached by possible attackers. If they recognize either one or an assortment of these common pre-attack indicators they then must decide it is in their best interest to draw a handgun to stop what they perceive as an imminent attack. If that is their decision, they can then clearly explain their decision-making process to the police, since their choices were drawn from this education. For the most part, modern day law enforcement officers receive very similar training to that contained in this DVD, so police should identify with what you are saying.

There is, though, one caveat here. If you are *arrested*, it is our recommendation that you do NOT speak with the police further, until you have had the ability to discuss the situation with counsel. If you are confused, watch the second DVD, entitled *Handling the Immediate Aftermath of a Self-Defense Shooting* again.

Lastly, speaking of legal counsel, we are still working to increase the number of attorneys in the Network, and have recently received several referrals from members, which we were able to successfully convince to join the Network. Thank-you. ●



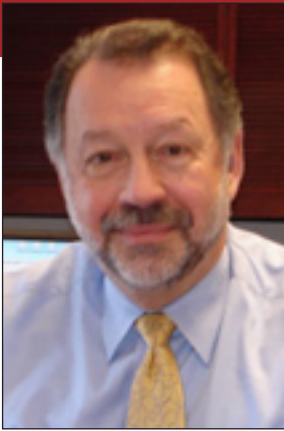
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J. Vincent Shuck

Vice-President's Message

Training ...

Network members should understand the importance of ongoing firearms training, whether at the range on our own, in the classroom or on the range with an instructor, at a special class with others, or practicing at home. I recently had a chance to join sixteen other shooters at Massad Ayoob's LFI-II course conducted at the Firearms Academy of Seattle (FAS) in Washington State. The participants ranged in age, starting from my end of the gray-beard spectrum down to those with much younger eyes and better reflexes. But, those of us in the "senior division" were able to keep up, perhaps due to our added years of experience and the extra cunning skills learned over the years. Said differently, this was a great class for all of us.

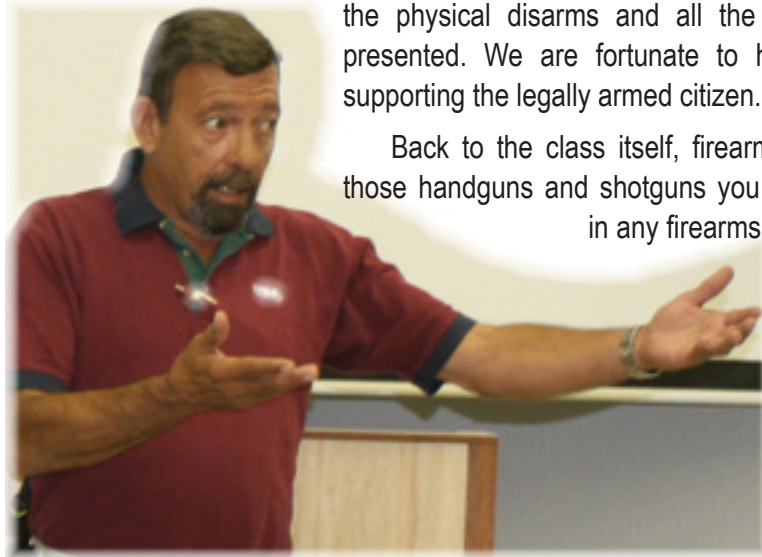
I took Massad's LFI-I class several years ago and found that class to be a great learning experience. LFI-I is a prerequisite for -II and LFI-II is even more challenging as it is an advanced-level course that takes the shooter to his/her "next level" of skill with the handgun. It adds the combat shotgun into the self-defense mix and also teaches handgun retention and disarming. The qualification at the end is shot in double speed, or half the time of that allotted in LFI-I. The course/class is a physically demanding five-day event that will leave all but the most active exercise freak with many sore muscles. The course is a combination of classroom, demonstration, shooting/range work and qualification tests. We shot handguns and shotguns until the barrels were smoking. We also worked every afternoon on handgun retention and disarming techniques.

We had a few law enforcement officers, a budding gunsmith as well as the civilian community represented

in the class, including a husband/wife team. To be sure, we all finished the class together, developing some new friendships along the way. My classmates offered me encouragement when they knew I needed it and even a little praise, whether I deserved it or not. They were all safe, quality shooters with friendly, professional attitudes – just what you'd expect in this type of class.

Primary instruction came from Massad himself, which is representative of many of his classes, with the able assistance from a group of assistant instructors from FAS. One thing is for sure, Massad Ayoob is a splendid teacher and will not only give you a verbal answer to any legitimate question related to self defense, but he will explain or demonstrate the answer or technique, including the physical disarms and all the shooting techniques presented. We are fortunate to have such a person supporting the legally armed citizen.

Back to the class itself, firearms used were mostly those handguns and shotguns you would expect to see in any firearms training class, including Glocks, 1911-style pistols in both .45 ACP and 9mm, and a few others. This is not a class requiring special race guns and most of us used our daily carry gear, including



Ayoob is a riveting speaker seen here driving home a point.
Photo courtesy of Gail Pepin

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holsters. One participant used a revolver throughout. Shotguns were represented by both semi-autos and pumps from several different manufacturers. The rapid and sustained fire took its toll on many of the shotguns causing numerous malfunctions. I used my Nighthawk Custom Remington 870 pump during the class and can proudly say that my weapon was one of the few that performed without a glitch. But let me quickly interject that our actual performance on the range and scores on the qualifiers didn't have anything that I could tell to do with the cost or the size of our weapon-of-choice. In fact, the winner of one of the handgun qualifiers with a perfect score, including shots from 25 yards, was a participant using a Glock 26.

We were pushed to increase our speed while maintaining accuracy with both the handgun and shotgun. Massad reminded us that self-defense includes a combination of both elements and advised us to slow down when our groups started to enlarge. Many drills throughout the week helped us develop our skills for the pending qualifiers. Massad also demonstrated the use of cover with a technique that keeps virtually all of your important body parts out of the line of fire. While this may never be used in competition, if I had to return fire at someone shooting at me, I would want to know this method.

In addition, the class covers shotgun ammunition, one-hand and weak-hand shooting with both the shotgun and handgun, handgun retention and disarm, weak hand draw from strong side holster, one-hand only reloads, aspects of the violent encounter, societal prejudice about self-defense, affirmative defense of a self-defense incident, psycho/physiological issues before, during and after a defensive situation, handcuff techniques (for non-urban settings when you might need to help an injured LEO restrain a bad guy or one of several bad guys before reinforcement arrives), building search techniques, returning gun fire while down, and moving and shooting. In other words, pretty much all you need to consider in preparation for any self-defense incident.



Ayoob teaches that the best practice has something riding on every shot, so he awards an autographed \$1 bill to any student who matches his score on the qualifications shoot, \$5 to those who best it. In an LFI I class the week before the author's LFI II class, Network Affiliated Attorney Tom Cena happily claims his buck from the instructor.

Photo courtesy of Gail Pepin

We completed three qualification tests: two with our handgun and one with the shotgun. We had three perfect scores on the NHPPC (New Hampshire Police Pistol Combat) handgun qual and one on the LFI handgun test conducted at double speed. The shotgun challenge required firing five buckshot loads from 7 yards. The time goal for the semi-autos was 1.25 seconds and with a pump, 2.0 seconds (net time, not including reaction time). Just about the entire group of semi-auto shooters made the target time and one classmate did so within a wink of 1 second flat. Five of us bettered the 2 second tally with our pumps, with the winning time recorded at 1.81 seconds. This exercise demonstrated again to me how important it is to be smooth with your firearm manipulation. Trying to be fast, at least for me, generally makes me slower, jerking all sorts of things during the effort, including the pump action of the shotgun and the trigger of what ever I have in my hand. Note to self – practice being smooth, the speed will come.

I don't know whether you are interested in a class like this, but I highly recommend it – you will learn a lot and be a better shooter and a more professional armed citizen because of what Massad Ayoob brings to the course. ●

Vincent Shuck serves as Network Vice President and is President of the Armed Citizens' Legal Defense Foundation. Contact him at jvshuck@armedcitizensnetwork.org.

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group. Four will play pivotal roles as events unfold. Two are close friends and they have a passing acquaintance from work with the third; the fourth does not know the other three, but is close to the fiancé of the woman hosting the after-closing party. He lives nearby, so decides to hang out at the party, since his girlfriend is working.

The 1972 Impala in which the first three are driving has a flat tire a couple of blocks from the party location, but alas, their spare tire is flat. After limping the car to the party, they walk to a nearby service station where they find a car of similar make and they steal a tire from it, leaving their tire behind.

The party goes on, the tire gets changed, and eventually the two close friends tell the work acquaintance that they're too drunk to drive him home, as earlier promised. The work acquaintance, not being particularly friendly with anyone else at the party, is irked and leaves on foot. His body is found about an hour later on the road about 2½ miles from the party, having bled out from a massive head wound. The body position, as Fleming diagrams, is at about a 45-degree angle to the road, with the head toward the center of the road, knees at the edge of the asphalt. He is dressed entirely in black, has dark hair, and is wearing nothing reflective. Beneath the huge scrape that ripped his scalp, the autopsy will reveal a **basilar skull fracture** an unusual injury, because it fractures the thickest bone in the skull, right at the base. The carotid arteries transverse that bone, and in this case, they ruptured, so he bled out rapidly.

21-year old Jeffrey Hammill is dead, and the cause of his demise will never be absolutely known. Without evidence of a struggle, blood spatter or defensive wounds, the coroner lists the cause as "unsolved, violent death." Law enforcement develops a list of 27 potential witnesses that include the young people in whose company Hammill spent his final hours: Ron Michaels, Jeff Cardinal, Debra

Segler, Terry Olson, Dale Todd and several others. As word of the death spread, a couple comes forward to report that they drove past the highway scene at 3 a.m., and saw a few men standing around a car that looked like a Chevy Impala, with three taillights on each side, round on the bottom and flat on the top.



Attorney Jim Fleming identifies the actors in the Ron Michaels case.

Law enforcement interviews and reports, the autopsy, and other evidence do not point conclusively homicide. The lead investigator on the case theorizes that Hammill was hit by something protruding from a vehicle. Sporadic investigation into the case continues over several years, yielding various theories, but nothing leads to a conclusion.

A Case Resurrected

Before the fateful night, Hammill fathered three children. One initiates a search for her birth parents, and braces the sheriff's office to explain why her biological father's death went unsolved. A sheriff's deputy digs up the old files and decides he is going to reopen the case, but he can't draft enough manpower to read through all of the old reports, re-interview everybody involved, and find something with which to restart the case. The Minnesota Bureau of Criminal Apprehension (BCA), however, has a cold case unit to which he appeals for help.

There he learns that BCA cannot involve the cold case unit in the investigation unless it is a homicide. The deputy goes to the county coroner, who, Fleming relates, "has written several books in which she talks about communication with dead people." The coroner reviews the death certificate, autopsy report and photos, and reclassifies it as homicide.

Law enforcement re-interviews Michaels, Olson and Todd. The latter two acknowledge being with the victim that night, admit the theft of the tire, and report that the victim left the party on foot around 3 a.m. Questioning Michaels yields little. Before developing severe fibromyalgia and chronic fatigue syndrome, Michaels was a state accounting

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manager, but he has become unable to work. His ill health has cost not only his job, but big blocks of his memory, as well. However, anyone who knew Michaels in his youth knew him as the guy who broke up fights, a peacemaker who literally was never in a fight in his life. Despite his disabling condition, Ron maintains a strong religious faith, a happy family life and a positive outlook.

In September of 2003, investigators interrogate Dale Todd, who submits to questioning without counsel present. Fleming describes Todd as a nice enough guy who is a bit below average intelligence, and tends toward emotional responses. Interrogation transcripts quoted in *The Bison King* clearly show the fear and confusion the questioning progressively creates in Todd. The detectives de-escalate the suspect, offering him alternative theories about involvement by his friend Terry Olson or Ron Michaels who he does not know, then getting him wound up again about going to prison. Eventually, they lead him to point at Ron's picture and implicate him in Hammill's death.

They tell Todd that in 1979 a baseball bat with blood and hair on it was found in the trunk of his car. "They told him it had the victim's blood and hair on it," Fleming exclaims. "That was a lie! There was a baseball bat in the trunk of his car, but it didn't have any blood on it; it didn't have any hair on it. They also told him that his car was seen out at the scene where the body was found," he adds.

In October, police visit the Michaels home and report that Dale Todd has implicated Ron and Terry Olson in Hammill's death. The Michaels get advice from their family lawyer, and he advises Wright County authorities to send further questions through him, while offering to talk with investigators and requesting updates on new details. Two years pass, and Ron is invited to testify

before a Grand Jury, which the attorney advises against. On the 4th of October 2005, the Grand Jury returns multiple indictments against Michaels, Todd and Olson.

"The grand jury only hears from the witnesses that the State wants them to hear. The defendant is not there; the defendant's attorney is not there," explains Fleming. "What happened during the grand jury inquest? Well, the fellows from the BCA came in and told the jury the same lies about the baseball bat, the blood and hair on it, about the car that matched up, about the witness who saw the car, and about this false confession."

"As a result of that, my client and the other two guys were indicted for first degree murder," Fleming continues. The BCA approaches Dale Todd and offers to reduce his charges to obstruction of justice if he will tell the story at trial. "You'll do a year in prison, if we can get these two guys convicted," Fleming narrates.

A month later, Ron is at the door of his home with a friend from church, when suddenly police officers rush in, separate the two men, hold them at gunpoint and handcuff Ron. They tell Ron he is charged in the death of Jeffrey Hammill. He is taken to the county jail, 30 miles away, with such an abrupt departure that his front door is left hanging open.

Jim Fleming Gets Involved

From the police van, Ron notifies his wife, Jean, who calls their attorney. Their attorney responds that his schedule is too full and he does not feel he can commit the time necessary to Ron's defense. Jean's brother reaches out to his acquaintances, and before long, details of Ron's plight reach Jim Fleming, police officer turned lawyer.

A 1984 graduate of the University of Nebraska's law school, Fleming has argued death penalty appeals (one resulting in Nebraska's death penalty being declared unconstitutional due to its sporadic application). He'd moved his family and law practice to Minnesota in late 1991, where work and mutual



*Fleming (above) learned of Ron Michaels' case from a lawyer-buddy with whom he rides motorcycles.
Photo courtesy Jim Fleming*

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interests associated him with the legal professionals to whom the request to step up and defend Ron Michaels was forwarded. "It didn't take me long in looking at this case to realize something was wrong with it," Fleming recalls.

The Michaels family can raise \$30,000 for Ron's defense. "Against my better judgment, I finally said, 'Look, if that's all you can do, that's all you can do. If you run out of money, you aren't going to run out of lawyer. I'll keep working on the case. Let's just see what we can do with it.' My thought was if I can take the inconsistencies in the case to the prosecutor, I can probably get them to drop the case."

Fleming goes to work on Dale Todd's false confession, as well as law enforcement reports of other interviews, expecting that he can get the prosecutor to drop the charges. Meanwhile, Ron Michaels, despite his frail physical condition, is incarcerated in the county jail; there he will remain for almost a year until his trial.

In the year between indictment and trial, Fleming strives to disprove the false confession. For one, he is convinced while the witnesses may have seen a car out there at 3 a.m., they could not have seen Hammill or Michaels. Witness statements conflict: Hammill could not have left the party house at 3 a.m. on foot and also be present 2½ miles away where the couple witnessed an Impala with a small group of people standing nearby when they drove by at 3 a.m. Fleming performs three timed trials walking at different speeds from the house to the death scene, establishing a range between 26 and 32 minutes to make that walk in the dark. Fleming's wife confirms the times on a second stopwatch she sets when she drops him at the party house, then drives to the location of Hammill's death, where she waits reading a book by flashlight, while her husband walks the route.

Fleming remembers feeling like he couldn't sleep for the entire year in which he worked the case. One night while in bed, he suddenly questions the witnesses' descriptions of the car taillights, so he arises and makes a Google search for Chevy Impalas. Photos show that the taillights the witnesses described are inconsistent with the 1971 four-door Impala Dale Todd was driving at the time. Fleming confirms this discrepancy at a classic car

restoration shop, learning that the taillights described by the witness were used only on one year's model, the 1968 Chevrolet Impala.

Fleming reviews the discrepancies with the prosecutors, who offer to reduce the charges from 1st degree murder to 2nd degree murder if Ron Michaels pleads guilty.

A Pivotal Moment

One night Fleming surprises Ron by visiting him in jail. Without preamble, he hands over photographs from the crime scene, including one showing the victim lying in a huge pool of blood. "I laid the pictures down in front of him, and I sat back to see what he was going to do." Fleming relates. "He reached down and picked up the pictures and he looked at them; all of a sudden he looked up at me with tears streaming down his face and all he had to say was, 'They think I did that?' Fleming marks this as the moment at which he was fully convinced of his client's innocence.

He was staggered by the responsibility of defending Michaels.

"It's one thing when you are representing somebody you know is guilty, even if they want to go to trial. But what the hell do you do when you're representing somebody that you really believe is innocent and you start thinking, 'Can I do this? Am I going to be good enough to get this guy acquitted on this murder charge?' You don't sleep; you just don't sleep. I had quit smoking, and I started smoking again big time," he confesses.

Without much funding, Fleming can only use experts sparingly. One expert reviews Dale Todd's confession and declares it false, but points out that the defense can't afford to bring him in to give testimony. Fleming also consults with Dan Davis, an expert forensic pathologist, who, upon review of the autopsy report, photographs and other documentation explains to him why Hammill's basilar skull fracture doesn't support the theory of homicide and why he favors the hit-and-run theory.

"I said to him, 'I'm a fairly good sized guy, are you telling me that I can't take a baseball bat and step into it and snap my wrists at just the right time and hit this

Continued on page 12



Attorney Jim Fleming

Continued from page 11

kid in the side of the head and fracture his skull?" Fleming recounts his conversation with Davis.

"He said, 'You asked the wrong question, because the answer to that question, is yes, you can, but whatever fractured that skull had tremendous mass behind it. It was very heavy; it was moving really, really fast. The reason I know that is because that's not a crush fracture. That skull was crushed so quickly that his head couldn't get away from it and it literally torqued his skull to the point that it snapped through that basilar area. In order to do that, you have to have tremendous mass moving at tremendous speed. You couldn't do that with a baseball bat. In addition, you would have more external tissue damage and more fracturing alongside the head, and you don't have that. Whatever hit him, hit him fast, hit him hard, hit him dead and he bled out in a couple of minutes and he never knew what hit him.'

"I said, 'Like a piece of farm equipment being towed behind a truck?' And he said, 'Precisely, with something sticking out the side. He's along the road at 3 o'clock in the morning completely in black, with long black hair, so his face would not have been very visible, and you maybe have a tired farmer who's trying to move a piece of equipment from one field to another,'" Fleming narrated.

As he gathers evidence to refute the State's charges, Fleming approaches the prosecutor to show why the case against Michaels should be dropped. Authorities re-interview Dale Todd repeatedly, "six times from 2003 through the day of trial. And every time that I came up with a discrepancy, his next story cleared it up," Fleming relates. Eventually, the prosecution theorized that Michaels assaulted Hammill because he flirted with his fiancée at the party. The woman had worked the night shift at the Federal Cartridge Company in Anoka, MN that night, so was nowhere near the party.

Going to Trial

A year after Ron was taken to the county jail, his trial begins. His attorney's attempts to get the case dropped have been rebuffed and now a judge and jury will decide what did or did not happen on August 11, 1979. Now Fleming can refute the coroner's finding of "homicide," and scrutinize Dale Todd's confession. Sitting at the defense's table are Ron Michaels, Fleming and Jon Hawks, the attorney who referred the case to Fleming. Behind Fleming sits his younger brother, Rob, a public defender from Missouri with whom he has consulted from the beginning.

The night before Dale Todd is due on the witness stand, the brothers discuss the best way to conduct his cross-examination. In court the next day, Fleming initially asks about various inconsistencies in Todd's statements to the police, and the witness concurs with each of Fleming's points, confessing, "Yeah, I said something different here," Fleming relates.

The attorney observes that during the cross examination, Todd never meets his gaze, staring over his shoulder instead. "I finally turned around and looked over my shoulder and there's a little old lady sitting there with tears running down her face: Mom. So I looked at him and I said, 'You know, it occurs to me, that the reason you're having so much trouble with all the discrepancies in all these different statements is that you really don't know what happened out there that night, do you?'

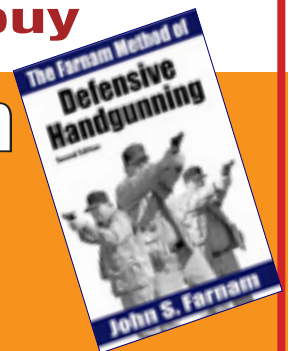
"All of a sudden his head swivels around and he looks right at me, and he says, 'No, I don't.' I said, 'The reason you don't know what happened out there that night is because you were never there, were you?' He just went [Jim sighs deeply], 'No I wasn't,' and I pointed at my client and said, 'Neither was he, was he?' and he said, 'No he wasn't there either.'"

Fleming knows the point is made, and tells the judge that he has no further questions. "The prosecutor jumps to her feet, slams both her fists on the counsel table, leans

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Continued from page 12

across and screams at him [Todd] in a shrill voice, 'You lied?' and he looked at her, and he said, 'Yes, I lied.' And she did it again, higher, and she said, 'You lied?' And he looked at her and now his face is getting red, and he said, 'Yes, I did.' Then she slammed her fists on the table again, leaned over the table and she said, 'You lied?'

"I jumped to my feet and I said, 'Your Honor, I object!' I get carried away sometimes, because what I said actually is something you're never supposed to say, but I was emotional. I jumped to my feet, and I said, 'Your Honor, I object! How many goddamned times does she get to ask that question?'"

Jim pauses and gathers his thoughts. "Never do that. I got away with it once because of the drama of the moment. And the prosecutor looked at me and she looked back at him and asked, 'Why?' and he said, with tears running down his face now looking back at his mother, 'Because I was scared and because they told me that if I didn't tell this story that they wanted me to tell, that I was going to go to prison for the rest of my life.' Then he looked at the jury and said, 'But I can't do it anymore. I can't do it anymore. I've done enough, I feel ashamed of myself and these guys are the ones that are suffering for it and I'm not going to lie anymore. They weren't there, and none of us had anything to do with it.'

"The courtroom goes crazy, the judge bangs the gavel on the table; I'm in a state of shock at that point in time. She called a recess and I just got up and walked out of the courtroom," Fleming recalls. Imagine the surprise when, after the recess, the prosecution simply calls their next witness, proceeding as if nothing has happened.

In chambers, the judge and attorneys learn that the prosecutor's boss, the county attorney, will not agree to drop the charges. Fleming recalls the prosecutor's explanation, "Because the day these guys were arrested after the grand jury indictment, the county attorney jumps in his car and drives like mad to the State capital, and stands out in front of the state house with the governor of the State of Minnesota and the head of the BCA in a daisy chain in front of the TV cameras saying, 'We've caught the individuals that perpetrated this heinous crime, this violent

crime, and justice will be served,' and so he wouldn't let her dismiss the case," he reports.

Both the prosecution and the defense present the rest of their evidence and witnesses, then give their summations. In his, Fleming reiterates the factual inconsistencies, and suggests that individual ambition and the BCA cold case unit's pursuit of corporate funding drove the case to the extremes it has taken. The jury is sent away to deliberate; Fleming goes outside to smoke. To Fleming's dismay, in less than half an hour the bailiff summons him to the courtroom. Brief deliberations usually herald a conviction, so Fleming is happily surprised when Michaels is acquitted of all charges against him.

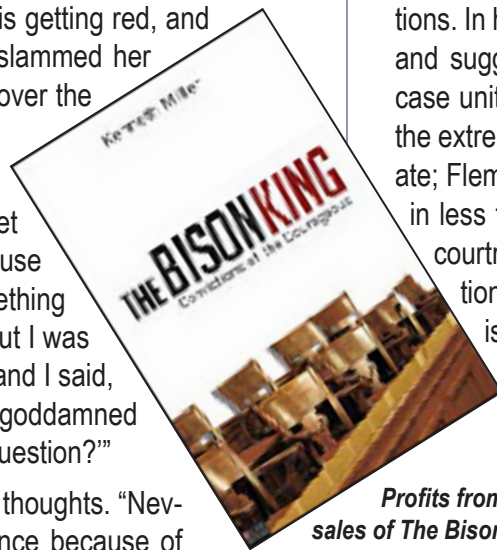
"Good for Ron Michaels," Fleming comments bitterly, "except for the fact that it almost devastated them financially. They've come up with the \$30,000 that they had to pay me; \$15,000 of which went to pay for my expert. My brother later said, 'How does it feel to handle the biggest murder case you're ever going to handle in your life for a \$15,000 fee?' I said, 'You know what? It feels pretty goddamned good. It really does,'" Fleming allows.

It's over, right? Not exactly. Wright County, MN went on to try Terry Olson for murder, using a *new* confession from Dale Todd, this one extracted, Fleming notes, with Todd's mother present. At Olson's trial, Todd blamed his recantation on Fleming, saying, "Well, that wasn't true, I just got tricked by a smart lawyer."

Olson recently lost an appeal for a new trial. In the appeal, he argued that the deputy sheriff's presence at the prosecution's table was prejudicial, as he was not part of the legal team. In reality, he was likely there to keep Dale Todd in line and be sure he stuck to the story this time.

Also present in the courtroom throughout Ron Michaels' trial was a childhood friend, Ken Miller. So troubled was he in the wake of the trial, that he wrote *The Bison King, Convictions of the Courageous*, the proceeds of which he has promised to help the Michaels family recover from their ordeal and to help get Terry Olson out of prison.

The book is available through the [Network bookstore](#), or by a digital download version of the book online for \$12.99 at <http://tinyurl.com/mvwbne>. The publishing house's press release about the book follows on [page 14](#) of this journal, with full contact information. ●



Profits from sales of *The Bison King* go to rebuild the Michaels' finances and to pursue Terry Olson's release.

The Bison King Tells Chilling Tale

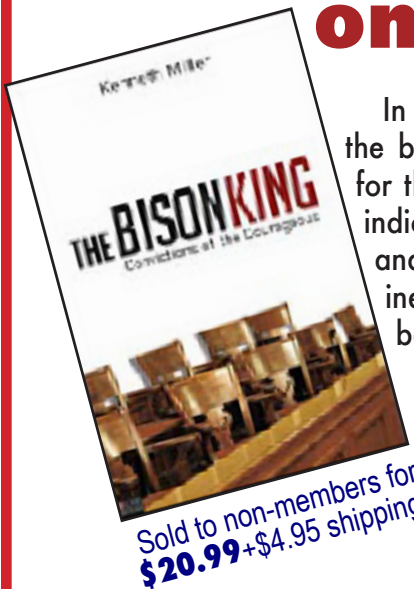
The Bison King, authored by former Wright County, MN resident Kenneth Miller, will be released by Tate Publishing and Ingram/Spring Arbor on August 11, 2009. The book is a non-fiction chronicle of the year long battle by Monticello, MN criminal defense attorney Jim Fleming and his legal team, to defend former Montrose, MN resident Ronald Michaels against first degree murder charges, stemming from the unsolved death of Buffalo, MN resident Jeffrey Hammill near Montrose, on August 11, 1979. The case was one of Minnesota's oldest "cold cases."

Miller, a childhood classmate and lifelong friend of Michaels, wrote the book as a first non-fiction work, to highlight what he believes to be deliberate, false accusations of murder against Michaels, the 1974 Homecoming King for the Buffalo High School Bisons (hence the title, "The Bison King"), and two other individuals. A subsequent trial involving co-defendant Terry Olson resulted in a conviction against Olson, based largely upon a confession by co-defendant Dale Todd, which Todd had previously recanted during the Michaels trial, testifying under oath for the first time, that he was pressured by state and local law enforcement officers, using fabricated evidence, to provide a false confession against both Michaels and Olson in exchange for leniency in his own case.

Although the Hammill death was originally investigated by the Wright County Sheriff's Office in 1979 and early 1980, then Chief Deputy James Powers eventually concluded that it was more likely the result of an accidental hit and run. However, the case was reopened in 2003 after Hammill's daughter began a search for her birth parents. During a discussion with a representative of the Wright County Sheriff's Office, she was told that her father had been murdered. Following a renewed investigation involving the Minnesota Bureau of Criminal Apprehension, a grand jury returned murder indictments against Michaels, Todd and Olson in 2005. Michaels spent over one year in the Wright County jail prior to his acquittal on all charges in November 2006. A Wright County trial jury took less than twenty minutes to agree with attorney Fleming's accusations during trial that the investigators had falsified evidence and that Michaels was innocent of any responsibility in Hammill's death. Author Miller remains convinced, based upon this evidence, that co-defendant Terry Olson now stands wrongly convicted and imprisoned for a crime that never happened.

The Bison King will soon be available for purchase through the Armed Citizens' Network bookstore (see below), all major bookstores and online at Amazon.com and Walmart.com on August 11, 2009, which marks the 30th anniversary of the death of Jeffrey Hammill. It is also sold by [Tate Publishing](#), 127 E. Trade Ctr. Terrace, Mustang, OK 73064 (405) 376-4900. ♦

Network members: Save 20% on *The Bison King!* by Kenneth Miller



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Debbe von Blumenstein

Your CHL–Don't Leave Home Without It!

by *Debbe von Blumenstein*

When you drive, you must have your driver's license on you. If you do not, you can be charged with the crime of Failure to Carry and Present a Valid Driver's License even if you have a license.

To carry concealed, you must have your concealed handgun license (CHL) on you. Even if the officer can access the data by looking up your driver's license to see that a valid CHL has been issued to you, you must have the license on you.

The Case of Good Guy is Not Good Enough

A man had a CHL and was pulled over for a minor traffic violation. He was carrying his firearm concealed. The officer asked to see his CHL. He did not have it with him. He was charged with unlawfully carrying a concealed weapon. Of note, the officer was apologetic about it, but most jurisdictions have firm policies with zero to little discretion for violation of laws involving drugs, alcohol-related driving offenses, domestic violence and firearms.

Here in Oregon, if convicted, the good guy loses his CHL for at least three years if he can get his record expunged, or four years to reapply if not expunged. Even if he reapplies, he could still face a denial and have to proceed to a CHL trial because he now has a history involving violating the law with a firearm. In Oregon, if they can find one more thing to infer problematic behavior, they argue that there is a pattern of behavior establishing the person is a danger to themselves or others. Counties have argued mere police contact as such a pattern of behavior under the theory of "where there is smoke there is fire." In that case, you will need a good attorney to represent you in court to regain your rights, prepare you for a full trial on the issues and to establish that there's a reason why we have smoke alarms and not fire alarms in our homes – because sometimes there *is* smoke and no fire. Just being a "good guy" is not a viable defense once you are charged with a crime.

The Lesson: Just as it is prudent and responsible to have your driver's license easily accessible in case you are

pulled over and you don't want to appear to be fumbling, creating suspicion that you are impaired – something not in your favor in a cop's eyes – it is just as important to carry your CHL where you are able to also easily access it.

If you remove your license (either one) from where you usually carry it because you change wallet/purse, fanny pack, etc., then have in place a procedure of checking for your license(s) before you roll out and need them. At the start of each shift, police officers check their equipment, vehicle operations and all equipment with that vehicle. Be just as diligent to check your own equipment (vehicle equipment operations and firearm and licenses) before you leave home.

Most traffic stops (police contact) arise out of minor violations from a lack of due care and also many legal troubles occur because of either a lack of prudent judgment or being too rushed to check the small (but with big legal consequences) details.

So remember, just as a police officer before going on patrol, checks equipment and vehicle operations although the odds are probably 99.9% of the time in her/his favor that everything is working fine, the officer still follows procedure. Good rules are good to follow. Do you really want your liberty to be threatened even by a .1 percent chance?

About the author: Network Affiliated Attorney Debbe von Blumenstein, J.D., is a trial attorney who has practiced in courtrooms throughout Oregon since 1997. Her practice has an emphasis in self defense cases and weapon charges. Outside of her law practice, Ms. von Blumenstein has created and presented workshops and seminars, including "Legal Lessons 101: Knowing Your Rights–Learning From the Mistakes of Others." For more about Ms. von Blumenstein, visit <http://www.debbvonblumenstein.com/>

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Gila Hayes

Editor's Notebook

Just the Facts, Ma'am

One of our earliest Network members (membership number 51) called me the other day, and in the course of our visit, he asked if I had a list of "speaking points" he could use to help publicize the Network as he frequented various gun and self defense Internet boards. He is eager to help the Network grow, and wants to spread the word, but is also conscious of the need to disseminate on-point information.

Network members can do a lot to increase the size and strength of the Network (and subsequently the protections the Network can provide for them) by spreading the word within their own sphere of influence. Because the Network is so new and the concept so unusual, few things convince other gun owners to join the organization like the recommendation of another shooter they know and trust. That kind of information sharing – I wouldn't even call it promotion – is the most effective way to bring in new members, because the potential member feels less fear that a greedy business is just doing a sales job on him or her! Advertising is good, but the recommendation of a trusted friend or associate is a hundred times more effective.

Since the Network is a new and unique concept, we frequently run across gun owners who try to understand it through the filter of their experience. That is too often terribly inaccurate! As a result, we correct misperceptions that the Network is pre-paid legal, a lawyer referral service, or an insurance plan. Instead, we want to communicate the concept of knowledgeable armed citizens pooling resources to support one another's legal defense.

New Addresses?

We hope you won't forget to update your membership information with the Network! If you move or change E-mail, you can call, drop us a note in the mail or [send an email](#) with your new contact information. Network members will want to be sure our record of your E-mail is current and accurate, so we can send you periodic E-mail announcements, including one when each new **eJournal** is released.

Here are the "talking points" I use with folks who call for Network information. Perhaps they will prove useful as you tell friends, students, Internet acquaintances and others why *you* belong to the Network.

What is the Network and what does it do?

The Armed Citizens' Legal Defense Network, LLC is currently an 18 month old, 1,300-member organization of armed citizens pooling their resources to help protect one another against unmeritorious prosecution or civil law suit following a justifiable use of deadly force in self defense. We accomplish this in a variety of ways.

- Educating members to a high standard, thus preventing mistakes in either the use of force or handling the aftermath.
- Providing an initial \$5,000 fee deposit paid to the member's attorney by the Network if the member has been involved in a self-defense incident. That gets the legal defense immediately underway, with representation during

Continued on page 17



The eJournal of the Armed Citizens' Legal Defense Network, LLC is published monthly on the Network's web site at

<http://www.armedcitizensnetwork.org>.

We are actively soliciting the participation of writers with expertise in self-defense firearms, the legal profession, and the self-defense training field. If you are interested in contributing to the **eJournal**, please contact editor Gila Hayes by E-mail sent to editor@armedcitizensnetwork.org.

The Armed Citizens' Legal Defense Network, LLC receives its direction from these corporate officers:

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.

Continued from page 16

questioning, and arranging for an independent investigation of the incident. This is the time to stop authorities from bringing charges, showing the strength of the member's self-defense argument.

- Offering a full case review by one of the Network's experts at no charge when requested by the member's attorney. This helps the attorney understand the case's strong points and perhaps its weaker points, too. Recognizing both is critical as the attorney outlines the member's defense for the prosecutor and possibly later, in court.

- Building a legal defense fund overseen by the Armed Citizens' Legal Defense Foundation, a nonprofit corporation separate from the Network, which receives 20% of all membership dues. From this fund, members defending their self-defense actions may receive grants of financial aid. The Foundation advisory board—Massad Ayoob, John Farnam, Tom Givens and Dennis Tueller, plus ex officio members Marty Hayes and Vincent Shuck—evaluate and act on grant requests.

Who is in charge of Network operations and decisions?

Guiding the Network in its mission are Network President Marty Hayes, Vice President J. Vincent Shuck, and Operations Manager Gila Hayes. Marty Hayes was a career police officer, and owner of the prominent regional training business, the Firearms Academy of Seattle, Inc., whose work as a court-recognized expert in the field of firearms and self defense led him to complete a law degree in 2007. To get the Network started, he partnered with Vincent Shuck, recently retired from a career as an executive director of a large professional association, and Gila Hayes who manages day-to-day operations.

About dues and benefits

Yearly dues for individual members are \$85, and a spouse or other household member sharing the same residential address may be added for \$50 each; a 3-year individual membership is available for \$225.

In addition to the legal and financial support that is the Network's most important, yet least frequently used, benefit, Network members receive three educational DVD lectures on use of deadly force, handling the aftermath of a shooting and how attorneys defend the self defense shooter, plus a new educational DVD each year when

they renew their membership, as well as a monthly online journal, a members-only Internet forum, a hefty 20% discount on all books, DVDs and Safe Direction® ballistic containment products sold through the Network's online bookstore, and 10% off tuition with selected Network Affiliated Instructors who are offering that incentive to train. The Network is also slowly building up a list of Network affiliated attorneys who understand the defense of the justified self-defense shooter, and currently there are just under 30 attorneys on that list.

How to find out more about the Network

All this and a lot more information about the Network is found on our extensive web site at <http://www.armedcitizensnetwork.org/>; E-mail inquiries are welcome at info@armedcitizensnetwork.org. The Network keeps office hours from 9 to 4 (Pacific Time Zone) Monday-Friday for phone contact at 360-978-5200. We welcome the opportunity to speak with current and potential Network members, because it is a wonderful opportunity to discuss the mission of the Network, how its services differ from insurance and other protections available to armed citizens, and to learn more about what kinds of educational opportunities and benefits our members may find most useful.

In the past 18 months the Network has grown into a very active, multi-faceted operation. There are lots more details we could add here, but talking points are supposed to be brief, and I've already gone on longer than intended.

August eJournal earlier than usual

You probably noticed that with the August 2009 *eJournal*, we've switched to a first of the month publication date. The change only signifies a work schedule rearrangement and earlier deadlines for columnists, nothing more.

So, that's it for August's edition. Enjoy the end of summer, and we'll see you here on September 1st! ●

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Armed Citizens' LEGAL DEFENSE NETWORK, LLC



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 username and password for the member's Internet forum and other areas of the Network website 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.

APPLICATION FOR INDIVIDUAL MEMBERSHIP

Full Name _____

Mailing Address _____

City _____

State _____ Zip _____

Phone _____ - _____ - _____

E-mail _____

How did you hear about the Network? _____

APPLICANT'S STATEMENT:

With my signature, I hereby attest that under the laws of the United States of America, I am not legally prohibited from possessing firearms, that I am 18 years of age or older, and that I legally reside in the United States. I understand that any grant of benefits is limited to lawful acts of self defense with no additional criminal charges (unlawful possession of concealed handgun, for example) associated with the incident.

Applicant's Signature

Please Print Name

(1) Additional Household Member Applicant's Signature

Please Print Name

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Please mail to the Armed Citizens' Legal Defense Network, LLC,
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eJournal8/03