

# Gun Lawyer -- Episode 48 Transcript

## SUMMARY KEYWORDS

shooting, gun, range, firearm, lawyer, accidents, glock, brass, fire, reloads, hand, blew, pushed, gun rights, load, holster, problem, bang, pull, evan

## SPEAKERS

Evan Nappen, Speaker 3

### **Evan Nappen** 00:11

I am Evan Nappen, and welcome to Gun Lawyer. I have been looking forward to this show because I want to talk about range accidents and dangers. Lots of times these accidents and dangers end up becoming legal issues of course between civil suits and even criminal potential. Then there is a possibility to lose your license, etc. So, there is always going to be legal ramifications. You want to really be aware of just how varied and broad range accidents can be, and you got to really keep your wits about you. Anytime you are handling a firearm, you have to make sure that you are really cognizant that you are handling a firearm. There are accidents that can happen and dangers that can happen that may be completely unanticipated and not even your fault. I get it, but if we take steps and try to preempt it, it can make a big difference.

### **Evan Nappen** 01:25

What inspired me to talk about this was just watching one of the videos about a freak accident where an individual was shooting his semi-automatic pistol, and the hot brass as it extracted just bounced off one of the range dividers where he is shooting at an indoor range. On the bounce, it just happened to hit a box of ammo he had on the table, like many of us do, and the box had the rounds in the tray where the primers are all up, with the rounds all lined up with the primers up. The spent shell casing bounced and actually hit the primer and the ammo with that hot shell just right and explodes the box. Right in front of him. It just blows up. What are the odds of that? Getting that perfect angled hit so that it would land in such a way. Yet there it is on video. It happened. So, it is a good idea not to keep your ammo exposed when you are shooting at a range.

### **Evan Nappen** 02:43

I know of a case at a range where an individual was shooting a black powder pistol. Now this was an outdoor range, and they were shooting a black powder gun. That's fine. You do not shoot black powder indoors. That's a big problem. But outdoor shooting a black powder pistol and the canister for loading the black powder. Maybe you have seen those brass canisters. They look almost like a teardrop shape, and it holds the powder. Then it has a little lever so you can pour out the powder. So, he had one of those brass canisters, one of the brass powder horns, filled with powder and that is what he was using for shooting the black powder handgun. Well, he was a good two to three feet away from this canister when he was shooting the black powder. Yet even from that, a spark jumped from where he was shooting and ignited the brass canister, exploding it. Sending brass shrapnel into his arm and cutting

him. It could have easily blinded somebody and caused serious injury. It literally went off like a bomb. Who would think that being a couple of feet away, just shooting with your arm extended and all, that a spark from a black powder could jump to that canister on the range table? Yet it did. So, you see these things and you go wow, and you have to be really careful and preempt by being aware that these kinds of things can happen.

**Evan Nappen 04:34**

A lot of times, too, even in training at the range, and here is a story that was told to me by someone that was actually there when it happened during a training session. This person comes in late to the training session, and they are going to be doing work on weak hand drills. So, if you normally draw from a right-hand holster, now you are going to practice drawing from your left hand with a left-hand drill. The idea is if you were to be wounded or injured or something, you could still operate with a left hand. But in order to do this, you had to have a left-hand holster, and this person did not come prepared. So, somebody there that had an outside the pants, right-hand holster. Now the firearm being used in this training exercise was a 10 mm Glock, the Glock 20. The Glock is very powerful, as you know, the Glock 20. They had a right hand, outside the pants holster. But unfortunately, it was for the smaller frame Glock. The Glock 20 is a larger frame, and this holster was for the smaller framed Glock.

**Evan Nappen 06:00**

Then somebody had the idea to turn it around and put it as an inside the pants holster on the left side by putting the belt through it. So, now they have taken an outside the pants, right-hand holster and made it an inside the pants, left-hand holster. They were now using this holster in a way that it was not designed to be used. It is an outside the pants, not an inside the pants, and it is made for right hand, not for left hand. It is made for the smaller frame gun, not for the larger frame gun. Do you see the series of mistakes being made here? But so, what, we will still do it. Okay, great. Now this person happened to be an overweight person; someone who has some bulk there. Now they are trying to put in a Glock 20, past the rolls of fat, into an inside the pants, right-hand holster being used in the left-hand manner for the wrong size gun. Guess what? It did not want to go in really easy. It did not want to go at all. In the process of trying to do this, boom, the Glock goes off. The Glock ends up shooting into this person's buttocks, goes down the buttocks with this hot Glock hollow point, and out the leg. When you have succeeded in shooting yourself in the ass, it is not a great day at the range.

**Evan Nappen 07:53**

Now my friend was there, and he said, you know, this person was pretty overweight, and I was surprised because it was not that much blood. He said, but there was a fist-sized ball of fat on the ground. It blew out a fist size ball of fat. It was just lying there on the range floor. Do you know what you call that? You call that a "Glock Oh suction". That is what happens when you are not really careful. You can give yourself a "Glock Oh suction" right in the ass. So, I want to warn folks here to not engage in repeated mistakes and repeated silliness like this. Use the holster the way it was designed or do not use it at all. Remember, the gun is loaded as you are putting it in your holster. Do not try to force this to occur when it was not made to be used in this manner because what do you think is going to happen? This is a problem, and you see it often. You see individuals that get very comfortable with their firearms or just have not been trained or have a lack of knowledge about what will happen. Getting into trouble and having accidents or injuries.

**Evan Nappen** 09:34

I was watching one on YouTube, and you can see it. This fella is shooting his 9 mm and hot brass goes down the back of his shirt. Now if you have shot a handgun, you probably had hot brass hit you in the face, hit you on the hand, or land on your hat or even go down your shirt. Okay, it happens. When this hot brass went down the back of his shirt, he reacted like, ooh, ow, get it out, all right to get it. And in so doing, in twisting and torquing, he shoots himself in the face. He shoots himself in the face, it goes in one cheek and out the other cheek. You can google and see this on video. Look, if a hot brass goes down your shirt, remember that you have a loaded gun in your hand. You cannot be doing the twist when that happens. You have to remember that gun is loaded. No less have your finger on the trigger, and then have an accident like this. You have to keep your wits about you even when something like that is occurring and there is hot brass down your shirt. You still have a loaded gun in your hand, folks, and have got to continue to pay attention at the range.

**Evan Nappen** 10:58

These accidents end up causing problems for the person who has the accident even beyond the accident. I have had many times where individuals have accidental discharges or problems, and the State goes after them to take away their license and criminally charge them with recklessness. I have seen all kinds of lawsuits over the injuries, etc. When you are dealing with firearms, you have to remember that every gun is loaded. You have to treat it with respect, be conscientious at all times and not take for granted this firearm.

**Evan Nappen** 11:46

I know a case where an individual had a dummy training gun with a laser. He was carrying his real gun with the laser at the range, and he was using the dummy for training. He had the dummy on his person and wanted to show somebody how this dummy gun worked. When he reached back, he thought he had the dummy gun, but he had his real gun. He put the laser on his hand and pulled the trigger. Boom, he now had a nice hole in his hand. It even went through his hand into others. A problem - do not have two guns that are similar where one is a dummy, and one is live. Even pointing the gun at your hand to demonstrate the laser is not a good idea even with the dummy gun. You can see how that became another formula for a disaster. So, these are things to really be aware of.

**Evan Nappen** 13:02

I had an experience personally with my son when we were shooting the Beretta Storm. We were just shooting Winchester white box 9mm out of a Beretta Storm carbine. My son was shooting one round and then another round, very slow fire actually, of the semiauto, and the gun blew up. It literally blew up. Scared the hell out of me. Luckily, my son had his protective eyewear on because it hit his face. He was not injured, but he could have been blinded. We returned it to Beretta, and they said it was the ammunition. I said, "No, it fired out of battery." That is what it did. How and why? I don't know. It was just factory Winchester white box ammo. Accidents happen even when you are doing everything right; so that protective gear is critical. When we come back, I am going to tell you how you can burn down an entire pistol range with stupidity. Wait till you hear this one.

**Evan Nappen** 14:15

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](http://EvanNappen.com) or follow the link on the Gun Lawyer resource page. Evan Nappen, America's Gun Lawyer.

**Speaker 3 15:30**

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**Evan Nappen 15:46**

Thanks again for listening to Gun Lawyer podcast. I really appreciate it. We can get the word out, give you good information, and try to beat this media suppression that we see all over the place. The algorithms and all that stuff. They are just stopping the information in any way they can. By listening to Gun lawyer, we can try to get the word out. We have things coming up and more challenges to face, of course. As the debacle in Afghanistan, the border crisis, and all these things affecting the Biden administration, well, guess what, we better have some more gun control laws. What better way to divert attention from all these failures?

**Evan Nappen 16:38**

Very shortly, within the next week or so, supposedly, we are going to see Pelosi pushing a gun control package consisting of the bill for the so-called "Charleston Loophole", which is another bunch of garbage. Essentially making it so NICS can delay you for 30 days because they cannot seem to do their job effectively. So, you should pay and suffer. Who knows whatever else they are going to put into this? So, that is out there pending very shortly. As soon as things come out, we will be talking about it on another show. But that is why you need to listen to Gun Lawyer, and make sure your friends listen. Please subscribe. It is important to subscribe to Gun Lawyer. You will get the shows for free, automatically. Subscribe wherever you get your podcasts.

**Evan Nappen 17:30**

Well, I want to tell you about another story I know about and that is how a pistol range burned down, an indoor handgun range. What is interesting is how the fire started and why. Hopefully, it raises your consciousness about something else to be aware of at ranges. When you are in an indoor range, there is no smoking. Now, you may say, well, what is that about? There is a really important reason that you do not smoke in a range. When you are at an indoor range, the floor gets covered with unburned powder. Powder that did not burn when the gun is fired. All that unburned powder on the floor does accumulate. I know that the range is routinely cleaned and everything, but it does accumulate and can

catch on fire if ignited. So, you have to be careful about that, and you want to be aware that there is fire danger at an indoor range.

**Evan Nappen 18:37**

I know of a case where an individual purchased one of the shark bang sticks. These are in the movie "Jaws" when he goes down in the cage. The bang stick has on the end of it a 12-gauge shotgun shell. When you push the bang stick against a shark, it will fire the 12-gauge load into the shark. Some of you may say, why isn't that a sawed-off shotgun if you have a 12-gauge gun at the end of a stick with a nothing little barrel that you are pushing? The answer is no because the way ATF has viewed it is the same way they look at nail guns and other things that are fired by the use of a cartridge. And that is it. You are pushing it against something for it to fire. It will not shoot a projectile per se out of the barrel and then travel beyond that. It is the pressure of pushing it against it and then that is firing whether it is buckshot or a nail into whatever it is being pushed against. Those are taken out of the definition as far as ATF is concerned of being a regulated firearm so that you can have a nail gun or a shark bang stick.

**Evan Nappen 20:12**

So, the individual who is going to go diving and wants to have a bang stick, and he is smart enough to know that he wants to test it. If you are going to go down there and meet Jaws, you want to make sure your bang stick works. So, he figures that it uses a shotgun shell; maybe he should go to the range and see if we can get it to fire. He goes to the range, and you cannot test it because you cannot hold it and shoot it. It has to be pushed against something. If you do not push it against something, it cannot fire. So, the idea to test it at the range was not really working out. Then somebody got the bright idea, "hey, look, if we push this against the floor of the range, at an angle, that way, we could have it being pushed, and we could get it to fire." Then the shot load will skim down the range to the backstop. Well, that is not really well thought out, is it? When they pushed the bang stick against the floor, they did get it to fire, and in so doing, ignited the range. All that unburned powder and a wave of flame and basically burned it down with a shark bang stick. There is something again, who would think? It seemed like a good idea at the time. Boy, not a good idea.

**Evan Nappen 21:45**

These are problems that you see over and over. On a little side note, there was a little trick that I used to, which was safe, at least I believed it to be safe that I used to do. I have somebody come to the range, and we are going to go shoot at the range. We are about 20 to 25 yards away from the target, and I put up five or six balloons. So, you blow up the balloons and you put them out there. Then I say to my friend, okay, here is the gun we are going to use. I had a Smith and Wesson Model 34, which is a little kit gun, but it only had a two-inch barrel. So, it is a two-inch barrel, Smith and Wesson 22, and it is a double action. Of course, you know, you can cock it, too. I said to the person, look, you can only shoot this double action. You are not allowed to cock the hammer. You have to shoot this two-inch, heavy, double action pull .22 at the balloons, 25 yards away. Good luck, right?

**Evan Nappen 23:03**

It is very hard to even hit one balloon with the two-inch barrel .22 with double action, heavy trigger pull at that distance. They would try it, and they would not be really successful at it. Then I would load it up and then one hand forward, pointing at the balloons I would go bang, bang, bang, bang, bang, bang,

bang and all the balloons would pop, pop, pop, pop, pop, and pop. Just blowing away my friend like, oh my god, how could you be that accurate at that distance with that gun, etc. Of course, what I did was when he was not looking, I loaded my loads with shotshells. You load 22 shotshells in there and as long as one of those little, teeny pellets hits the balloon, it pops. So, you really can impress your friends that you are a phenomenal shot with a two inch, .22 stub nose, double action only by doing this. That is just a little side gag you could do if you choose to but do it safely. I have to give you the warning. But there you go.

**Evan Nappen 24:15**

As funny as that is, I can tell you a story that is not funny, and it actually involved a good friend of mine who worked at Sarco. He was actually one of the top guys on military rifles. His name was Glenn Deritter, and he was a great guy. Almost 20 years ago, he died at the range. He was shooting a Lee rifle, and it is a straight pull rifle. Unfortunately, he used some reloads that were not proper. A lot of gun accidents occur from reloads. Glenn was shooting this military rifle. He loved doing these things as anyone who appreciates history and the idea of being able to fire historic guns. When he did this with the bad reload, the gun exploded. The straight pull Lee is not a very strong axis. Straight pulls are not very strong. The Mauser actions are strong. They lock up really tight and strong. Straight pulls are not known for their strength. Unfortunately, this bad reload was too hot and not proper. It is hard to get ammo for that gun, and the only way to get it is by reloading. It blew up, and it exploded in such a way that the barrel itself separated from the gun and blew feet down range. A piece of metal, a small piece of metal, blew out of the action and it went into Glenn's head and into his brain. That is what killed him when the gun blew up, and it is something I think about at times I miss Glenn. He was a great guy and he had so much wonderful information about things.

**Evan Nappen 26:29**

But here, even someone who is smart, trained and super knowledgeable, can still have a problem, and can still even have a problem that ends up killing themselves over a mistake like this. So, you have to keep aware. You have to really think about your actions. We do see issues many times with reloads. This one was particularly tragic in a gun that really had unforgiving qualities about it and weaknesses. It was just a perfect storm. So, be aware and keep your senses about you. You do not want to end up with injury, and you do not want to end up with legal problems - civil lawsuits, criminal charges, or loss of your gun rights. All of these things that can flow from this. So, when you are at the range or any time that you are using firearms, keep that conscientious mindset. I cannot emphasize it enough. You see and hear about these cases, and you think if only they had been a little more careful or just thought it through a little more. I want you guys and gals out there to be safe. I want you to enjoy our gun rights, and I know you do. But we need to do it safely and remain conscious about all that.

**Evan Nappen 27:58**

This is Evan Nappen reminding you that gun laws do not protect honest citizens from criminals. They protect criminals from honest citizens.

**Speaker 3 28:11**

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