



The Network's Year of 2014 in Review

As we move into 2015, it is a good time to review the Network's growth from its beginnings as little more than a great idea in 2008 to the vital armed citizens' support organization that it is today.

The Legal Defense Fund

The Armed Citizens' Legal Defense Network's accomplishments during 2014, its seventh year, embody the fulfillment of the reason it was created: funding the legal representation of Network members who have used force in self defense. Although Network membership grew to 8,300 this year, numbers of members involved in self-defense incidents were identical to the previous year. Four members used varying degrees of force to prevent injury to themselves, and the cost of these members' initial legal representation ranged from \$400 to \$3,000. None faced further legal repercussions. However, the Network paid an attorney to help a member prepare to face trial this coming year on felony assault charges stemming from a 2013 incident. That matter remains unsettled as of this publication date, and we must first and foremost protect that member's interests, so we can only report the expenditure from the Legal Defense Fund.

All too frequently prospective members and even Network members request details about members for whom the Network has paid attorney fees and other legal expenses. Sorry, folks, we simply will not violate the privacy of our members and risk further legal problems, in an effort to sell Network membership upon the support we provided. This is a Golden Rule situation—if you had fended off an assailant and we paid your attorney to represent you, would you want your name and circumstances written up on the Internet? Of course not, and neither do the members whose attorneys got a check from the Network in 2014.

How do 2014's stats compare with earlier years? We paid attorney fees for four members in 2013; none of our members asked for Network assistance after self defense in 2012; and in 2011, three years after starting the Network, two members requested funding for legal representation after self defense and we paid their attorneys to protect their rights as they interacted with

the criminal justice system. We enter 2015 with \$450,000 in the Legal Defense Fund.

Affiliated Attorneys

We started 2014 with 345 attorneys affiliated and standing ready to represent Network members. We conclude 2014 with 376 affiliated attorneys, and this year's increase is largely thanks to the recommendations of Network members who know whom to call for legal work in their local communities.

A common question is where do we learn about Network affiliated attorneys and how do we choose our affiliates. The Network's affiliated attorneys come to us through a variety of sources: our Advisory Board introduces us to attorneys they've trained or worked with; Network members make recommendations; attorneys themselves volunteer to affiliate with the the Network because as gun owners they want to be part of our team and via other publicity that identifies the attorney as a good resource for armed citizens.

The individual member has full control over whom they engage as their attorney. This means that the member needs to form their own opinion about the lawyer they want to use. One way members can get to know Network affiliated attorneys is through their contributions to the Attorney Question of the Month column in this online journal. In 2014, dozens contributed answers to questions about use of polygraph and other physical examinations after self defense, standard jury instructions, hiring and using expert witnesses in self defense cases, prosecutorial misconduct, breathalyzer tests, posting bail, whether insurance stimulates lawsuits, and more.

The Network renders no judgments on the attorney's experience or abilities: we are not providing a referral service that would be restricted by outside rules, liabilities for incorrect conclusions, and other entanglements. Instead, the Network keeps it simple, welcoming practicing attorneys to affiliate with the Network, making their information available to members,

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and leaving the decision of whom the member chooses as his or her attorney entirely up to the member, as is only right. Network affiliated attorneys participate in the Network as full members, receiving the same member education as all Network members, and eligible for Network support after self defense, although none has yet needed that assistance.

Few criminal defense attorneys have extensive experience defending innocent clients who used guns in self defense, so if we limited the affiliated attorney listings to attorneys with that experience, the list would be small, indeed (to say nothing of the impossibility of determining and proving such a restrictive criteria for affiliation).

Realistically, the armed citizen's initial need is for an attorney to attend any law enforcement interviews, and provide counsel after the member's self-defense incident. If criminal charges are filed, the Network may recommend that the member's local attorney associate with an attorney or attorneys with whom we are acquainted who do have experience defending legitimate self-defense cases in which issues were similar to those in the member's case. These recommendations may stem from our Advisory Board's review when recommending support for the member's legal defense, beyond that funded by the deposit against attorney fees sent immediately after the incident.

Bringing In More Members

Historically, the Network has relied on affiliations with gun shops and firearms instructors to tell their grassroots clientele about the Network and why being part of our organization is so critical to armed citizens. It has allowed our paid media promotion to be very sparse throughout our first seven years, while maintaining steady membership growth thanks largely to the outreach our affiliates perform, as well as the public recommendations of our friends like Massad Ayoob, John Farnam, Tom Gresham, Michael Bane, and countless others in the firearms media too numerous to mention.

In 2015, we intend to back up these generous endorsements with paid advertising in select firearms media. Although we run a very lean budget, as we enter our eighth year, the funds are there to undertake this next step in our outreach, without sacrificing any of the

member services or the relationships with our solidly supportive friends and affiliates.

In early days, we aggressively pursued affiliations with gun shops and instructors to tell our story in their local communities. Key to that effort is distribution of our booklet *What Every Gun Owner Needs to Know About Self-Defense Law*, the success of which we'll detail on later pages of this journal. Many of our affiliates have done a wonderful job, and we would not be the strong membership organization that we are without their outreach. Other affiliates lost interest and drifted away without actively cutting ties with the Network. This is problematic, since we provide affiliates with full Network membership benefits, assistance with legal expenses if needed, the yearly educational item, and so the affiliation program has a fairly high cost to return ratio.

In 2014, we redoubled efforts to recognize active affiliates while identifying the affiliates that lost interest and became unresponsive. When an affiliate has not ordered copies of *What Every Gun Owner Needs to Know About Self Defense Law* for a year, it is what one might term a "clue." Out of gratitude to those who told their clients they should join the Network, we're flexible about not requiring strict quantities of materials distributed, but when we simply cannot get a response back from a lapsed affiliate, we have to cut them from the ranks of members in good standing. While trimming away inactive affiliates shrunk Network membership numbers somewhat, it also reduced potential expenditures from the Legal Defense Fund and costs to obtain and mail the yearly member education item. It's an acceptable trade off. Today, the Network is better off with 8,300 dedicated, supportive members.

Other Outreach

Participation in national gun owner events is another way we publicize the Network. As strong, supportive NRA members, the choice to exhibit at the National Rifle Association's annual meetings has been an easy decision for Network leadership, and we have continued to have a booth at that event yearly since 2009.

Exhibiting at the 2014 annual meeting in Indianapolis, we hosted book signings by a handful of self-defense authors, and while it tied up booth space, it made for a good time, and we enjoyed seeing readers meeting and visiting with the authors. The greatest benefit of

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exhibiting at NRA or similar events, though, is the opportunity to speak one-on-one with Network members and potential members. There persists a surprising amount of disinformation about the post-incident aftermath and a face-to-face discussion is the best way to clearly explain Network membership benefits.

Along the same line, Network President Marty Hayes represents the Network at several training events per year. In April of 2014 he taught at the 2nd Annual A Girl and A Gun training conference, but unfortunately had to cancel his usual participation in Rangemaster's training conference owing to jury duty. He is back on the teaching team for the 2015 Rangemaster Tactical Conference in Memphis, in late February, which we note has completely sold out.

Another strong outreach for the Network comes from an unexpected quarter: Facebook. Thanks to Hayes' willingness to invest hours and hours monitoring and managing content, our Network has a tightly focused Facebook page for discussion of legal concerns following use of deadly force in self defense. With regular contributions from Network affiliated attorneys, our Facebook page <https://www.facebook.com/groups/221594457860509/> maintains civil discussion that is limited to the legal aftermath of self defense.

Like it or not, social media is how people conduct discussions online these days. Online bulletin boards and forums have become as outdated as leisure suits, as people use their one-stop visit to Facebook to update family news, scan posts from their specific interest areas be those guns, state politics or hobbies—all on one website. And yes, it is all done publicly, right out in the open. Welcome to the brave new world! Keep your brain connected to your keyboard because what you post cannot be kept private. If Hayes has earned a reputation as a strict supervisor on the Network's Facebook page, it is out of concern for comments that might be used against the poster later on down the line. He also keeps discussions focused on legal defense and aftermath issues, aggressively deletes meaningless chatter and the inevitable spammers to make our Facebook page well worth the time invested.

Mapping the Network's Future

Last summer's membership survey underscored priorities and has guided our strategic planning ever

since. An overwhelming 81% of respondents cited access to the Legal Defense Fund as the driving force behind their decision to become a Network member. The strength of the Legal Defense Fund depends on two factors: a reasonable number of members and the educated, lawful defense choices of those members.

Member education also ranked as another top reason members joined the Network, and that includes this online journal as well as yearly member education via DVD. In 2014, we deviated from our usual lecture-on-DVD format and sent each member a copy of Massad Ayoob's new book *Deadly Force*. Network members are educated, reasonable armed citizens, and we are convinced that the yearly educational updates provided to our members and the eight DVDs and book new members receive have helped members avoid injudicious use of force in response to threats that are better defused in other ways.

The member survey revealed that the least used or desired benefits of Network membership included our online book and DVD store and the member-only chat forum at www.armedcitizensnetwork.org. Those findings didn't really come as a surprise, and we can understand the diminishing interest in our forum competing against the prominence of social media like Facebook.

Likewise, we've decided it is no longer good business to continue to stock the book and DVD store. Increasingly, book and DVD sales are made at mega-online sites like Amazon and it is an unusual month in which more than four or five items are ordered from the Network's online bookstore. Amazon sells books at prices lower than what the Network's small operation pays to buy a qualifying quantity of books or DVDs from publishers. Even after offering our members a discount on a book or DVD, our price was not competitive.

Money tied up in retail stock will be better used to build Network membership and other efforts. We must eliminate services that are no longer relevant to member needs, so bid farewell to the online store and the member forums as we focus on building membership and the Legal Defense Fund, on member education through our yearly member education DVD, this journal, and our Facebook page.

*[End of article.
Please enjoy the next article.]*



President's Message

by Marty Hayes, J.D.

As we begin our eighth year of operations here at the Network, I thought I would share a letter I just received from a member. The writer, Rod S. from Arizona, was involved in our eighth use of force incident by a

member, and because the incident is now resolved, we can talk about it a little. But instead of me telling you the story, let me share our member's words:

*Dear Marty,
I just wanted you to know how much I appreciate you, Gila and the whole staff at Armed Citizens' Legal Defense Network. The support I needed after defending myself from an aggressor and his friend was invaluable.*

Even though I was carrying (concealed) at the time, I never showed my weapon but instead pulled a golf club as I was on the golf course at the time. I was hoping this would keep him from stealing from my golf bag. Because he got a scratch on his wrist and he and his friend lied to the Sheriff's deputy, I was given a misdemeanor ticket.

I contacted a lawyer and you, and then you promptly jumped in to help me. What a relief that was, having someone on my side to help.

After months of postponed court times and such, the citation was finally dismissed completely. After all of that, it took another month to get my golf club back from the Sheriff's department as the paper work had to go through several different departments. What a bunch of hooley!

Again, thank you so much for creating ACLDN. My wife Carol and I will be members for life. I never thought I would use it but it sure came in handy. The service you personally provided was outstanding, quick and you really know your stuff. It took a real load off my mind, and I am very grateful for that.

*One Happy Member,
Rod S., Arizona*

As you might expect, that pretty much made my month of December. Thank you for being a member of the Network, Rod. It was our pleasure to help you out.

My Fourth Year on *The Best Defense*

This last month saw me flying to Tulsa (headquarters of Outdoor Channel) to go on set and join *The Best Defense* crew members Michael Janich (below) and Mike Seeklander (left) in filming the legal segments for

this popular self-defense TV show. Instead of dressing me up in a suit and tie and plopping me in front of a camera to dispense some legal education, we changed the format a little and



either Janich or Seeklander interviewed me about the legal issues involved with the self-defense scenarios of the different shows.

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We all were pleased with the outcome of the brief segments—twelve in all, lasting five to six minutes each.

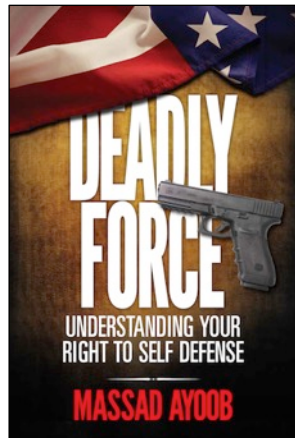
Those who know me well will realize just how painful these are to do. I would rather be doing just about anything other than participating in on-camera events. As the years go by, it does become easier and I feel it is a necessary part of what I do here at the Network. Someday I will retire from my role as president of the Network, and the next president (whomever he or she is) had better be prepared for this public role. It is the price I pay for the privilege of serving you, our members. *The Best Defense* airs on The Outdoor Channel on Wednesday nights, starting Dec. 31. See <http://outdoorchannel.com/the-best-defense>

Have you received your book yet?

You know, the book we mailed out to all our members? The one our Advisory Board member Massad Ayoob wrote, called *Deadly Force: Understanding Your Right to Self Defense?*

If you are a current member, and have not yet received this book, we want to know about it.

We have received several dozen of the books back in the mail, because the Post Office could not deliver them to members who had not notified us of an address



change. We've sent emails and left phone messages asking for a current address. Please take the initiative and contact Gila at ghayes@armedcitizensnetwork.org and let her know your new address.

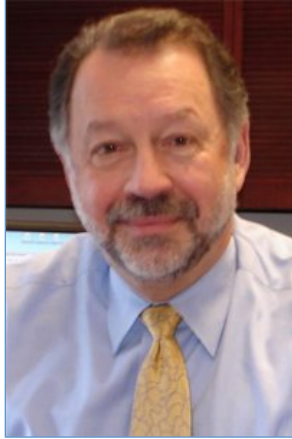
Keeping those mailing addresses current is also important because before too long, we'll be sending out our next educational effort to you. I am back to work on the project called *Anatomy of a Self-Defense Shooting*, which I mentioned in the June 2014 newsletter. This is a video presentation with Attorney Chris Ferro, Spencer Newcomer (who later became a Network member) and myself discussing the self-defense incident Newcomer was involved in two years ago. I personally think it will be one of our best DVDs to date, so that is why I am anxious to get it finished and out to you. So, PLEASE, if you have moved since joining the Network, we need your current mailing address!

SHOT Show 2015 Around the Corner

If you see Vincent, Gila or me wandering around the Sands Convention Center in Las Vegas in a couple weeks at the 2015 SHOT Show (<http://shotshow.org>), be sure to stop us and say hi. I have a couple of projects that I will be working on, as will Gila and Vincent, but we would love to stop and chat for a minute. Who knows, you might even get your picture in the next *eJournal*!

Next month, I will give a report on the state of the industry, at least as it affects our own little piece of the business.

*[End of column.
Please enjoy the next article.]*



Vice President's Message

A Successful 2014

by Vincent Shuck

Year-end summary information about the Network is available in other columns, but allow me to offer some information about the

Armed Citizens' Educational Foundation ("the Foundation").

As a reminder, the Foundation is the separate entity recently implemented to assume responsibility for the Network's educational component. It has achieved 501 (c) 3 IRS approval; therefore, contributions and donations are fully deductible. Its mission is to promote awareness and education in the lawful use of firearms and specifically the use of deadly force in self-defense situations. The primary audiences that were in various stages of contact for contributions in 2014 included: corporations, affiliate instructors and affiliate gun shops, Network members, and other private and governmental grant-awarding charities.

The primary educational module at this time is the booklet, *What Every Gun Owner Needs to Know About Self-Defense Law*, by Marty Hayes. These booklets are distributed complimentary to legally armed citizens through the Network's Affiliate Instructors and Affiliate Gun Shops. We believe the greater the armed citizens' understanding of the legalities bearing on the use of force in self defense, the better it is for the entire firearms industry. Over 100,000 booklets have been

distributed to the community through the Network's and Foundation's efforts.

Looking Ahead to 2015

We plan to extend our Foundation contacts with our primary audiences in 2015, especially with our dedicated Network members. We already are receiving unsolicited contributions from Network members but we intend to outline more individual donation options in the coming months. Inasmuch as individual donations to the Foundation are tax deductible, we intend to share specific steps with members about how to support gun owner education and the mission of providing support to Network members.

In reality, if a member makes a mistake regarding a decision to use deadly force or negligently causes the death of another through a firearms mishap, it damages



the entire pro-gun/pro-self defense community. Thus, we welcome support from those who believe in our mission and who can offer direct and tax deductible contributions. For those who prefer to jump ahead of our planned solicitation programs, feel free to send a donation to the Foundation. I will record and then acknowledge your contribution, which can be used for your tax purposes. Also, if you are aware of a private or independent foundation that may have an interest in firearms safety or education, please let me know.

To conclude, I express our sincere appreciation for your support this past year and look forward with you to a bright, productive and successful year.

*[End of column.
Please enjoy the next article.]*

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Attorney Question of the Month

In August, Ferguson MO police officer Darren Wilson used deadly force in self defense against a larger, aggressive male he thought was going to kill him. The case was submitted to a St. Louis County, MO grand jury for a review of the evidence and after hearing testimony from Wilson along with the other evidence, last month that grand jury refused to indict Wilson for any crimes. This spurred questions about grand jury procedures, so we asked our Affiliated Attorneys the following question:

It is the Network's position that except for giving the facts of the crime committed against them, members should not give a formal statement to police until legal representation is present. Following this line of thought, if called before a grand jury, should a client refuse to testify and likely be indicted or testify and hope for a no true bill? Why?

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I can drive to Ferguson, Missouri in 35 minutes and know several folks involved there, but your question is in general terms and as expected from a lawyer, the answer is "it depends." By the time an incident would be ready to be submitted to a grand jury, the preliminary investigation should be complete. For the member who has had counsel from the earliest possible moment and has not given a statement to the police, that investigation does not have the benefit of the member's input. Able counsel will know sufficient facts to make a decision as to whether the member should make a statement or not. In every case, that's not even considered until counsel has completed his own separate investigation.

If the member decides not to make a statement, he may be subpoenaed to appear before the grand jury and he must appear. His counsel gets to wait in the hall. However, the member cannot be compelled to testify, nor can anyone else, if they properly invoke their rights under the 5th and 14th amendments, written on a card by able counsel so they don't get it wrong.

It is unusual to bring in a defendant unless there is more than one, in which case the government will grant immunity to the defendant in exchange for his truthful testimony. Few defendants want anything to do with a grand jury and if they did want to testify, it would only be by invitation of the prosecutor.

The situation in Ferguson was somewhat unique in that the prosecutor did not parse out the evidence to the jury; he let them have everything. By the time Officer Wilson testified, the investigation was complete. Sufficient time had passed from the incident, he had been counseled and he asked to testify and was allowed to do so. Officer Wilson was not compelled to do so.

In light of all the above, if you believe that your actions were justified and you are summoned to the grand jury you would want to testify, just like Officer Wilson did. If you are not truly convinced your actions were justified, take the 5th and save it for trial if a true bill is passed.

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I do not believe the posed question will ever affect members in my home state of South Carolina. Here, proceedings involving a grand jury are covered in S.C. Const. Art. V, Sec. 22; S.C. Code Section 14-7-1510.

Basically, the grand jury is made up of 18 private citizens and it sits for one year. They hear the state's evidence and find bills of indictment in cases where they are satisfied that a trial should be held. The grand jury is sworn and instructed by the court as to the applicable issues of law before they begin their inquiry.

The solicitor may not appear as the sole witness (i.e. there would be more than just the solicitor telling what happened), but the defendant has no right to be present and no right to counsel. In fact, the defendant is generally not permitted to present evidence. The solicitor may not be present during deliberations, which are secret and into which no inquiry can be made.

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Thus, except for the recent newsworthy happenings in our neighboring state to the northwest, I have never heard of a defendant being asked, let alone, required to speak to a grand jury. I therefore conclude that it will not happen here, and even if it did, it would not happen so quickly as to prohibit the Network from providing representation to a member in this situation. Just because a defendant has no right to counsel does not mean he or she cannot have an attorney. It just means that the state cannot be compelled to provide representation.

For a further summary of how grand juries work, I have provided the additional overview of the process. If 12 of 18 members find probable cause to believe that a crime has been committed by the person named in the indictment, the grand jury will "true bill" the indictment, and the defendant will be made to answer to the charges. If the grand jury fails to find probable cause, it will "no bill" the indictment and charges are dismissed. The grand jury can also take no action and send the indictment back for more investigation. All findings are reported to the presiding judge.

An indictment is a charge instrument, an accusation found and presented by a grand jury stating that a person has done some act, or been guilty of some omission, which by law is a public offense. An indictment is a condition precedent to a criminal trial and every element of the crime must be set forth in the indictment and must be proved at the trial beyond a reasonable doubt before a defendant can be convicted.

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I would certainly encourage anyone involved in a shooting scenario to remain silent until speaking with legal counsel. Personally, I would not advise a client to even "give the facts of the crime committed against them." The reason for this is that the client will most likely be in a mental state affected by adrenaline, shock, or fear. Answering even what they believe to be basic questions "about the crime committed against them" may be akin to opening the floodgates where they keep talking and saying more and more, perhaps answering questions at a time when they are not thinking clearly.

Those answers or statements, when taken down by a police officer, may be disastrous for the client down the road. When those statements are put up for review in the cold light of days later, it is too late to say, "that's not what I meant," or "I was mistaken." Police agencies generally do not question officers immediately after police involved shootings. It sometimes can take a few days for a person's mind to calm down and for facts to come into focus.

Secondly, if a defendant is called before a grand jury, you cannot give a simple "yes, they should testify," or "no, they should not." A grand jury may be convened fairly quickly. An attorney has to evaluate what they know about the situation, whether they believe the client's version of the shooting, and whether or not information the attorney may have learned supports the client's version of events. I would think most attorneys, without having spent quite some time with a client and reviewing what information they may be able to obtain about the incident, would never advise a client to go before a grand jury.

In most situations, a defense attorney would not have access to the police reports of the investigation at the point of a grand jury proceeding. The attorney for Officer Wilson may have been kept "in the loop," or have garnered more information because his client was a police officer, helping him make the decision to put Officer Wilson before the grand jury.

Deciding whether or not to testify before a grand jury is one of the biggest decisions to make, but any attorney would certainly want as much information, if they can get it, before advising a client either way.

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When a citizen is potentially the subject of a criminal investigation, it is never wise to give a statement to police until the citizen has conferred with an attorney. The situation has obviously been stressful, thoughts are racing and the urge to talk and explain is great. It is much wiser to first consult with a competent lawyer and have the benefit of his or her advice before making the

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decision as to whether to give a statement or not. And, of course, to have that lawyer present if a decision to give a statement is made.

The subject of a criminal investigation, in Florida, is never "called" to appear in front of a grand jury. They are "invited" and must waive their rights if they choose to appear and testify. The decision whether to testify must be based on the facts and circumstances unique to each individual case. There can be no blanket rule. Again, an attorney who is experienced in defending self-defense cases should be consulted before any decision to testify is made.

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In response to the question posed, my answer is "NO," a defendant should exercise his Fifth Amendment right and not give testimony before the grand jury. As a general rule, at least in Illinois' First Judicial Circuit, grand juries seldom subpoena defendants to testify and instead rely on the testimony of police, investigators and victims. If I had a client-defendant that was subpoenaed, unless I was 100% sure he/she had not committed the alleged crime, I would direct them to stand on the Fifth Amendment. The grand jury only needs evidence of probable cause to indict, an extremely low level of "proof."

If the client testifies it will likely make little difference regarding probable cause and at trial the state will use his/her own grand jury testimony to impeach him/her if there is one iota of difference in testimony he/she might give. Why give the state that opportunity? At least at trial it takes beyond a reasonable doubt to convict. If you really need the client's testimony, wait until then.

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I am not prepared to give a blanket answer to this question that would apply in most jurisdictions and/or in most circumstances. The same answer may not apply in all jurisdictions or with different facts. If the Ferguson,

MO facts occurred where I primarily practice, the attorney and client should prepare together for the witness' testimony, and then the client should give his testimony.

The client should be educated as to the standards applicable in the situation, and to the extent possible, what other evidence is likely to be presented to the grand jury. Then the client and attorney should work together to prepare the client to explain why he reasonably believed his life to be in danger, and why he reasonably did what he reasonably believed necessary to protect his own life in the circumstances. The client should be put through practice interrogation by at least one more attorney in addition to me. This is in part to acquaint the witness with the fact that he may face an unfamiliar style but is in part also to get the benefit of the other attorney's insights and advice.

If the facts were a little different, it could be that in some jurisdictions the indictment would be such a near certainty that there is nothing to be gained by giving the prosecutor an opportunity to tie the defendant down to a story and nothing to be gained by giving the prosecutor an opportunity to learn about how the witness will respond to questioning. Therefore, I would not presume that what makes sense in my jurisdiction remains true in other jurisdictions without consulting with another attorney from the jurisdiction where the grand jury will sit.

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It is important to be aware that the Ferguson use of a grand jury is far from typical. As the old saying (correctly) goes, a prosecutor can get a grand jury to indict a ham sandwich. Grand jury proceedings are secret and one-sided. The suspect (if there is one) has no right to be present or offer evidence. The prosecutor presents to the grand jury only the evidence the prosecutor wants the grand jury to see. In general, the prosecutor is acting as an advocate for indictment. Because he controls the process and the grand jury follows his lead, he has a tremendous upper hand.

The Ferguson case is different. I doubt the prosecutor was advocating for indictment. If the prosecutor wanted an indictment, he probably could have gotten one. All he had to do was show the jury evidence that the officer killed the deceased. He did not have to offer evidence of

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justification (which he apparently did by calling the officer as a witness). In essence, the DA was using the grand jury for political purposes, so he did not have to take the heat for the decision.

In a "normal" situation, the state would not call a suspected murderer (or attempted murderer) as a grand jury witness. This is especially true where there is a potential justification or defense to the shooting. Unless the case was politically charged (as in Ferguson), a prosecutor would decide for himself if he wanted to charge the suspect. If he did want to, he would advocate for an indictment (and almost certainly get one). If he did not want to, he would not present the case to the grand jury in the first place.

In direct answer to the question, though, if I had a client who was a shooting suspect called before the grand jury

in the shooting case, I cannot imagine that it would be a good idea to testify. The DA is going to get an indictment if he wants one. The chances of successfully talking a grand jury out of indicting are near zero. The chances of incriminating yourself if you make substantive answers are near 100%. The client would have very little ability to control the course of the proceeding (and for that reason may not even be allowed to tell the part of the story he wants to tell). There is no way of knowing what else the prosecutor presents to the grand jury. Testifying would in all likelihood be a horrible idea.

A big "Thank you!" to each Network affiliated attorney who responded to this question. This month's column publishes only half of the responses submitted, so readers are encouraged to come back next month to read the second installment.

Network Membership Q & A

"When does my Network membership expire?" is a question we answer frequently. Our answer is often another question, "Do you have your Network membership card? The expiration is printed on it immediately below your name."

"I tried and tried to find my account information online. Why aren't member account details accessible on your website?"

Last spring's scare over the SSL breaching Heartbleed bug is only one example of how websites can inadvertently expose private information.

We contend that the less member information stored on the Network website—even behind password protections—the better it is for all involved.

We mail each new and renewing member a sturdy 2"x3" plastic membership card at the beginning of their membership term. If you've lost your member card, please email info@armedcitizensnetwork.org or phone us at 360-978-5200 to ask for a replacement card, which we will cheerfully provide.



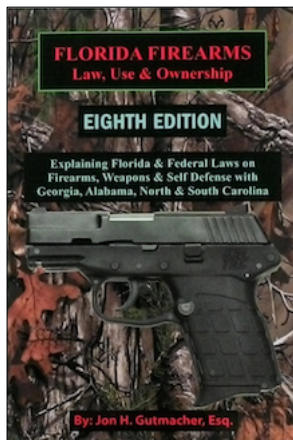
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Please enjoy the next article.]*

Book Review

Florida Firearms Law, Use & Ownership

By Jon Gutmacher
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contents

Reviewed by Gila Hayes



In rewriting his textbook on Florida gun law, attorney and author Jon Gutmacher poured 40 years experience as a criminal trial attorney, firearms instructor, prosecutor and police advisor into the latest edition of his authoritative Florida gun law book, expanding it into a large reference tool that also addresses Alabama, Georgia, North and South Carolina and federal gun law.

Gutmacher kicks off his gun laws book with discussion of the Second Amendment to the Bill of Rights, and how the Constitution's framework influenced the landmark case law *Heller* and *McDonald* provides. He moves through these topics at a brisk pace, and soon outlines FL's preemption statute, which provides uniformity to their state gun laws. He explains changes to FL law that may be void under the preemption statute, but is careful to point out where enforcement remains unclear in the absence of test cases.

He tackles *U.S. v Lopez* and the Gun-Free School Zones Act of 1990 and at least three related cases spawned by that issue, returning to school zone restrictions several times throughout the book. He explains the federal provision allowing licensed concealed carry on National Park Service land, and includes a very clear definition of the prohibition about carrying into Park Service buildings. In both examples, by outlining specific laws and cases that subsequently decided how the law was to be enforced, Gutmacher gives all the details needed for the dedicated researcher to learn more through further study on their own.

After quite a dissertation about who can legally purchase firearms, the author addresses concealed weapon licensing, starting with the bold statement, "Having a Concealed Weapons License (CWL) is the smartest thing anyone can do if they own or carry any type of

weapon, whatsoever! If you only have a pocketknife—get it [a CWL]! If you have a firearm—you're nuts not to have it, even if you never take it out of the house!" He supports his assertion, arguing that the CWL holder encounters fewer restrictions on loaded guns in various modes of transportation, earns the benefit of the doubt when interacting with law enforcement, and in light of the huge number of FL CWLs issued, becomes part of a huge voting demographic.

Gutmacher discusses at length where a license allows concealed carry and where it is prohibited. LEOSA (the Law Enforcement Officers Safety Act) is also covered. While some readers may prefer a short list of "dos" and "don'ts," I think Gutmacher deserves a lot of credit for explaining where the law is not clear, which he often prefaces by writing, "I do not know," "there is no case law, so it is uncertain," "the statute is so poorly written that nobody really knows," or "this is only my opinion..."

Unfortunately, laws do become contradictory and confusing when amendments to existing law are not in harmony with earlier laws on to which the amendment was grafted. Today's gun laws are the amalgamation of laws and amendments dating to an earlier century and what may be entirely legal is not always sensible. Gutmacher's commentary about openly transporting a shotgun or rifle in a vehicle illustrates how armed citizens need to distinguish between "smart" and "legal." He notes that while a rifle transported openly in a vehicle's back seat might not be a problem in rural FL, to do so in an urban area only invites trouble.

The topic of guns in cars introduces the question of armed travel outside FL. The armed traveler who is legal inside FL might find him or herself in violation of GA law, Gutmacher illustrates, using the opportunity to also clarify federal law about interstate transport of firearms. He outlines the difficulties ensuing from travelers possessing firearms while going through states like New York and New Jersey, where law enforcement may arrest travelers in possession of firearms, only to have the citizen acquitted by a court later. It's good information, and in our mobile society, a point that armed citizens greatly need to understand. Carrying a gun on tribal lands, in seaports, mental health treatment facilities, private businesses and their parking areas, and even Disney World are covered, as well.

Combining both FL's law and the federal restrictions on short-barreled rifles and shotguns, automatic weapons,

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and guns termed Any Other Weapon by the National Firearms Act, consumes a number of pages that will help firearms enthusiasts understand what's legal and what requires special permission. The author gives examples of how easy it is to misunderstand some of the NFA's restrictions. These, along with other offenses, are explained in Gutmacher's chapter on common gun crimes. Possession, display and use of guns, knives, ammunition—even grenades and other destructive devices—all receive detailed coverage.

Gutmacher dedicates an entire chapter to laws affecting children and guns imposed by both FL and the federal government. Brace yourself: in FL even paintball, Airsoft and BB guns can only be used by children under adult supervision. Other areas of concern include leaving loaded guns where a child accesses them, guns, pocketknives, and other self-defense equipment on school grounds, teaching children how to be safe with guns, and a lot more. It is a good chapter.

As an advocate of layered defenses—possessing more than just a gun for defense—I appreciated Gutmacher's section on FL case law explaining legalities of carrying the simple pocketknife. He also discusses laws about possession and use of electronic weapons, defense sprays and other intermediate defenses. He later dedicates a lengthy chapter to the related topic of self-defense laws, explaining when the State of Florida allows you to use force to defend yourself, your family, or your property. He reluctantly addresses citizen's arrest, and explains what constitutes deadly force, non-deadly force, the initial aggressor rule, and gives a historical perspective to castle doctrine and stand your ground laws. His commentary about the legal aftermath of self defense is spot on including advice about interacting with police, an attorney's role in protecting your legal rights, and more.

With church security a realistic concern, Gutmacher's explanation of FL law's requirements for licensure of even volunteer armed security teams will prove useful. He outlines specific laws restricting guns, caliber and

even ammunition for security staff. He adds that with no prohibition against individual worshipers carrying defense guns, he believes it's a good idea.

Laws, restrictions and licensure to sell guns and ammunition are the topic of one chapter, while another explains the law restricting a private individual manufacturing firearms for resale and the assault weapons ban. He also explains the laws that restrict shipping firearms and cites both federal and FL law governing bequests, private party sales, getting a gun to and back from a manufacturer for repair and other common pitfalls.

Gun and self-defense laws from Alabama, Georgia, North and South Carolina all get a good synopsis in a chapter Gutmacher authored in cooperation with attorneys from each of those states. Our Network Affiliated Attorney John R. Monroe co-authors the Georgia section, and Dr. Stephen Fulton Shaw, our Affiliated Attorney from South Carolina, does the same for the section discussing his state's laws.

Given the many, many layers of restrictions, *Florida Firearms Law, Use & Ownership* is demanding reading. The author's illustrative stories from actual cases, coupled with his wry humor (as in his discussion of train travelers checking weapons in with a *live* Amtrak agent) lightens an otherwise dry topic, but realistically there just is no way to make a book about the law read like a story. For readers preferring a more cut and dried approach, Gutmacher often concludes a complicated discussion with a table or chart synthesizing the "dos" and "don'ts" in the law under discussion.

Florida Firearms Law, Use & Ownership is a long and extremely detailed book, but well worth the time and effort to read it from cover to cover. You can learn more about Jon Gutmacher and buy his book at <http://www.floridafirearmslaw.com>.

[End of article.
Please enjoy the next article.]



News from Our Affiliates

Compiled by Gila Hayes

While asking for another case of *What Every Gun Owner Needs to Know About Self-Defense Law* to give his students, Network Affiliated Instructor Ed Santos, owner of Center Target Sports in Post Falls, ID, commented that he and his staff are teaching six concealed carry classes a month and filling them all. Since Idaho launched its new, enhanced CCW permit (see Ed's comments about it at <http://centertargetsports.com/news-events/why-take-our-id-enhanced-ccw>), this license is attractive not only for locals, but as a reciprocal license, as well, so its not surprising that it is a prominent course offering on his class calendar. In addition to CCW classes, Center Target's calendar for this month includes leagues and competitive events, non-gun defense courses, orientation courses for purchasers of different types of firearms, and a lot more.

In Milwaukee, WI, John Rowe at Kettle Moraine Firearms Training has concealed carry classes scheduled every week in January, too, so we just shipped more booklets to him. See <https://www.facebook.com/youcarrysafely> for class details and reviews.

Riley Schader at Defensive Firearms Instruction in La Canada, CA likes to make sure his students get both the booklet and the Network's tri-fold brochure and recently ordered more. Last summer he focused his monthly newsletter on the legal aftermath of self defense (see http://myemail.constantcontact.com/Legal-Aftermath-Issue--DFI-Newsletter--17.html?soid=1114459613632&aid=x_-R1x_eRzQ) and gave the Network several nice recommendations, which we really appreciate. He's worked in law enforcement in southern California for 27 years, currently providing in-service training for officers, in addition to operating Defensive Firearms Instruction.

Liz and Shaun Reynolds use the booklet in reaching out to gun buyers at their store, D & M Sporting Goods, and in firearms classes that they teach in Deming, NM. We really encourage Network members to do business with other Network members, so if you're in Deming and need a bore brush or some cleaning patches, stop in and give them your business. They don't spend their time hanging out on the Internet, so I don't have a website URL to share, but they're at 616 West Pine

Street, Deming, NM 88030 or you can phone the gun store at 575-546-9767.

Our friends at TOTAL Firearm Techniques in Carmel, NY were in contact to get more booklets not long ago. I became curious about how their instructional business was growing, so I looked up their website at <http://www.tftny.com>. I appreciate their display of the Network's web banner on their website. It was good to see how many NRA and concealed carry permit courses they have scheduled for the first quarter of this new year, knowing how many opportunities they'll make for telling gun owners why membership in the Network is so important. We've made sure they have plenty of booklets, so their students will receive a great take home resource after they're done learning gun safety and marksmanship from Ralph, Sergio and Mark.

Jon Thompson at Riverside Sporting Gear in Elk River, MN gives copies of the booklet to customers and clientele in his classes, but in addition these past few months, he gave out copies at the Game Fair in Anoka, MN and provided them to participants in a concealed carry permit event at his local Harley Davidson dealer.

Kevin Reiter gives the Network information to his students at Black Horse Dynamics in North Haledon, NJ. His classes cover a lot more than shooting, reflecting his history as an EMT and an outdoors survival trainer. We get so focused on the fun stuff like shooting practice and gun classes that we may forget that there is a lot more to getting home in one piece. If you're due to take a first aid course or CPR update, check out Kevin's operation at <https://www.facebook.com/BlackHorseDynamics>.

Members, please support these and other affiliates linked at <http://armedcitizensnetwork.org/affiliates> because they help the Network grow by giving clients a copy of a Network brochure or our Foundation's educational booklet *What Every Gun Owner Needs to Know About Self Defense Law* while explaining the value of Network membership for armed citizens.

Affiliates, please email me announcements about your programs, classes, open houses and other events coming up in February and March so we can encourage members to attend. In addition, if you are getting toward the bottom of your box of our booklets or brochures, email me at ghayes@armedcitizensnetwork.org or call 360-978-5200 so we can support your efforts to tell your clients about the values of Network membership.

[End of article.

Please enjoy the next article.]

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Guest Editorial

by Jennie Van Tuyl

I get several phone calls a month from Network members asking how they can speak with the attorney they have chosen from our affiliated attorney list.

They call and ask to speak to the attorney and never get a call back, or send email that goes unanswered. Since we recommend that Network members know whom they would call for representation after self defense and even provide a space on the back of Network membership cards for members to write in their lawyer's name and phone number, I would like to help you reduce your frustration level when you are shopping for an attorney.

I have an AA in legal assisting and spent more than 10 years on the other end of the phone as a paralegal to a few different attorneys. I would get calls all the time from prospective clients wanting to talk to the attorney and not to me. They would say it was a private matter or that I could not help them and they needed the attorney.

They did not understand that most attorneys do not do initial client screening/intake. That is the job of the trained support staff. Attorneys usually don't talk to clients until the initial consultation. The attorney's secretary, paralegal or assistant knows everything that is going on with the clients. They do initial client intake, make up the files, and type all the letters and court documents. In many cases, the attorney will also let them give certain case status reports to clients.

As a paralegal, I did most of the case management, freeing up the attorney to do what only he or she could do. Attorneys need to go to court, make settlement negotiations, be at depositions with clients, and meet with clients when they need to discuss issues in person.

When you call to make an appointment to go meet an attorney, ask to speak to the attorney's assistant, tell him or her that you are a member of the Armed Citizens' Legal Defense Network and that you got the attorney's name from our affiliated attorney list. Then tell them that you would like to schedule a short consultation and ask

for an appointment. It is up to the attorney whether they charge a consultation fee, so ask about this during your initial call to the office.

Several days before your appointment gather any information you want to take to the consultation. Write a list of questions you wish to ask the attorney. You may want to ask about local laws, how the local prosecutor tends to view armed citizens and those that do have to defend themselves. You might ask for an after-hours emergency phone number. You likely will not get the attorney's home or cell number, but many firms use an answering service. The service will have criteria on getting callers immediately to the attorney, so ask the attorney about it so you know what to expect.

Some law firms do not meet with people who do not have a pending legal issue. Personally, I would have a very hard time writing an attorney's name on my Network member card if I could not at least meet with an associate or paralegal at the firm. The assistant or paralegal can explain how the office works to make the prospective client feel comfortable with their process.

Sometimes Network members become frustrated when they attempt to contact an affiliated attorney by email. Until you are known as a client, email is not a great business tool. Email can be terse or overly brief and too easily misunderstood or may fail to fully answer questions. I personally do not believe email is a good option when you are trying to initially contact an attorney you would call for representation after self defense.

Remember, the attorney and his or her staff are running a business. Each person in the office—from the office manager, to the attorney, to the runner (gopher)—has a designated job to do. You have a job to do, too—be a client and follow their procedures, so trust the person answering the phone to guide you. Answer their questions. Set an appointment and know that you most likely will NOT speak with the attorney before you meet in his or her office.

*[End of January 2015 eJournal.
Please return for our February edition.]*

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About the Network's Online Journal

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

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

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

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 or PO Box 400, Onalaska, WA 98570 or call us at 360-978-5200.



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