

## Back to Basics: Safety in the Home

### An Interview with Sheriff Jim Wilson

Interview by Gila Hayes

*We should learn from the experiences of others and who better to ask about such lessons than retired county sheriff Jim Wilson, who saw and resolved countless instructive situations during his career when called to investigate after homes were broken into. With summer heat tempting folks to open windows and doors to cool down their homes, I thought members would benefit from a reminder that it's a lot better to prevent a break-in than it is to have a midnight encounter with a burglar, so I asked Wilson for tips on how to increase safety at home.*

**eJournal:** I appreciate the chance to pick your brain about ways to avoid being victims of crime inside our own homes.

**Wilson:** I think there are two real important things people need to realize. The first is how very dynamic home invasions can be; how quickly they occur. If a person is not prepared, has not done any home improvement or any planning, the door flies open, and those people are in their face immediately and they only have a matter of seconds to react in any manner.

The second thing I think is really important and that people don't realize is that prevention of a home invasion is a layered thing. We can't point at any one thing and say, "If only you had better locks..." It is lighting; it is locks; it is security video; it is having a little dog that will bark to let you know that something is going on. A lot of people don't realize the importance of having a combination of prevention.

**eJournal:** That's a great observation. We don't always hear about the cumulative effect when we combine several elements: the dog, the security video, the locks, and so on.

**Wilson:** It does not have to be a whole bunch of major things. It might be just locking the door behind you when you come home. What you want to do is just make the target look not quite so inviting. That is a problem! An average American has a nice home, but it has a mortgage on it. They have two nice cars, but they're paying for them, and they both have jobs to pay for it all. They do not consider themselves rich, but that crook driving down the street sees all of that and he thinks, "Those people are sure to have a lot of cash and jewelry and more."

We need to keep in mind how we look to the criminal. We can make a less desirable target with good lighting. I live where we can have both the front and back yards fenced, so I can have a dog out there. The criminal does not need to know that he's the family pet.

**eJournal:** You mentioned video, too. In many ways it has never been easier to add precautions like a camera or motion-activated lights. I can remember when wiring those in was really a big job. Now there are solar options for lighting that you just mount on the exterior and anything that walks through the beam activates a surprising splash of light. Of course, that's going to happen whether the intruder is a raccoon coming to raid the garbage can or a more serious problem.

**Wilson:** Security lighting has indeed improved a great deal and it is part of home defense. I have a similar problem because of the deer walking by, the raccoon walking by, the javelina walking by so I wouldn't necessarily have the motion-sensor light. I'll tell you the lighting option I would have if I designed a home. I would install a master light switch in the master bedroom: one light switch that would turn on every light in the house, including outside, as well.

I do like the idea of good external lights, even though in my case I wouldn't have the motion sensor. I like having the lights set up so that when I turn them on, I can see all the way around the house by checking different windows.

**eJournal:** And you've accomplished that without having to go outside and be exposed to the unknown threat about which you were concerned.

**Wilson:** We have to maintain our own individual defenses. Another thing that has always bothered me is that in the average American home the master bedroom is at one end of the house, and the children's bedrooms will be far on the other end. Of course, we know that is for privacy, but suppose you do have someone get in the house, now you have got to get all the way to the other side of the house to check on or to protect the kids. I do not think that is a really good home design. Now, if you do have a home invasion at nighttime, that design causes you to expose yourself to danger just to check on the rest of your family. We want to minimize that.

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**eJournal:** A home break in while the family sleeps at night is so terrifying that many people can't even admit the possibility that it could happen to them. Someone who should not be there getting into the house is probably something you got called about a lot during your law enforcement career. How can we be better prepared?

**Wilson:** It's a double-edged sword. First, let's look at it from the citizen's point. The citizen hears a noise at night and wakes up. If they follow the common advice and call police every time they hear a noise – well, you can see where that is going. The citizen thinks, "I don't know what that noise was. I had better go look," and they get into a situation that really does involve a burglar.

From the peace officer's perspective, it is kind of the same deal. You get people who call in every time they hear a noise either inside or outside, and pretty soon the officers are not taking that real seriously. My solution has always been to have a nice, little house dog that will sure let me know if something is not right.

I recommend that citizens do as little home searching as possible. If you have got to get to the room where the kids are, then you have got to do it, but you want to minimize it. It can go bad in such a hurry, particularly in these violent attacks that we have seen in the news in the past few years. You read about a home invasion where the whole family was murdered. These are just really bad things.

**eJournal:** Home invasion reports should motivate us to set up both the house, and ourselves, to be less vulnerable. Yes, if possible, that might mean rearranging the room layout as you mentioned, but what about the view from the exterior? What about blinds? I have never been certain which is better: closed, which suggests no one is home, or open, which may show that only a child is home. What do you think?

**Wilson:** My recommendation, and what I do, is to keep my blinds down. I may open them during the day if I want to let light in, but at night I go through the house and I close the blinds, so you cannot look in. If you keep the blinds down, the bad guys do not have the opportunity to look in to see what is in that room or what is going on in the room.

Make sure that you have got good locks for your doors and for your windows, too. That is not going to keep someone from getting in, but getting in is going to take them longer and that buys you some time to wake up, realize that something is going on, maybe arm yourself, maybe call 9-1-1. It buys some time and that is important.

**eJournal:** Time to get ready is crucial. Response time to 9-1-1 calls for help varies widely and that is no longer only an issue for rural homes. Whether a patrol officer is going to respond to the call at all is now a legitimate question due to police defunding.

Even in cities, will your call for help be treated as important? Say you return home and the door you are sure you locked before you left is wide open or you find a broken-out window. I am not sure some police agencies are going to send officers to search your house. What is the poor burglary victim supposed to do?

**Wilson:** Well, if I can, I want the police to come make that check. I would avoid doing a house search if at all possible. Obviously, in some of the metropolitan areas that are having problems with defunding the police, you may not get a police response. In that case, you are going to have to do it yourself. If you do have to do a house search on your own, keep in mind that nobody knows the layout of your house like you do. You are armed and trained. You should be able to reach into a room and turn the light on. Light it up! There is no point to tippy-toeing around in the dark.

If the bad guy hears you, or he sees all of the lights come on and he jumps out the back window and leaves, you just won. I would light it up as I go, I would go very, very slowly, and realizing that nobody knows that house like I do, keep uppermost in mind all of the hiding places that I know.

A house search is not something that I want to do! My first priority is not going to be to get my gun and go do a house search. I would rather have a police officer do it.

**eJournal:** Absolutely, but it may require considerable patience to wait for police response where there are more calls than officers. *[Laughing]* You may even have to go wait at your mother-in-law's or somewhere else until you can get that help. Seriously, though, you hit on something that I want to go back to, "It is a win if the bad guy runs away." You would be surprised how frequently people want to argue, "But anyone who would break into a house is dangerous. He might come back for revenge or go hurt someone else." Then, off goes our intrepid homeowner to confront the bad guy.

**Wilson:** We are not police officers, and it is not our job to apprehend the bad guy. Coming across a bad guy, not in a burglary, but maybe one stealing something from your car would be even more common. You pull your gun on him, and maybe you tell him, "Put your hands up," "Sit down," whatever, but he says, "The heck with you!" and he turns around and walks or runs away. Let him go! We are not the police. It is not our job to apprehend bad guys. You can get into a real bad situation trying to play police officer in that kind of deal.

**eJournal:** I suspect there were times as sheriff that you had to go into buildings to figure out why you had been called to investigate, but the people you found inside were the people who belong there. How smart were they about communicating who they were and what they were doing?

**Wilson:** In law enforcement, you just get a feeling for people and for when you are being lied to. A lot of times a police officer

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can pull up at a scene, literally take a look at the several people standing there in the yard and say, "OK, he's a good guy and he's the bad guy" and be right. I used to tell the recruits at the police academy, "A police officer is not in the law business. A police officer is in the people business." I am afraid we are losing some of that in today's law enforcement and I think that is unfortunate.

I know there were many times that I pulled up on a scene where the citizen was armed, and I did not feel any need to disarm the person. He wasn't pointing the gun at me, he had it pointed at the ground and sure enough, he was the good guy. I might say, "Well, hey, buddy, let's lay the gun down and have you come over here and talk to me." A lot of that is changing now, and that is unfortunate, so I just really caution people, don't have the gun in your hand when the police arrive. If you do, you are sure liable to get hurt.

If you come home and your door is wide open, and you called the police, be sure you do not have a gun in your hand when the police arrive. That is one of the easiest ways to get shot nowadays. There again, if the bad guy gets away because you do not have your gun out, that's OK. I caution people, if you have a gun in your hand when the police arrive, your chances of getting shot are really, really good.

**eJournal:** It can take a surprisingly long time for police to arrive, and there you stand with someone at gunpoint. He starts mouthing off, acting squirrely and our intrepid homeowner will wish he had just let him run off. He or she hopes that help is on its way, and it might be, but then again, it might arrive several hours later.

**Wilson:** The situation with police officers can differ in different parts of the country so let's not forget about our neighbors. In some places, we don't know our neighbors, and nobody cares. Nobody talks.

In other places we know who our neighbors are. There is some support right there! Get together with your neighbors, have coffee, and discuss things like home invasions. How can we help each other? How can we signal each other? Can I let my neighbor know where my house key is located, or where to find a house key? If you are in a situation where you know your neighbors and they are good folks, why not make that work for you?

**eJournal:** The old-fashioned term was "Neighborhood Watch," and done right, it prevented more than prowlers. Because neighbors knew who belonged at what property, they might notice that an older person had not been seen when expected and needed medical help, and a lot more.

**Wilson:** I am not trying to be nosy, but I look around every morning as I come and go and maybe this morning there's a car in front of your house that I have never seen before, or maybe I see some guy get out of the car and walk up, but I have

never seen him before at your house. That might be the time that I would walk back into my house and just call you on the phone and say, "Everything OK over there, neighbor? OK, fine. Talk to you later, 'bye.'" Make that work in your neighborhood.

Sometimes crooks will drive around a neighborhood, looking and watching, and they may do that for quite a while before they pick out a victim. If they see us interacting with our neighbors, maybe that makes it look like too hard of a target for them.

**eJournal:** That multiplies the numbers of eyes looking out for danger, and if nothing else, folks feel more cared for, less alone, and they have the fulfillment of providing the same kind of concern to the people around them. It isn't about acting like security guards; it puts the emphasis on staying connected and caring enough to ask the neighbor, "Is everything OK over there?" That's really good.

**Wilson:** I think the biggest thing about home invasions, burglaries, and that sort of thing, is to really think about the effect of layering defenses. Just as you and I have done here these last few minutes, you start thinking about layering and you come up with lots of different types of defenses you can layer. Imagine you and I, and the neighbors on the other side of my house all sitting down and having coffee together and having this kind of conversation. Just imagine where we could go with it!

**eJournal:** Let's take this outside the home. Perhaps you see someone going through your storage shed or the beam of a flashlight is moving through your detached garage. Maybe you have a very expensive set of Snap-On tools or an expensive car. If you see a stranger in your garage or workshop, it is going to be pretty hard not to go out to confront him. How dangerous is that?

**Wilson:** If I come up to an open door whether that is my shop or my house, I may very well stop right there at the front door, arm myself and I may say just as loud as I can, "I have got a gun. I am coming in. If you leave, I won't hurt you." Again, if they will go out the back window and run for it, that is great. Same way with the garage. Obviously, in different states the law is different, but you want to be really careful about using deadly force to protect property. Some states allow that. For years, Texas allowed you to use deadly force to prevent burglary at nighttime, but as an old ex-lawman, my advice is don't use deadly force to protect property. To me, the use of deadly force should be to protect family, to protect human lives.

In some states you could get into a real problem over using deadly force or the threat of deadly force to protect property. I don't recommend it. It is something to be avoided. If the bad guy gets away and if he gets away with your favorite fly-casting rod, handmade, that cost thousands of dollars, that is really too bad, but my recommendation is let the bad guy get away. Let the police catch him.

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You think that is hard for citizens? Think about a guy like me that's an ex-peace officer! It is really hard for me. I have to bite down, and remind myself, "You are not wearing a badge anymore. These young officers out in the cars can handle it just fine without you. It is not your job to go catching bad guys."

**eJournal:** Regardless of career, none of us wants to be a milquetoast, none of us wants our hard-earned stuff taken. So, you are looking out of your kitchen window when you see the beam of a flashlight, and someone is going through your detached garage. Do you even go out there and yell for the intruder to go away? Do you just let your stuff walk down the street in the hands of the burglar?

**Wilson:** In my case, I would do everything I could to discourage him short of using deadly force. I would try to observe it a little bit before I went out, but I might arm myself and go out. It is my garage and I have a right to go out there. If he breaks and runs that is one thing; if he picks up an object and attacks me, that is another thing. It's on my property, and I have the right to do this. It is fine to go investigate it if you are comfortable doing that and you are cautious about it.

**eJournal:** Earlier, you mentioned our reaction to hearing an unidentified bump or noise when we are home. Obviously, we won't have a belt holster and belt loops on our pajamas, but I have to ask, "Why do folks take that gun off as soon as they come home after work?" If I am in the basement laundry room and my gun is in the lock box in my bedroom upstairs, if that noise is a violent intruder, I have to trek through a whole lot of house before I am armed for defense of myself. That's not to say the gun is the only way we can fight, but frankly I'm a little old to be going hand to hand.

**Wilson:** Colonel Jeff Cooper said something one time in one of his writings that's just always stuck with me. Essentially, what he said is if you are reading this, and you can't lay your hand

on your defensive firearm, all of your training has been a waste. I have a gun on the table where I usually work, I have a gun by the chair where I usually sit and read in the evenings, but for the most part, during the day, I have a gun on me. Without children in the home, we are able to lay a gun down within reach. If we have small children in the home, I am just going to leave that gun on me because I have better control of it. Wherever it is, whether it is on me or laying by the chair, I am still responsible for it. It just depends on the situation, but there is never anything wrong with just keeping the gun on. It is there, it is handy, and you are going to need it about that quick.

A good example that I like to give as how quickly things can happen, was October 1881, the gunfight at the OK Corral in Tombstone, AZ. That gun fight took about 30 seconds, and there were about 30 shots fired. If the bad guys kick your door down, and come blazing in there just as fast as they can, how much time do you have, really, to go get anything? The chances are, if it is not on you, you will not have time to get it.

**eJournal:** That's all the more reason to get busy implementing those layered defenses you talked about! Thank you for sharing your experience, advice and how you apply it as a retired guy these days.

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*About Sheriff Jim Wilson: Wilson is a native Texan who was born in Austin and raised in San Antonio. For nearly 30 years, he served as a Texas Peace Officer in Denton and Crockett Counties. In 1988, he was elected Sheriff of Crockett County (Ozona), Texas, and served in that capacity until his retirement from law enforcement in 1996. After retiring from duty at the end of 1996, Jim began to write articles for various gun magazines and is currently a popular columnist with the NRA Shooting Illustrated, as well as posting at his own blog site at <https://sheriffjimwilson.com/2023/>*

## Better Security through Technology: An IT Professional Weighs In

*Sheriff Wilson gave us a lot to think about in this month's lead article. One of the things mentioned in passing were advances in consumer electronics that make it easier than even ten years ago to have motion activated video outside one's house or motion activated lights without having to hire someone to wire and install the equipment.*

*I can remember when even a motion activated light over the front door required drilling holes in the siding and pulling wires through to install the light. Now, we have solar-powered motion-activated lights and they're really affordable. Motion activated video is a bit costlier and as I dug deeper into the subject, I found options that offer more than just video that I thought would be very useful for the back door or the front gate where there's no line of sight.*

*I was not tech-savvy enough to weigh the pros and cons of the common subscription video products like Ring or Nest during my visit with Wilson. Afterwards, though, I queried our Network IT Director John Murray, who brings over four decades of experience to his work on our behalf. Let's switch to Q & A for his suggestions, in his own words, or if you prefer, a video of a conversation I had with John about security video systems is at <https://www.youtube.com/watch?v=2VKyU55u3eQ>.*

**eJournal:** First, thank you, John, for plain-talking our home security options. What's available these days for DIY home security video cameras?

**Murray:** That's a great question, and there are many, many possible answers. The very simplest that immediately comes to mind would be just a very simple doorbell camera. Those systems will integrate with a home automation hub like Alexa or Google Nest and that may be all you need. Most of them, however, require some kind of cloud subscription and a monthly fee. They do not necessarily record unless you are connected to the cloud.

**eJournal:** I imagined something like a motion activated game camera. If something moved in front of it, video would start. You were saying that's not how we do it.

**Murray:** The doorbell sensors don't typically have internal storage. They are going to push the video content up to some kind of service like Amazon.



**eJournal:** I'm not interested in cloud-stored security footage, and I expect there are members who also are primarily interested in simple, home-stored video and relatively real time viewing from inside the home. What equipment might we choose instead of the very common doorbell camera setups?

**Murray:** I think what you and a lot of people are really looking for is something that is not necessarily cloud connected, and in that case, we need to look at items that include their own internal storage. The simplest would be just your basic \$80-\$100 wildlife, trail or game camera, which is going to have some type of storage card in the camera itself. It is typically battery operated.

Obviously, it's intended use is wrapping the thing around a tree and then you wait. But I think most people are interested in being able to monitor the camera, and while some game cameras do have wireless connectivity – typically, an app on your phone that you would download and pair to the camera – while a very, very simple solution, it does have some disadvantages. Let's say that you mount a game camera and you mount it up high up on your back porch supposedly out of reach. If you wanted to retrieve any content that was recorded, you are going to have to get up on a ladder to access the camera, get the card out of the camera, and put the card in some kind of a device that lets you look at the video content.

**eJournal:** I think we are more interested in something approaching real-time monitoring. There's a lot I don't understand about latency or delays to get the feed from the camera, if it has storage, what's the capacity and how do I access it? That brings us to you with the question, what is available that lets me see what the camera sees without transferring video files off a memory chip?

**Murray:** I am going to talk about two, opposite approaches. Both would work completely off-line, if you chose. Both solutions, however, would allow you online, Internet-based access should you choose to, for example, when you travel away from the home. Each system has some advantages and some disadvantages, so I am going to go over those quickly.

One, seen below, is what is called a network video recorder. This device gives us up to 16 camera inputs. The cameras typically will be protected like you see in a commercial application. I previously was the network administrator for a school district where

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we would use these kinds of cameras because they are pretty much indestructible. Students tend to be rough on equipment at times.

The advantage to a network video recorder is that it is completely standalone, and there is no Internet-based component. This unit is made by a company called [Reolink](#) and it is very good. My wife has a dog treat manufacturing company, and the unit that you are looking at is actually part of a 12-camera installation that monitors the production facility inside and out.

This system has a large capacity, hard drive in it, so with all 12 cameras running at a full 30 frames per second we get just over a week of off-line storage. If there is an accident or somebody's car is broken into in the parking lot, we can retrieve that information. If we chose, I could upgrade to a larger drive to store a month or more because it is just a standard computer hard drive.

This system is hard wired. Cables run from the back of this unit to the various cameras. The network cable is what is called POE: power over ethernet so the camera itself does not require a separate power supply. If you go to Costco or Sam's Club, you might see \$300-400 systems that use coaxial-based connections from the camera plus a separate 12 V power supplies that connect to the base station through what we call Siamese cables. I recommend you avoid those systems and instead use a powered over ethernet camera. They are higher resolution, and more reliable and simpler to install. Any qualified electrician can help you run a cable should you choose to go with a solution like this. The advantage is that the cameras are completely isolated from your home network.

**eJournal:** That is a big plus, but we still should acknowledge that we really need to take steps to secure our home network. Is now the time?

**Murray:** Presumably, your home network has Wi Fi or some kind of wireless access. I need to tell you that you probably need to change your Wi Fi password. I have yet to see a home wireless network that was using a proper password. A password for your bank account or your Gmail account may be something that you can remember. But a password for an infrastructure network account needs to be unguessable. In other words, it is a password that you are going to need to write down, and it is a password that you possibly can't remember. I can't emphasize this enough: your infrastructure needs to be secure. Otherwise, your home security system is subject to intrusion.

**eJournal:** We would do well to pay heed, especially if the network video recorder is too complex. What is the other option you brought to show us today?

**Murray:** The [TP-Link](#) "Tapo" wireless, 2K resolution, battery operated camera. It has an IP 65 rating, which means that it is really weatherproof and can handle a bit of rain. This style of camera is fairly easy to point and it's super easy to mount from the back or from the bottom of the camera. This type of camera connects wirelessly to a central hub. The wireless connection between the camera and the hub is private; it is not part of your home Wi-Fi.



Cost on two cameras and a hub is about \$150. In case you were worried, the batteries on the cameras are removable and can be re-charged. The stated battery life is up to three months, but my recommendation is that you set up, for example, every fourth Sunday, to pull the batteries and charge them. That way they are recharged on a monthly basis. Spare batteries are

also sold so you could always have a charged set of batteries on hand. The Tapo hub would plug into your home network via ethernet cable, and the hub uses is a Micro-SD card.

**eJournal:** How hard is it to install?

**Murray:** It took us all of 15 minutes to set this up. We plugged the hub into power and connected it to the office network and then the app "discovered" the hub, and once it discovered that device, it updated the software. With the cameras turned on, then the hub reached out, to the cameras, and established a completely secure, separate connection to each camera. The connection has nothing to do with our office or home network. Once you do that, you will be able to see both cameras on your phone.

During set up, you download an app to your Android or iPhone then set the system up via the app. There's an optional subscription for this type of system, so that if you were traveling and you felt the need to monitor your home then you can sign up and pay a monthly fee (cancel when you're back) and then the system will push video up to the Internet. That is more secure than a system like the Reolink. To connect it to the Internet, I would need to open up ports in my router to allow me to pull signals from the network video recorder.

**eJournal:** I am most impressed by how smoothly those two little cameras and the hub mesh into the layered defenses Sheriff Wilson addressed in his interview. I fear as armed citi-

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zens, we spend a lot of time and money and effort addressing shooting which only is appropriate against a small, narrow band of threat. Installing cameras may not be as much fun and the tech side can be intimidating, so we fail to add the layer to our defenses. Think about this: what if targeted for a home invasion and instead of opening the door to see who's there, I checked the video and thought, "I don't know this delivery driver; I don't want to open the door with them there," and I tell them to put the package on the porch and leave. I realize this varies from home to home, but at my place, unless the door is opened, it is going to take a little while for a determined intruder to get inside. Maybe, like Sheriff Wilson said, that time will prove valuable for calling 9-1-1 and falling back to a safe room.

**Murray:** The Tapo camera also has a built-in microphone and speaker. From the app, you can hear what is going on around the camera, but you can also talk. I think that is huge!

**eJournal:** Until we started this project, I did not know that intercom capabilities were possible. These little cameras are a good example of improving safety through technology. Sheriff Wilson talked about setting up his exterior lighting so even at night, he can see around his entire house by going from window to window. I thought he made a very good point and really, these cameras are just an electronic version of his lighting set up. What else do we need to know?

**Murray:** I am glad you mentioned lighting, because I think that is a really important part.

**eJournal:** I agree! Some years ago, we were gifted our first set of motion-activated lights. They're great! They're solar powered, and maintenance free. I cannot say enough in favor of bright, reliable, exterior light.

**Murray:** As regards the lighting and video surveillance, the question will inevitably arise, "Is there any home automation that can handle both?" The answer is, "Of course there is." There is Google Nest, Apple has their HomeKit, and then Amazon has their Alexa. They can handle switched outlets, exterior motion-activated lights, and a lot more. Jim mentioned that he'd like a button that would fire up every light outside the house, and I think that is a great idea. With a home automation system, you can achieve that.

You will want to be aware that at present, Google Nest doesn't talk to Alexa, Alexa doesn't talk to Home Kit; none of the three major systems talk to each other. As a result, there is an industry-based initiative called Matter to create a common access method. If you buy a device like the Tapo, an exterior light or a smart plug that you want to be able to control from your smart phone, make sure that the device is Matter-supported. It is a relatively new standard, so you are going to see a lot of stuff out there that isn't, but you want to look for that Matter standard.

**eJournal:** *[Laughing]* Who knew?! Thank you for all the information, John, I sure appreciate it!



## **President's Message**

by Marty Hayes, J.D.

### **No News on Insurance Commissioner Fight**

We still haven't heard a word about our appeal to the WA State Div. II Court of Appeals. It has now been four months. Hopefully, we will be reporting good news soon.

### **New Educational Video Coming Soon**

Just last week, Massad Ayoob and I filmed another educational video, this one centered around the issue of using deadly force against someone attacking with bare fists (think George Zimmerman). The project is now being edited and produced and should be able to be distributed soon. Look forward to the link being sent to members via e-mail.

In addition to this roughly hour-long production, Ayoob also participated in a Zoom discussion with Arizona attorney Marc Victor, and that discussion should be up on YouTube now. Do a YouTube search for Marc Victor/Massad Ayoob or keep an eye out for it on Victor's YouTube channel at <https://www.youtube.com/@AttorneysForFreedom/videos>. The topic of the video was a discussion on what to say to the police after a self-defense shooting. Victor is a strong proponent of just saying nothing to the police, allowing yourself to be arrested and

calling your attorney. Then your attorney will discuss your case with the prosecutor and hopefully charges will be dismissed.

It is our belief that unless you give a brief statement explaining what the individual you used force against was doing that caused you to fear for your life, you will likely be arrested. Shooting someone is a crime, and unless the police know the totality of the circumstances, they will arrest based on what they have. Go back and review the second video in our member-education lecture series, [Handling the Immediate Aftermath of a Self-Defense Shooting](#) if you are not perfectly clear on this point.

### **Thanks to Sheriff Jim Wilson**

In my formative years as a firearms instructor, I used to read a lot of gun magazines and of my favorite reads was the work of Jim Wilson. Something about how and what he wrote connected with me, and now, 30 + years later, I am privileged to call him a friend. The Network supports his Internet blog at <https://sheriffjimwilson.com/> and we privately communicate several times a year.

This month, Jim agreed to discuss a topic of which he is imminently qualified, that being home security. In the rural, West Texas area he worked and lived for most of his life, he investigated countless burglaries, both with the residents gone and some when the residents were at home. This interview is a very valuable article, and I hope each member of the Network reads through it and takes it to heart, implementing much of the advice he offers. Especially the one about being armed.





## Attorney Question of the Month

*One element in the Network's assistance to members is paying to appeal a wrongful conviction or a judgment assessing damages against a member who acted in self defense. People harbor a lot of misconceptions about appeals and retrials and this month we asked our affiliated attorneys to help us dispel the myths. We asked —*

***If one is wrongfully convicted or ordered to pay damages without good reason, is he or she guaranteed that an appellate court will review the verdict? What are the leading reasons appeals are denied? If granted, how long before the court hears the appeal?***

***Is it true that even if a court of appeals orders a retrial, the second time before a judge and/or jury is rarely more successful than the first? If so, why?***

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According to Bureau of Justice stats, the reversal rate in criminal matters is just under seven per cent (7%). In my state of California, the reversal rate is just slightly higher than the fifteen percent (15%) for the several states.

Against this backdrop, it must be understood that the appeals court does not rehear the case. The justices do not substitute their judgment for that of the trial court save for those items which they deem manifest disregard for the law or factual findings which cannot be supported by any evidence or the inferences arising therefrom. Instead, the appellate court takes up mistakes of law that may have occurred.

While there is a right to appeal any adverse judgment, there is a huge mouthful as to whether the appeal will be successful. In California, one can reasonably expect from 18 to 24 months to get an appeals decision. From there, the appeal can be appealed, but, whether the higher court such as the California Supreme Court will take the case is a different matter. This occurs in about six per cent (6%) of the matters. If you take the reversal rate times the acceptance rate, your conviction or restitution judgment has about a 3% rate of reversal.

The moral is to lawyer up with thoroughbreds at the earliest opportunity.

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In practice, appeals are rarely successful. One out of every twenty prevails. An appeal system is technically worth having, but just barely so. If it is not a criminal matter, there is a fee for an appeal, and there is also the cost of ordering a transcript, printing out the briefs, etc. It is rarely worth it.

As for how long it takes, that depends on how busy the court is and whether it thinks there is any merit to the appeal. It will review a criminal appeal, but it does not all that often ask for oral argument.

As far as the second time around, any serious issues will likely have been corrected by the grant of an appeal, so the odds might actually be better the second time around, but still, nothing is certain.

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Well...it depends.

The first question is really two (a criminal conviction vs a civil damages award), and varies widely by state. There was a Department of Justice study back in 2010 that found about 2/3 of state criminal prosecutions were upheld on appeal, for various reasons. I can say for Texas the two largest appellate pitfalls at trial are:

1. For criminal matters, it's failure to preserve error. This can be not objecting properly to evidence which should be inadmissible, not proffering the correct jury charge to the court, failing to make an offer of proof when defense evidence is wrongfully excluded, failing to fully develop reasons to strike a juror for cause, ect., but even then a defendant on appeal must show that the error likely caused the rendition of the wrong verdict. The "harmless error" issue is where most appeals are lost, because it's really hard to show that but for the trial court doing X, the verdict would have been not guilty.

2. For civil matters, failure to preserve error also happens frequently. Most civil cases of this sort are lost at the discovery and pre-trial disposition stage. In Texas, if there's no criminal prosecution then there is likely good grounds for a summary judgment motion, if not a dismissal for failure to state a claim.

*[Continued next page]*

Spending the time and money on well-prepared depositions and use of force experts will win or lose the trial if it gets to that stage. I don't know if anyone has done a comprehensive analysis of civil suits and appeals thereof for civil assault in Texas.

As to the second question, that's impossible to answer without a particular fact situation, and even then a different jury might come to wildly different conclusions. If any attorney could say for certainty what any particular jury would do they would charge \$100,000 an hour.

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With respect to state court matters in Indiana, the answer is that a guilty verdict after a criminal trial or an adverse civil verdict will receive some form of intermediate appellate review by our Indiana Court of Appeals if an appeal is filed. The next step in the appellate process would be an appeal to the Indiana Supreme Court. However, there is no guarantee the Indiana Supreme Court will review the matter after the holding by the Court of Appeals. This is simply a result of the fact that there are too many cases for the Indiana Supreme Court to review given its resources, and whether the particular issues involved have been previously addressed by the Indiana Supreme Court.

With respect to the review by the Indiana Court of Appeals, that review might be extensive or simply an affirmation of what occurred in the trial court without much analysis. The depth of analysis is simply based upon the unique circumstances of the case in terms of the facts, law, and how the trial court dealt with the case. The analysis at the Indiana Court of Appeals will also depend upon the quality of legal advocacy at the trial court and appellate court. However, under all circumstances, it is unquestionably the case that the Court of Appeals will be highly deferential to the rulings of the trial court judge and even more deferential to any verdict by a jury. An appeal to the Indiana Court of Appeals will take at least four to six months and likely much longer if oral arguments are conducted by the attorneys in front of the Indiana Court of Appeals.

Even if successful on appeal, it is likely that any retrial will have the same result as the original trial unless there is some major change in the law or interpretation of the law that resulted from the appeal. However, we believe, at least in the civil context, a resolution or settlement of the case is more likely after an appeal. This might be a function of the parties growing weary of incurring attorney fees or developing a clearer understanding of the law to be applied to the case.

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*If one is wrongfully convicted or ordered to pay damages without good reason, is he or she guaranteed that an appellate court will review the verdict? What are the leading reasons appeals are denied? If granted, how long before the court hears the appeal?*

Essentially, every trial verdict is subject to a right of appeal. In New York, verdicts of the type referenced here will come from the Supreme Court, and the Supreme Court Appellate Division will hear the appeal. The only question is whether the decision of the Appellate Division can be appealed to the highest New York court, the Court of Appeals. Appeals to that court require certain conditions, often involving permission to appeal.

Appeals of a trial judge's decisions are guided generally by a standard known as clear error of law, or clearly erroneous. Appeals of a jury verdict relate mostly to whether the judge made a legal error in allowing the case ever to get to the jury, or in some cases juror misconduct. The most common reasons that appeals are denied is that the appellant cannot demonstrate that either (1) the trial judge made some kind of clear error regarding admission or exclusion of evidence, or that an error was significant enough to affect the case outcome, or (2) the evidence was not legally sufficient to allow the jury to get the case.

*Is it true that even if a court of appeals orders a retrial, the second time before a judge and/or jury is rarely more successful than the first? If so, why?*

Retrials usually favor the aggressor; the plaintiff or prosecutor. The reason for this is that, while the defender has a good idea of exactly how the other side will make its claims, the way that the defendant will try to avoid responsibility is not always clear to the plaintiff or prosecutor. This is most true in criminal court, where the pre-trial evidence discovery process is much more limited than in civil court cases. The prosecutor may not know for certain how the defense is going to "throw a wrench" into the prosecutor's case, but if the case is retried, the defense has no surprises anymore, and criminal retrials almost always end in conviction.

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*Thank you, affiliated attorneys, for sharing your experience and knowledge. Members, please return next month when we have a new question for our affiliated attorneys.*



## News from Our Affiliates

by Gila Hayes

Every August, our Network Affiliated Instructor and owner of [Riverside Sporting Gear](#) Jon Thompson takes our Educational Foundation's free booklets [What Every Gun Owner Needs to](#)

[Know About Self Defense Law](#) and gives them out at his exhibit at the MN Game Fair. That event is coming up again on August 11-13 and the following weekend August 18-20. A regular exhibitor at the yearly Game Fair, Thompson told us that in addition to his regular exhibit, this year he is teaching a seminar entitled *Developing a Personal and Home Protection Plan in a Changing World*.

Thompson has been a Network affiliated instructor for a decade now. During that time, he has handed out many, many copies of our Foundation's booklet both in his sporting goods store and at his concealed carry classes, as well as at for-the-public events, including Harley owners group get-togethers, and, of course, the Game Fair.

If you're around Minnesota's Twin Cities the second or third weekend of August, head out to the Armstrong Ranch Kennels 4.5 miles West of Anoka and look up Riverside Sporting Gear on the exhibitor info given out at the admissions gate. Go support your fellow Network member at this fun event. There are a lot more details at <https://www.gamefair.com>.

Toward the end of July, the Network enjoyed several visits with our Advisory Board member Massad Ayoob who was in town to teach his 40-hour immersion course in the "rules of engagement" for armed law-abiding private citizens. This year's class offering in Washington was special for us because we had a Network staffer enrolled. The first day back at work after class, she told me she was surprised at retention of the skills taught on the range that focus on defensive handgun use under extreme stress. The classroom material was of such depth that she said there really is not just one highlight – there are many. If you haven't yet got this training under your belt, there are three more sessions scheduled for 2023, one about an hour south of Chicago, another in Manchester, NH and the last one of the year in Northern Florida. Check the [Massad Ayoob Group website](#) for more details. You can watch some of Massad's lessons on the member education videos and at <https://armed-citizenstv.org/presenters/massad-ayoob>.

In light of riots, demonstrations and unrest (I can't bring myself to call it civil unrest because it is decidedly not), it should come as no surprise that there is a lot going on in the firearms

training world in Minnesota. Our Network member and firearms instructor Dale Miller of A-Zone Solutions took our Educational Foundation's booklets to the Wright County Fair with him the third week of July. Because of the youthful audience, we made up a special table top display for Dale that stressed the need to understand the law if you own guns. He gave fairgoers who visited his exhibit free copies of our booklet so they could start learning right away. See Dale's website <https://www.azonesolutions.com/> for a schedule and class descriptions.



You've noticed, no doubt, throughout this column mentions of our Armed Citizens' Educational Foundation, which foots the costs for printing our free booklets *What Every Gun Owner Needs to Know About Self Defense Law*. As a 501(c)(3) entity, the Foundation is set up to receive [tax-deductible contributions](#) with the donations

going to defray the booklet printing costs. Along with the much-appreciated individual donations, we were reminded mid-July of the unflagging support we receive from the [Ammo.com Freedom Fighter Support](#) program when a \$1,500 check for the Foundation arrived.

Ammo.com tells its website visitors, "We believe in supporting those who fight to protect our freedoms, whether that fight takes place in the courtroom, at the ballot box, in the halls of a legislature, or on a distant battlefield. You pick who we support with every purchase, and we donate 1% of your order - all at no cost to you." If you get your ammo online, please add Ammo.com to your list of preferred



online sellers. When you order from them the check process includes the option to identify which freedom fighting organization you would like the 1% contribution of your purchase to benefit. Thank you, Ammo.com, for including Armed Citizens' Educational Foundation on your list!

## Book Review

### **Disarmed:**

#### **What the Ukraine War Teaches Americans About the Right to Bear Arms**

By Mark W. Smith

Published by Bombardier Books, Post Hill Press

180 pg. eBook \$7.99; 220 pg. paperback \$14.99

ISBN: 978-1-63758-923-6

<https://www.amazon.com/Disarmed-Ukraine-Teaches-Americans-About/dp/1637589239>

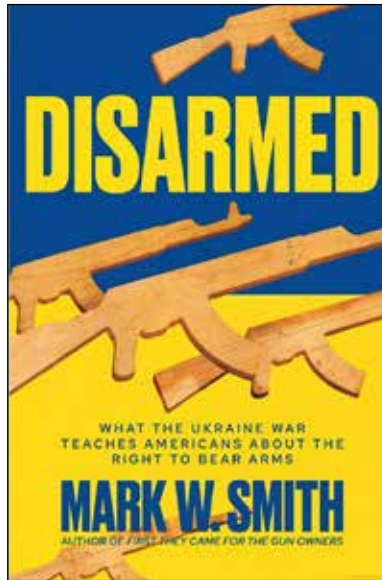
Reviewed by Gila Hayes

Popular YouTube commentator Mark Smith of [Four Boxes Diner](#) fame has written a meticulously documented study of Ukrainian citizens fighting Russian invaders, starting with the observation that, “Many experts would have told you before the invasion that all this effort was a waste of time and lives. How could civilians with small arms expect to stop one of the world’s most powerful militaries, a military with nuclear weapons?” The answer is spelled out in six chapters backed by extensive attribution with links for easy additional study. This work is ideal for ebook format because it encourages independent study of quoted details. Don’t just take the author’s word for it – read the end notes and the original articles in their entirety.

Ukraine has disproven the anti-gun claim that small arms in the hands of citizens are insufficient to stand against a government with access to tank and bombers. Still, Joe Biden seems fond of his soundbite that unless armed citizens have F-16s they can’t resist the government; that’s only slightly less threatening than Eric Swalwell’s rant on Twitter that rebellion “would be a short war...The government has nukes.”

To the contrary, Smith quotes one Ukrainian gun buyer who acknowledged that he couldn’t stop the invading Russians, but would protect his home and family against looters. Actually, Smith points out later in *Disarmed*, invaders as far back as the 1940s have learned that “Bombing cities does not force their inhabitants to give up” and at some point, the conventional army troops have to go in and hold the ground, and then they are vulnerable to IEDs and being shot by the surviving citizens.

In *Disarmed*, Smith explores whether citizens without Swalwell’s nukes could prevail in war, seen through the lens of the Ukrainian fight against Russian invasion. “This book focuses on the need for an armed, trained citizenry in the event of larger scale disasters, such as a foreign invasion or other actions by a foreign power, like China, or to prevent domestic oppression, or possible civil unrest,” he writes. “As you’ll see in this book, Ukraine’s experience provides ample evidence that armed citi-



zens can and do figure prominently in a nation’s defense.” He adds later that civilians fighting for their homes is one of the most motivated forces imaginable. “There are many historical precedents where over matched forces have repeatedly held strong against—and have even defeated—powerful militaries. How? The underdogs are highly motivated and use the techniques of irregular warfare,” he explains. “Why an armed people fight can be more important than what weaponry they fight with.”

Americans’ perception of invulnerability is an illusion, Smith observes. He quotes U.S. Strategic Command Admiral Charles Richard who believes an attack by China not only possible but imminent. Smith adds that EMP attacks against the power grid, cyber attack and sabotage to destroy water and fuel distribution, can led to civil strife. He adds that polling finds that nearly 90% of Americans fear political violence, and 37% think civil war could come. Nearly half think economic collapse likely.

Smith details events that left the Ukrainian people vulnerable. “Although Ukraine broke away from the Soviet Union in 1991, the Soviet tradition of severe regulation of private firearms endured in the newly independent nation,” he writes. “Ukrainians had more than thirty years to correct this problem before the Russian invasion.” Right up until Russia invaded, Ukrainians were not allowed to own handguns; had to be 25 to buy a rifle or 21 to buy a shotgun and had to undergo a mental exam, pay a license fee, and were required to have a gun safe and get a permit approving the safe’s installation, which was rarely granted promptly.

One would think that a country located next to an aggressive neighbor like Russia would have a capable military. Smith explains that in 2005-2006 Ukraine possessed a substantial stockpile of artillery, anti-aircraft weapons plus small arms and ammunition. When the Soviet Union collapsed, then-senator Barack Obama got them \$48 million in U.S. aid, but attached the requirement that the weapon stockpiles be destroyed “for the safety of the Ukrainian people and people around the world,” Obama said. Some ten years later, when Ukraine begged for weapons to defend the Donbas region, Obama rejected the plea. Eight years later Biden had done an about face and he trumpeted the importance of arming Ukrainians, while promoting gun confiscations in America.

How, Smith asks, can the 10,000 rifles sent to Ukraine for use by private citizens be celebrated when Biden and the anti-gunners say small arms have no value in citizen hands against an army? First, Smith points out, small arms let you fight your way to bigger weapons. Second, private citizens desperate to

*[Continued next page]*

keep their homes and country fight harder than recruits forced into military service. That spirit inspires generosity from other countries, keeping donated supplies and funding rolling in. While really apparent in Ukraine, the same principle was at work in the Revolutionary War when France pitched in to defeat the British, Smith points out.

How can men and women with no military training who are armed with rifles and pistols make a difference against tanks and artillery? Smith points out that “urban warfare is tailor-made for small arms.” Even soldiers in tanks have to come out sometime, and the Ukrainians make good use of “simple moves such as putting disabled vehicles in major roadways or popping small arms fire whenever dismounted Russian troops [were] in the open,” he quotes the *Military Times*. Similar tactics were effective in Mogadishu, Somalia, in Grozny, Chechnya, and Suez City, Egypt, he quotes.

Even if invaders initially overwhelm the population and capture their homeland, holding on to the territory turns into a nightmare, Smith notes. Examples include the Spartans at Thermopylae, our own Revolutionary War, concentration camp resistance to the Nazis, and the war in Ukraine show the extreme difficulty.

Finland is a good illustration of how to keep Russia on their side of a shared border and Smith quotes respected military strategist Edward Luttwak: “In Finland, ‘adolescent males report for a short and intense period of military training, followed by shorter refreshers for most of their adult life.’” This focused training isn’t intended to produce military professionals. Instead, “it prepares civilians to be ready to join their unit and harass and kill invaders,” he quotes. The strategy has supported Finland’s century of independence from Russia, during which they’ve pushed back invasions from their neighbor three times. “The question is not so much why Finland has gone to these lengths, as it is why other countries, such as Ukraine, have not,” Smith opines. Ukraine’s citizens were just as willing, but due to severe gun control had neither guns nor experience with firearms. Now, Ukrainians may be temporarily armed, but without new laws, their right to possess the firearms they’ve been sent could end when martial law is lifted. How long will privately owned guns be allowed?

The Russian threat is nothing new and unlikely to go away. Smith quotes a Rand Corporation study that in 2016 analyzed threats to Baltic states and suggested that NATO forces could not deploy fast enough to save the capitals of Estonia, Latvia or Lithuania from a Russian invasion. The tradition of keeping citizens on call as reservists with weapon training and exercises, as does Finland, is crucial. Smith adds, “Another nation that emphasizes deterrence through an armed citizenry is Switzerland. The Swiss are famous for their long-held position of ‘armed neutrality.’ The ‘armed’ part is crucial; they couldn’t maintain their neutrality without it.”

Smith shifts gears slightly when he cites historical instances of tyrants disarming their own citizens, or invaders quickly confiscating guns from the conquered. In the 16th century, brutal Japanese warlord Toyotomi Hideyoshi decreed that farmers must give up their swords to “guarantee peace and security and joy and happiness.” Only a few years ago Venezuela disarmed under the guise of public safety. Today it is hard to know whether organized crime or the Venezuelan government has killed more citizens. “Do you want to end up like the people of Venezuela, disarmed and defenseless? Or do you want to be able to protect yourself, your family, your community, or even, if need be, your country?” Smith asks.

Don’t wait until catastrophe hits to prepare, Smith urges in conclusion. He quotes retired federal judge Alex Kozinski’s analysis, “The prospect of tyranny may not grab the headlines the way vivid stories of gun crime routinely do. But few saw the Third Reich coming until it was too late. The Second Amendment is a doomsday provision, one designed for those exceptionally rare circumstances where all other rights have failed—where the government refuses to stand for reelection and silences those who protest; where courts have lost the courage to oppose, or can find no one to enforce their decrees.”

I’ll close with a word of appreciation to my friend Henry who recommended *Disarmed*. Reading it taught me a lot about past and recent history. We should never forget the warning attributed to George Santayana: “Those who cannot remember the past are condemned to repeat it.”

## Guest Commentary

A member recently shared a story that reminds us that a gun is only a tiny part of the personal safety equation. I've long said that we get hyper focused on shooting for self defense and ignore the bigger picture to our great detriment. Paying attention to ["left of bang"](#) and acting if we see danger signs is so ably illustrated by a story about a Network member's wife that I am passing along his advice in his own words.

—Gila Hayes

### "May I help you?"

by Rev. Stephan M. Mattsen (Ret.)

Shouting "MAY I HELP YOU!!!" into someone's face could be considered rude. It could also prevent an attack or even save your life. But . . . only if you don't ignore your instincts.

My wife joined a health club located on the lowest level of a hotel with an adjoining multi-story parking garage. After finishing a water aerobics class, she paused outside the locker room for a drink from the water fountain. A man standing nearby with a gym bag in hand stared hard and deeply into her eyes. It was the kind of gaze that made the hair on the back of her neck stand up.

That odd look was so alarming she instinctively turned back into the locker room and waited for ten minutes. She surmised that, since he had been holding a gym bag, he had left the premises. A careful glance around outside the locker room assured her that he was gone. It seemed safe to leave and she took the elevator to the hotel exit leading through a corridor to the parking garage.

She noticed the scumbag following a couple who were headed into the garage toward their car. When he heard the door from the hotel click closed, he turned to glance at my wife and immediately slowed his pace. Terror caused my wife to begin shaking; she knew it was far too dangerous to return to the corridor or get on the elevator.

My wife had to walk to the far end of the garage so she made sure her key fob was in hand and slowed her own pace in order to stay behind the creep. Her one thought was to get into her car and lock the doors. Her adversary stepped between two cars, ostensibly to get into his own vehicle.

My wife rushed past him and the ghoul instantly stepped out behind her. Instinctively, she whirled and bellowed "MAY I HELP YOU!!!" at the top of her lungs directly into his face. The echoes of her voice trailed away as the predator backed off, mumbling in confusion, "I just wanted to look at the car." His actions belied his explanation.

He displayed several classic pre-attack indicators: targeting, he fixed his attention on his victim; interviewing, he determined that his target was an easy victim; closing, he deliberately began shortening the distance to his victim; flanking, he approached his victim from behind. My wife, however, was having none of it and confronted him loudly and unexpectedly. Her attacker was badly shaken by the ferocity of her response. In all likelihood, he moved on to find an easier victim.

My wife was still shaking with fear by the time she reached the safety of her car but her instinct to react aggressively protected her from an attack. It also derailed the attacker's plan of action. Colonel John Boyd developed the concept of the OODA loop: observe, orient, decide, act. My wife's question, screamed into his face, doubtless short-circuited the perpetrator's OODA loop. Situational awareness and trusting her instincts in that situation enabled my wife to escape harm.

If something doesn't seem right, don't ignore your instincts. That loud bang in a parking lot may be a gun shot, don't ignore your instincts. Pounding on your front or back door late at night may be home invaders, don't ignore your instincts. A person just standing and smoking near your ATM may be a mugger, don't ignore your instincts. The couple wearing long coats on a hot day at the farmers' market may not be there to buy vegetables, don't ignore your instincts. A stranger bringing a backpack into your morning church service may be dangerous, don't ignore your instincts.

Colonel Jeff Cooper popularized the color code of situational awareness: white – oblivious to the surroundings; yellow – a relaxed state of awareness of the surroundings; orange – something in the surroundings alerts to a possible threat; red – there is a definite threat demanding an immediate response. A rising level of awareness that a situation is threatening must not be ignored. Your brain is capable of processing danger signals you are not consciously aware of.

My wife is alive and unharmed because she displayed situational awareness and trusted her instincts. Don't reduce your chances of survival in a perilous situation by ignoring the instinctive signals your brain is sending you. It may save your life and the lives of those you love.

## ***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](mailto:editor@armedcitizensnetwork.org).

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