



Rob Pincus: The Learner's Mind

An interview by Gila Hayes

*Interviewer's note: When Rob Pincus visited earlier this summer as a guest instructor at my other workplace, The Firearms Academy of Seattle, the opportunity to pick the brain of one of the most cerebral instructors on the training scene today was too good to pass up. We sat down one day over breakfast and Rob answered questions about how already well-trained students of the gun can get the most out of classes with different instructors. Of course, Rob's approach, as embodied in **Combat Focus Shooting**, led the discussion, but at no time was the suggestion made that his methods were the only way to achieve consistency and efficiency, two hallmarks of his training. We switch now to an interview format to preserve the flavor of the conversation. Why don't you pour a cup of coffee and join us as we discuss getting the most out of training?*

eJournal: Rob, I'd guess that you've taught a number of experienced students who came to your class with a significant amount of prior handgun

training, although some of that experience is at odds with the skills and methods that you teach. Using these experienced shooters as an example, what do you think is our biggest impediment to learning?

Pincus: When you are trying to learn something new, it is a vulnerable, risky position that it is difficult to put yourself into when you already have confidence in what you already know.

We know that humans are very risk averse. If we're comfortable with something, we'd rather stay there. We don't like change.

So it is funny that people will come to a course, knowing intellectually it is going to be different, and they show up eager for it. We always want to go on new, exciting adventures, and then we get there on the edge of the bungee jump and then we get very nervous.

You're out there on the line, and there is something new that you are nervous about. Because you are nervous, you fall right back into your previous training. Then it starts to create frustration.

So what I try to do is to get the students really TALKING about the material as much as possible, because that makes them THINK about the material. I really encourage questions and a "WHY" discussion. I think this is a "softer" approach of, "Listen, I know you already know a whole bunch of stuff, and it's probably awesome and

amazing. I've got some awesome and amazing stuff, too, and I'd like you to just try it and then you can figure out which one works for you."

The problem is, there is no challenge to really confront the new information as anything other than a casual experiment at that point, so it is really easy to fall back into the rut of what you know works and what you trust, especially when you are nervous or anxious or you've got a performance issue.

I try to get the students to be a little more introspective and figure out what they are looking for, why they are doing what they are doing now, and then,

Continued on page 2



Rob Pincus

LINKS TO CONTENTS

President's Message	Page 7
Vice President's Message	Page 9
Attorney Question of the Month	Page 11
DVD Review:	
Make Ready with Bill Rogers	Page 14
Editorial	Page 17
Network Membership Application	Page 18

I think that's what students do. Performance anxiety kicks in when they're actually ON the range and the gun is in their hand. Then they get stressed, and when you get stressed, what do you do? You go right back to what Robert Smith calls the "rut in the road."

Continued from page 1

ultimately, the question is going to be, "Why are you standing here on the (shooting) line if what you are already doing is really, really working?" The fact is that most people always want to be better.

eJournal: How realistic is the advice of, "Keep an open mind. Listen and try it this way"? When you give the "Up!" [fire] command and students are stressed out, at that moment, how can they over ride hundreds of thousands of repetitions of performing the skill the old way?

Pincus: I think the easy answer is to slow down. If there is one thing the reader takes out of this interview it is, "What did Rob think I should do to solve that problem?" The answer is SLOW DOWN.

That means not worrying about the performance anxiety, not worrying about necessarily doing well. Just do it. Slow down, do IT right. That is really the best way when it comes to these physical skills. Try them out; have that open mind. We say "open mind," but you need to be very focused on doing exactly what has been recommended.

eJournal: Is that where we get disconnected between the idealism of wanting to do what is being taught while struggling to stop doing what we've always done?

Pincus: Yes, that may be it. Physically, the easy answer is just slow down. Don't try to go fast, because you are going to slip right back into that rut in the road and then you are going to do it the way you have always done it. Or you are going to catch yourself half way through and then neither is going to be right. But if you stop beforehand, and confront the information and get an intellectual investment and emotional investment, then I think the physical execution becomes easier. But you still have to slow down.

eJournal: As the instructor, you explain techniques so students can define the "because." Still, it seems that things move pretty quickly in your classes. How can students be sure they are overwriting their old habits with this new knowledge?

Pincus: There is a staging, there is a set up that comes with counter-ambush training. We aren't really am-

bushing anyone in training; we aren't scaring anybody. We CAN catch people off guard a little bit. Maybe we'll give a command that becomes very obvious after students think about it, but we didn't tell them that we were going to give it. Let's say I have a target with letters and numbers on it, and I tell the students that I'm going to call out a number and they're to fire two shots into the shape that contains that number. And then I'm calling numbers, I'm calling numbers, I'm calling numbers. They're doing reloads, they're worried about movement, they're worried about presentation, they've maybe learned five or six new things in this class and so they're focused on all that and they're shooting and then maybe my eighth or ninth or tenth command is going to be a *letter*.

Well, there is an obvious pause there. That pause is about as close as I think we can come to making them understand that readiness is great if we're ready, but readiness can also be a security blanket. If we think we know what we are about to do, but we really get caught completely off guard, then all of a sudden our responses are delayed and quite often not as smooth and as well rehearsed as on our best day when we are really ready.

When I catch students a little bit mentally off guard with a different command or a different presentation of the information and they execute the skill properly, that is when I know it is starting to sink in physically. I think that is an important test of overcoming the thought process.

eJournal: You acknowledge a pause for processing.

Continued on page 3



Pincus guides students through new techniques with detailed explanations for intellectual ownership.

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Continued from page 2

Is that pause a bad thing or simply a natural and unavoidable reality?

Pincus: It is absolutely unavoidable. It is crucial to our training that we accept that. For example, when I'm in the restaurant even if I'm wearing my concealment garment and I've got six flashlights on, I'm still thinking about, "steak or chicken?" If a threat shows up then, there is a mental process that is going to have to happen.

I will go so far as to say that I think that the execution of the complex motor skills—the shooting, the drawing, the reload—that happens in isolation [outside the defense context] is almost irrelevant in developing what the student should expect in their true performance. In class if I say, "I'm going to have you shoot now, stand by, here goes the buzzer," that shot is like a free throw [in basketball].

It is not like what happens when the team is down by two, I'm under double coverage, I'm outside the three point line, time's running out, I've got to put the ball up and I've never practiced it before. I couldn't have known that that would be the situation. All I could do is use the fundamentals that I understand about basketball to try to get the ball in the net. And I have to drop it in like that [snaps fingers]! Boom! I've just gauged heuristics. I don't really do a calculation on how far I am from the net, I just know that if my head angle is higher, I must be closer and that if my head angle is a bit lower, I have to throw the ball harder.

My brain computer is just doing all of this for me; that is what is happening. Forget the semantics about "reaction" and "response!"

We go back and forth in the class because we try to categorize reaction as "it happens naturally," and "response" as being learned.

You could still automate your response, and in fact that is what we see. It is really very, very common to hear people say things like, "You know, I saw every detail of what

the bad guy was doing. It was like slow motion," but they have almost no recollection of what they did, right? "The gun was in my hand. I didn't even remember drawing."

Well, the brain doesn't need to focus on what you are doing. You are executing an automated skill, so why use up limited resources? The brain is processing information about what the bad guy is doing and we have to use our sensory system to collect that data, process it and try to do the best we can analyzing it and responding.

If you practice your presentation from the holster ten thousand times, your brain doesn't need to allocate any processing to that. That just happens. Once at the higher level, once you've already learned the skills, you don't think or choke, you just execute the skills.

When I truly can catch somebody off guard on the range that is when I see some of their best executions. Because they are not thinking about it, it just happens. When I catch students off guard, I ask, "How ready were you to shoot just before I said, 'A?'"

Most students will get it instantly. "I couldn't have been more ready!"

How could you be more ready than standing on the line with your gun in the ready position waiting for me to say that you could shoot a target? You can't be more ready

Continued on page 4



Pincus (left) shown guiding student through shooting while moving away, applying fundamental skills like presentation and shooting to the defense context.

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Continued from page 3

to shoot than at that moment, and yet there was a hesitation.

eJournal: Such a simple thing – having to switch from a number to a letter! Why do you try to trip up students?

Pincus: I think that it helps them execute the NEW skills. They have to have practiced a few reps slowly, they have to have gotten the maneuvers down, and they have to be intellectually invested in it being a good idea to spend time, effort and energy to learn how to do it in an automated way. Then we start throwing little curve balls, and that, I think, helps them execute faster.

Then we will go to something like our figure eight drill, which is much more complex, with a lot more going on, a lot more processing and that is where we really see if it is “set.” We’ll do that a day and a half into a two-day course, and we’ll see people who haven’t been doing certain habits with which they came to the course, get into the figure eight and get really flustered. Something gets them way deep down into their rut, and they’ll go right back to what they were doing. They may have a familiarity with the new thing, but ultimately if they get super stressed out and they only have a thousand reps of the new thing but they have ten thousand reps of the old thing, they’ll find the old thing.

eJournal: It sounds like you hide little tests throughout your program to measure student progress. Do the students know what you are up to?

Pincus: Almost always it is revealed right afterwards. I’ll call out “A” instead of a number, then ask, “How many of you noticed a hesitation or a delay?” And most people will raise their hand or nod. To take the ego out of it, I’ll often say, “How many noticed in yourselves or others a delay when I called out, ‘A’?” And I find that verbiage makes it easy for everybody to think, “That other guy slowed way down.” [Laughs] And both students will be looking at each other saying, “That guy slowed way down.”

eJournal: You deliver that lesson immediately.

Pincus: Yes, because I want them to grasp it intellectually. I think it is so important not to be overconfident in your skills. If you can stand on a [shooting] line and get your gun out in 1.1 seconds and fire three shots in high



Discussing what just happened during the last drill, Pincus helps student recognize their improvement and where they still need to work.

center chest, if you think that means three shots in 1.1 seconds when you are sitting in the restaurant thinking about steak or chicken, I think you are foolishly overconfident.

eJournal: After students acknowledge the necessary pause for processing, do you give them skills to help regain the initiative?

Pincus: Having efficient maps in your brain for dealing with things like lateral movement, drawing, integrating the flinch—my advanced pistol handling class gets into all this stuff—makes it more likely that you’re going to have an automated response that you don’t have to think about in that moment

when the cognitive, thinking part of your brain is trying to figure out what is going on and process that information. So we talk about having a really efficient, automated, consistent technique.

We talk a lot about stimulus response, so I speed up the slide lock reload. Slide lock reloads may never happen. The fact is, we’re out there on the range and we do have to reload our gun all day, so we may as well get any reps that we can on what it feels like to run out of bullets with that gun so that we can hope that if we run out of bullets in the gun in the fight, we have an automated response and we don’t have to stop and process that piece of information when there are so many other things to think about.

The tools we use to help you catch up are really not being caught by what we know is likely to happen. We know that you are likely to flinch, so integrate it. We know you are likely to orient toward the threat; let’s integrate that.

Continued on page 5

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Continued from page 4

We know that slide lock should be followed by an emergency, slide lock critical incident reload, so we do that. We know that in a fight, if you pull the trigger and the gun goes click, you want to get off line, tap and rack, so let's always do that. If we always do those things, then we are setting up a really good rut that we can fall into without cognitive processing. We need our brain doing other things in the middle of the fight instead of telling us how to present our gun! That can be an automated response.

eJournal: This week, you have students in Advanced Pistol Handling class who were in your basic class a year ago. Since then, they've been going to the range possibly practicing wrong, training with other people, practicing methods which are at odds with your theories, tactics and techniques. How do you counteract regression or technique pollution?

Pincus: This class is a really good sample! I've got 15 people on the line, and four or five have just been introduced to this process during the last couple of days. They are still getting into it, some with great success, though some are still struggling with very deep ruts. The most accomplished, practiced guys may be intellectually invested in this but they have a lot to overcome.

There are a couple of guys who came back who are lamenting that their agency's training guys are telling them to do something that they don't really believe in. They showed up apologizing! After a couple of drills, they were saying, "Every time we are on the range, they tell us not to do this. Can you give us more explanations that we can take back to them for why we should be doing this? We get it, we know it works, we believe in it, but we need more information to convince those guys."

It's disappointing when you have a guy who has developed the skill set, who believes in it and understands why he should use it, and has done it really well, but is told institutionally that he can't do a reload that way when it doesn't affect anyone else on the line. There are apparently other instructors out there who are saying, "No, no, no, you need to do it this way just because that is how we do it." I think that is frustrating for students. That makes it hard to try to have an open mind and physically to have an open brain.

eJournal: Might you explain the difference between an open mind and a physically open brain?

Pincus: My intellectual mind can be very, very open,

but my physical brain can be locked down because I've got this habit, I've got this rut in the road. I think the way you open up the mind is through the intellectual explanation. The way you open up the physical brain is by slowing down and doing the skill.

eJournal: Is Combat Focus Shooting driven by specific techniques and methods? And, if so, how do you assist the guy who can't do it because of equipment or agency doctrine? How much of the Combat Focus Shooting program is that student unable to execute?

Pincus: We always say your standard operating procedure or the technique that you want to practice is not nearly as important as the concept that underlies that technique. Why are you doing it? Ultimately to be more efficient, to be more consistent, to achieve our goal faster in a fight and to be more consistent across techniques so we can train less and still get a maximized value.

For example, if I do my reloads and my malfunction drills in front of my chest, that is one place that I hold the gun. If I'm also assessing and also challenging verbally with the gun in front of my chest, and if it is in front of my chest whether I'm sitting, kneeling, lying on my back, or standing, that creates a whole lot of consistency. Every time I have my gun in front of my chest, I'm practicing some portion of my ready position, some portion of my assessing, some portion of my reloads, some portion of my malfunction drills, some portion of everything, including where I am going to get my two handed grip on the gun when it comes from the holster and passes through that area. Consistency is a big thing.

In this class, I have one person who has a very sound reason for doing something that I don't recommend because of a gear issue from the institution where he works. He is

Continued on page 6

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Continued from page 5

NOT doing what I recommend, but I can't stand there and say, "Do it, do it, do it," because it doesn't make sense for him to do it. At times, I will modify a technique for that reason.

In his agency, they have a lot of older guns with magazines that don't drop free, but that's not a big deal. I would prefer that you get your weak hand off the gun, that you hit the magazine release, and that the magazine drops free. So for the private sector student who is spending a lot of money to be here for two days, I say, "Hey, pay the \$100 and get a gun with magazines that drop free, or pay the \$30 for a new magazine and throw away the one that is not dropping free." But for a guy who works in an institution with 200 people with three magazines each for 600 magazines of which 400 don't drop free, I can't just say that because it is not going to mean anything to him. That guy's consistency is to always pull the magazine out. So he may not be doing the physical action of my preferred technique, but the concept of being consistent with his reloads is in place.

He is still doing the positioning, he is not looking at the gun, he is not changing anything large conceptually, but his physical technique is to use his weak hand to pull the magazine out before he looks for a new one. Is it slower? It has to be, but it is the right way for him, which makes it more efficient. Efficiency means you have to achieve the goal. You can be as fast as you want reaching for the new magazine, but if the other one didn't come out you are not going to achieve your goal. The principle of "don't look at the gun, do it in the ready position, be consistent, always do it the same way," that is still in place even if that guy has less than optimal equipment or a less than optimal agency that won't upgrade. The fact is, we have to find a way that will work for him.

The Combat Focus Shooting program is not dependent on physical maneuver techniques, as much as it is conceptually dependent on the doctrine of efficiency and



consistency in the context of a fight. You can do a lot of things faster and easier on the range to win a competition or set a higher score on a test, but those may not be the things we really want to be practicing for a fight.

eJournal: Which brings me back to a question we started with: We are frequently told, learn everything you can from a new instructor, take what works and jettison what does not. I wonder if we can do that with Combat Focus Shooting because it seems like such a tightly woven package of interrelated methods. How much can you take away from Combat Focus Shooting if for legitimate reasons you cannot adopt the whole program?

Pincus: I think you can take away the whole thing if you just take the concepts. Forget about my techniques, forget about the way I tell you to reload, forget my advice about a piece of gear, take the concepts of the balance of speed and precision, the importance of consistency in what ever techniques you use. Be sure that your techniques have a thread of consistency through them. Take the concept of efficiency, not just what works, but rather how I can get the job done with less time, effort and energy.

Take the concept of counter-ambush training, which is that you have to process the information prior to performing the complex motor skills. Forget about how Rob says to hold the gun, or how Rob says to shoot the gun, or how Rob says to reload the gun. If you can take counter-ambush concepts and apply them to your core technique, you will get the most important part out of Combat Focus Shooting.

eJournal: That is very useful. Thank you for this interview and for sharing your recommendations about how to get more out of training. ●

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Marty Hayes

President's Message

A couple of weeks ago, I attended motorcyclists Meet and Greet held a couple of hours away from my home. I found it unusual that in this gathering of about 60 Honda Gold Wing riders, none belonged to the same club, organization or association. In fact, some of them didn't even ride Gold Wings, although they all either own one or had owned one at one time.

This group, some of the nicest, most giving people I have had the pleasure of meeting and interacting with, all met each other in cyberspace at <http://www.goldwingfacts.com/forums>. I joined the Gold Wing forum several years ago when I was restoring a 1987 Honda Gold Wing and getting back into serious long distance riding. Over the years, it became one of the Internet sites I check daily.

Now, before you start wondering why I'm discussing this, please bear with me, folks! There is a connection to what we do here. First, some observations about this eclectic group: about 20% were from Canada, others rode here from Kansas, Missouri, New Hampshire, and even Florida. For most of these people, the only reason they took one to two weeks out of their lives to ride across country, was to put a face to and share a handshake with the people to whom they have been cyber talking. This was the fourth such meet and greet, and next year's get-together is already being planned by the Kansas riding group.

I hosted a BBQ at my campsite for the first two nights of the event, providing a grill and burgers along with the

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obligatory campfire. I was amazed by the instant camaraderie amongst people who had never met before, whose primary connection to each other was a motorcycle and an activity they all love.

As I sat in my folding camp chair sipping a beer, I listened to the conversations going on, many times five or six at once. In fact, I had to hush them several times after the park's curfew, because they all were so engaged in the fellowship. I came to realize that we, the biological organism Homo Sapiens, need to belong to groups of like-minded people. Put another way, we are a tribal species.



Motorcyclists gather at Hayes' campsite.

While we like our autonomy, we also crave companionship and acceptance. There were natural group and conversation leaders, like there always are, and of course, there were the shy, observer types, who were content to sit back and speak only when spoken to. There were also the

doers of the group, the unsung heroes of any group who get the majority of the work done, including our gathering host, John.

During this event, I heard of several selfless actions by members of the group towards others, most who had never met. There were a few breakdowns and semi-emergen-

Continued on page 8

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Continued from page 7

cies, and others set aside their activities and instantly gave a helping hand, tools, rides or even a tow or two! (Tow, as in putting a motorcycle on a trailer, not as in those appendages at the end of your foot).

Money was also raised for continued support to keep the website that brought us together up and running. People bought things at the Wednesday night auction that they never would have bought otherwise. I bought a jar of Kansas City BBQ sauce, and while I drastically overpaid for it, at least it will taste good. And all this effort went towards supporting a place in cyberspace that exists as a series of 0s and 1s.

Interestingly, Steve Saunders, the guy who started the website, lives in Ireland, as do many of the administrators and moderators of the forum that brought us all together. I had hoped to meet him this year, as he has come to America for past events, but alas, he had an event of higher priority at home and couldn't make it this year. Perhaps next year, if I decide to join them in the Midwest.

Okay, so how does this all tie in with what we do here at the Armed Citizens' Legal Defense Network? (I bet you thought I would never get here, didn't you?)

Well, it ties in a couple of ways, actually. First, in the campfire chats fueled with good food and an ounce or two of alcohol, the conversation invariably hit upon guns, and their purpose in society. It turns out that most motorcyclists are avid gun owners, and many people at this event indicated that they had a gun with them on the bike when they travel, (although no one was so gauche as to show each other). Good manners, I would say.

Secondly, the whole sociological/tribal issue gives me pause to think, and wonder if the Armed Citizens' Legal Defense Network should be doing more to foster and promote more of a community atmosphere for our members. We have the forum on the website, but it has remained primarily business-like, which is okay. We also have the newly created [FaceBook](#) page which as of this writing has

232 members but not much traffic.

What do you think? Are we missing the boat? Are we failing to fulfill a need of our members, and even the broader general population of armed citizens by not having a place for people to gather—a yearly get-together or making more of our cyberspace presence? You can e-mail me directly Mhayes@armedcitizensnetwork.org with your thoughts. ●



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The **Armed Citizens' Legal Defense Network, Inc.** 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.



J. Vincent Shuck

Vice President's Message

Membership Info

We try to keep you informed of the Network's consistent membership growth but from time-to-time I provide a few more details about the specifics of our membership activity. This is one of those occasions.

We have 4,200 members and some might argue or even speculate that the Network's growth could be hampered by recent developments in the self-defense "market" because of the announcement of new options. No slowdown in growth here!

Just like we make individual choices about our concealed carry firearms and holsters, we also make individual choices about how best to prepare for the aftermath of a self-defense incident. That's the way it should be. The Network was on the forefront of this movement when it started a short 3½ years ago and continues to be a leader in the field.

Individuals who look at the Network recognize its mission of supporting the armed citizen and its membership components, i.e. education and legal and financial assistance. We gain many of our new members from referrals by our current members. They often mention to their shooting friends that Network membership is recommended. Thank you one and all!

While it's hard to beat personal recommendations from a friend, we shouldn't forget our more formal efforts to share the Network's message.

Affiliates

The Network has an activity in place that allows members to volunteer to be appointed as a representative and to recruit members. These recruiters contact potential members at gun ranges, gun stores, gun clubs and gun shows. As noted, you can recruit new members without being a Network Representative, and many of you do; however, being formally appointed gives me a chance to monitor your activities, share information and make sure you have brochures in hand when needed.

Our current cadre of representatives report they are having success, and back at the home office, we see the results of that success in our growing membership numbers. For example, gun shows and gun stores are popular locations for our representatives to share Network brochures and to discuss the importance of membership.

We have room for more State Reps, which is really a misnomer, inasmuch as there is no restriction on the number of Network Representatives in any one state. So contact me ([click here to email](#)) if you want to join this group of avid Network recruiters.

Network Affiliated Instructors represent another effective recruiting group. These professionals share Network information with each class and many offer discounts to Network members. Check the website [here](#) to find an instructor near you.

The list of Affiliated Gun Shops is growing, just like everything else about the Network. These businesses help share information about the Network by disseminating our booklet to their customers, *What Every Gun Owner Needs*

Continued on page 10

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Continued from page 9

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Thanks to all who have helped spread the word!

Legal Defense Fund News

The Fund is growing too! As a reminder, the Legal Defense Fund is separate from the Network's operating account and is available solely to provide legal review, expert witness assistance and financial support to Network members following a self-defense incident. We have several legal defense experts on the Advisory Board, including Massad Ayoob, John Farnam, Jim Fleming, Tom Givens and Dennis Tueller. They are the ones

who will review your legal case, should that be necessary. Do you know any other organization that can claim this type of direct assistance from these luminaries?

25% of your dues and 100% of corporate contributions go to the Legal Defense Fund, which is nearing the \$150,000 level and growing every day, just like the Network's membership numbers. These funds are reserved exclusively for the financial support of our members.

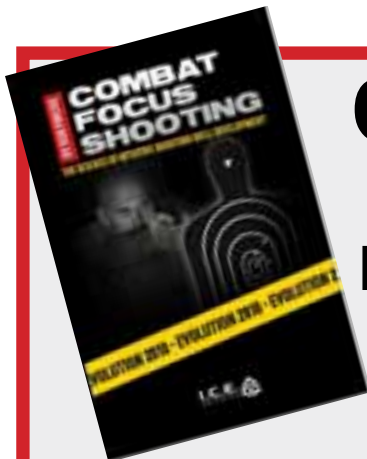
In closing, make sure you remain alert to our product auction announcements as the income raised from these efforts help increase the Legal Defense Fund. I know for

sure that we will be posting several nice laser grips from Crimson

Trace soon. Don't miss an opportunity to add one of these important self-defense products to your collection. ●



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Affiliated Attorney Question of the Month

Thanks to the generous help of our Network Affiliated Attorneys, in this column we introduce our members to our affiliated attorneys while demystifying aspects of the legal system for our readers.

This column carries forward the discussion started in July's journal about home defense.

In the state/states in which you practice law, what latitude is granted the armed citizen defending against attack inside his/her own home? Can the citizen use defensive deadly force inside their home without retreating? Against an intruder who is not actively attacking (perhaps has broken in but is not compliant when the homeowner orders them to leave)? How about shooting without issuing a warning (maybe the intruder is about to enter a child's room)?

Can the citizen successfully make the claim that an attached garage was part of their domicile if they use deadly force against an intruder there? What about out buildings or unattached garages or on properties like the lawn or back yard? Where is the line drawn?

D. Eric Hannum

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As with most legal questions, the answer to this one is, "it depends." In New Mexico, under state law, there is no duty to retreat before using deadly force in defense of self or another. This doesn't mean, however, that you can just blast anyone who walks into your home. The relevant provisions are found in the state's Uniform Jury Instructions (UJI). Of particular relevance to this question are UJI 14-5170 (justifiable homicide; defense of dwelling), UJI 14-5171 (justifiable homicide; self defense), and UJI 14-5172 (justifiable homicide; defense of another). Sprinkled heavily throughout these explanations of the law is the word "reasonable." For example, here is the basic self defense provision:

"The killing is in self defense if:

1) There was an appearance of immediate danger of death or great bodily harm to the defendant as a result of [describe unlawful act of victim]; and

2) The defendant was in fact put in fear by the appar-

ent danger of immediate death or great bodily harm and killed [name of victim] because of that fear; and

3) A reasonable person in the same circumstances as the defendant would have acted as the defendant did.

The burden is on the state to prove beyond a reasonable doubt that the defendant did not act in self defense. If you have a reasonable doubt as to whether the defendant acted in self defense you must find the defendant not guilty."

There are rarely simple answers to what constitutes a "reasonable" response to an extraordinary circumstance such as an intruder in the home.

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Kansas has adopted the NRA model language of the Castle Doctrine. KSA 21-3212. There is no duty to retreat. The doctrine extends to your house, place of work and occupied vehicles. Under Kansas law, this would include an attached garage.

There is no duty to warn the intruder. Does not include detached structures or the interstices of your property either. However, 21-3211 allows use of force to protect persons so if you are in the shop or on the lawn you may use force or threaten to use force to defend yourself or others if you have a reasonable belief that the use of force is necessary to prevent imminent use of unlawful force.

Continued on page 12

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Continued from page 11

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Our book, [*Self-Defense Laws of All 50 States*](#) answers most of these questions for each state where the law provides an answer. We have a map indicating which states require retreat before the use of deadly force and we summarize in chart form the laws of deadly force (deadly force comparison chart).

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My responses are for Oregon only. With that said, a person could use deadly force self defense (DFSD) in the home without retreating if AOJ (ability-opportunity-jeopardy) is present along with each element under the statute to satisfy DFSD. Being in the home, does not give a person extra latitude (but arguably would be persuasive in favor of the person using self defense) and it does not impose greater restrictions against self defense.

In the scenario, of breaking in and not following commands to leave, I believe DFSD would be a problem, i.e., questioned. If in the same scenario, the person was to advance toward the person vs. merely not leaving then DFSD could be justified but it would more likely than not go before the Grand Jury and a Grand Jury could indict depending on how it is brought before them, i.e., prosecutor of the opinion that the shooting is justifiable, an invite to the person who shot, or a prosecutor favoring an indictment.

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In the shooting without warning, if AOJ and the elements necessary for DFSD are there, I do not see a problem. Then with the intruder about to go into a child's room, without more, I see a problem. The threat is not yet imminent. The perp may not even know he is about to enter child's room so where is the intent to inflict the possible harm? And "possible" is not imminent.

Attached garage is considered to be a part of the dwelling; unattached out buildings, no.

With all of that, in Oregon, I have seen cases that are justified still go to the Grand Jury. (The most recent exception was the coffee barista who shot the robber; of note, there was also huge community support for the barista before it went to Grand Jury). So the truly crucial question is: no matter what the fact pattern is, if you are in a DFSD situation can you articulate your actions to get past the Grand Jury?

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Ohio has a recent castle doctrine law, but had relatively good case law even before the castle doctrine statute. Under the case law, a castle doctrine even applied at one's place of employment. There was no duty to retreat, but the burden of proving self defense was on the victim who killed his or her attacker.

Under the current castle doctrine statute, the armed citizen in his or her own home is presumed to be acting in self defense when shooting someone who has no right to be there, i.e., "if the person against whom the defensive force is used is in the process of unlawfully and without

Continued on page 13

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privilege to do so entering, or has unlawfully and without privilege to do so entered, the residence or vehicle occupied by the person using the defensive force.” The shooting must still be in self defense. The shooter must still be in reasonable fear of great bodily harm for self or another in the residence, or the shooting will not be justifiable. The presumption of self defense may be rebutted by a preponderance of the evidence. A warning before shooting is not required, but the lack of a warning is a fact, taken with all other facts that may bear on whether there was a reasonable fear of great bodily harm.

It is not clear in Ohio whether an attached garage is included in the residence for castle doctrine purposes. An unattached garage is probably not. Here is the definition of dwelling to which the castle doctrine statute applies: “(2) ‘Dwelling’ means a building or conveyance of any kind that has a roof over it and that is designed to be occupied by people lodging in the building or conveyance at night, regardless of whether the building or conveyance is temporary or permanent or is mobile or immobile. As used in this division, a building or conveyance includes, but is not limited to, an attached porch, and a building or conveyance with a roof over it includes, but is not limited to, a tent.”

Note that the definition of dwelling “includes but is not limited to, an attached porch...” An attached garage would not seem much different from an attached porch. Specific cases will have to decide that later. Even if the statutory castle presumption does not apply, Ohio’s common law castle doctrine decisions would apply. There is no duty to retreat from one’s own business, for example, but the burden of proving self defense would be different. *Graham v. State Of Ohio*, 98 Ohio St. 77, 120 N.E. 232 (1918). There is no duty to retreat when attacked on a campsite, *State v. Marsh*, 71 Ohio App.3d 64, 593 N.E.2d 35 (Ohio App.

11 Dist., 1990). However, there is a duty to retreat when attacked on one’s own driveway outside the home. *Cleveland v. Hill*, 63 Ohio App.3d 194, 578 N.E.2d 509 (Ohio App. 8 Dist., 1989). I found no Ohio case addressing the duty to retreat from an unattached garage.

Every case is fact specific:

... a person is relieved of the duty where there is no reasonable or safe means to avoid the confrontation. *State v. Williford* (1990), 49 Ohio St.3d 247, 250, 551 N.E.2d 1279, 1282. Accordingly, the use of deadly force is justified and the failure to retreat is of no consequence where retreat would increase the actor’s own danger of death or great bodily harm.

State v. Thomas, 77 Ohio St.3d 323, 673 N.E.2d 1339 (Ohio, 1997)(Cook, dissenting).

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Colorado has never been a “retreat to the wall” state. In criminal codes dating back to 1859 when Colorado was part of the Jefferson Territory, a person has had the right to defend himself without any duty to retreat from or evade the threat, and the law has never changed. Self-defense law is fairly straightforward in Colorado—a person may use deadly force when confronted with the imminent threat of unlawful force that poses a risk of death or serious bodily injury to the person or another.

We appreciate the contributions our affiliated attorneys make to the Network, including their interesting responses to questions in this column. Contact information for our Network affiliated attorneys is linked at www.armedcitizensnetwork.org. Member log in required.

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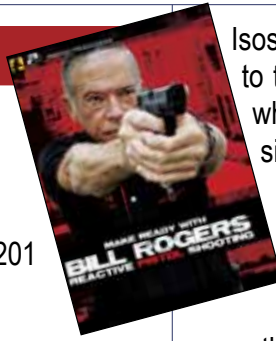
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Reviewed by Gila Hayes

Speed shooting and accuracy techniques popularized by former FBI agent Bill Rogers have so permeated firearms skills in general, that we sometimes fail to recognize their source, the Roger's Shooting School, and its 35-year tradition of leadership in the top echelons of firearms training both for private citizens and for elite military units.

Now Panteao Productions, producer of many entertaining and educational shooting videos, distributes an excellent DVD featuring Bill Rogers lecturing and demonstrating his speed shooting methods. Rogers' presentation skillfully blends fundamental and advanced skills. For example, he explains identifying the shooter's dominant eye, defining why it is so important to reactive speed shooting. Present the handgun "under the dominant eye," he directs. The dominant eye gives steering information to align the gun with the target, he stresses. His dominant eye steers the gun to the target until the last moment when he takes his eye off the target to check sight alignment, he explains during demonstration. This is all supported by stance and grip, which the video also spells out.

Rogers defines both one-handed and two-handed grips as well as shooting stance, which starts with knees bent, because locked knees slow movement, "and we don't have that kind of time in our shooting," he explains. Although Rogers' upper body appears to be in a classic



Isosceles shooting position, he repeatedly calls attention to the need to have the pistol under the dominant eye, which we note deviates from the Isosceles shooting position as commonly taught.

Muzzle direction is the primary safety for any pistol, Rogers stresses during a segment on safety. Unless defending against another person bent on doing harm, the muzzle must not cross our selves or another, he lectures. He then addresses safe dry fire, explaining how he has set aside one particular portion of his home for dry fire, and then detailing the safety protocol he put in place.

Dry fire for revolvers comes next, as Rogers explains the foundation he uses to teach how to engage small targets at 20 to 25 feet in ½ second. He notes that other shooting methods require the weapon and shooter to be stabilized, but he adds "we don't have time for that for our kind of shooting."

Rogers demonstrates delivering two accurate revolver shots in ½ second, coming from what he calls "extended ready confirmed alignment," and prepping the trigger as he brings the gun on target. Once there, Rogers pauses then completes the trigger pull. He compares managing the trigger pull to how a baseball batter regulates the speed of his batting stroke to match the pitcher's delivery. Sometimes a batter will stop if the ball is not delivered over the plate, analogous to the shooter's ability to stop before discharging the gun, if circumstances dictate.

Rogers gives a good argument for his extended ready confirmed alignment position, explaining several good tactical reasons to keep the gun off target until it is necessary to shoot. The concept of follow through is also well defined, as Rogers explains this necessary ingredient for learning any eye-coordinated skill. We have to be able to

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Continued from page 14

see the results of our actions, so it is necessary to keep both eyes open and follow through for a short time after the shot, he stresses. It is imperative that the subconscious mind captures the event, he explains. Rogers gives one of the best explanations of follow through I've ever heard.

Next he moves to the finger's interaction with the trigger during multiple shots. "Flip and press" is Rogers' term for resetting the trigger during multiple shots. He flips his finger off the trigger and reengages with a straight press back. This, he says, is vital to shoot at the speeds at which drills take place at the Rogers Shooting School. This differs from methods that catch the trigger's reset point before making the next trigger pull, something that Rogers explains there is simply not time to do.

When demonstrating multiple shots and adding head shots to the drill, Rogers explains that a successful transition to make a head shot requires keeping the gun under control during body shots, and then "driving the weapon" up to the head. Keep the front sight aligned in the rear sight and maintain a clear view of sight alignment, he advises.

As he teaches auto pistol reloads, we learn that Rogers' philosophy is to load or reload the gun from a position of safety before moving to another position, nor does he allow the shooter to top up with a magazine inserted into the holstered gun behind the line.

Rogers explains tactical reloads, keeping the gun pointed at the target. Then he demonstrates "immediate" reloads, done with the auto loading pistol at slide lock. Both are accomplished with the elbow indexed on the side of his body, gun oriented straight up and down so that the magazine falls free. Rogers manually racks the slide after his reload, unlike some competitive speed shooters who use the slide lock to release it.

Rogers' reloading discourse raises the question of what to do if slamming home the fresh magazine releases the slide by bouncing it off the slide lock. Rogers also discusses failures to fire, which includes a visual check for a viable cartridge, for which he makes a strong argument. Weak handed reloads are also taught, as is strong-hand and weak-hand shooting and weak-handed gun manipulation. How does Rogers keep the gun under the dominant eye when it is in his other hand? Rotate the weapon slightly, moving the sight under his dominant eye, he recommends, demonstrating how awkward it is to trip the head over to get the dominant eye behind the gun.

Now Rogers demonstrates and explains drawing from a holster. As the gun comes up on target, Rogers transitions visual focus to the front sight from the spot on the target he wishes to hit. While the ready position shown first in the DVD aligned the gun earlier in the presentation, when drawing from a holster "there is a little more steering involved," he explains.

The first part of the draw sequence, called the Index, is the most important, Rogers continues. Though the Level 3 security holster he demonstrates has some specific requirements, before he draws the gun, Rogers achieves a full shooting grip. Now he lifts the gun straight up, keeping it close to his body. As soon as the gun is clear of the holster, he rotates the muzzle downrange. The support hand joins the shooting hand beneath the dominant eye and both drive the gun forward. Rogers does a great job of slowing down the process so each step is clearly shown and later demonstrates drawing from concealment.

The DVD shows an impressive variety of drills, showcasing Rogers' range and reactive target systems, and showing how to engage targets at varying distances. He also broaches the subject of point shooting, explaining that

Continued on page 16

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at the school they find that it really is no faster than using the sights. Vertical alignment is the real problem with point shooting, Rogers clarifies, noting that longer distances or using short-barreled handguns interfere with the ability to instinctively align gun and target. He gives a good demonstration of point shooting, pushing the envelope until he can't make the hit on the longer targets. Then he demonstrates that the same speed of engagement is possible looking through the sights, allowing him to make the hit on

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the smaller or more distant targets in the same brief time.

This instructional program was a joy to watch. The video production is top rate, and Rogers is a gifted instructor and extemporaneous lecturer. If you are interested in increasing your ability to hit accurately more quickly – and who isn't? – *Reactive Pistol Shooting* by Bill Rogers encourages skill improvement. See http://www.panteao-productions.com/products/bill_rogers-reactive_pistol_shooting.

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Gila Hayes

Editor's Notebook

Surprise!

Network members, like many armed citizens in general, are far ahead of the average American in their planning and preparation to get through an emergency that disables the usual safety buffers like police, street lights and telecommunications. Still, no matter how well prepared, survivors of

natural disasters usually report that despite intellectually knowing they could find themselves on their own in a dangerous situation, the actual occurrence often contains elements that still come as a surprise.

Most of us set up our lives to minimize our exposure to society's predatory element. We live in quiet neighborhoods or have set schedules that let us stay home during the hours in which crime usually occurs, because, despite having guns and training, few want to "field test" their skills for a myriad of very valid reasons. This strategy works 99% of the time, but it doesn't take the end of the world as we know it to render usual avoidances ineffective. All it takes is one really bad storm or a widespread power outage in a large city, and we see the true fragility of modern society.

Last month, one of our Network members reminded me of this when we corresponded by email about her experiences during the severe tornadoes that hit north Alabama toward the end of April. The storms knocked out the area's electricity and she operated without power for a week, during which she had only limited phone coverage, and kept herself and her household safe during a protracted period of dusk to dawn curfews while law enforcement services were spread too thin to interdict the opportunistic crimes that often follow power outages.

Three nights into the black out, our member was on her front porch looking at the stars. In her words, the sky was "pitch black. Not even traffic lights were working! It is amazing how dark and quiet this world is without electricity. I never knew there were so many stars in the sky!" she exclaimed. Little wonder that the night sky had drawn her attention overhead. The tranquil scene shattered when she heard a noise in the front yard that she thought might be a stray dog. Instead, the beam of her flashlight revealed an intruder heading for the house's bedroom window. "I

was wearing two guns and a tactical light, and I was still caught off guard," she told me. She ordered the man to stop and the surprised intruder fled. For the next 12 hours, she attempted to contact law enforcement to no avail. "I was pissed, then fearful for the next three days," she told me, "but also relieved that I did not have to shoot."

The man's clothing description matched reports of a man who had threatened two neighbor women as they sat in their car charging up their cell phones, a story she heard later. In addition, three houses nearby were burgled.

"It happened in pitch dark conditions, with no way to reach authorities," she continued. "I will never forget how it felt to slam from [Condition] Yellow to Red so fast that I actually lost my breath for a few seconds." (More on Cooper's Color Codes, in the [May 2010](#) edition of this column.)

"I now realize how important practice and drills are, because my body went into auto-pilot and did what it had practiced without me even being fully aware of it until it was over, maybe not as smoothly as I had hoped for, but effectively enough. I was trained and lucky...a good combination," our Network member concluded.

Lucky? Perhaps, but more importantly, this woman took her responsibility to defend herself and those in her home seriously. She obtained a firearm, learned how to use it, and kept her skills current with continued training and regular practice. All that effort paid off that dark night when her decisive action clearly communicated to the intruder that he was in over his head, prompting him to flee. You could say even the intruder came out ahead; certainly better than if he had encountered a panicked, poorly prepared citizen who brought their gun out from its hiding place during the outage "just in case."

We practice, train and plan, but also often think, "I hope all this preparation is enough that I never have to do this for real!" May the good Lord grant that wish for as many as possible, but for those caught in natural disasters like this summer's tornadoes, remember also the admonition of one of the most articulate defense instructors of our time, John Farnam, who reminds us, "When you least expect it, you're elected!"

So let's keep up with our training and our practice, remain mentally sharp and conscious of how quickly danger can present itself, and if a criminal "elects" one of us as a potential victim, respond decisively. ●

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