

# Gun Lawyer -- Episode 34 Transcript

## SUMMARY KEYWORDS

gun, firearm, handgun, lawyer, cases, improperly, law, unloaded, trouble, new jersey, charged, state, guns, accidental discharge, lead, transporting, criminal, registration, lose, problem

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:19

I am Evan Nappen and welcome to Gun Lawyer. I do these shows to help protect fellow gun owners. I was thinking about that issue just generally, and I realized that here is a show that I really, really need to do. What we are going to do today is the top 10 ways that you can get in trouble with your gun. We are doing the top 10 of how to get in trouble with your gun. This is based on over 30 years of experience as an attorney practicing Gun Law and the actual ways that I have seen people get into trouble.

### **Evan Nappen** 01:06

They were facing criminal charges, loss of their Second Amendment rights, loss of their guns, having their lives, careers, and dreams destroyed. If any of you are desiring any of what I just said, I am going to give you the top 10 ways to achieve that -- to have your life ruined, your dreams destroyed, lose your guns, and lose your gun rights. Of course, the other way to look at it is maybe you do not want any of that to happen, and you want to be aware of these problems. Let's jump right into it.

### **Evan Nappen** 01:46

Number 10 of the top 10 ways to lose your gun rights and get in trouble with your gun is to Voluntarily Register it. Yes, I am not kidding. There are many states including New Jersey that allow for Voluntary Registration. Now let's examine the first word there, Voluntary. What does that mean? It means that it is not required. Folks, when it comes to your guns and the law, if there is anything in the law that is "not required" (Okay, maybe you need to write this one down. Ready?) Don't do it. Why do you not do it?

### **Evan Nappen** 02:33

Because if you voluntarily register your guns, they are aware of your possession of a gun, and you have registered it. So, now they can target you for confiscation, seizure, and question even how you acquired your firearm. Part of the registration form is to tell the authorities where you got it and how you got it. So, basically, you are now admitting your acquisition which often is unlawful under the state where you are voluntarily registering it. Then they will use that to prosecute you. How do I know this? Because of actual cases that I have had. Voluntary registration is voluntary. Leave it at that.



**Evan Nappen 03:30**

Some people say, "Well, I want to register it because it looks good." Even if we take that to extreme. Why? What are you having to lose, you have to look good, too? Let's just say it is your primary self-defense gun, and you want it to be registered so you voluntarily registered it. I can maybe understand the logic, but it's not the legality of it. Since registration is not mandated in New Jersey, for example, it is irrelevant to your use of it. It is irrelevant to that. So, why do it? Sometimes, I guess if you can get out to the jury that the gun was registered, that somehow that adds a nice flavor to it. But there is nothing legal required. If it is not required and it is voluntary, why do it now?

**Evan Nappen 04:31**

In New Jersey, for example, when you purchase a handgun, the handgun purchase form is a form of register. So, that is a registered handgun because of the acquisition that took place in New Jersey. In that situation, if you are looking for a primary self-defense gun, then go get your Permit to Purchase and now you have a great excuse as to why you need to buy another gun. Which, of course, is something we always want to do and that would be a registered handgun. But it is done via the acquisition and purchase through New Jersey law. That is a smarter way to do it, if for some reason you feel a desire to have registered guns.

**Evan Nappen 05:14**

I advise seriously against registration and oppose schemes of registration. There are four words that adequately describe what registration is about. Four (4) words for Registration. Number one is Legislation. That is how they are going to get it. Number two is the Registration, and what comes after that? Well, that is Confiscation and after that is Extermination. That is the pattern you see repeated all throughout history - Legislation, Registration, Confiscation and Extermination. So, let's try to avoid history repeating on us.

**Evan Nappen 05:57**

Number nine of the top 10 ways to get in trouble with your gun is to store it improperly. Yes, I have seen many, many different cases that ended up becoming cases because of storage issues. The storage problem can relate to a second one on our list as to how to get in trouble. When you improperly store a firearm, there may be others that can access it that should not. It may lead to firearms being stolen, if they are not stored properly. Also, the other enemy of rust. They say there is often two enemies of guns which are politicians and rust.

**Evan Nappen 06:51**

So, improper storage can also lead to the rust issue and improper caring. Then you need to get your gun to a gunsmith. When you bring the gun to a gunsmith, the firearm ends up being booked in the Gunsmithing Records. When gunsmithing record books are checked, a police investigation over the firearm. I have actually had a number of cases that came out of Gunsmithing Records. The police checked the Gunsmithing Records and compared them to the records of the individual who they found was prohibited or had other issues against them. So, store your guns properly and make sure your guns are cared for. Try to avoid anything that leads to bringing attention to yourself or going to the gunsmith when it is unnecessary. These are things that I have seen happen in my practice.

**Evan Nappen 08:08**

Number eight is using your gun for something other than as a gun. Now this is really foolish stuff, and I have had a number of cases where this is what has triggered the police investigation. How do you use a gun for something other than a gun? Well, if you watch too many westerns, never use your gun as a hammer. Okay, it is not a hammer. You do not use the butt of your gun to bang in nails or knock jars loose when opening them or anything like that. Because when you do that, you can damage your gun, and it can lead to an AD (Accidental Discharge) which is another issue. It can also draw attention to yourself and your gun that is highly unwanted. So, do not use your gun as a hammer.

**Evan Nappen 09:07**

Do not use your gun as a noise maker. It is not a pop gun to go pop. Do not fire in the sky on a holiday. Do not use it to grab somebody's attention unless it is an absolute survival situation, and you are trying to alert rescuers to your position. Okay, maybe that's an exception. But normally your gun is not a noisemaker. If you want a noisemaker, get one of those from Party City that you blow, and it goes toot. Do not use your gun for that. Yet, these are cases that have created people getting involved in the system and getting in trouble because they have used it in this manner.

**Evan Nappen 09:49**

Also, when it comes to not using your firearm as something other than a gun, do not use your gun as a prop. Your actual gun is not a prop. People dress up for Halloween parties and other things, and they will put on a real gun. They think they are okay with their actual gun because of some magical reason gun laws do not apply if you are in a costume. No, there is no Halloween or Cosplay costume exemption to the unlawful possession of your gun, and you can get in real trouble. I have had clients who have done that very stupid thing as well. So, you do not want to repeat those mistakes. It can cause a big problem, and it is something you do not normally think about.

**Evan Nappen 10:44**

But I'm going to tell you one other thing. Number five of the top 10 ways to get in trouble with your gun, is to lose your gun. Now, what does that mean? Well, I'll tell you it. If you misplace your firearm, it can lead to big problems and big trouble for you. I have had many criminal cases initiate because my client lost his gun. What do you mean by lost? Well, one client I had went to the range. He was packing up and trying to get the ammo boxes and the targets in the car. He was trying to make sure everybody else is in the car. He left a gun at the range by accident and then drove off. When he realized it much later that he left it the range. What do you do? You call the police about losing your gun, and now what? Now they are saying, "Well, you left your gun. You are not properly caring for your guns. You are arguably a threat to public health, safety, welfare, because you are incompetent in your handling of safety with your firearms." Then they bring a Motion to revoke your license and possibly try to contrive a criminal charge out of it.

**Evan Nappen 12:14**

Even worse than leaving your gun at the range is not properly securing it in your vehicle. I have had cases where the individual took their gun and left it on the gate of an open pickup truck. Or they left it on top of their vehicle and then they drive down the road. At some point, whenever enough vibration, wind pressure and whatever else gets it to fall off the gate or off the roof, guess what? Your gun is now

sitting in the middle of a road somewhere to be found. On one occasion, it was found by a law-abiding citizen who, after finding a gun, guess what they do? They turn it over to the police. Yeah, they do not want some gun that is not theirs and that is actually smart. But in turning the gun over to the police, what does it do? It kicks in the investigation on you, and how come you lost the gun? How come you were so careless as to leave it wherever you left it. This can invoke all kinds of things, including the revocation of your gun licenses.

**Evan Nappen 13:32**

I have also seen the classic over and over again. In states where you can carry a firearm, when you can carry a handgun, I cannot tell you how many cases I have had, where the lost firearm that ended up causing all kinds of trouble was lost because the person went to the bathroom. That's right. Think about the logistics of when you carry your handgun, and you have to go to the bathroom. So, you walk in and now you have to pull down your pants. What do you do with your gun? Well, you can leave it in your holster in your pants, which on one hand isn't a terrible idea because you are highly unlikely to forget your gun if it is still in the holster on your pants, unless you are likely to leave the bathroom without your pants on. Okay, so I think you will be okay there.

**Evan Nappen 14:42**

But lots of times folks take the gun out of the holster before they go to the bathroom. If you do that, you leave it in the bathroom, and you forget about it, then the next person who comes in the bathroom finds the gun. Often that ends up with the police and then you have to explain your carelessness, recklessness of leaving a gun in the bathroom. This happens a lot because of the logistics of it. It happens a lot. So much so that I thought in carry states, it might be wise to have some kind of wire shelf or wire box of some type, right on the bathroom door in front of the stall. When you close the door, you actually have a place you can put your handgun in this wire box that you see. So that way, you will be less likely to forget it because it is right in front of your face.

**Evan Nappen 15:38**

As you are putting on your pants, you can reholster the gun. You have to be careful in doing that because you do not want any cloth caught in the gun. Anything like that can cause an AD (Accidental Discharge) when putting your gun back in a holster while in a bathroom. Trust me, a gunshot going off in a bathroom does not help you. These are the kinds of things that can draw unwanted attention. Folks will also point out, and they would be right, that when you pull your pants down and you keep your gun in your holster, where is the gun sitting at that point? Your gun is sitting on the ground in your pants in a holster. There have been occasions where individuals can see that in the next stall over, and they can reach over and steal your gun off the floor, right out of the holster. Because they can see the angle down and can see it on your pants. So, beware when you are in a bathroom, that your gun isn't stolen from you. Because you did not want to forget it but left it in the holster in your pants that are on the floor. Even though it is between your legs, it does not matter. These are thefts that can occur. When we come back, we will keep working on our countdown. More fascinating ways that you can get in trouble with your gun.

**Evan Nappen 17:20**

For over 30 years Attorney Evan Nappen has seen what rotten laws do to good people. That's why he has 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, that deck is already stacked against you. You can find him on the web at [EvanNappen.com](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen --America's Gun Lawyer.

**Speaker 3 18:34**

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**Evan Nappen 18:51**

Hey, we are working on our list of how to get in trouble with a gun. I really want you folks to be protected from making these mistakes that I have seen my clients make. And that is really what Gun Lawyer is about and really goes to the heart of the show. I want you to help keep a fellow gunowner from becoming a law-abiding criminal. Tell them to listen to Gun Lawyer radio. Visit our website at [Gun.Lawyer](http://Gun.Lawyer). It is [www.gun.lawyer](http://www.gun.lawyer), instead of .com. I would really love for you to take a look at our Inner Circle on our website at [gun.lawyer](http://gun.lawyer). Sign up for the Inner Circle. It's free. You will hear from me about tricks and tips. This is how we can communicate. I can touch base with you and let you know what's going on. The same with this show. Please have your friends subscribe to the podcast. This is important. It helps get the word out, and it helps us stay on the internet. So, please subscribe. We have all kinds of issues coming up including executive orders. As a matter of fact, soon we are going to have the rule proposals coming out. We are fighting battles, and there is other news that you are going to want to know. So, please subscribe, join the Inner Circle, and help me get the word out.

**Evan Nappen 20:13**

The other thing I would like to mention to you, because it is very important to me, is when I have something that I love and believe in, I like to tell you about it. Mitch Rosen Extraordinary Gunleather. Mitch is a friend of mine, and he makes the best holsters in the world. I am not kidding. You have to try Mitch Rosen's products. He does not pay me to talk about it. He is a friend, and I love his stuff. And I think you will, too. So, check out Mitch Rosen Extraordinary Gunleather. ([www.MitchRosen.com](http://www.MitchRosen.com))

**Evan Nappen 20:47**

Okay, back now to our list of how to get in trouble with your gun. Here is a great way to get in trouble - an Accidental Discharge (AD). Now, we have talked about the AD on other shows, and it has led to lots of cases. You want to be extremely careful with your firearms. Because if you have an accidental discharge, it will cause police involvement and questions as to your competence, whether you were careless or not, and then can lead to criminal charges, as well as license revocation.

**Evan Nappen 21:28**

Some of you may know that I visited the James Farm in Missouri. While I was there, I saw about Jesse James and all his exploits. One of the things I saw was that he was being called Dingus. I said, "Who called Jesse James, Dingus?" So, I asked the curator, one of the folks there, what is this dingus? And he said, "Oh, yeah, Jesse had an Accidental Discharge in front of his men, and he shot two of his fingers off." Since he did not use profanity at all, even though he was a killer, after shooting his fingers off, he said, "Dingus." Now if I shot my fingers off, I think I would say something a little stronger than Dingus. But when he said Dingus, his men after they finished laughing and falling off their horses, it stuck as a nickname. So, I use that term when describing anyone that has an Accidental Discharge. They are a Dingus, as well. You do not want to be a Dingus. You do not want to have an Accidental Discharge. It can really cost you.

**Evan Nappen 22:38**

Let me tell you what else is a big problem. I have had cases even recently on this, and it is lending your gun to another person. If you want to get in trouble with your gun, there is a great way to do it; lend your gun. First of all, in many states, it is unlawful to lend a gun. In New Jersey, you cannot lend a gun except under the narrowest of circumstances; only at the target range, and you have to be in the presence of the person. They have to otherwise be legal, and then they could try your gun but only at the range. Same with hunting. You have to be there, and everyone has to be legal and licensed. Outside of those two narrow things, you cannot lend a gun to anyone. Yet, we know it takes place all the time. If that person you lend a gun to gets into trouble or has a problem, you are going to end up paying for it. If they commit, even inadvertently, some type of act, it can be very serious.

**Evan Nappen 23:41**

Just within the last two weeks, I had a fellow call me. He went to visit his significant other. He had been target shooting with his handgun and brought it to the significant other's place which itself is a problem and a violation. While he was there, the significant other accessed the firearm and committed suicide with it. So, now he is in a position where his gun has been acquired by another, and this crime has been committed. He should not even have it there in the first place. Now there are significant criminal and civil ramifications from the whole deal.

**Evan Nappen 24:28**

So, do not lend your firearm to anyone unless it is under those narrow circumstances. You cannot just give your gun to somebody who wants to go hunting. Say, here borrow it and have a good time. That is a dumb thing to do. There is a liability. Even if you are in a state where it is legal, you still better consider the liability ramifications for doing that or you will get in trouble with your gun.

**Evan Nappen 25:01**

Next on our list is transporting your firearm improperly. Many states have laws on how to properly transport your firearm. For the most part, the guns have to be in a case, and they have to be unloaded. Also, even under Federal law, accessibility cannot be to the passenger compartment. So, if you have a trunk, lock it up. With a SUV, put it all the way to the back and cover with a blanket as well. Many individuals are transporting their firearm improperly and that is what leads to law enforcement

involvement. I have had many cases where they are transporting a long arm unloaded, and it is just on their back seat. They get "Plainview". Well, guess what? You are getting arrested. You are getting charged. We have had it where their firearm was cased, but it still had a round in it. Well, it is not unloaded, and because of that you are transporting them improperly. Make sure you follow the rules on the correct transportation of the firearm. If you do not do that, then you will get in trouble. It always seems like common sense, and it is common sense. Maybe we even disagree with the law and what it requires for transporting that firearm. But it does not matter. You have to obey it, or you can face incredibly serious consequences. Many of our clients have problems for this very reason.

**Evan Nappen 26:36**

Let's look at number three in our countdown of the top 10 ways to get in trouble with your gun. Every month, at least a few people are getting into trouble because they bring their firearm to a prohibited place. Now you would think that seems pretty obvious that you do not want to bring a gun to a place where you are not allowed to have a gun. Pretty straightforward. Yet, I have had so many cases where individuals have accidentally brought their gun to the airport. They go through a metal detector with a gun, and guess what? You are getting arrested. There is going to be civil and criminal problems for your violation. Anywhere that you see a metal detector, at a courthouse, for example, you cannot bring a gun there. If you forget and you bring your gun there, you are going to have the same amount of trouble.

**Evan Nappen 27:42**

I had a case number of years ago with an individual who was a sailmaker (they make sails for boats). He had one handgun and two magazines. He did not have a lot of money, but he was a hard-working guy. He put one magazine at his work and one magazine at his home. He would transport his unloaded handgun between work and home every day. When he got to work, he put the mag in there and when he left, he would take it out. Well, he had his unloaded handgun with him. His father had passed away, and he was all consumed about that. He had to go to the court to deal with the probate, etc. He brought his briefcase with the papers, and also in the briefcase since he was in transit between his home and the office, was his unloaded handgun with no magazine.

**Evan Nappen 28:50**

When he came up to the metal detector at the County Courthouse, he realized, oh my god, I have this handgun in my briefcase. So, what did he do? Well, instead of immediately turning around, going back to the car, and securing it, he goes up to the officers at the metal detector and announces that he has his gun in his briefcase and asked them if they would hold it for him while he goes into court. That way he does not bring it in. In his logical way of thinking, he did not want to leave a gun in a car. So, he thought this was a grand idea. Well, as soon as he mentioned it to the officers who then had his gun, they promptly arrested him and charged him with unlawful possession of the handgun at a courthouse. It took a lot of work to get him out from under that charge, which was a Second-Degree charge and it carried up to 10 years in State Prison with a minimum mandatory three and a half years. So, that is a great way to get in trouble. Bring your gun to a prohibited place. Never do that.

**Evan Nappen 30:12**

Be careful even transporting your cased and unloaded firearms into a prohibited place. I had an airplane case where the fellow had his dog kennel. He was traveling with his hunting dog to go bird hunting. In his kennel with the dog, he put his unloaded shotgun in a case with the dog. He did not realize the dog went through a security screening, and they found his gun not in a checked bag. He was arrested for having the gun in the prohibited place. So, beware of prohibited place violation.

**Evan Nappen 30:53**

Number two of our top 10 ways to get in trouble with your gun is to use it improperly. When you use your gun, you better know the laws about use of force and use of deadly force. What constitutes the justification for your use of force? That is what it is called in the law, justification for use of force. If you do not know these things and if you are not aware of when you are justified or not justified in using your gun, then you can easily end up using it improperly. That is where we see people charged with recklessness with their gun, charged with criminal threatening, charged with all kinds of conduct, even as high as homicide, when they no longer have a defensive justification for use of force or deadly force, because they did not know the law and stick to it.

**Evan Nappen 31:59**

So, if you want to lose your rights and you want to get in trouble, just use your gun improperly. As a matter of fact, New Jersey has a law itself called Possession for an Unlawful Purpose. Even though your possession might be lawful, the claim is that you had an unlawful purpose. If that unlawful purpose is simply your improper use of it, based on ignorance, you are not going to get real far, and they are very serious charges. You will be looking at criminal ramifications as well as civil. So, know how to use your gun properly, so that you do not end up using it improperly.

**Evan Nappen 32:40**

The number one way in which I have found people get in trouble with their gun is when they cross into states with laws they did not know. I have had so many cases of individuals from all around the country that come to New Jersey, and they are carrying or transporting their firearm in a manner that was legal from where they came from, but not legal at all in New Jersey. This causes the most amount of heartache and grief, and it is something that New Jersey never talks about. These folks are all victims of gun laws by falling into this trap and looking at years in State Prison with minimum mandatory sentences. It is very unforgiving, and it is very scary. They are talking with me, and I see these folks that are good people. They get arrested, and they get charged. They are facing serious, draconian charges, and you know, it, it ruins them. They are wracked with grief.

**Evan Nappen 34:05**

One lady recently who had this problem, a nice lady who came from the Midwest, had her gun with her that she had a license for but did not know in New Jersey it was a problem. She is utterly depressed. She is afraid to go out. She is traumatized by what New Jersey's gun laws have done to her. We are talking about a person who was otherwise 100% a law-abiding citizen who is licensed from their home state. Yet she is put through an experience that has human cost, not just the threat of going to prison which exists with minimum mandatory. The treatment, absolute fear, and anxiety that is placed upon these folks that had no intention of ever breaking the law. But it does not matter. You will never hear the

lamestream legacy media talking about this horrible impact. So, if you want to get in trouble with your gun and if you want to know the number one way to do it, go into jurisdictions that you do not know the law, and make logical assumptions as to your legality that will be proven to be absolutely baseless, and how that state, particularly New Jersey, applies its laws.

**Evan Nappen** 35:43

This is Evan Nappen. reminding you that gun laws don't protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3** 35:53

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