



## The Network Track Record of Assistance to Members

by Gila Hayes

With nearly 3,000 new members coming on board in 2016, an overview of the Network's support of members should prove useful to our newer friends. In addition, renewing members will be happy to recognize their familiar membership benefits hard at work in a review of the Network's payment of legal expenses on behalf of members.

The Network pays members' attorney fees in the aftermath of self defense to assure that members have vigorous legal representation, provides assistance with bail, pays expert witness fees and funding for all the other professional services a fully-fledged trial team needs. Before any of that ever becomes necessary, however, all Network members also receive our in-depth member education package of lectures and a book by the recognized experts in the field of legal defense of use of force in self defense.

### Real Life Experience

How has the provision of membership benefits played out in real life? Since the Network opened in 2008, we have paid attorney fees on behalf of thirteen members. In most situations, early representation by aggressive attorneys staved off protracted litigation in either civil or criminal court and to date, no member-involved case has had to be tried in court. Several have come close to going to trial, including one in which the State filed charges twice after losing track of its key witness the first time, then upon finding the supposed victim, it filed charges again.

Our members' track record of such a low incidence of self-defense emergencies is testament to both the educated and careful self-defense decisions made by Network members, and the fact that we have yet to need to fund a trial underscores the value of having members represented by counsel as quickly as possible after an incident.

It seems that everyone wants to hear the gut-wrenching, real life stories of people shooting to save their lives who then face the wrath of the criminal justice system. Before opening the Network, we, too, had studied post-incident aftermath stories, and knowing that self defense can be misunderstood by the law motivated us to form the Network on the concept of membership benefits, extended when the member's need for an attorney arises, not as reimbursement.

It is our contention that *any* use of force in self defense generates the need for legal representation during interaction with responding officers, investigators and prosecutors. This was evident in our first funding case early in 2011 when a Network member, a military veteran, had to draw and point his handgun at attackers to stop such a severe beating that he was sent first to the hospital, and after treatment for his injuries, was jailed on assault charges.

While he waited in jail to be assigned a public defender, a relative of his recognized our member's name on jail logs and called his father, who called us. Network President Marty Hayes contacted an affiliated attorney, paid him and arranged for him to consult with and prepare our member for court hearings and to face trial. At the 11th hour, our member chose the offer of a brief period of probation over facing aggravated assault charges before a judge and jury in an anti-gun and likely racist metropolis. A black man who defends himself with a gun runs extreme risk of being viewed as just one more armed criminal, he explained.

### It's Not All About Shootings

Like that first case, most times the Network has paid an attorney or attorneys to represent a member, the underlying situation has not involved a shooting, but instead the defensive display of a firearm to stop assault by one or more aggressors. One such example occurred toward the end of 2011, when we paid an attorney to

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help prepare the member to face a grand jury hearing resulting in no true bill (no criminal charges). A similar thing happened between neighbors in 2013 when we paid an attorney to arrange arbitration with the result that three pending misdemeanor charges against that member were dismissed.

## Defensive Display

A similar defensive display with a twist involved Network affiliated instructor member Art Joslin, who agreed to tell us his story. One late summer afternoon in 2015, Joslin was sitting in his car on a public street with the window down when a car pulled in and parked right in front of Joslin's, blocking him in. The driver leapt out and rushed up screaming threats. Joslin relates, "I think I counted seven or eight times that I said, 'Sir, you need to stop and stay back.' He chose not to and as he came around the front of my vehicle, I did draw my weapon out of his line of sight and I just placed it in my lap with my hand on it, not knowing if he was armed or how it would escalate. I was blocked in from all four directions. My only means of escape would have been running him over."

"When he came around the side, he could see into my vehicle and saw the weapon. He stopped and started to back up. He kept yelling, but he didn't leave. I was still telling him to keep back. I determined that the threat was starting to deescalate some. I felt that I should reholster, and I went to the pepper spray."

As soon as the aggressor stepped back, Joslin jockeyed his car out of the parking spot, calling 9-1-1 while putting a little distance between him and the other man. Both men were on the phone with 9-1-1 and the aggressor screamed at the dispatcher, "Some guy just pulled a gun on me," threatening to kill Joslin if police didn't get there quickly. Joslin gave the police dispatcher his description and said he had retreated and was waiting down the street for responding officers.

While waiting, Joslin mentally reviewed training from Massad Ayoob and the Network trying to prepare for what was likely to happen when police arrived, to work through what steps he needed to undertake. He considered several choices including, "Not saying anything until an attorney was present—which might have been a choice; or I could just give specific information, as we are taught to do." He stood outside his car, holding his identification. The first officer on the scene asked, "Is that your gun?" He answered, "Yes,"

and she took the gun out of his holster without any further words. Reading the attitudes and "the way police approached," Joslin decided to give "just enough information to show that I was the victim."

The sergeant in charge repeatedly asked, "What did you think he was going to do?" Joslin responded with "exactly what I thought he was going to do" and his answers remained uniform. Conversely, the witnesses against him were inconsistent. Not only his attacker, but also a number of family members from his house, claimed they saw Joslin point a gun at the man, which was not possible because the gun was held on his lap out of view until he holstered it.

"Because of my training, I was able to keep a cool head and articulate specifically what had happened—just relevant facts. Not only that, I had a body camera to back it up." Because the body camera was new to him, Joslin forgot all about it, and found later that, "it had recorded the entire event"—about two and a half hours, including his interaction with law enforcement. Police confiscated his firearm and body camera and sealed both as evidence, which was sent to the prosecutor, adding a unique twist to the problem.

## Felonious Assault Charges Pending

Because the stories of the assailant and his family members changed repeatedly, the sergeant told Joslin, "I'm not sure what we are going to do here." Joslin believes that if he had refused to give any information, the accusations would have left police with no alternative but to arrest him on the spot. Informed that the pending charge was felonious assault, he responded, "I didn't realize he had a weapon!" and was told, "He didn't, the charge is against you."

Surprised by the pending charges, Joslin invoked his right to counsel, and was released to go home. From there, he called the after hours number for the law firm Simon & Geherin of Ann Arbor, MI, and received a return phone call within ten minutes. He spoke with Dan Geherin again the following morning, and then he called and sought the assistance of the Network President Marty Hayes.

The law firm had requested a flat rate retainer of \$2,000 for representation up to and including any preliminary hearings. Joslin continues, "Within 15 minutes of getting

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off the phone with Marty, I had an email from the attorney's office that he and Marty had spoken, the \$2,000 had been paid and they were retained."

Although Joslin knew Dan Geherin by reputation, he had not met him face to face. He had, however, previously reached out to friends working in law enforcement and several related that they had been on the receiving end of a Geherin cross-examination and opined that, "If, as police officers, they were ever involved in an incident, that was who they would contact."

The advice turned out to be solid, and within an hour of Joslin's Friday morning meeting at Geherin's office, the attorney had notified the prosecutor's office that he was representing Joslin, long before the police forwarded the evidence. Finally, three long weeks after the encounter, the prosecutor viewed the body camera recording and stated that Joslin "did absolutely nothing wrong and that the other man should have been charged with assault." They closed the case, and told Joslin to go pick up his gun, body camera and other evidence seized from him the night of the incident.

As the Network has seen time and again, early, vigorous representation may derail charges. In his situation, Joslin gives equal credit to Geherin's efforts and the unusual evidence of the body camera to counteract the lies of the assailant and his family. He also credits his prior education in use of force for helping him keep a clear mind while giving a statement containing sufficient detail but not too much.

## Responding to Home Invasions

Two Network members have been the victims of violent home invasions. In 2014, the first was injured while fighting off an intruder into his home and we paid an attorney to make sure no charges were filed against our member while he recuperated in the hospital. The second home invasion shooting occurred just two years ago. The underlying facts show that an autistic man broke down John Daub's front door just before 6:30 a.m. January 5, 2015 and rushed into the home where Daub was with his wife and three children. Daub has discussed the shooting at length in <https://blog.hsoi.com/2016/01/06/regarding-the-events-of-january-5-2015/> and was later interviewed by Massad Ayoob in an article linked at <http://www.armedcitizensnetwork.org/learn/media-coverage>. In addition, Tom Givens speaks briefly to the Network's efforts for Daub in a short statement at

<http://www.armedcitizensnetwork.org/defensefund/advisory-board/476-tom-givens>, so with plenty of facts about the incident readily available, let us focus here on the aftermath.

Immediately after shooting the large, husky man who had smashed through his front door and who advanced toward him despite orders at gunpoint to get out of the house, Daub flashed on instruction from one of his mentors, Tom Givens, about another Rangemaster student who incapacitated one assailant, only to be attacked by that man's companions. Were more intruders waiting outside in the dark, Daub wondered? "Until it's over, it ain't over," he exclaims. "In this case, I cannot consider it over until police are on scene." Dialing 9-1-1, he withdrew as far back into his home as possible, without giving up a sightline to the front door. He recalls feeling, "This can't be happening! I just wanted police to get here ASAP."

Both Daub and his wife dialed 9-1-1 and asked for assistance. After giving his address, he reported his door had been kicked in and that he had challenged, then shot the invader who advanced toward him. Daub asked for emergency medical services for the fallen man, remaining on the line with Austin Police Department (APD) and emergency medical services (EMS) until police arrived.

Dispatchers asked, "Where is the gun?"

"In my hand," he replied, refusing to put the gun down, despite 9-1-1 demands, retorting that he was not going to put down the gun until he knew that he and his family were not in danger. Dispatchers explained that he needed to put the gun away for the safety of first responders and for his own safety to avoid a mistaken identity shooting. "I understand," he answered, "You tell me when APD is here on scene."

The EMS dispatcher asked for Daub to check the physical condition of the invader. Not knowing whether the man was conscious, he refused to approach. Sometimes a combatant who has lost blood and collapsed can get up and start fighting again after their blood pressure has stabilized. "I don't know if dude has a gun, a knife, so I am not going anywhere near him!" he recalls. He was subsequently quizzed by both the APD dispatcher, as well as the Austin-Travis County EMS dispatcher, about the age of the "patient," whether the intruder was alone, and more.

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Daub explains, "There is a perception that you have to do what the dispatcher tells you to do, but that is incorrect. You should listen to them, but you don't have to obey them blindly," he stresses. "The 9-1-1 dispatcher is somebody sitting in a building miles away from you, who does not know what is going on! Don't fight them, don't get into an argument with them, but you have to be able to think of your safety and what is the best way to manage the situation."

Officers arrived about five minutes after Daub called 9-1-1, thanks to earlier calls from neighbors asking for help with the same man who was scaring others in the neighborhood by banging on doors before smashing Daub's doorframe. Likely officers were already en route by the time the Daubs dialed 9-1-1. Although that's extraordinarily rapid police response, "To me, it felt like an eternity," he notes. When officers arrived, he put the gun down on his dining room table and put his hands up so officers would not feel threatened.

Now, Daub had to think through the next steps. Would he clam up and refuse to speak to police as has been widely promoted? He identifies two opposite schools of thought: shut up and say not a word to first responders or suffer logorrhea and be unable to stop talking. "Really, a balance of the two is needed," he opines. "Police who have come to the scene don't know who is good, who is bad, not anything. They need to make sense of this situation and I need to make sure that they make sense of the situation in a way that is understandable and, if you will, favorable to me. I needed to say, 'I am the homeowner and this is what happened. Here are the facts that you need to make sense out of this,' but I am not going to editorialize." Daub did not have an attorney whom he could call and so he didn't think of calling a lawyer so soon after the shooting.

Obtaining counsel was made more difficult when police entered Daub's home and immediately sequestered him in a stairwell and away from his family. "Basically, I was not allowed to move, go anywhere...not make a phone call, not do anything! I did my best. If they asked me a question, I answered the question.

"The favorite question they kept asking me was, 'How many shots did you fire?' I said, 'I don't know,' because I didn't. It was legitimate; I had no idea."

Did a time come when Daub felt he had given the basic information and declined to answer further questions?

From the beginning, he asserts, he applied training "to answer what needed to be answered—and then shut up! I was aware that anything I said could be used against me, but I did not feel that I had diarrhea of the mouth," he recalls.

Isolated on the stairwell, Daub kept thinking of things he should do, including calling for legal assistance, but the scene was "whirling around me, and one officer would come talk to me, then a detective would talk to me, and it got to a point where, 'I'm doing what I'm being told, OK? OK?' I'm still dealing with trying to get the taste of adrenaline out of my mouth, and all this kind of stuff. I really have to say, I should have retained counsel sooner than I did. It was my responsibility to do it," he owns.

Although Daub knew that he needed legal counsel, despite other very solid training and preparation, he had not worked out how to get legal help. Pointing this out is in no way critical of him, and we appreciate his frank honesty so that other Network members can learn and be better prepared. Daub adds, "There are things that I know I did not necessarily do right! If people can learn from my [experience] and do better for it, then fantastic! I am all for that."

Daub remembers wishing again that he had an attorney when he and his family were taken to APD headquarters to make formal statements. Investigators wanted to obtain statements from everyone in the home without influence from anyone else. Daub believes that the consistency in all five statements given by himself, his wife, his daughter and his two sons worked to his favor. "There was never any chance to coordinate stories, or say, 'Kids, say this,' or make things up. The kids are going to tell the truth. Everyone had a different perspective, but fundamentally, everyone had the same story because everyone was flat-out honest." He stresses several times that Austin Police Department was very professional, and he "has nothing but high praise" for their response.

Returned with his family to their neighborhood by mid-afternoon, Daub telephoned Network President Marty Hayes and told him what had occurred. He remembers that Hayes asked, "Do you have an attorney you would like me to call?" And I said, 'Please, Marty, could you please just take care of it?' and Marty said, 'Of course,' and he contacted Gene Anthes, who then contacted me. [Daub] I think Gene was already aware of it, because

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headline news in Austin that day was, 'Homeowner Shoots Autistic Man.' So Gene came to the house and met with me. I had no prior relationship to Gene, just knew he was a Network Affiliated Attorney.

"Our house was still a crime scene, so APD kept my wife and kids with the neighbor across the street. I was at the house, so Gene came to the house. I explained everything to him, and then Gene went across the street, got my wife and kids and brought them back. Since we were the top news story, one of the big things Gene was very good and sensitive about was working to shield us from the news media. When he went across the street to get my wife and children, he was careful that they could come in the house without being hounded by news cameras."

Anthes comments that although he had been a Network Affiliated Attorney for several years, the call to Daub's home was the first time he was called on to represent a member. "When I first met with John, the scene was all roped off, so I had to show my bar card to a police officer just to gain access to the scene, and then I met with John in his dining room. By the time I got there, the body had been removed, but there were still bloodstains, and little triangle markers marking shells and other pieces of evidence," he recalls.

"John came off very polite, educated, well spoken, but I could tell he was in shock. It is not the kind of shock that is a trauma to the body; it is a shock of the senses. His brain was just grappling, 'What do I do?' So to have a lawyer there to tell you what you should do, what you should say and not, I think that is crucial," Anthes explains.

Anthes emphasizes how extremely disruptive a deadly force incident and its aftermath is and how many different demands pull and tug at the survivor. "I've represented many police officers in shootings, and of course they are trained, but they are in shock after something like that happens, too. I have never been with a home owner like that, and frankly someone with the caliber of John's training—his hobby is self defense—it amazed me how much of an impact the shock can have. I think that is the main reason it is important to hire counsel. You can't comprehend what is going on around you after something like this. There are so many wheels in motion and it is all a blur to you. You are in shock! You had to take someone else's life!" he describes.

Daub describes the demands on his attention after the shooting as "just continually asking, 'Well, what now? What now?' After I was back in the house, I was looking at my front door and realized that I need help to fix the broken door," he continues. "I called my handyman and he said, 'Hey, I heard there was something going on on your street today.' He is retired after 27 years on APD, so he understood. He had one of his guys come right over to board up the door. How could we sleep without a front door?"

Daub describes taking it one day at a time, asking himself each day, "What now? Got to take care of the kids, make sure they're OK; check all the news stories, news media websites, Facebook and Twitter, Reddit and any kind of social media websites to see what is being said. That was how I noticed that there was a big question about what had happened. When APD's spokesman gave their first statement, they said that he 'broke the threshold.' Of course, that is a technical legal term, but to the public, that gives the impression that everything happened at the doorway." After barging six to ten feet inside the Daub home, being shot, and turning around, the intruder collapsed just outside the door on the front porch, with one foot just inside. "When EMS arrived, they started working right at the front door. So this notion started going around that this all happened at the front door. I told Gene and that was when Gene released a picture of our front door to the news media," he explains.

Troubled by the wild tales circulating, Daub, a long-time blogger, would eventually share his experience at <https://blog.hsoi.com/2016/01/06/regarding-the-events-of-january-5-2015/> but his comments show the distress inaccurate reports cause, as well as the strong drive to get the accurate facts out to the public. Immediately after the shooting, Daub's blog was temporarily taken off line, upon advice of Attorney Anthes. Social media and other accounts were also turned off temporarily.

Daub understood the need to limit what the news media, for example, could discover about his private life. "The moment the story hit, the news media was digging up everything they possibly could," Daub recalls. They discovered that he was an NRA-certified firearms instructor working with KR Training, and knew that he was self-employed through his own company, Hsoi Enterprises, LLC. His family was also scrutinized, but reporters made mistakes and Daub chuckles that when

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reports stated that he was the father of three daughters, his two sons were “very, very bothered” although “they’ve learned to live with it,” he says wryly. In one on-the-scene report, taped right beneath a street sign, the reporter still misstated the location.

Still, Daub stresses, “On the whole, the media was not too bad. Of course, they were trying to make a story out of it. They really wanted to play up that the gentleman who was shot was not just autistic; he was also black. They wanted to make something out of that.” In the backlash of the FL Zimmerman/Martin shooting a move was underway to repeal Texas’ Stand Your Ground laws at the time, Daub recalls.

“One day a couple of weeks after all this, I got a knock at my door by a reporter from the local NBC affiliate, wanting to know what I thought of the bill that was in the legislature to repeal the Stand Your Ground law. I think the reporter who was sent was sincerely not interested in doing this story and was basically forced to by his news manager. He was very, very apologetic, but they definitely wanted to make an issue out of it. I was not going to get into that. I said, ‘No thank you, have a nice day.’”

The unknown loomed large in Daub’s worries. He waited five months to learn whether the grand jury would indict him. Daub recalls, “After questioning at APD, I thought that if they were going to charge me with something, I should have been charged right then and there,” and he held on to that idea as the weeks turned into months before the grand jury considered the case. Eventually, they returned a finding of no true bill, meaning that he would not face criminal prosecution.

While waiting for the grand jury, “I tried to get on with life as best as I could.” He notes that Anthes was very accessible, and Daub was encouraged to call and ask questions anytime he needed help. Although in the days immediately following, Daub had a lot of questions and was in contact with the attorney frequently, he always received a prompt and polite response.

Daub fully expected to testify before the grand jury, and had steeled himself to answer their questions. Although he was never required to appear, Anthes had prepared him as best he could, explaining how the law firm would respond to different possible outcomes in the legal process.

“I’ve been a prosecutor and a defense lawyer here in town for a long time, so I reached out to the D.A. whom I’ve worked with before to say, ‘Look, we are happy to help in any way that we can.’ I made sure John was OK with that and he was, so I said, ‘We are happy to testify in front of the grand jury should it be needed.’” Anthes adds.

“In TX, the lawyer is not allowed to be present while the person is testifying. You are questioned not by one person, but by however many grand jurors are in there. It is very intimidating! At any point, you could take time out to go talk to your lawyer who is sitting right outside. I have spent many hours sitting outside a grand jury room while a client testified,” he relates.

On the morning the grand jury was scheduled to consider his case, Anthes was notified and immediately called Daub to report they had decided not to indict and Daub did not need to testify. After letting loved ones know the outcome, Daub was finally able to move forward with his work and family life.

The decision further freed Daub of a very real concern about a lawsuit for damages. Because Texas law provides for civil immunity, the grand jury’s decision encapsulated not only the freedom from facing criminal trial, but relief from danger that the family of the man who broke into his home might come after his assets in a punitive manner. Daub had one additional worry about civil litigation: “Here, there is also a third party involved: the care facility,” he adds, noting, “It is evident that this happened because of their negligence.” He worried, however, that the company owning the care facility had “deeper pockets and more lawyers” than Daub, so he was concerned they might find a way to shift the responsibility for losing control of their patient off on to him. “I’m sitting here saying, ‘Oh, my gosh, what am I going to do?’”

Queried about how likely a civil suit was, Anthes explains that he took the threat seriously, adding, “That’s why I would have preferred he talked to me first before giving his statement to the police. Now that the case is closed, I am sure there have been a slew of open records requests from civil lawyers getting John’s statement. The thing that helps him avoid [civil suit] was the deeper pockets of the mental health care home. I think that has been shut down now and there is a lawsuit

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by the victim's family against that company. I'm hopeful that because of what we leaked to the media it would be such a clear cut case of self defense that any civil lawyer looking at it would say, 'You're out of your mind! You've got no case here! I'm not taking this case!'

Cleared by the grand jury, Daub was finally free to address mistakes that had been published about him. He wrote a detailed blog post addressing all the misinformation that had been published about the shooting. "This is the age of the Internet," Daub exclaims, "and once something is published, it is out there forever. I worry about that. I'm a software developer, and believe me, my entire industry, anybody who I interact with, knows how to Google search people. If I apply for a new job or try to get a new contract they're going to punch my name into Google and look what is going to come up! I want to make sure that the truth is put out there, to clear the air."

He believed a first-person account was needed to counter the archived stories that were posted as the news was breaking. "Those facts are incorrect, but are going to sit on the news organization's website forever along with the Internet armchair quarterbacks who all comment, based on their misinformation and filling in with their own 'facts.'" Had he not published his own account, Daub felt he would be "forever branded by everyone else's words, and not my own." Attorney Anthes first approved the blog, as well.

Anthes explains, "I reviewed his blog for him to make sure there was not anything that would subject him to more criminal or civil liability and made a couple of tweaks here or there." As he did with statements to the police, the blog avoided "editorializing, going off and ranting and raving and condemning," Daub explains. Instead, it is a very personal post, explaining the sad event that happened and the human beings involved. Still, Daub faces being "that guy who..." he explains, "I started this new job just back in September and I know there is at least one guy there who does know about this. I never brought it up. He just came to me one day and was like, 'Oh, my gosh, dude, did this really happen to you?'"

Daub comments that many think of the aftermath of a critical incident as spanning a few weeks or months. "That event is going to last a matter of seconds. The aftermath is going to last months, maybe years. The reality is, the aftermath is the rest of your life because

you are going to have to live with this for the rest of your life like anything else in your past. Being able to have a 'rest of your life,' and being able to handle that, is important," he emphasizes.

Daub credits self-defense training, including force on force exercises, with inoculating him and his family against being devastated by the events of January 5, 2015, "Because I'd considered that this might happen, I'd prepared that this might happen, not just in a skills sense, but emotionally, mentally, spiritually."

"So many people approached us in the aftermath and said, 'Oh, are you OK? Gosh, I can't imagine...Are you all right?' and it showed me that I'm OK. I was sad because it was a sad situation." Viewed through the responses of others, Daub saw that he was emotionally strong, "because I thought someone was breaking into my house, was going to cause harm to my family. I had to do what a good father and husband and protector had to do and I don't feel guilty about that. I gave him every opportunity. I pointed the gun at him. I told him to get out of my house three times and he still decided to come toward me. What else could I think? I gave him every opportunity." He saw that his sympathetic friends and associates were "just blown away by this because they had never fathomed it, never in their lives considered that it could happen, so it hit them like a ton of bricks.

"I implore readers to think about the aftermath and to make sure that they get training and education and exposure about the aftermath so that the first time they experience it is not the actual aftermath. I was reading Alexis Artwohl's book, *Deadly Force Encounters* (see <http://alexisartwohl.com/books-and-publications/>), and it is right along these lines. That would be a great book for people to read. I had that preparation. I knew where my line was drawn. I can justify myself to myself, to my family, to my friends, to the courts, and to God that this was OK because I figured this out beforehand. You can deal with the aftermath a lot better when you know the aftermath, not when the aftermath is the first time you ever experience this.

"I think the biggest thing was the Mark of Cain syndrome. This was top news in Austin. I had people coming out of the woodwork to whom I never said a word, who had obviously heard about it in the news. There aren't many John Daubs in this world, let alone

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here in Austin, so it is like, 'Oh, my gosh, that's John!' I remember very distinctly not too long afterwards, I had to buy mattresses and the guy's asking all my information for delivery and I'm thinking, 'I don't want to give him my name,' but I gave him my name and I just went about my business."

Daub's preparation, faith and family made him strong. Although occasionally a strange noise or a loud knock on the door elicits a startle response, the Daub family by and large is doing fine.

## A Closing Synopsis

Of the thirteen members for whom we paid legal fees after self defense, several went before a grand jury or like Daub the facts of their incidents were no billed by grand juries and they were not indicted, several others were charged, went through pre-trial legal processes and eventually of their own volition accepted favorable plea bargains, and finally, the rest were not charged, although all had the benefit of an attorney's advice soon after the incident.

Of the underlying incidents, seven involved defensive display of a firearm without shooting, four have included discharge of the member's handgun, two incidents entailed improvised weapon use, one being a golf club when our member, a retired gentleman, was attacked on the golf course and the other improvised defense entailing threatening his assailants with what was at hand, a hammer. As members should know, we do not limit Network support to firearms-related self defense, and both of the members improvising an object at hand enjoyed the payment of attorney fees to the attorney of their choice.

A question about the Network's track record that seems to be of great concern to folks who are interested in Network membership but have not yet made the decision to join, asks us to account for funding requests that were denied. First, we do receive a number of

requests for assistance from non-members, and obviously, we must say no to those poor folks. Sadly, those are so frequent that we have, frankly, lost count. Only two Network members have asked for help and been denied after being involved in what was clearly not self defense (one entailed destruction of public utilities while intoxicated and another left the safety of his home to go outside and fire a shot to frighten away a dog). We fully explored all possible avenues of assisting, but when unable to turn up any elements of self defense, we regretfully declined, explaining that the Legal Defense Fund must be reserved to help members who have no recourse but to defend themselves or be killed or injured, elements that were entirely absent in situations underlying the two denials.

All member-involved incidents that have contained self-defense elements have received funding paid to the attorneys designated by the members. The Network has immediately provided at a minimum, the initial fee deposit after the incident, paid to the member's attorney to all those making requests. Only one situation has required extensive preparation for trial—twice, in fact—and we paid two law firms to do that work.

We are often questioned about how much we've paid out for the legal fees of members, a total of just over \$110,000 and a subject on which Network President Marty Hayes will comment in the following article. Amounts we have paid on behalf of members have been all across the spectrum! One member's situation was resolved by an hour-long consultation with the attorney (actually, I think it ran more than an hour, but the attorney only billed us for one hour) so we wrote a check for \$400, and the majority of the fees for representation ranged from a low of \$2,000 up to \$10,000 because the legal issues were resolved without actually going to trial.

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## The State of the Network Message

by Network President  
Marty Hayes

I always enjoy writing these messages to our members, primarily because each year, the Network gets stronger, and the members receive more and more value for their

membership dues. For example, our Legal Defense Fund has now topped \$900,000. That money, set aside in several credit union and banking institutions to keep each account below the deposit insurance limit, is earmarked to pay members' legal fees.

Of all the competing products now in the marketplace that purport to pay their client's legal fees, the Network is the only organization that does not put a cap on the amount we will pay toward the member's defense, with the proviso that we have always said, and continue to say, that we will not drain the Legal Defense Fund below the half-way mark for the defense of any given member. At this time, that equates to a soft cap at \$450,000 for legal fees and bail. By comparison, for criminal defense, our largest insurance-based competitor's top tier program will only pay up to \$125,000 for legal fees provided in advance of a verdict and only \$10,000 toward bail. Their cost for that much coverage is over \$300 per year.

For new members who do not know the history of the Network, I will explain how we got to this point. Eight years ago, in 2008, I formed the Network in partnership with Vincent Shuck and my wife Gila Hayes. It was our idea that those of us in the gun culture who were passionate about our right to self defense would be willing to help one another if one of us was involved in a self-defense incident and, as a result, faced prosecution. We also knew that effort could not be accomplished on a strictly voluntarily basis, human nature being what it is. Thus, we structured the Network as a membership organization, and charged enough for dues that we were initially able to earmark 20% for a Legal Defense Fund, raising that allocation to 25% a couple years later.

Armed with good intentions and our reputation in the industry as a firearms trainer (me) and author (Gila) and organizational manager (Vincent) we approached our friends and associates and told them of our ambitions. Our earliest advisors included Massad Ayoob, Tom Givens, John Farnam and the late Jim Cirillo. Later we added Dennis Tueller, along with attorneys James Fleming and Manny Kapelsohn. They comprise our advisory board, and at least once a year, we gather to discuss the long range plans for the Network, along with making any needed revisions to our current operations. The Advisory Board also serves as our sounding board and case review team, although that aspect has been under-utilized. That is a good thing!

In the beginning, we also invited about a hundred firearms trainers across the nation to join us and help spread the word about the Network. Through that effort, we started growing, and as a result, the Legal Defense Fund balance increased, too.

Over the next few years, we put all of our efforts into growing the Network (and as a result, growing our Legal Defense Fund), along with starting our member-education series of DVDs. You see, those DVDs you receive are the heart and soul of your legal defense, because they show your ability to articulate WHY you felt you needed to use force in self defense. Showing legitimate training as the basis of your use of force decision is the key to being exonerated of wrongdoing after a self-defense incident. And, speaking of DVDs, we have a couple more being edited right now. When added to our existing lectures these new titles will raise the number of DVD lectures we send to our members to ten. Each new member education package also includes Massad Ayoob's 2014 book *Deadly Force: Understanding Your Right to Self Defense*.

During the Network's early years, I spent quite a lot of time working with the media, explaining the Network on Internet forums, guesting on podcasts, along with the occasional radio show. I also was asked to be a guest commentator on *The Best Defense* TV show, and while I only recently moved on from there, it was a great experience. Through these efforts, the Network continued to grow. Interestingly, so did the competition.

[Continued next page...]

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When we introduced the Network in 2008, there were no other organizations doing what we do. Thus, I failed to anticipate and plan to counteract competition from the copycats that soon began popping up. I guess these entrepreneurs understood the concept of what we were doing, and decided they could make money by selling look-alike products. None did what we did—build up a dedicated legal defense fund—but instead most sold insurance or insurance-backed plans (meaning their clients are reimbursed for legal fees after receiving a favorable verdict), while others are legal retainer schemes (they say they will defend you either by the attorneys in their own firm or find and hire an attorney for you).

In addition to developing the infrastructure of the Network, we also early on had the privilege of putting our membership benefits into action, helping our members after acts of self defense. While our membership benefits initially focused on paying attorneys to defend a member after a shooting, we soon realized that there were more self-defense incidents that did not entail shooting someone. So far, we have had seven members display a firearm during an incident, along with one shooting. That comports with research showing that firearms are displayed in defense without shots being fired far more frequently than incidents in which the armed citizen is forced to shoot. Other interesting cases include one in which a member was forced to shoot an attacking dog, and in another the member resorted to defense with a golf club. To date, we have spent a little over \$110,000 to assist members, with our largest draw on the Fund topping out at \$68,000.00.

Network membership numbers also continue to grow and have done so since we started the organization. We can now boast that we have over 12,000 members in the Network. Of course, we could have many more members if we advertised more (we do a little magazine advertising) or if we participated in aggressive e-mail marketing. Our goal, however, is not to be the biggest, just to be the best. To accomplish this, we pursue slow and steady growth.

To handle the needs of 12,000 members, the Network employs a staff of six, counting Vincent, Gila and myself. For each position, we have hand-selected each team member from our own close circle of friends and associates, so each is a proven entity before they come join the staff. I can't imagine not being able to choose employees this way, so as a side-benefit of staying a manageable size, we control the quality of person who works for the Network. Bigger is not always better.

Well, members, that should bring you up to date with the State of the Network. It is my goal that you feel comfortable knowing that your investment is being managed efficiently and effectively. I refer to your investment in member dues and the time you, as a responsible member, invested watching the DVD lectures and reading the book we sent you.

I close this message with my sincere thanks to each member for being a part of the Armed Citizens' Legal Defense Network, Inc.

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

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## President's Message

by Marty Hayes, J.D.

What have you done for your community lately? I mean, what have you done other than obeying the law and paying taxes? I ask this as I begin writing this month's *President's Message* (my 97th such message in a row). Masonic Brother Mike Webb took the picture to the right as I relieved him from the Interstate rest area coffee stop put on by our Robert Morris Lodge #97 of the Grand Lodge of Free and Accepted Masons of WA State. The coffee stop is a small thing our lodge does once a year, and it raises money for college scholarships.



I make this my lead comment this month because if one of our members is prosecuted after a shooting AND that member testifies on behalf of themselves (most likely, otherwise how will the jury learn WHY the member felt his or her life was in danger) then the prosecutor might just try to paint that Network member as a "gun-nut" as did Pima County DPA Daniel Niccolini in the Larry Hickey trial (read about it at [https://armedcitizensnetwork.org/images/stories/Hickey\\_Booklet.pdf](https://armedcitizensnetwork.org/images/stories/Hickey_Booklet.pdf)).

You see, for many prosecutors trying an armed self-defense case the goal is not seeing justice prevail; the win-loss record is most important to them. They might just take your active participation in the shooting sports and self-defense training and try to use that against you. The questioning might go like this: "Is it not true that you spend the majority of your free time reading about guns, shooting guns and otherwise fanaticizing about guns?"

Could you answer that question something like this: "Counselor, while it is true that one of my hobbies is guns, I have many more activities of which I am more proud. Would you like to hear about those as well?" What is he going to say? If he declines, your attorney would want to bring up this line of questioning, as was done in the George Zimmerman case. He was able to successfully dispel most of the accusations that he was racist when it was shown that he tutored black kids in his free time. Something to think about, huh?

## We Are a Multi-Cultural Nation

As I sit here at the rest stop coffee stand, I have interacted with a couple hundred or so people traveling on I-5 in Southwest Washington. It strikes me that we (the United States of America) are no longer a predominately

Caucasian nation. In fact, I would estimate that most travelers have something other than European blood coursing through their veins. I find it rather interesting sociologically, and find it somewhat astonishing that my heritage (Germanic/Polish/Norwegian) is a minority in this country. What bearing does this epiphany have on self defense? Not much, but when one has been sitting for a couple hours without much going on other than telling weary travelers about the hot coffee and cookies, the mind starts to wander.

## Back to Masonry

Please indulge me for a moment. I have only been a Mason for a little over a decade, but knew about the organization for most of my life. When I was a young boy growing up in Harrison, ID, our house was next to the local Masonic lodge. I remember seeing the fine old gentlemen dressed up in their suits and top hats gathering once a month, and I always wondered about what went on in the Masonic Temple. When I became a young adult and visited the graves of some of those old men, I realized that the city fathers of my home town all had Masonic symbols on their headstones.

Later in life, I had occasion to meet some very fine individuals, mainly though my shooting school, and several of those guys were also members of the fraternity. When I finally decided to join them myself, I came to realize that belonging to the Masonic fraternity wasn't about secret handshakes and world domination,

[Continued next page...]

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but instead, in part about simply being there to help your fellow man.

When becoming a Mason, one pledges to come to the aid of distressed brother Masons and their families. In fact, being a card carrying Master Mason means I have brothers far and wide across this great nation and worldwide. I know that if I were in trouble, all I would have to do is find the nearest Masonic Lodge and there would be a brother Mason there to help me. To me, that is pretty powerful, and the main reason I joined was to be a part of that brotherhood.

Being a member of the Network is a lot like being a member of the Masonic lodge. When you are a member of the Network, you join a group of fine men and women, scattered throughout the country, and any one of them would, I am sure, stop what they were doing and help out a Network member in trouble if they could. Of course, there is also the growing number of Network Affiliated Attorneys who will be there for the member, with the Network picking up the tab for the legal fees, as it has done on behalf of thirteen members so far. (For more of this, see my *State of the Network* message).

The fine men who founded our country, George Washington and Benjamin Franklin were Masons; similarly, the Network was founded by the best of the gun industry: Massad Ayoob, John Farnam, Tom Givens and the late Jim Cirillo. If today's gun culture had a group of founders, our advisory board would be amongst that group.

## See You at SHOT!

This coming month, Gila, Vincent and I are off to SHOT Show to see what's new in the industry. During this convention, we also take the opportunity to meet with the Network Advisory Board and fulfill our yearly commitment to discuss with them the Network's growth and to ensure that we continue to serve our members well.

We may not be the biggest self-defense aftermath program now, but we surely are the most experienced and dare I say, the best in what we do.

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



## Vice President's Message Legal Defense Fund – Review and Forecast

by Vincent Shuck

Now that we have celebrated another New Year for the Network and for ourselves, I offer a reminder of what the Legal Defense Fund has accomplished during the Network's life, a review

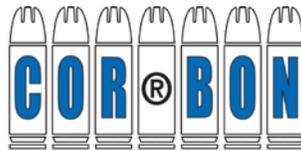
of where the money for this Fund comes from, and what will be happening in 2017 to enhance the Fund's total. Some of this information may be old news to long term members, but please bear with me as I bring everyone up-to-date.

The Fund was created by the Network in order to have money, commonly called cash, to provide immediate financial assistance to a member for legal fees and bail support after a self-defense incident. It also funds expenditures for a trial, if required. The Network founders decided to provide the means to support members without any insurance-related contingencies. We have faithfully put aside a percentage of all dues, all direct donations and all corporate support of services and products that generate income via our auction activities. This collective effort has prepared us well and members have benefited from the allocations and contributions. In fact, a dozen or so Network members have received direct financial support totaling over \$110,000 during our span as a membership organization. Having available cash is functional.

The allocation of dues to the Legal Defense Fund is a rather silent, behind-the-scenes event. We simply take 25% of your initial or renewal dues and deposit that share into the Fund. That portion alone increased the Fund by almost \$250,000 last year.

Donations are also deposited upon receipt. This past year, donations exceeded \$10,000. Individual Network members send in a separate check or decide to "round up" a dues payment amount. Members like to say "thank you" to us for creating the Network and are glad to add the Legal Defense Fund to their annual giving program. Isn't it nice to be a member and counted among those who support one of our freedom's greatest offerings? Being a part of this Network feels good, doesn't it!

The auction income is a little more involved but equally worthwhile. To obtain an item for the Network's auction, we contact potential corporate sponsors and explain the Network's mission of supporting the legally armed citizen. They respond by donating services or products that we can auction and then we deposit the income from the auctions into the Legal Defense Fund. Here is a list of the 2016 corporate sponsors:



- Black Hills Ammunition**
- CorBon Ammunition**
- Crimson Trace Corporation**
- Galco Gunleather**
- Ravelin Group Safety Equipment**
- The Robar Companies, Incorporated**

The auctions of donated items and services are posted on [GunBroker.com](http://GunBroker.com). To become a

bidder of one of our listed items, go to the [GunBroker.com](http://GunBroker.com) website and register. This gives you access to not only the Network's listed items, but any of the items included in the extensive shooting and hunting fields. Of course, you are among all of the individuals with bidding privileges so you may be bidding against a fellow Network member or

[Continued next page...]

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anyone else qualified to bid. But, bid what you want and hope for the best knowing the winning bid amount will go to the Legal Defense Fund. Except for custom made-to-order products, as a winning bidder you will receive the item promptly from the Network. Last year we sold a bunch of items and services provided by our corporate sponsors and earned about \$4,000 for the Fund. We do not post an item every month, but watch for an alert about a posted item in the monthly announcement sent to you when a new *eJournal* is available.

What does all of this mean? We are about at the \$1M mark in the Fund, thanks to the new members, renewing members, direct contributions and corporate support. That offers a nice cushion for use in assisting members after a self-defense incident.

2017 will offer us a chance to auction new items and services from our corporate sponsors on GunBroker.com and to allocate a portion of your dues to the Legal Defense Fund. It also gives you an option to consider the Fund in your giving calendar. If you can, send a check to our headquarters office or call in if you prefer to donate by credit card. Online donations are gratefully accepted as well, at <https://armedcitizensnetwork.org/contribute>. Either way, you can be a direct part of the Fund's continued growth and then enjoy the fulfillment from the art of giving to a worthy cause.

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

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## Attorney Question of the Month

In this column, our Network Affiliated Attorneys contribute commentary and opinions about questions that bear on the legal defense of use of force in self defense. This month, we raised a question that comes up occasionally from members in different parts of the country. It is a good example of the variations in law and custom from state to state, and we appreciate the information our Affiliated Attorneys contribute here. This month, we asked—

*If I am the legal owner of a suppressor that is kept on my defense gun, and I use that suppressed firearm in self defense, what if any additional legal issues might I face in the aftermath? Are you aware of any self-defense cases in which use of a suppressor was a factor in either the charging decision or in court?*

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It is not the possession and use of a lawfully owned silencer, it is both how it looks and how it sounds (or does not sound) to the jury! The question in the jurors' minds may well be, "Why does this law-abiding citizen have a silencer?" thinking perhaps the same thing some of our forefathers thought and brought about the restriction in the first place: "Only gangsters use silencers."

This is yet another layer of education your lawyer will have to provide jurors when all he/she wants to be explaining is how you and your family were viciously assaulted by a night-dwelling convicted felon looking in your home to serve his base desires...if you had not been there armed, well, then...

Also, the Florida stand your ground accommodation only works: "If the person using or threatening to use the deadly force is not engaged in a criminal activity

and is in a place where he or she has a right to be." If you are using an illegal gun or an unregistered suppressor, self defense may not apply. Why risk it? As a final point, the noise of a .45 or even a .22 in a contained environment may often prove sufficient to cause the perp to abandon his mission and flee, which is the ultimate victory for the homeowner.

**John I. Harris III**

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Tennessee has no statute that would prohibit the use of a legally owned suppressor on a firearm.

However, the practice, if a regular habit with respect to a firearm maintained for home defense, could become a factor in a civil tort claim.

**James Thompson**

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From a strictly legal perspective, using a suppressed firearm in self defense should make no difference in the analysis of the shooting, so long as the suppressor has the proper tax stamp approval and you are in lawful possession of it.

However, from a practical standpoint, my opinion is that suppressors complicate a case and can have negative implications. Prosecutors are not always knowledgeable about firearms. In general, attorneys tend to not be advocates of the Second Amendment. When it comes to defensive shootings, in my experience, prosecutors tend to be emotional and not always rational about the purposes of firearms, magazines, accessories, etc. There is a possibility that an ignorant or perhaps anti-gun prosecutor might react very negatively if a suppressor is used; not for any

*[Continued next page...]*

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good reason, but because of the general misunderstanding and stigma attached to suppressors.

Many people, even intelligent ones who have been through law school, can't fathom why an honest citizen would want a suppressor. And if that stigma makes its way into the prosecutor's thought process, that could tip a close-call case into the category of cases that will be prosecuted. To an extent, the same misconceptions can plague members of a jury, particularly in more urban jurisdictions. For these reasons, I would advise against equipping your home-defense or carry gun with a suppressor—it is just one more hurdle, one more thing to explain in a high stakes case.

**Thomas C. Watts**

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The question of a suppressor on a weapon is not qualified by whether the weapon is used for home defense. If the suppressor is not legal on your weapon, you will not earn a pass for home-defense use.

If you are forced into a situation of justifiably using deadly force resulting in death, you will likely avoid prosecution for manslaughter and above but likely subject yourself to prosecution for weapons violations.

Personally, I am of a mind to have defense weapons as plain-vanilla as possible. Why would I invite the attention of anybody that would search the rest of my home looking for more violations of the law when I was the one who was defending my rights?

**Marc S. Russo**

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I don't know all state self-defense statutes so I can't say definitively. However, it would seem to me that as long as the suppressor is legal in the defender's state it should have no effect on whether or not a shooting is deemed justifiable or otherwise. It would also seem

that even in states where they are illegal, there still should be no effect regarding whether or not a shooting was self defense. In such a state the shooter would be charged for illegally possessing the silencer, even if the shooting was justified. But the mere presence of even a presumably illegal suppressor should not affect that state's self-defense criteria.

However, despite the above, use of a suppressor could trigger negative reactions—even subconsciously—among the authorities as well as in jurors if the case were tried, especially if there are no additional witnesses to the shooting or if the shooting is on the victim's own turf. Silencers conjure images of assassination and premeditation.

**Peter Taussig**

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I am not aware of any self-defense case in which use of a suppressor was an issue. I do know of self-defense cases in which the used firearm was equipped with a suppressor but that never was an issue. In most such cases, the shooting was determined to have been justified and therefore never resulted in a trial. In a few instances, the shooter pleaded guilty to some related incidental and related misdemeanor charge or infraction and was assessed, at most, an insignificant fine: in one case, a charitable contribution suggested by a DA or magistrate.

**Eric W. Schaffer**

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Maryland has no reported cases or any other instances that I am aware of concerning the use of a suppressor in a self-defense situation. I am sure as suppressors become more common this issue will arise. The only mention of suppressors in Maryland law is in the criminal code (CL §5-621(d)) which provides for a ten-year mandatory minimum enhanced penalty if a firearm equipped with a "silencer" is possessed "during and in relation to a drug trafficking crime."

As far as keeping it on your defense gun I would just tell the person, like with any other non-typical firearm or  
*[Continued next page...]*

accessory, to be prepared to justify it to a police officer or a prosecutor to whom it is possibly unfamiliar. The time to come up with this list is before you have to use it. In addition, it's always a good idea to have a copy of your tax stamp handy.

This is also where the resources of the Network may be useful in getting an expert to explain all the good reasons for keeping a suppressor on your defense firearm. I personally keep one on my bedside gun and if ever asked will tell truthfully that the main reason is that after eight years in the infantry I zealously guard what remains of my hearing. It's nothing more than a

safety device and there is plenty of data to show how damaging even one shot indoors can be to your hearing. The only liability I see in keeping a suppressor on your defense gun is that you just may have to be the one to bring these points to the authorities' attention.

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*A big "Thank you!" to all of the Network Affiliated Attorneys who responded to this question. Please return next month for the rest of our Network Affiliated Attorneys' answers.*



## News from Our Affiliates

Compiled by Josh Amos

Greetings and happy  
2017, everyone! We hope

that you had great holidays and that the winter is mild wherever you are. We had a great year here at the Network and we couldn't have done a large part of it without the help of our affiliates. As a year, 2016 had some real ups and downs. Perhaps most importantly, strident anti-gun presidential candidate Hillary Clinton was denied her bid for the White House. While that is generally good for the armed citizens across the USA, we cannot afford to think that the anti-gunners won't be back. Regardless of who is president or what the anti-gunners do, as armed citizens, we still have plenty to do on our own: beginners to teach, self-defense laws to learn, and high standards to which we hold ourselves.

Here is where the Armed Citizens' Legal Defense Network affiliates play a key role. Many of you are going above and beyond in teaching new people the dos and don'ts of responsible gun ownership, helping folks reach higher standards of conduct on and off the range, and helping fellow armed citizens learn more about self-defense laws by passing out the Armed Citizens' Educational Foundation's booklet *What Every Gun Owner Needs to Know About Self-Defense Law*.

This year we are encouraging all our affiliates to reach out further in giving out the educational booklets. Please feel free to give booklets to customers and students, but also at matches, gun clubs, ranges, gun shops, or to any responsible armed citizen, beginner or experienced, who you think will make a good Network member. When you run low on the booklets just call or send an email to [josh@armedcitizensnetwork.org](mailto:josh@armedcitizensnetwork.org) and I will get you more. Reading these booklets gives our armed citizens a great place to begin learning and understanding the basics of self-defense law.

For good quality training as well as good products and gunsmithing, we are going to take a look at two of our affiliates in Colorado. There is lots of good stuff going on in CO, much of it complementary, so if you have the means, I recommend patronizing both affiliates.

Our first stop is with our affiliate Keith Everett at M4 Precision in La Porte, CO. Keith has quite a facility with training, a multi-lane indoor range, gunsmithing

(including custom builds, fabricating, and machining) and a retail store specializing in assessing customer needs and getting them the right tool for the job.

Let me also mention that Keith and M4 Precision are the exclusive makers of the Farnam Signature M4 or FSM4 rifle! Keith left no standard unsurpassed when it came to making this high quality rifle, and that is why industry giant (and our beloved Advisory Board member) John Farnam put his name on it. Check it out at <http://m4precision.com>. From working with Keith over the phone and seeing his work, I can say that I would not hesitate to recommend M4 Precision for training, 'smithing, or retail needs.

Just down the road from La Porte in Castle Rock, CO is another great Armed Citizens' affiliate, Carry on, Colorado! The owners/trainers at Carry on, Colorado are Jeff and Jenna Meek. Both Jeff and Jenna are very highly educated, yet down to earth firearms trainers who teach a broad spectrum of students from basic gun safety, to CCW classes, to legal concerns, as well as providing opportunities for experienced shooters to brush up on their skills.

Jeff and Jenna are huge proponents of education and quality training, and they also host a veritable list of the who's who of top quality instructors. This year Carry on, Colorado is hosting John Farnam in April for his Defensive Urban Rifle course. I also need to mention a favorite instructor of mine who teaches at Carry on, Colorado, the one and only Marc MacYoung. I highly recommend taking Marc's *Crime Avoidance* and *Understanding Violence* classes. Carry on, Colorado has also hosted industry greats like Massad Ayoob, Tom Givens, Rory Miller, and Kathy Jackson. Check with Jeff or Jenna to see who is coming next.

A final interesting note about Carry on, Colorado: owner Jenna Meek is the author of the critically acclaimed book *Calling the Shots*. It is an excellent book for anyone, especially women, who are looking for a place to start their own journey into the shooting world. Learn more at <http://carryoncolorado.com>.

Our affiliates in Colorado are taking very good care of our armed citizens there. I hope that you will go to both businesses and let them know you appreciate all they do to support the Armed Citizens' Legal Defense Network.

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

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## Editor's Notebook

by Gila Hayes

I intend to write only a few brief thoughts for this closing column, having rather worn out the keyboard on the long lead article this month. That story was born from the need to show what I can only describe as “proof of

concept” to answer questions about what the Network does on behalf of members, and whether or not membership benefits are provided as promised. It is surprising how often we are challenged to prove our integrity by folks who are considering becoming Network members. This works in the Network’s favor, since we are proud and happy to take the opportunity to highlight the Network’s reliable services to our members, and at the same time, we can encourage callers to ask the same of our competitors.

In December, I rather hesitantly reached out to two Network members for whom we have paid attorney fees from the Legal Defense Fund. Far be it from me to tear the scab off a newly-healed emotional wound or to expose someone to the threat of a civil lawsuit if what we print raises an idea that they might be a good target for a lawsuit for damages! Both Mr. Daub and Mr. Joslin were extremely kind in sharing their stories, and I hope in publishing what they experienced, we all learn valuable lessons—including the need to have post-incident legal representation, and the value of belonging to the Network to assure that it is obtained quickly

My conversations with both members strongly reminded me of the need to acknowledge that we carry guns because we may need to use them against a fellow human being, a topic from which many shy away.

As I pondered what Daub and Joslin had told me, I recalled a lengthy conversation with top-tier armed defense instructor Tom Givens of Rangemaster in the summer of 2012 that resulted in an interview we

published in the July 2012 edition of this journal (see [https://armedcitizensnetwork.org/images/stories/Network\\_2012-7.pdf](https://armedcitizensnetwork.org/images/stories/Network_2012-7.pdf)). At that time, Tom detailed how even long-time armed citizens are sometimes shocked when called on to use deadly force against a human attacker. Being surprised, or thinking “I can’t believe this...” wastes valuable time that should be used to regain the initiative and turn the surprise back on the attacker, Givens emphasized.

Givens spoke convincingly of internalizing the possibility that today may be the day you are called on to use the gun you carry to earn your very survival. Each morning when you put your gun in your holster and prepare to go about your day, remind yourself that today you may need to take the life of another person who is trying to kill you. It is a sobering thought, and one that we don’t like to confront, so the wise will implement Givens’ advice. He knows of what he speaks.

I think armed citizens have gotten in the habit of stepping so lightly around anti-gun opinions that reticence to discuss killing has polluted our own internal beliefs and behaviors. Killing is not a potential that we relish, but we fail ourselves and those who rely upon us if we don’t acknowledge and prepare for the possibility. If it is possible, we’d better do some serious thinking and take concrete preparatory steps to deal with that possible duty and what comes after.

If you own guns for self defense, please also ponder the fact that like the member in our lead article this month, you may have no choice but to shoot a human being to assure the safety of your family and of yourself. If not willing, ready and able to do that, why do you own a gun?

To high-jack a much over-used meme, “Stay ready, my friends.”

*[End of January 2017 eJournal.  
Please return for our February 2017 edition.]*

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## About the Network's Online Journal

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

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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.

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