

Gun Lawyer S1 E27

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:21

I'm Evan Nappen, and welcome to Gun Lawyer. Today I saw this sign that was in a doctor's office, and I just related so much to the sign. It said "Warning, Patients will be charged extra for annoying the doctor with self-diagnosis." I got it off the internet, and I said, that is a beautiful thing. It is a beautiful thing because it absolutely relates to being a Gun Lawyer just as much. It is absolutely what I have experienced. I will just have to hang that sign and modify that you're going to be charged substantially more if you have tried to interpret the laws and are telling me what the laws are from the internet. You don't do that. My first question to the person who calls with this is "why are you even calling me because you think you know it all?" You're a no it all. You don't need to talk to me. Why are you calling me? You are calling me to tell me what the law is. I'm like, "That's amazing. That is really amazing." These people, oh my God, they are so deep into that river in Egypt. They are so far in denial that it is astounding.

Evan Nappen 02:02

For example, this guy called me this week and says, "I got arrested in New Jersey with a firearm." I'm like, okay, he's from another state. That happens. I get it. People make mistakes. No, no, you have to understand, he said he researched on the internet how to do it, and he knows he was legal because he had his gun cased and unloaded. He was in conformance with that Federal law. And I'm thinking "Well, so far, so good." But what happened was he went from a Western State to Pennsylvania. Then while he's in Pennsylvania, he had to get some special part for his vehicle that's located in New Jersey. Because it's a dealership that doesn't sell their stuff online and because it's so specialized, he had to go to New Jersey to pick it up.

Evan Nappen 02:55

So, he leaves from Pennsylvania to New Jersey to get the part. When he goes to get it, he gets stopped in New Jersey and guess what's in his vehicle? Well, the cased, unloaded firearm. But you are no longer under Federal law when you're doing that, because your final destination was Pennsylvania. Once you are in Pennsylvania, your trip is completed. Now it may be that you're intending to go home in a day or two. But when you leave from Pennsylvania into New Jersey, you have now started a new trip. In order to be in compliance under Federal law, you need to be under Title 18 926 A which says yes, your gun needs to be unloaded and in a case and no ammo. That's true, but also you have to be

going from one place where you legally can possess a firearm to another place where you legally can possess the firearm so that you are covered for your trip in between.

Evan Nappen 03:54

In New Jersey you are not legal to possess that firearm. There's no exemption in Jersey called "going to the parts dealer with your firearm." And oh no, man. No, no, no, he saw it on the internet. I read it. If I do this, I do that. No, you can't. Do you mean I cannot travel around the country with an unloaded firearm in my car? No. This is not "Travels with Charlie" by John Steinbeck. The laws have changed. "Oh yeah. You are just trying to take me for a ride. This is what the guy says to me. He says I should just be able to call a prosecutor and get him to drop it. Just call him and tell him to drop it. Oh, yeah, that works every time. Hello, Mr. Prosecutor. Evan Nappen here. Drop this case. Sure. Yes, sir. Thank you for the phone call. Do it right away. I mean, what are these people thinking? I can't even begin to tell you. I said, "Listen, man, you have a serious offense. This has to be handled with extreme care."

Evan Nappen 05:10

If it's not handled right, you are not only going to become a convicted felon, but also you are going to State Prison. No joke. Mandatory minimum time in State Prison. The judge will have no discretion. "Oh, you are just scaring me." I don't need to scare you. This is for real. These are the people that I'm constantly fighting to save. Because they are facing these draconian things. I am beating my head against the wall talking about it. "Oh, no, no, I'm taken him for a ride." This is not true. He "read it on the internet." He knows. Then why are you calling me? I mean, what do I know? I've only been practicing this for over 30 years. I've only written six books on this subject. I teach it to other lawyers. But look, you "read it on the internet". That must be true. And I must just be full of garbage. Right? That's it. Yeah. I mean, come on. The problem is that it isn't just a one off. I get these once a week.

Evan Nappen 06:10

Another woman called me up. She said, Oh, yeah, I have guns that were seized in Jersey, but they're legal. I moved here from a southern state, and they were fine. I know that I can bring my guns to Jersey if I bought them legally because they are grandfathered. Wait, you had an assault firearm and magazines over 10 rounds, and you believe that you could just bring them to Jersey and you're okay? "Yeah, I read it on the internet." Of course, it's grandfathered, you know? And I am like, "No, no, no, you are in for some serious problems. New Jersey does not recognize that. There is no grandfathering of that. You cannot bring something that is contraband from another state into New Jersey. "Oh, that's not true. That's not true at all." Oh, my God, not true. "Why are you calling me then? You just want me to tell you what you want to hear? And not what the reality is? I guess. Is this how it works or what?" These folks are all in for an incredible rude awakening.

Evan Nappen 07:20

You know that you can ignore anything but reality, and this is what's going to happen. Then you know what? Then I get the later call, oh, nine months to a year later, guess who's calling me.? The guy or the gal that read on the internet how legal their conduct was. Now they are down to the pretrial cut off. You are going to have to take the plea or go to trial. So, all the opportunity for trying to save them has passed because of their stubborn denial that they are in. And you know, they hired some discount attorney or whatever that has no clue about gun laws that sold them some bill of goods. Now they are

at the end of the line. The choice is taking a plea deal, where you become a convicted felon and are going to do mandatory state prison time, or go to trial, where you are going to become a convicted felon and do three times the mandatory time in state prison.

Evan Nappen 08:33

They are faced with this sad, ridiculous choice, having sat on their rights. Having lost all the opportunity for all the pretrial things that my entire practice is focused on. Helping people to achieve, to get to the objective of no jail, no incarceration and no felony conviction. And now they are like, "Oh, you gotta help me. I need it. I should have listened." Well, yeah, you should have. And believe me, I wouldn't hold it against you. I'd love to help you. I really would. But now you're asking for me to undo the damage that may have been done by your prior counsel and trying to somehow revive lost opportunities, which may be too late. Absolutely too late.

Evan Nappen 09:28

Now you are in this situation and you got there by way of this internet reliance and stubborn denial. Yet you were smart enough originally to call the person whose entire career and life is dedicated to this subject. You were smart enough to give me that call. But dumb enough not to listen one bit to what I was trying to tell you. It's extremely sad and frustrating. I feel bad for the people. I feel bad because getting me to say "I told you so" doesn't help save them from being destroyed by New Jersey's gun laws. Their hopes and dreams, family and career will be destroyed, and it doesn't stop them from becoming a victim of gun law and suffer the draconian consequences. I don't feel good about that. Not one bit. It's sad, and it's frustrating. It is mind boggling how people can be that stubborn and obtuse when you're trying to help them understand what they're up against.

Evan Nappen 10:43

Look, folks, when you call an attorney, you are calling them because you want their advice and respect them based on their reputation and who they are. Here's a little tip. Listen to them. Imagine that, pay attention and listen to what they're saying. Because if you have this attitude, "Oh, the attorney is just out to get me, blah blah blah," then don't bother calling that attorney. It's not worth it. You are already behind the eight ball. Later on, when your ignorance, your blissful ignorance, is evaporated by the reality of what the State is doing to you, then you are just going to feel really bad that you made that call and didn't listen. So, you know what? Don't even make the call. Because at least you won't feel bad that you could have saved yourself and didn't. This way you just never even tried. So, you will not feel as bad when they're jamming it to you under the gun laws.

Evan Nappen 11:59

But if you are a smart person, and you realize that this is a serious issue. You need professional help and go to the people that know what they're doing. That's why you go to folks that do this type of work and knows all the nuances, every twist and turn, every negative as well as positive and can prepare your case accordingly. That is what you want to do. It's what you need to do to save yourself. At least mitigate the effects of this horrible system, particularly in bad states like New Jersey, that turn law-abiding citizens into what I call law-abiding criminals. Once you are victimized by that state, you need to do what you can to get out from under and that's where you need professionals that know what they're doing on that subject.

Evan Nappen 13:06

So, please. Do not be that guy or gal who " I read it on the internet. I know and you don't." Don't be that person. You are going to end up hurting yourself. When we come back, I'm going to tell you how to bulletproof yourself for traveling. Because I've seen a pattern through all these cases, and maybe I can help you to preempt you from becoming a victim of any outrageous state's gun laws.

Speaker 3 13:39

For over 30 years, Attorney Evan Nappen has seen what rotten laws do to good people. That's why he's dedicated his life to fighting for the rights of America's gun owners. A fearsome courtroom litigator, fighting for rights, justice, and freedom. An unrelenting gun rights spokesman, tearing away at anti-gun propaganda to expose the truth. Author of six best-selling books on gun rights, including Nappen on Gun Law, a bright orange gun law Bible that sits atop the desk of virtually every lawyer, police chief, firearms dealer, and savvy gun owner. That's what made Evan Nappen America's Gun Lawyer. Gun laws are designed to make you a criminal. Don't become the innocent victim of a vicious anti-gun legal system. This is the guy you want on your side. Keep his name and number in your wallet and hope you never have to use it. But if you live, work, or travel with a firearm, the deck is already stacked against you. You can find him on the web at EvanNappen.com or follow the link on the Gun Lawyer resource page. Evan Nappen - America's Gun Lawyer.

Speaker 3 14:54

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Evan Nappen 15:10

I want to mention to you about a good friend of mine, Mitch Rosen. Mitch Rosen makes holsters, and I love my Mitch Rosen holsters. You have heard me brag about them before and I am going to brag about them again. I'm not being paid. This is not a paid add. This is just my love of Mitch Rosen's holsters. I love my EDC carry rig. I really do. This is because my good friend, Mitch Rosen, made it, and I'm talking about his product because I believe in it. He did not pay me to do this. Nothing like that. If you carry a gun, you need to check out Mitch Rosen's Extraordinary Gun Leather. It is extraordinary. There is no other rig that I want to carry. He makes each holster to the gun. So, it holds the gun without even a keeper strap. But you can draw it, and you can put it back. It stays open, and it holds the gun almost like magic.

Evan Nappen 16:03

When you get a holster from him, make sure you get the belt, too, because the belt is very sturdy. It's not like an ordinary belt you might buy in a men's clothing store. These are designed to be pistol belts, and the rig of the belt with the holster makes the combo. Man, it carries like a dream. It is just top notch. I cannot say enough good things about it. I love talking about it, because it really means a lot to me. You are my friends, and I want you to know about something that is good and really works. So, my personal recommendation is check out Mitch Rosen gun leather at MitchRosen.com You will not be disappointed. You will see why myself and so many others rave about his product.

Evan Nappen 16:46

The other thing I want to mention to you is you need to help keep our fellow gun owners from becoming law-abiding criminals. Now I'm going to talk about this in terms of actual techniques in just a few minutes. But there is something very important that you all need to do. And that would be to listen to Gun Lawyer radio. I know you are now, and I appreciate it. But please tell your friends to visit our website at Gun.Lawyer. You see I have a .lawyer. It's like a .com, but it's .lawyer. I have Gun.Lawyer. So, it is www. Gun.Lawyer.

Evan Nappen 17:20

We would also really love for you to take a look at our Inner Circle on our website at Gun.Lawyer. Sign up for the Inner Circle, and you are going to get the inside from me. I will be giving you tricks and tips and insight. Sign up. It's fun, and it's free. Go to Gun.Lawyer and join our Inner Circle. Remember, this helps me communicate with you. To touch base and let you know what's going on. Because big tech, they don't care about our rights. They actually kind of hate us. They are trying to shut us down and make it so we cannot talk about these important things and our Second Amendment rights. The Inner Circle is the way I can keep in contact with you despite their efforts. We have big issues coming up, and we are dealing with some of them right now. We got executive orders that are coming. All kinds of nasty things you are going to need to know how to protect yourself. I am going to lay out the loopholes that are there for you. I'm going to fill you in on all that. You are going to want to know. Please subscribe to the podcast, join my Inner Circle, and help me get the word out, tell friends. I am depending on you to do that.

Evan Nappen 18:24

One of the advantages of being a Gun Lawyer listener, you get to hear about ways you can protect yourself as a gun owner. Tips and tricks so you do not make the mistakes that others have made. What I'd like to talk about right now is that very thing. You see, one of the things I've noticed in the practice of gun law is that there is a pattern, a pattern of events, that lead to individuals getting in trouble. It's true.

Evan Nappen 19:04

We care about the laws, and you need to know what laws to be within to be legal. For example, Title 18 926 A for Interstate Transport, exemptions that might be there, having a proper license, and all these things. It is good to know all that, and it's important to be within the law. But, what's even better, is not getting involved with the law in the first place. Not having your gun become an issue at all. That's the best of all worlds. So that you do not have to defend yourself in court. You don't have to defend yourself to the officer and try to demonstrate to the officer, who does not know the gun laws, why you are in fact legal under the gun laws.

Evan Nappen 19:57

The best thing you can do is avoid getting into that situation. Instead, what has happened is most of my clients, how did they end up in trouble? Because if you can answer the question of, how do you end up in trouble, then you know how to better avoid getting in trouble. So, how do my clients end up getting in trouble? What happens? What do they do? Well, when it comes to transporting your firearm, particularly if you're transporting it in a car, the number one thing you want to do is you want to make sure that everything about your car is legal. So, if your car has tinted windows, for example, and you're

going in an area where they have bans on tinted windows, then you are providing a basis to be stopped. Then a search can ensue, or questions asked about firearms or weapons. The next thing you know, you are facing a gun charge. I have had many charges come about because clients had tinted windows where they should not have tinted windows.

Evan Nappen 21:21

Remember, the police are trained to look for these minor offenses, because they are the foot in the door to checking you out. If you give the excuse to them to be able to pull you over and then engage with you, you are now elevating your risk of becoming the next victim of a gun law. So, make sure your car is compliant. Make sure your inspection sticker is up to date. Boy, I've had so many cases where it was an expired inspection that gave them the right to pull you over. Once the pullover takes place, somehow the gun is found, and now you are facing gun charges for the mere reason that you did not have an up-to-date inspection sticker.

Evan Nappen 22:21

Do not have dashboard obstructions. I know, you want to hang those things from your mirrors. Well, guess what? There are laws on obstructing your windshield or your dashboard, and you are giving them an excuse to be pulled over. I have had cases based on that. If you live in a state or are traveling through a state that mandates a safety belt be worn, but oh, well, you don't wear it. Guess what? You now are saying "please, here is an excuse to pull me over. Go right ahead." And now you can end up a victim. These are important things to do. Make sure that your headlights are working; your taillights are working; your blinkers are working. Because a failure of any of that equipment, and they can pull you over for it. With equipment violations, they will pull you over, and now again, you must engage.

Evan Nappen 23:23

If you break the traffic laws, you speed, do dumb things, whatever I know, it is just traffic stuff. But it does matter. If you break the traffic laws, they can pull you over and guess what? Now you start down that path. We have had plenty of cases that started this way. In one case, he was just trailering his motorcycle to go to an event. It was late at night, and he got lost. He just did a turnaround in this one area, and the police pulled him over. Why are you doing that? Well, you know what? Here's a real simple thing. Know where you're going.

Evan Nappen 24:04

If you get lost, start acting like a lost little puppy and doing all kinds of things on the road that aren't normal, you will get pulled over. And yeah, he didn't know he couldn't have his gun in his car. But he sure found out. This is the thing. You have to be conscientious of not making yourself a target of being pulled over, stopped, and then the inquiries begin. We do not want to have to use the gun laws to protect you. We would rather see you never have the problem in the first place. So, you have got to think this way.

Evan Nappen 24:46

Before your trip, make sure your registration is up to date. Make sure your insurance is up to date. If you get stopped even for a minor traffic violation and you do not have the proper paperwork, then you might get arrested, and your car might be impounded. Now an inventory search reveals something in

your car that you did not realize was a problem. Boom. You have got to realize how many hundreds and 1000s of people end up in very serious trouble all based on an initial stop for some minor traffic matter. You need to be smart. You need to not be lazy. You need to be on top of your game, so that you do not become a victim. You do not put yourself in a situation to have to engage with law enforcement.

Evan Nappen 25:49

I know that none of you want to intentionally break the law. But especially if you're going into foreign jurisdictions in states, where you may or may not know the laws there, now you're particularly vulnerable. If you give any excuse to be pulled over, you can have a problem. Look, I remember, personally, I was driving to pick up my son at Boy Scout camp, and I drove back through some back woods' areas. This was at the time when we had a family van, the minivan of the day, and it had this new thing in it. I know it sounds funny today, but it was a new thing. It had a TV screen that pulled down in the back so the kids could watch TV. It was actually a Warner Brothers Edition minivan for the kids, and it was really amazing and cool. It was something that proved to be really great because you could drive long trips, which we were doing, and everyone could be entertained. I know it is something that we take for granted today with smartphones and all that you can just watch what you want, but back then, this was the thing.

Evan Nappen 27:06

So, I'm driving and it's nighttime. We are going through this area, and I get pulled over. My son is in his scout uniform and everything. My other little son and daughter were in the car and I pulled over. The Officer stops me and says, "You were going five miles over, five miles. It was like a 25, and I was doing 30. I was on this back road, and there wasn't even a speed sign. But well, I'm sorry. But you know what he kept doing was he kept looking at the TV. This guy had never seen a TV in a van before and that must have been what caught his eye. "I just picked up my son scout camp, and we're trying to get back to the main highway. He's like, "Alright, well, no problem." He just let me go with a warning. So, I'm like, you know, what? You want to pull me over for doing five miles over? I'll tell you what. I'm doing like 20 just to get out of there. A little lower, you know, maybe 18. I'm like, let me get out of this place so I can get on a highway out of this bow pump town. Right?

Evan Nappen 28:20

So, I'm going really slow, and about five miles down the road, I get pulled over again by another local yokel from another town. He's looking at the TV and looking at everything. I go, Officer, can I help you? You know, why did you pull me over? He goes, "Oh, you were going too slow." I go, "Too slow?" "You were going too slow. It's 25 here." Oh my god. That was it. So, he let us go. I'm like, oh my god. In a span of 10 minutes, I got pulled over for going too fast and for going too slow. But why did I really get pulled over? Because he has never seen the TV in a van before that point. That's really why. They were just curious. But it happens.

Evan Nappen 29:07

So, you have got to think about these things. I mean, I never had any issues or anything that went further. But you know, you have got to really be cautious and think, not to get pulled over and not to be anything stand out. Particularly if you transport your firearms, even though you are doing it lawfully. You

do not want to end up in a situation where you might have it escalate, and it escalates on law-abiding people. These laws are almost like a lottery as to whether you fall inside or outside them because there are so quirky, weird, and varied throughout the jurisdictions. You might be under misimpression as to how that law even works as this guy who called me today was, actually two days ago was. This is the problem. If you train yourself to think in this better mode of protecting yourself, of not giving a reason to be stopped or pulled over, then you're being very smart. If you do not think in these terms, you can end up being victimized by the laws very easily. I've seen it over and over and over again.

Evan Nappen 30:33

So, think about bulletproofing yourself in your means of travel. Then make sure that you are within the law and make sure your guns are being transported properly under the law, whatever this jurisdiction's law may be. Make sure that firearm is absolutely unloaded if it needs to be unloaded. Double check it before you put it away or put it in the case. Make sure the case is closed, make sure you have covered up the gun case, covered it up or put it in your trunk.

Evan Nappen 31:10

Let me tell you, there is case law in the New Jersey district, that says plain view of a gun case is probable cause for a search. Think about that, folks, your gun is in a gun case, unloaded. Okay, in a gun case. If the officer can see the gun case, you have now given them the excuse to search. Because our ridiculous courts have said plain view of a gun case is probable cause for the search. When the gun is discovered, even though you were within the law, it doesn't matter because the law that makes it legal for you is a defense in New Jersey, which means you can still be charged with the possession. You have to prove that you were within an exemption. That's right. In New Jersey, you are guilty until proven innocent. When it comes to guns, guilty until proven innocent. The burden shifts to the defendant as a defense to show they were within an exemption.

Evan Nappen 32:26

So, all it takes is that gun being discovered, you get charged, and now you get to enjoy a ride through the New Jersey criminal justice system. But if you had avoided being pulled over in the first place and had been smart about it, you would never have that wonderful experience. Think about it. Take it to heart. I'm talking from years of experience and seeing how these cases came about. I do not want to see you ever become a victim of the gun laws. This is Evan Nappen, reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

Speaker 3 33:11

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