



The Anatomy of a Self-Defense Shooting, Pt. 2 **Interview with Spencer Newcomer and Christopher Ferro, Esq.**

by Marty Hayes

A note to readers: In our January 2019 edition of this online journal, we told the story of Spencer Newcomer who after months of harassment by several neighbors was told by one, David Wintermyer, "I am going to kill you," during a confrontation on the street. That verbal threat—coupled with an aggressive, fighting stance and grabbing something out of his right front pants pocket—resulted in Wintermyer's death when Newcomer shot him to avoid being killed with what he believed was a gun the man was pulling out. The object turned out to be a cell phone in a black, rubbery case. Newcomer was subsequently charged with first- and third-degree murder and voluntary manslaughter.

If you missed the first installment, we suggest you return to [this link](#) to read the details of events leading to Newcomer's arrest. Picking up where we left off in January, our interviewer, Network President Marty Hayes, now turns to defense attorney Chris Ferro and asks him to outline his decision to take the case and the challenges that entailed.

Hayes: Chris, please give us your recollection of how you first heard about the case and who contacted you. How did you get involved?

Ferro: Well, the location where this took place is actually not too far from my home. It's not often in one of these neighborhoods that you have a shooting that results in a death. There's an elementary school within 1,000 yards from where this took place. It's very quiet, with tree-lined streets. It's the last place in the world you would expect a homicide. It was big news from the very beginning.

My recollection is that a member of Spencer's family reached out to me, probably late the day this incident took place or early the next day. We had some initial discussions and I had to tell them that there was not a whole lot that could be done that very second.

My first step was to talk to Spencer, to understand what took place that day. He was charged with homicide, including murder in the first degree. In Pennsylvania, that's a non-bailable offense, so we were not getting him out of jail. Based on what he was charged with, I knew this was going to be a long, difficult process and I needed Spencer and his family to understand that.

Hayes: Can you tell me about the financial aspects of a case like this?

Ferro: Well, it's daunting. From the beginning you know that it's going to be financially difficult for any one person to bring this case to a successful conclusion. Most people do not save money thinking, "Someday I'm going to be charged with criminal homicide and have to hire an attorney and investigators and experts to win my freedom back." Spencer was no different. Luckily, he had a number of family members who cared deeply about him and had at least some financial resources.

I had to tell them, "It's going to be expensive. It's going to take a long time. Not only are you going to be paying for my fees, but I anticipate that we're going to need to hire experts in different fields. They are not going to be cheap, but they are going to be incredibly necessary." Most people don't have family members who step up and pay the initial retainer. Any attorney considering taking a case like this has to have a financial commitment from the family. It's expensive.

Hayes: The financial aspect is always a concern for our members and for people who are thinking about joining the Network, too. Are you comfortable talking about the exact finances of Spencer's case and discuss the amount of money required?

Ferro: I can discuss it in broad strokes. There are two ways that any criminal defense attorney can charge: a flat fee or an hourly rate. In more complicated criminal matters, I will generally charge my hourly rate because I have no idea the twists and turns that the case will take

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from beginning to end. I have no idea how many hours it is going to involve. We had a discussion and Spencer's family agreed to pay my hourly rate.

I initially requested a \$10,000 retainer in order to move quickly on what needed to be accomplished. I was comfortable with Spencer and his family and I knew that as I needed additional funds, I could ask. As it turned out, that happened multiple times. Ultimately, after going to trial, there was still a balance that was due and owing, based largely on the number of hours that went into the preparation of this case and then the actual trial.

The cost was significant. For a member or an attorney considering one of these cases, when it's all said and done, you're looking at fees in the \$60,000 to \$100,000 range, depending upon a bunch of different factors. But that's the general range.

Hayes: That's pretty much what I've heard from several attorneys: \$50,000 to \$100,000, plus experts and other people you may need.

Ferro: Yep.

Hayes: In fact, you're still owed money for your work on this case, right? Spencer hasn't been able come up with the total payment yet, but that's the nature of the business that you're in.

Ferro: That's correct. We're hoping some of your members may be moved by Spencer's story and will help him out. That would certainly be wonderful.

Hayes: I foresee setting up a Go Fund Me account with the money going directly to your law firm. That would be most efficient. Now, let's pick up the story and talk about your work on the case.

Ferro: The Commonwealth's case against Spencer relied on the fact that he shot an unarmed man in broad daylight. The investigation showed that there was no other firearm at that scene. What we did have, though, were crime scene photographs showing a black cell phone lying in the road to the right of the deceased's hand. Not only was it a black cell phone, but it was encased in what's commonly referred to as an Otter Box. That is a thick, rubber-type case and would certainly look like a pistol grip.

After Spencer fired the fatal shots and placed his weapon in the truck, he immediately called 911 and

reported a shooting. He indicated that he acted in self defense. He said, "I shot a man. We need help right away. We need an ambulance, but this is a volatile scene. I don't want to get into specifics now." Obviously, that helped us later. Many times, 911 will try to ask you for as many details as possible: Who? Where? When? That call is being recorded, so the details that they want you to provide and the information they're asking you about really will largely come out to your detriment.

When the police arrived, Spencer immediately surrendered himself with his hands up; he posed no risk to law enforcement. When they began to ask him questions, his responses were very limited, again, just indicating he had shot in self defense. But when they asked for specifics about what happened, he indicated that he wanted to speak to counsel. That is significant.

Hayes: How important was Spencer's immediate indication that this was a self-defense case?

Ferro: It set the stage. He succinctly told the police exactly what had happened and why it happened. Most people who carry weapons for their protection don't understand that if a shooting occurs and another human being is dead, the police will not make a significant effort to figure out whether it was self defense or whether it was not. They will approach it as a homicide scene.

You've got to remember that when the police are asking you questions about how things happened, many times, they are not seeking to help you. This is not a blanket statement; police officers differ.

Hayes: Right.

Ferro: Law enforcement at that point are in a crime-solving mentality. They are there to investigate what they believe is most likely a criminal offense and to attempt to gather information that they can later use against you.

The less you say, the better, and that's difficult, because most people think, "I acted in the right. I can just tell them what happened and all this will go away." That was a difficult concept for Spencer to come to grips with. He believed that all he had to do is just tell the police what happened.

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That was certainly not the case here. The problems were large: Spencer shot someone who did not have a firearm. He had a number of witnesses who weren't backing up his statement that it was self defense.

I knew right away the number of shots and where they hit was a significant problem, specifically the shot in the back. Most non-gun owners assume that if you shoot somebody one time, that's enough. They think if you shoot them twice, three times, four times, clearly that's no longer just protecting yourself, its going over the top and it is a crime.

We needed to explain how quickly a proficient individual could shoot four shots with a handgun. We were able to show how an individual can squeeze off four rounds in a matter of seconds. It is done in an instant and the brain really doesn't even have time to ask, "How many shots am I shooting?" You're shooting until the threat is gone and that can all be done in a heartbeat. Your brain is not able to process all the information in milliseconds.

I think most people remember that in the Western movies that if you shot someone in the back, that was a sign of cowardice and that you shot someone who couldn't defend themselves. That was largely why I brought you into the case, Marty. I knew we needed to have an expert to decipher that and a number of other things.

Another problem was the way the deceased was coming toward Spencer and then turned away during the shooting. We had to show how his body would naturally turn away and ultimately the last shot would end up in the back. It happened so quickly, that Spencer's brain wouldn't have had time to tell him to stop shooting, although the deceased was turning away.

An expert was critical because without an expert, a jury, especially if uneducated with respect to firearms, would assume that four shots means that you're not protecting yourself. They would think you were out of control and shooting to kill. They'll think a shot in the back means that you shot somebody that was retreating, rather than, again, just shooting until the threat is gone. An expert's testimony was critical for problem number one.

Problem number two was eyewitnesses. We had a number of eyewitnesses, largely people who did not have skin in the game. I think we were able to develop that certain neighbors liked the deceased or had a

relationship with him, much more than they had a relationship with Spencer.

When crimes happen, largely we have criminals testifying against other criminals. There's a lot of baggage that a criminal defense lawyer can attack people on, based upon their criminal history, their history of lying, et cetera. These witnesses had none of those issues. They honestly believed that they had watched Spencer shoot an unarmed man without provocation; shoot him, quite frankly, without any reason whatsoever. I'm certain you could give them lie detector tests; they believed that with every fiber of their beings.

Hayes: Did you think from the beginning that it was going to trial? What preparation did you undertake to defend this at trial?

Ferro: Yeah, I thought from the first there would be a trial. There were some obvious aspects about Spencer's defense causing concern. We had an unarmed individual who was shot four times, including a shot in the back. We had to figure out what happened that day and answer a number of difficult questions.

The biggest? The investigation showed that Spencer had killed an unarmed man in the middle of a quiet, suburban neighborhood at 10:00 a.m. with witnesses who, at least at the beginning, painted the picture that Spencer was the aggressor. They clearly thought he fired those fatal shots without provocation. We were dealing with a significantly uphill battle right from the beginning.

Number one, why were all the witnesses who observed this in broad daylight, some probably 25 feet away, some 40 feet away, painting a picture that Spencer killed this man without provocation?

Two, why did Spencer kill an unarmed man?

Number three, how could we prove that the individual who was shot was in fact the aggressor, even though not armed, requiring Spencer to use deadly force?

Four, how do we explain the multiple shots and the locations of the shots in some reasonable manner that doesn't make Spencer look bloodthirsty?

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The one good thing about this case is that I didn't have to search for a defense. I knew from the beginning that it was self defense. It had to be self defense in order for the defense to be successful.

Hayes: Let me reiterate that the black object Spencer saw the individual pulling out of his pocket wasn't a gun; it was a black cell phone. You needed one or more experts to help with the forensics aspect of the case. Besides Spencer, who testified, what other witnesses did you decide to call and what were their roles?

Ferro: We needed to focus on Spencer's state of mind at the time of the shooting. To do that, we wanted to paint a picture of the life he had lived up until that moment. Defending an individual with no prior criminal record is a big benefit in a case like this. We called a number of different character witnesses who were able to testify that Spencer had a reputation in the community as a peaceful and a non-violent person. That was critical for the jury to understand.

We had to overcome prejudicial thoughts jurors might have about why Spencer would have a gun with him that morning, when all he was doing was going from his house to his mother's home to make some fliers for a car show he was going to that day. We called his sister, a lovely woman, to testify. Who knows you better than your sister? She was able to testify about Spencer's love of guns, about how he learned it from his father, about how his father had always carried a gun with him for protection, so it was something he learned as a young man. By the time of the incident, leaving the house, grabbing your car keys, your wallet, and your firearm was just a matter of routine. There was nothing special about that day. He wasn't looking for trouble.

His sister really helped put that piece of the puzzle together. Her testimony let the jury put to rest the idea that anybody that leaves their house with a firearm, especially if they're going a short distance, obviously must be looking for an encounter or looking for a reason to fire the gun.

We also hired a psychologist who would testify in this case. In PA, the Commonwealth has to prove a specific intent to kill when you're charged with first degree murder. We had to hire a psychologist to provide an opinion regarding the defendant's state of mind at the time of the shooting. That's specifically permitted essentially because of the premeditation argument. We hired a wonderful psychologist, whom I've used a number of different times as an expert.

She did a compelling job of deconstructing the history of the relationship between Spencer and the deceased. She clearly showed that at the time of the shooting this individual had psychologically bullied Spencer for months. She showed that Spencer was legitimately in fear of this individual.



Phone in black, rubbery case.

When this individual came at him that day, in that moment, based on the size disparity and their history, Spencer clearly feared for his life. When he saw something black coming out of the deceased's pocket, he believed it was a gun. Maybe in a calm environment you or I would see a phone, not a gun. The psychologist helped us understand what was going on in Spencer's mind at that moment, and how all the history between him and this person fed into that split-second decision. She explained why it was completely reasonable at that point for him to think he was in danger and to think that this person was pulling out a gun. She explained why it was reasonable for Spencer to immediately pull his firearm and shoot, rather than wait to see what happened next. She really was a helpful

expert witness in the case.

Hayes: Before we discuss the trial further, I'd like to ask you about any pretrial issues, motions in limine, or other procedural challenges that you had to overcome.

Ferro: There were a couple of significant issues. Number one, after Spencer was arrested, law enforcement filed a search warrant to get into his home. He was a gun collector and they took all of his firearms. They took all of his ammunition. In the eyes of a layman like me, Spencer had what I believe was a large

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collection of firearms, lots of rifles, lots of handguns, a tremendous amount of ammunition. Spencer, how many guns did you have?

Newcomer: They took 17 from my house.

Ferro: They carted that all out. Before trial, we attempted to suppress that evidence. It was my belief that jurors who are not firearms enthusiasts would hear that they took 17 guns from Spencer's house, and ask why do you need more than one gun? I was significantly worried that would prejudice a jury. We asked the judge to exclude that evidence and, in this case, the court agreed that whether he had one gun or 100 guns in his house really had no relevance. The only issue was the gun he had that day and how he used it at that particular moment. That was a critical thing. Sometimes attorneys will miss that because juries are a random cross-section, many of whom do not come to you with a gun background.

Some jurors may ultimately think that guns are bad, so more than one gun is really bad. We were able to take that out of the equation. We did not leave them with the opinion that too much ammo or too many guns mean the owner is a bad person.

We filed motions in limine to make sure that they couldn't use Spencer's silence against him. Spencer mentioned earlier in this interview (see January 2019 journal at this [link](#)) that he asked for a lawyer when police asked why he didn't just drive away. Law enforcement initially said that when they asked questions, he did not answer. It wasn't clear at which point in time law enforcement began asking questions and when he said, "I think I need to talk to somebody," which under all the stress he was going through, was how he worded, "I need a lawyer."

One of the questions police asked was, "Why didn't you just keep driving?" because where his truck was relative to the house when police arrived made it look as if he could have kept driving and didn't need to get out and



Police photographed this gun cabinet containing some of Newcomer's guns but Ferro got it excluded from trial evidence.

shoot. When asked, "Why didn't you just keep driving?" Spencer was silent, collecting himself, but police could have used that to show a consciousness of guilt at that point, to suggest he was thinking, "Oh, yeah, I should have kept driving."

We put a great deal of effort into motions to exclude his silence. We excluded any further questioning, too, based upon his request at that point to talk to somebody.

We also filed motions in limine to admit our experts. I filed a specific motion telling the Commonwealth how I intended to introduce your testimony, Marty, and on what subjects I wanted you to testify. I didn't want a surprise at trial. I wanted the judge to know what we were going to introduce. I wanted to know before we started trial exactly what we were going to be able to get in from your testimony.

From a planning perspective, knowing that we were going to be able to admit certain of your opinions and maybe not other opinions was critical and that was helpful in getting ready for trial, too. We did the same

with our other expert.

There was one final piece of legal trial prep: we filed an extensive motion with the court explaining self defense and how we believed it applied to this circumstance. Most people think that this was a stand your ground argument, but it was not. At that time, PA had a newly-enacted Castle Doctrine, but it only applied to individuals who believed that the individual that they were firing at was armed with a deadly weapon. The judge indicated that a cell phone is not a firearm and it's not a replica of a firearm, so we did not have those protections.

We were under the traditional self-defense law allowing deadly force and we had to prove that he did not abandon the duty to retreat. That was significant. The Commonwealth argued that by stopping his truck,

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getting out of this truck and essentially engaging Mr. Wintermyer, Spencer had abandoned his duty to retreat. We needed to know the Commonwealth was going to argue that, because it dictated how we went forward with our case.

Hayes: Do you think the police made a rush to judgment? Did they basically decide to try to prosecute and convict Spencer without really caring about the other evidence?

Ferro: If you Monday-morning-quarterback it, there's no doubt in my mind that law enforcement made a quick decision, but in some ways it would be difficult for them not to make that initial decision, because when they arrived on scene, they were confronted by multiple witnesses who, at that time, were willing to say that Spencer had killed an unarmed man without provocation. If they were going to go that direction, they were certainly assisted by the witnesses. I understand that.

The problem I have with the police is that they were never willing to look at other possibilities. Once they took the witnesses' testimony, they only tried to build and corroborate that version of the events. No one would stop to ask, "Was this a shooting in self defense and are these witnesses wrong?" No one would stop along the way to consider, "OK, where are we at now? What information do we have at this point? Does it still support or does it call into question our initial position?" They really turned a blind eye to some of the other, critical evidence.

During the investigation, it became clear that the deceased had been bullying Spencer and there had been a pattern of harassment occurring for months. Spencer had called the police and sought their assistance in trying to solve this problem. He was harassed and bullied, so he was afraid of Mr. Wintermyer, not just because he was larger, bigger, and more



Wintermyer's home with signs and flags communicating his mindset.

intense, but because he had done a number of subtle different things to torture Spencer mentally.

The deceased very outwardly wore on his sleeve that he was a former Marine and that it meant something. I have family members who are Marines. I have nothing against that, but the deceased wanted the image that he was not only just a Marine, but he was one of the big, tough, gung-ho Marines.

Hayes: Wasn't there in fact something along those lines on a sign in his yard?

Ferro: The deceased had two signs in his yard. The first was a large sign with the Marine Corps emblem. He put up a second sign in his yard after his confrontations with Spencer over the months. It said, "Trespassers will be shot and survivors will be shot again."

"Trespassers will be shot. Survivors will be shot again." That sign was hammered into his front lawn, probably 20 feet from his house. Spencer saw that sign every day as he came and went from his house, so at least according to what Wintermyer wanted him to believe, Spencer knew he was facing an armed and dangerous person that was willing to use deadly force and who was a trained Marine.

When I received the discovery containing the photographs that police took at the crime scene, there were about 300 photographs of everything possible on that street. I got photographs of cigarette butts in the street. I got photographs of an old iced tea bottle in the street. I got photographs of every blade of grass in that

neighborhood, but there was not one single close-up photograph showing either of those two signs.

I clearly understood that a decision had been made: those signs would not help their argument. Those signs showed that Spencer operated
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under a belief that this was a dangerous person. Pictures of those signs wouldn't help law enforcement's initial position. The police ignored those signs and that showed me how much they wanted to believe their version. They were not willing to look at any other evidence. At trial, when we showed blown up photographs of those signs, I think they lost their credibility.

Hayes: How did you come to be in possession of photographs of the signs if the police didn't take them?

Ferro: Great question! Family members of the deceased took down those signs soon after the shooting, but Spencer's family assessed very quickly that the signs were important. They went out there and actually took photographs within a day of the shooting. I give his family all the credit in the world.

I relied upon their photographs of those signs at trial. They were critical. If his family had not been there so quickly, those signs would have been lost forever and we wouldn't have been able to use them to show how the deceased had portrayed himself.

Hayes: Let's talk now about the trial itself. First, how long did the trial take?

Ferro: One week. We started on Monday and we received our jury verdict at 8:30 on Friday evening.

Hayes: In a week-long trial, how many hours a day, typically, would you put in on a trial like that? How much time did you put in on this one?

Ferro: During the course of this trial, I would say we worked 15 to 20 hours a day. The trial took from 8 to 5 every day while we were in and around the courtroom with the family. Then, as soon as the trial recessed, we'd take a brief break, collect our thoughts for the day and assess what took place that day so we could get ready for the next day.

Hayes: I think people don't understand that the attorneys just don't work 8 to 5 on trial day.

Ferro: Preparation is the bulk of the work. For each hour you're in court, you spend three hours preparing, at least that's what the good attorneys do. You are watching a finely-tuned production when we're in front of that court and jury. Every aspect has to go the way that we planned it, because every piece that we put in has a

meaning and its own importance. That just doesn't happen by accident. If everything goes well, the preparation leading up to trial and during the course of trial makes the presentation look seamless.

There were very few things that happened in this case that I did not anticipate and prepare for. Candidly, that does not always happen. The way in which this case came together, the way in which the experts testified, the cross-examination of the Commonwealth's witnesses, it was, in my opinion, about as close to a perfect defense trial as you could expect.

Hayes: I was quite impressed with how fluid and smooth your part of the trial was, especially when I was cross-examined and when you questioned Spencer. I remember thinking, "This guy's good." I'm not saying this to embarrass you, but I was impressed. I've seen a lot of attorneys, and you were spot on.

Ferro: I appreciate the compliment. A lot of effort went into the trial, and there's no doubt in my mind that I had a lot of good pieces to work with. I had a lot of people behind the scenes who greatly helped me get to that point.

Think about a bigger picture: if you're in Spencer's situation, what do you want in an attorney? Well, my opinion is that you want a trial lawyer. Now, a trial lawyer may or may not have a background in guns, may or may not have a background specifically in self defense, but he has developed a comfort in trying cases. What you want at the end of the day is someone who can tell your story to a jury in a meaningful and understandable fashion. I think a trial lawyer gets that over the course of many years, through many different cases.

The law of self defense certainly has its vagaries, but overall, it's an understandable concept. It's really plugging in the facts that made our case self defense.

The jury needs to believe that the defense lawyer is the most competent person in the room. The jury needs to know that you understand the issues and that there's no doubt in your mind about what is the right result of the trial.

The jury needs to know that you can be trusted. The more prepared you are the more the jury knows that you're not guessing. They don't think that you're making this up along the way.

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They realize that you know this and that you can be believed. Believability is an important factor.

Hayes: You mentioned jurors, so why don't we talk about jury selection and what concerns you had about jury selection on this case?

Ferro: The big concern was use of force and firearms. Jurors are a cross-section of your county. Here, we're generally rural, so we have a lot of hunters. Going into jury selection there was no doubt in my mind that I was going to have people that were familiar with and owned guns. I wanted jurors who had that knowledge and familiarity. I knew that was going to be beneficial.

I believe probably 90 percent of our jury pool answered that they either owned guns or lived in a home with individuals who had guns. I thought, we have a nice pool to select from; at least we could get individuals who weren't going to be terrified by firearms, who generally were aware of their utility and the right of people to carry them. We didn't have to educate jurors. Finding jurors who believed in the Second Amendment, who believed in the right to carry firearms, was critical. That was easier in our jury pool than I thought it would be.

This shooting was self defense. We had to find jurors who not only believed in the right to carry firearms, but also believed in the right to use them when necessary. There are a lot of people who are not willing to take that step. They'll say, "Yeah, firearms are fine, it's OK to carry them, but don't be wrong."

If you're wrong, then God help you! In this case, we needed jurors who understood that the right to carry a firearm and the right to protect yourself occurs in a lot of different circumstances. We needed them to understand that you don't necessarily have to be right; you just have to be reasonable. We took a lot of time talking to jurors about reasonableness; that was really the main thrust. Other than that, I was trying to avoid jurors with any preconceived notions.

I also had a very subtle concern in this particular case. The deceased was a military veteran, a former Marine. While I wanted to make sure we were getting individuals who believed in the right to carry, I was leery about potentially having jurors with unyielding allegiance to the military, either former Marines or people with family members who are Marines, that might have a natural sympathy for the deceased.

Hayes: Once the jury was selected, you gave the opening statements. What was your opening statement's thrust?

Ferro: I really tried to get across to the jury that there were two sides of this story. I asked them to keep an open mind, because the Commonwealth gets to go first and they were going to get to present all of the bad facts. All the facts we've already been over while we were talking here: a shooting in broad daylight, multiple witnesses, unarmed man, a shot in the back, et cetera.

My main goal in the opening statement was to introduce the concept of two very distinct sides of this story and to introduce them to the concept of self defense. I told the jury that the case was not about murder. The case was about rights and responsibilities.

The case was about the right to carry a firearm. It was about the right to defend yourself. It was about acting responsibly. If they believed in all those concepts, and they listened to all the evidence in a fair and dispassionate way, and withheld judgment until they heard the whole story, I said that I thought they would ultimately find in our favor.

In PA, you don't have to make an opening statement; you can defer it. In this case, there was never a question of whether we would make an opening statement! We needed to get ahead of this freight train. We needed to get our story out there, because there were two sides to this story. You can look at the same event in one way, or you could look at the same event and come to a different conclusion: that it was self defense.

Hayes: Spencer testified at the trial. He was the first witness, wasn't he?

Ferro: He was the first witness. We put him on first because if he did well, it set the stage for the rest of our defense. But speaking candidly, if his testimony went poorly, which can happen for a number of different reasons—not because you're dishonest, but because the pressure gets to you and you just don't come across well—we would still have plenty of time and plenty of good witnesses to rehabilitate our case. We had a number of very compelling witnesses we were able to call; witnesses that I thought would be difficult to cross-examine and question their credibility.

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Hayes: Spencer, I was able to watch your testimony and I was really quite amazed at how articulate you were. Could you tell us what you were feeling while testifying?

Newcomer: Well, I'd always heard the term "hot seat." It's used for coaches that are going to be fired and whatnot. You don't know what the term "hot seat" means until you're on the witness stand; the pressure is unbelievable. I'm never going to have more motivation to do well than I had that day. I mean, my life was on the line.

If I could not articulate what I was thinking and why I took the actions that I did, my life was basically over. One of the big parts of self defense is the need to articulate why you took these steps. Being up there on the stand is emotionally draining. I never want to have to go through it again, I can tell you that. But you're never going to have more motivation in your life to do well.

Hayes: Do you think that the prosecutor went after you pretty hard?

Newcomer: I don't know. I mean, the only experience I'd ever had before was seeing these things on TV. I know the prosecutor tried to get me to admit to things that I just would not do. It seemed to me that he tried and tried for a while and then just realized it wasn't helping him to keep talking. He wasn't getting anywhere. My talking was not helping him. His talking was hurting him.

Hayes: Yes, my perception was that finally the prosecutor just kind of gave up. After Spencer testified, I was called up. It was interesting, because I was contacted initially to work on issues of dynamics of violent encounters, the deceased's twisting motion, the trajectory, how he could be shot in the front and have a hole in the back, all of which I've testified to many times at different trials. Then this turned into a blood spatter case. How did that come about?

Ferro: Well, that was really a decision the prosecution made late in the game. We had photographs which depicted the phone with some blood on it near the right hand of the deceased. Early on, the prosecutor didn't really make a big deal about it. In the course of the trial, they saw our defense. They saw that we were going to proceed very strongly on the fact that the deceased had pulled the phone out of his pocket at a critical time. Spencer believed it was a firearm, and therefore, shot in self defense.

Once they became aware that was the thrust of where we were going to go, they tried to show that blood spatter would not be consistent with Spencer's version that the deceased pulled the cell phone out of the pocket with his right hand.

You were able to analyze the blood spatter and suggest several different theories that were consistent with what Spencer saw. He saw a gun coming out of the pocket in the right hand, and you identified the blood spatter as coming from one of the frontal wounds, hitting the phone as it came out of the pocket.

Your analysis did a couple of things for us. Number one, it created a scenario that put the phone in the hand at the place it needed to be at the critical time. It showed it happened instantaneously. Your expert analysis was almost like having a picture of where his hand was at the time Spencer's brain had to decide whether it held a gun.

That took away their claim that the phone wasn't out of his pocket, because obviously, if that phone was in the pocket at the time of the shooting, we had a problem. There would have been no impending belief of deadly force being used against Spencer. If Wintermyer had just been bearing down on Spencer, without the threat of whatever that was coming out his pocket, it would be very difficult to convince a jury in Pennsylvania that deadly force was absolutely necessary. I'm not saying it would have been



Scene photos show the phone came to rest above the deceased's right shoulder near his head.

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impossible, but it would have been incredibly difficult, so that blood spatter really helped us.

Hayes: Chris, you also had me testify as an expert about the trajectory of the shots and how Wintermyer twisted or turned away. What aspects did you need explained for the jury?

Ferro: We had a big issue with respect to the trajectory of the bullets. The bullets came in at all different angles when they struck the deceased. We wanted to clearly show to the jury that the wounds were suffered by the decedent in a way that was consistent with how Spencer described the shooting.

The prosecution wanted to show that the angles essentially showed that the deceased was cowering in fear or giving up. We wanted to show that the position of the wounds was consistent with someone who was attacking.

You and I talked about how to show the jury the relative positions between Spencer and the decedent, and how it was consistent with Spencer's version of the event. We very effectively utilized a mannequin that was the decedent's height.

You brought in a series of photographs of an individual who was approximately Spencer's size, which showed the respective shooting positions between him and the decedent which allowed for the various hits and the angles. The pictures did a great job of showing the jury exactly how the decedent was positioned and how Spencer was positioned. It fell right into our theory of the case.

We were lucky that you brought the dummy to court. We set it up with dowel rods showing the position of the bullets and it made a really effective 3D presentation of exactly where Spencer was and exactly where the decedent was. I completely believe that jurors are visual. You can talk to them only so much during the course of a week before you lose them. But show them something, give them something animated that they can really focus on, and you really have a significant bang for your buck.

Anytime you can use demonstrative evidence, it's a good idea. The mannequin highlighted the bladed, pre-attack position that you testified about. It showed the

decedent on the attack, coming toward Spencer. It put his right hand in a position where it would have been difficult for Spencer to assess exactly what was in it.

Hayes: I view the role of an expert as that of an educator who teaches the jury what the trial lawyer needs them to know. At one point, I asked the judge, "May I get up and approach the jury with the dummy?" We walked right up to within about four or five feet of the front row of the jury and I positioned the mannequin so each juror could see the trajectory rods. Through the mannequin, they could see how Wintermyer had to have been lunging forward in an aggressive posture and how his body had to be bladed for those shots to have hit him where they did.

Importantly, the prosecution described the shots hitting at the same angle. They obviously knew where the bullets were, too, but they wanted to prove that the angle was downward into the top of the chest.

Ferro: Without you as our expert, the Commonwealth would have asserted that the deceased was cowering in fear with his head down, almost crouching to get away. I think the jury would have bought that completely, if not for our demonstration with the mannequin and the dowels.

Hayes: It came together when I was able to show how Wintermyer spun around so that the fourth shot was right in the back, at the angle that the autopsy showed. It was pretty effective. I went out and bought the mannequin just for this case. I felt it necessary and it certainly was.

Ferro: I agree.

Editor's note: This brings our report to the closing statements in Spencer Newcomer's trial. Owing to the length of this interview, we will take a break at this point and return with the final segment of this story in our March 2019 edition of this journal. We hope you will return next month to read the conclusion.

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



President's Message

State of the Industry

by Marty Hayes, J.D.

I just got back from a quick, two-day visit to the SHOT (Shooting, Hunting & Outdoor Trade) Show and if glitz and smiles are any indication, the state of the industry—despite what people say about the “Trump Slump”—is encouraging. I saw no indication of gun makers and other product manufacturers downsizing. The halls were filled with people going to and fro, with their minds on making money.

Unfortunately, I did not get a chance to see all the new stuff, as my day to check out all the products was cut short by illness. I did get to fondle the new Glock 48, which looks like a real winner. I understand that they are currently shipping. I will be picking one up for my shooting school to share with students. I did get to see some old friends, and unfortunately missed others, but there is always next year.



About “Self-Defense Insurance”

Despite having no insurance components to our Network membership benefits, people still lump us in with the “Self-Defense Insurance” crowd. I really wish people would stop doing that, because the Network is emphatically NOT INSURANCE! When I began discussing this concept over 10 years ago, I knew for sure that I did not want an insurance component associated with the Network—for several good reasons.

First, whenever an insurance carrier is involved, they want to make profit. Lots of profit. Look around at the major league sports stadiums. Many are named after insurance companies. Money is a good factor in

insurance, but, if the insurance companies are making money, then that means money is coming out of your pockets. I wanted the membership fees for the Network kept as low as possible.

The next problem that I wanted to avoid is the fact that insurance pays off AFTER a contingent act. (An example is an acquittal in a murder trial). See Washington State’s definition of “insurance” below:

RCW 48.01.040

“Insurance” defined.

Insurance is a contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies.

In layman’s terms, the insured and the insurer sign a contract requiring the insurer to make payments to the insurance company, in exchange for money if something happens, but that something is out of the insured’s

control. In the case of “self-defense” insurance, that contingency is the acquittal.

What is interesting, is that other self-defense insurance plans were getting beaten up because the acquittal had to happen before the payoff. For the most part, the insurance-based plans

have all added in provisions to pay up to a certain amount for the criminal defense up front. Each of these companies is different, so read the fine print.

The third major reason why the Network is NOT INSURANCE is that each state in the union has an office occupied by a bureaucrat called the “insurance commissioner.” The field of insurance is so fraught with the potential for fraud and deceit that the states needed an insurance watchdog to police the insurance companies.

These insurance commissioners are cracking down on companies selling “self-defense” insurance for a couple of reasons. The commissioners are claiming that the

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product itself is invalid by asserting that it insures criminal acts or the insurance commissioners find that the company is selling insurance in their specific state without a license. While an argument could be made against the first claim, it appears that the insurance companies are folding up their tents and going away from states where the insurance commissioner is cracking down. That tells me something.

The last reason I choose to form the Network as membership benefits and not as insurance is that insurance can be cancelled at any time. If your insurance company doesn't want to continue to insure you, all they have to do is invoke the cancellation clause in your policy and you are out of coverage.

The Bottom Line

Let me repeat: the Armed Citizens' Legal Defense Network is NOT INSURANCE and it never will be. We are unique in the industry, and we believe that uniqueness is part of the reason that the Network has grown to its current size of 17,000-plus members not through outlandish claims (puffery) but instead through the stellar reputation of our advisory board and our level of service to our members. We look forward to more of the same in the coming years.

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



Attorney Question of the Month

Recently a Network member asked about our affiliated attorneys' thoughts on under what circumstances they might choose to try a self-defense case before a jury or under what circumstances they might prefer to seek a bench trial. Here is what we asked—

What circumstances if any might lead you to ask for a bench trial to have a judge make a finding about criminal charges stemming from use of force in self defense, as opposed to trying the case before a jury? What rationale drives your preference for a jury trial or for a bench trial?

So many of our affiliated attorneys responded that we will run these commentaries over the next two issues.

James B. Fleming

PO Box 1569, Monticello, MN 55362
763-291-4011

<http://www.jimfleminglaw.com/about-1.html>

There are numerous considerations that might enter into this analysis and decision-making. Here are just a few. Does the client have prior criminal behavior that would taint a jury's perception of guilt or innocence? Are there incident-specific facts that do not bear upon the ultimate issues, but which, again, might taint a jury's attitudes toward the defendant? Have you picked a jury at the start of trial, only to find that you are really not happy with what your gut is telling you about their anti-gun sentiments, or anti-2A sentiments? What is the racial makeup of the prospective jury pool, the race of your client, and that of the victim? Are there complicated scientific facts that you know from experience are going to boggle jurors? Is your case an "application of the law" case, or is it a "facts" case? Are there witnesses that you are going to have to really attack on the stand? Jurors don't like that, no matter how justified it is. Are there witnesses you are going to have to call that a jury is really not going to like, on an emotional level? Very, very few self-defense cases are the "clean as the driven snow" type of factual scenario that people sit and dream about. Reality is just not like that.

Experienced trial attorneys know from bitter experience that blind faith in juries can be horribly misplaced. Any time you go to trial you are flipping a coin, heads you win, tails you lose. Your chances will be 50-50 no matter how solid or "good" you think your case might be.

Charles Dobra

Charles Wm. Dobra, Ltd.
675 East Irving Park Rd., Roselle, IL 60172
630-893-2494
<http://dobralawfirm.com/>

The reasons to waive a jury are multifaceted. One reason might be if you shoot skeet with the judge on Friday nights.

John Andrews

Law Office of John Andrews, PC
10 Federal Street, Suite 420, Salem, MA 01970
978-740-6633

After 30 years of practicing criminal defense law I cannot think of an instance where I would advise a client to waive their right to a jury trial and proceed with a bench trial in a self-defense case. Judges, whether appointed or elected, are human and many are concerned with public perception and the reaction of a decedent's family.

Perhaps more importantly, I would much prefer to have an audience of 12 ordinary citizens decide the fate of a client. The average citizen is likely to be in a better position than a judge to understand and empathize with a person who had to make the difficult choice to shoot another human being.

Absent some extraordinary circumstance (any such circumstance would likely have resulted in no prosecution), I would in the strongest terms possible dissuade anyone from even thinking about waiving the precious right to a jury.

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Gene Anthes, Jr.

Gunter, Bennett & Anthes, P.C.
600 West 9th Street, Austin, TX 78701
512-476-2494

<http://gbafirm.com/attorneys/gene-anthes/>

This answer to this question will vary from jurisdiction to jurisdiction and from case to case. In my neck of the woods (Texas), I would only try a self-defense case to a judge if it's in the bag. In other words, the prosecutor and I have conferred and the prosecutor will say, "Gene, I really don't want to try this case but victim's family is really putting a lot of pressure on our office." Only then would I consider talking with the state and judge in chambers and then potentially waiving jury trial and going to the judge.

In most self-defense cases this is not the case as this conversation would have taken place at the grand jury stage. That is, a prosecutor would have recommended to the grand jury to decline the case (or "no bill"). If a client has been indicted, the state is often married to their belief that my client is guilty. 99% of the time I'd much rather try a case to a jury and make the state convince 12 people (instead of one) that my client is guilty beyond a reasonable doubt.

Schoen Parnell

Parnell Defense, PLLC
3405 188th St SW, Suite 301, Lynnwood WA 98037
(206) 619-2521

<http://www.parnelldefense.com>

There are precious few decisions that defendants actually get to make for themselves during the pendency of a criminal case. Whether to take the stand and testify. Whether to take a plea bargain. Whether to go to trial and, if so, whether to waive their right to a trial by jury. While our clients do rely on us to give them our opinions and learned counsel, those decisions are ultimately theirs to make.

And since there really is no guarantee which individual judge any one of my clients is going to get on any given date, who will be my client's judge is rarely a consideration for bench vs. jury trial. That said, in the current political climate and the demographic area in which I practice (western Washington state), I can't imagine recommending that a defendant waive their constitutional right to a jury trial and hand the facts of a firearm-related death over to a judge who may be

thinking about their re-election campaign. By this time, obviously, the prosecutor has filed charges and believes that a crime has been committed and that the defendant was involved – so the facts of the case are in contest. With a bench trial, there's only one person who decides the facts; and there are no hung juries in a bench trial. But with a 12-person jury panel, I only need one out of twelve to have a reasonable doubt (to get a hung jury). While a unanimous "Not Guilty" verdict is always desired, trials can often take a turn for the worse and a hung jury may become a defendant's last hope (unless they opted for a bench trial). Here in Washington state, whether a judge or jury finds you guilty, it is the judge that crafts the sentence in accord with sentencing guidelines.

Unfortunately, there are some states where the defendant's decision to take a judge trial or jury trial determines who decides the sentence if you are found guilty. In Virginia, for example, if a jury finds you guilty, then the jury must sentence you—and the only guidance the jury is given is a sentencing range (like 5 to life). But if you took a bench trial and the judge finds you guilty, then the judge must use the sentencing guidelines which take into consideration a number of factors in determining your sentence. So, in the case of a bench trial (in states like Virginia), you at least know going into a bench trial what type of sentence you will likely receive in the event that the judge finds you guilty. When I practiced in Virginia (over 16 years ago), I found that the vast majority of criminal defendants opted for a bench trial because of that very reason. Here in Washington, the opposite is true. However, the cases that almost invariably go to a jury trial in either scenario would be the class A felonies (like where the defendant is charged with taking the life of another).

John Monroe

John Monroe Law, PC
9640 Coleman Road, Roswell, GA 30075
678-362-7650
jrm@johnmonroelaw.com

It would be exceedingly rare for me ever to recommend a bench trial in a criminal case, for the following reasons:

1. With a jury trial, the state has to convince 12 people my client is guilty. With a bench trial, it only has to convince one.

[Continued next page]

2. With a jury trial, if there are evidentiary disputes, the judge reviews the evidence and decides if the jury will see/hear it or not. With a bench trial, the judge still has to make the decision, but if he ultimately excludes it, he's already seen/heard it. Even though his ruling is that he will not consider it, it is hard for any person to unsee or unhear something. The excluded evidence could linger in the back of his mind. But if he says he will not consider it, an appellate court would assume he did not consider it.

3. With a jury trial, the judge is required to explain the law to the jury. He has to write it down and then read it out loud. The lawyers can critique his explanation of the law. With a bench trial, the judge never announces what law he is applying. He may not correctly understand the law, or he may apply it incorrectly, but the defense would never know that because the judge does not articulate his reasoning.

4. For several of the reasons stated in 1-3 above, bench trials are much more difficult to appeal.

The whole time you're conducting a trial (especially a criminal defense), you are mentally cataloging anything that happens that is appealable (unfavorable rulings, jury instructions, etc.). In a bench trial, that catalog is more like a grocery store flyer than the old-fashioned Sears Christmas catalog.

I would have to think all the above reasons are overcome by some strong reason to waive a jury trial before considering a bench trial. For a case involving justifiable use of force, it does not strike me that such a strong reason would ever exist. It is not impossible, of course, but I would have to encounter it before even considering recommending waiving a jury trial.

George J. Embriano

Attorney

Law Offices of George Embriano

917-297-1908

embrianolaw@yahoo.com

This is a very case/fact specific determination. Is there public outrage? What are the facts? What are the legal issues? Is the victim sympathetic? Is the client sympathetic?

Juries can be influenced by factors other than the law, if the client is sympathetic, if there is public opinion for/against the client, if they can identify with the client or the accuser. So, a jury trial would be preferable when those factors favor the client. Also, how complex are the legal issues surrounding the case? Can a jury get through the difficult legal issues to make the decision favoring your client? Can a jury wade through a number of side issues, complex evidence and emotional considerations and see the key legal issue?

Bench trials tend to (at least in theory) just look at the legal facts and issues—the letter of the law and ignores or down plays the collateral matters. Think of it this way, if you're "technically right" you may want a bench trial. And if you're "technically right but it looks bad" there's a good chance you'll want a bench trial.

The background of an individual judge will also play a factor, if you have "Hang 'em Harry" the former prosecutor as the judge you might want to avoid a bench trial in a mutual affray situation but in the case of self defense against a criminal it might help the client. While if you have a former public defender as a judge it might work to your advantage with a different set of facts.

Lastly the jurisdiction may play a role, some are known for being more law and order friendly, others more defense friendly.

This is the kind of question that keep attorneys up at night second guessing themselves, calling colleagues for second, third and fourth opinions, and adding to their ulcers and bar bills.

Timothy M. Klob

The Larrison Law Firm, LLC.

145 Lee Byrd Road, Loganville, GA 30052

770-554-8100

www.kloblegal.com

There are many factors to consider and it is a case by case determination. Important factors are facts of the case, the trial judge and your client as a witness.

A big "Thank You!" to our affiliated attorneys for their contributions to this column. Please return next month for the remainder of our affiliated attorneys' responses.

Book Review

The Concealed Handgun Manual

By Chris Bird

592 pages, softbound, 5.5x8.5

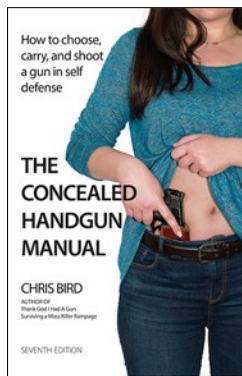
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Amazon.com for \$12.99

Reviewed by Gila Hayes



“A lot has happened since I published the last edition of *The Concealed Handgun Manual* in 2011,” writes Chris Bird, by way of introduction to the seventh edition. Now in his 70s, Bird shares a lifetime of training and shooting experience with new concealed carry practitioners. This book addresses much more than guns and holsters, although there is plenty to get new practitioners off to a good start with their carry gear, too.

The Concealed Handgun Manual starts with a discussion of situational awareness. Like most of Bird’s key lessons, he leads with the true story of senior citizen Sylvia Hall who deterred home invaders, learning later that an elderly woman just down the road was victimized by the same violent youths. She determined that their behavior was unusual and was ready to defend herself, he relates.

“It is not enough...to tell someone to be alert and stay safe,” Bird opines. “You must tell them how to be alert and how to recognize the danger signs.” He interviews retired CIA operative Ed Lovette to detail factors that are warning signs, including how threats make eye contact, and other indicators from respiration, stance and positioning. He discusses team tactics used by criminals and relates other real-life stories showing how attacks develop. “Break conventional thought patterns by assessing what you are really seeing,” he advises, listing indicators that a predator may be watching you.

Although this is a gun book, Bird warns against thinking a gun solves all threatening situations. He tells the story of a carjacking in which the first indication of trouble came when the driver saw a gang member pointing a shotgun at him. A later chapter teaches firearm retention and disarming skills, other physical force options and de-escalation and conflict resolution round out the instruction.

Bird illustrates law enforcement’s inability to protect against violent crime, recommending proactive steps like simply wearing your gun while you’re at home. He cites inspiring examples of citizens making their safety their responsibility—not government’s. “For decades, Americans have been brainwashed into taking a passive role in their own survival,” he writes. “‘Leave it to the experts’ and ‘wait for the authorities’ we are told in chorus by government officials, politicians, and the media.” The result,

he comments, is passivity allowing terrorists and criminals to do what they wish until a few brave (and in the example of the passengers of Flight 93, unarmed) citizens fight with whatever they have.

In Bird’s chapter on mass shootings, I was pleased he did not name the killers, denying them fame. He cites a Texas State university study that identifies ten incidents in which citizens—both armed and unarmed—stopped the killings. He tells the story of Stephen Willeford, the NRA instructor who in November of 2017 pulled an AR15 rifle out of his gun safe, then rushed to a neighboring church to stop a killer. Although not a church member nor present at the shooting that took the lives of 26, Willeford chose to intervene. Told primarily in Willeford’s own words, these pages describe running toward danger, spotting a gap between the front and back panels of the killer’s body armor and teaming with a complete stranger to pursue the fleeing shooter, worried he would continue killing elsewhere.

Besides detailing the incident and aftermath in his conversation with Bird, Willeford discusses changes he has since made in his readiness and preparation. These include keeping magazines loaded and ready, a decision to renew his carry license (although carrying a self defense pistol was not the issue during his shooting), as well as the loss of anonymity. He also explains, “I learned real quickly I needed a lawyer right away. Not for defense from legal systems but for the media...If you are involved in something like this, the media is going to come at you like you wouldn’t believe.”

Some have opined that Willeford would have failed if armed with a pistol, but he counters, “Even if you have a handgun, and he’s got armor on, and he’s got you

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outgunned, it's better to have...the mindset of being a survivor rather than the mindset of being a victim. The mindset of a victim says: there is nothing I can do. The mindset of a survivor is: I'm going to do everything I can, whether I die or not," Bird quotes.

Bird also teaches other lessons about stopping spree killers through the stories of Jeanne Assam, who shot and stopped the church shooter in Colorado Spring, CO, Suzanna Gratia-Hupp who saw her parents murdered in the Luby's Cafeteria shooting and Joe Zamudio, who was one of the several citizens who stopped the shooter who harmed Gabrielle Giffords and her constituents at a political rally.

Each story identifies difficulties inherent in intervening. Bird quotes Tactical Defense Institute's John Benner, "When do you display your firearm? Do you start to run through some place with the firearm out? Now maybe another concealed-carry holder, or an off-duty police officer, or an on-duty police officer sees you running with a gun in your hand." This problem involves not only reactions to guns from police officers but from and toward fellow armed citizens, as well, and the Zamudio story well-illustrates the complexity of a mass shooting incident.

Resistance saves lives even when unarmed in so called gun-free zones, as was demonstrated at Virginia Tech. Young students "can and should be taught to fight back," Bird quotes the founder of the Alert, Lockdown, Inform, Counter, Evacuate (ALICE) school shooter response training. Bird shows proof of effectiveness in the story of Jake Ryker, the 17-year-old who, aided by his brother and other youths, stopped a 15-year-old who was shooting students with a .22 semi-auto rifle. Although Ryker was wounded in the fight, they stopped the killer before more could be shot.

Bird also shares a wealth of basic information for newer gun owners, including ammunition selection, caliber, stopping power and the importance of bullet placement. His discussion of revolvers and semi-autos includes interesting facts from history, and he identifies the

competing needs of "convenience, power, and accuracy" in carry gun selection. Holsters receive a similar review and a segment on gun safety outlines balancing safe storage against readiness. He stresses, "The best way to keep your self-defense handgun out of the hands of children and others is to wear it. If you are not wearing it, and it isn't under your direct control, it must be made secure." For rifles, shotguns and guns not in use, he recommends gun safes that range from hidden wall safes to large gun safes bolted to the floor.

Bird opens the chapter on handgun accuracy with the story of a police officer shot while on patrol. As the shooter runs away, the officer fires and misses, then bears down, applies the basics and hits his would-be killer twice—at 422 feet. Sight picture, grip, stance, trigger control, speed, recoil and a variety of topics relating to accuracy round out the discussion. He also addresses flashlight use and lasers, honing shooting skills, practice and competition, cover and movement, shooting from disadvantaged positions, malfunctions and reloading, alternative target areas and head shots and more.

Bird introduces mental preparation with stories of two intended victims of armed robbery. He discusses willingness to take life, tactics, physiological reactions during life-threatening danger, and later discusses memory distortion after a critical incident as well as posttraumatic stress disorder. He outlines the realities of interacting with law enforcement after the shooting, the expense, possible job loss, civil lawsuit, working with an attorney and statements to police and other related concerns.

The Concealed Handgun Manual is a hefty compendium addressing a wide range of topics. Experienced armed citizens will enjoy considering Bird's views on these topics while those just starting their armed experiences can learn much from it.

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



Editor's Notebook

by Gila Hayes

Oh, how we love exotic, extreme, and specialized guns and gear. We forget that much of our personal safety depends on behavior and not on gear, so how about tackling behavior issues that can cascade into

use of force situations? Let's consider a few basics that, while certainly not inclusive, are preventive measures most of us can improve and thus keep trouble further at bay.

Doors—Solid steel framed doors are great! The role of the door is to delay intrusion. If you're inside, the noise of someone trying to get past your door provides warning and time to prepare, issue orders to leave, ensconce in a safe room, call authorities to get your problem on record, and be ready to fight if necessary. But doors work only if they are locked!

A surprising number of families leave doors and windows unlocked. Believing it more convenient or demonstrating disregard for home security, many fail to lock windows and doors after use. What could make an opportunistic criminal's job much easier?

The same applies to car doors. While most modern cars automatically engage door locks once the vehicle reaches a certain speed, prior to getting under way, most drivers and occupants are distracted getting phones, errand lists, beverages, and other personal effects squared away before putting the car in gear. Could we make it any easier for a criminal to barge inside, grab valuables, hostages and a means of transportation?

Dogs—Our dogs can both deter and incite trouble. My dogs are little more than an early warning system and fun-loving members of my pack. When returning to an empty house, I prefer to send the dog through the door first, observing its behavior as part of the scan to be sure all's well inside.

On the other hand, a leading cause of friction between neighbors is the location of the dog's toilet. Sometimes accusations about dog feces in neighbors' yards are misplaced, as in our current lead story series, but often

as not, it's a legitimate problem. The same applies to barking dogs, so a dog is a multi-edged weapon and while I believe they're incredibly useful, our canine companions require tending to make sure they don't create more trouble than they prevent.

Leave it On—Upon coming home, a surprising number who make much of carrying a gun 24-7, strip their self-defense gun off their belt, stashing it on the bedside table or beside the easy chair. If they've gone to the basement or outside storage shed or run to the garage to get something from the car or any other of the activities undertaken once "home and safe," the gun is not readily at hand if a threat suddenly arises. If your holster is uncomfortable, there are many ways to carry a gun on body. After trading your business clothes for sweatpants, add a bellyband, ankle holster, waist pack, or other carry device for your self-defense gun.

MYOB—Like dogs, advice to mind our own business is a multi-edged weapon. For the most part, however, we need to stop inserting ourselves and our righteous opinions into conflicts not involving us. Rude gestures, corrective admonitions and all the other little "I disapprove" messages that slip into daily contact with strangers generally go unchallenged. Sometimes, though, we ignorantly correct someone who is already on edge, intoxicated, irrational or spoiling for a fight. Now you will have to explain why you started an argument that turned into a physical fight when all you really needed to do was leave or quietly watch to see if a worrisome situation becomes a threat to you and yours.

On the coin's other side, we must resolve unsettled conflicts with family, neighbors and coworkers. This can be a lot more complex than a simple apology! Often harassment defies reason and requires a multi-faceted solution—more complex than we can address here. If you deal with difficult neighbors, you need to understand what drives them. Take the time to read http://www.nonenseselfdefense.com/problem_neighbors.htm by Marc MacYoung and ask yourself honestly which symptoms and solutions apply to your situation.

There's a lot more to living safely than buying a gun—even if it is the newest, coolest and guaranteed-to-vaporize aggressors fightin' tool just released! Address behaviors before equipment.

*[End of February 2019 eJournal.
Please return for our March 2019 edition.]*

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About the Network's Online Journal

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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.

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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