

Gun Lawyer -- Episode 61 Transcript

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SPEAKERS

Evan Nappen, Speaker 3

Evan Nappen 00:19

Hi, Evan Nappen Here. You're listening to Gun Lawyer. Today, I want to talk about something really, really important and hot in the news that has implications beyond New Jersey. You see, this is a particular bill that I want to explain that I think is going to be a trend. It's going to be something that we're going to see cropping up all over the place in other anti-gun bills. This bill didn't just happen. This idea didn't just come along. This is pretty nefarious. Now, the bill itself is a "safe storage" bill, a gun safe storage bill, and it was put forward into the New Jersey Senate. It's Bill 3757. Now there's nothing new about mandating safe storage. As a matter of fact, requiring firearms be locked up and not accessible has been found to be unconstitutional, specifically, in the Heller decision.

Evan Nappen 01:37

So, this landmark case on the Second Amendment, Heller, decided and opined, flat out that you cannot have that as a law. It is unconstitutional interference with your right to keep and bear arms, and it is an individual right. Now, of course, why should the (United States) Supreme Court declaring something unconstitutional ever stop anti-gunners from doing what they want? Right. So, they still go around proposing and trying to put for the "safe storage" bills. Basically, lock up your safety is what they are saying. This one in New Jersey is particularly bad. There is no question about that. But it has a component in it that has to be emphasized. It's a component in this bill that has mandatory re-education for the gun owner; a re-education camp like the communists do. For real, re-education and forced labor. The individual is forced to work for an anti- gun group of the government's choosing. It's absolutely shocking.

Evan Nappen 03:08

Let me explain first just how bad the safe storage bill is itself. Although right at this moment, because of getting the word out, it has been pulled from the Senate committee. It's going to be back in the Assembly, and it's not completely going away. We are going to keep battling this, and there is no question that this is going to be a continuing fight. We are essentially delaying it and delaying it and getting our forces out to understand the implications and to fight it. Well, this safe storage bill mandates that all firearms "not in use at a premises that the owner controls have to be unloaded and in a gun safe or securely locked box or container." It also requires that all ammunition is separately stored in a separate locked box or can or container. So, even if you have one box of ammo, it has to be in a separately locked box from the firearm. If you have a firearm that you have in a quick access lockbox,

you know the type, you use your fingers to hit a code or it's a fingerprint reader. It's safe in there because you know the code and you can access it. Your gun is loaded in the lockbox; so that if you have young children, you have taken the precaution so they cannot get in because it's only you with your ability to get into that box. You cannot have a loaded gun in a lockbox anymore in New Jersey if this bill passes. No less a loaded gun not in a lockbox.

Evan Nappen 05:03

If you have a loaded gun in your safe in case somebody ever forces you at gunpoint to open your safe, you cannot have that. Your guns have to be unloaded in your safe. Even if you have a safe for other valuables, money, jewels, collectible coins, and all kinds of things, and you keep a loaded handgun in there for just that purpose in case you need to grab it, you cannot have a loaded handgun in there under this bill. So, it is an outrageous bill in and of itself. It is so poorly written, and it sets out having to lock up all the ammo. So, essentially, under this so called "Safe Storage" bill, and this is where they fool the legislators, where they put it forward with something where who could be against safe storage of guns? Gun owners are in favor of safely storing their guns. We all want to store our guns safely. But as you know, there is judgments that have to take place as to what is safe storage for each individual. If you have no young children in your house, if everybody's licensed to carry even in your house, and familiar with guns, then your safe storage of that gun is a different level. For people who may be disqualified, don't handle guns or too young to handle guns or have other disabilities, it's a different world. Well, it does not matter. This is a one size fits all law.

Evan Nappen 06:52

Under New Jersey's proposed law, if there is an emergency, here's what you need to do. Imagine this now: you have to get to your safe or lockbox; you have to unlock it and retrieve your unloaded firearm. Then you have to open your other separate lockbox, retrieve your ammunition, load the magazine or the cylinder, then insert your magazine and rack the slide or close the cylinder. Then only you can use your firearm to defend yourself and your family if you are still alive. Because you cannot let anyone else touch your loaded gun on the premises where you have control. So, if you are attacked by a gang of MS-13 Democrats and you are wounded, you cannot legally hand that gun to your wife to defend you. And not only that, but there is also no exemption in there for gun shops, gun dealers, or gunsmiths. I mean, it's ridiculous. Every box of ammo is going to have to be under lock and key at a gun store. Every firearm is going to have to be in a locked container. They cannot display any guns at all, even in a safe way. Nope, everything has to be locked up.

Evan Nappen 08:15

As bad, outrageous and insane as this so-called "Safe Storage" bill is, the part that is really just mind boggling, is this idea of mandatory re-education and forced labor for an anti-gun group. Because what the law says is, for the first offense where you are found not to have locked up that one box of .22s, for your first offense, you are sentenced to a period of community service of not less than 10 hours or more than 40 hours. You will be forced to work for free for between 10 to 40 hours with an entity, which is what they are calling it an entity, with knowledge and experience in the prevention of gun violence by the Attorney General. Now, isn't it cute how the whole law is about "Safe Storage" and gun safety and safety, safety, safety, but the group that you have to work for is not a gun safety group that teaches gun safety, because then you could actually do work for the NRA, the number one trainer in safety in the

country. Oh no, no. It's a prevention of gun violence group. Ah, you mean Giffords and every town and all those moms that need action. Those are the groups that you are going to have to work for. Because they are about the prevention of gun violence. You have to separate gun violence from any other type of violence.

Evan Nappen 10:12

This bill mandates forced labor for you in an anti-gun, political organization. What is this approved entity? What are the characters in the law? Folks, an approved entity shall offer community service that incorporates gun violence prevention education. Gee, is that the biggest euphemism - gun violence prevention education? You mean anti-gun propaganda 101. That's what you're talking about. And ready for this, folks? It effectuates behavioral change to meet the goals of gun violence prevention. Oh, what? Oh, what's that behavioral change? What could that be? Oh, you mean, don't have a gun? You mean that "behavioral change"? The goal of every so-called gun violence prevention group is to eliminate your guns and your gun rights. You mean that behavioral change? Yeah, that.

Evan Nappen 11:25

And don't worry, it further says in the bill, that the approved entity may provide online instruction related to gun violence propaganda. I'm sorry, gun violence prevention. And it can provide gun violence prevention films, films. What is this like I gate when you were a kid in school? Oh, make that guy do the AV. Oh, look great. It's an I Gate film. Gun violence prevention, interventional activities as part of hospital-based Gun Violence Intervention Program. Oh, you know, that is the so-called Suicide Hotline. But what it really is is the healthcare "duty to warn". And what that means is that it's a basis to effectuate gun seizures throughout the state. That is another thing Jersey has in place. All this and you are forced to do this labor requirement under the threat of prison. Right? You have got to do it. Subject yourself to the propaganda of the anti-gun groups, otherwise, you go to prison.

Evan Nappen 12:57

So, this is the thing about this bill that I think is extremely important because this is not there just by chance. Because then the gun prevention groups that run this, they get money from the state for their community service programs. These great programs they are running, too, don't think that is not in it. This way, they get to get gun owner after gun owner and put them through the mill; put them through their re-education camp, their brainwashing, and force it upon every gun owner. It is incredible. It needs to be recognized for what it is, and it needs to be opposed anytime you see it. Folks, this is scary stuff, and this did not just happen. This is some think tank, anti-gun machination. Basically, you can sum it up as - you will work as a slave for the anti-gunners, or you will be imprisoned, and your guns expropriated to the government. That's this law in a nutshell. When we come back, I have more fascinating things to tell you.

Speaker 3 14:24

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,

firearm 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 15:39

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Evan Nappen 15:45

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Evan Nappen 16:48

I get interesting letters from folks, and I really appreciate getting these letters. Somebody sent me an email, and they wanted me to discuss about whether getting a Curio and Relic License, particularly in New Jersey but it applies elsewhere as well, is getting a Curio and Relic License a good idea? I want to talk about that especially in the context of if you live in anti-gun states. The Curio and Relic License or the Collectors License which you can get federally can be helpful in certain states and such if you are a collector because you are able to acquire your firearms without having to go through a dealer if they are considered curio and relic, are antique - older than 50 years, etc on the list of curio and relic. There are advantages in certain states for that. But you see in New Jersey, it is not a big advantage at all. Because if you're in New Jersey, there is still a state law that mandates that you have to acquire either from a dealer or use pistol purchase permit, etc.

Evan Nappen 18:14

The real problem that came about with this, and I had a case right on this issue. An individual had a Curio and Relic licensed federally, federal collector license, and he had it for 20 plus years in New Jersey. And what the State Police did was to get a merger of the federal licensees, those with FFLs, and compared it to the list of New Jersey retail dealers. In so doing, they looked at anybody that had a federal license but did not have a New Jersey retail dealer license as essentially being an un-licensed dealer. Now, of course, a curio and relic license is not a dealer license. It is a collector license. But that didn't seem to stop them. And what they did was they ended up from an inspection on the collector side on the curio and relic side. They were given the report on a silver platter by the feds, and that is something that happens often. At one point there were certain New Jersey State Police that were technically in ATF. They were mutually working for one another, and the exchange of data was taking place. So, even though the curio and relic licensee did nothing wrong federally and in fact didn't do

anything wrong stateside, but we'll get to that in a minute. It did not stop them from a raid taking place with an allegation of being an unlicensed dealer.

Evan Nappen 20:07

All of my client's guns were seized. His books were seized. Everything was taken. He ended up getting indicted in county court for the unlawful sale of guns, possession of assault firearms and large capacity magazines, and for unlawfully making acquisitions. All these felony level charges, because every gun law in Jersey is a felony level, just dumping this entire mess on him over this. From the face of it, I am sure you are thinking, well, it sounds like he was a bad guy with all this, doesn't it? But the fact is, he was not. He was an absolute good guy. He kept his records meticulous, and he did everything right. He did nothing that was illegal. So, I brought a motion to dismiss all the charges because all his acquisitions were lawful. Any of the acquisitions that he made were done out of state. New Jersey law did not apply. His possession was legal because it was exempt. His so-called assault firearm had been rendered inoperable and proper paperwork registered. The magazines were properly blocked. Everything. It actually was a case where my client was 100%, innocent, truly innocent of any of these charges. I brought a motion to dismiss them all, and the judge granted the motion, dismissed all the charges. He saw that as a matter of law, my client was 100% in the right. And I was like, that's great. My client was happy. It's a shame he had to go through this when what caused it was a curio and relic license. Okay. So, what does this mean? It meant what a pain but at least he could move on now, right? Wrong. Wrong.

Evan Nappen 22:25

Because in this county's prosecutor's office, there was one of their investigators who thought they knew about guns, but the guy was just a moron about guns. But somehow, he convinced the prosecutor that no, no, this is all wrong. So, this prosecutor brings a superseding indictment; he reindicts on everything after the judge dismissed it all. Doesn't matter, reindicted. This is just outrageous. I said, how long are we going to play this game? You're going to keep indicting, and I am going to keep bringing motions to dismiss. No, this is going to end. This is going to end. So, how do we end it? Because folks, you know about jeopardy. Double Jeopardy is when you cannot be tried twice for the same offense. And you may say, well, you had all the charges dismissed, doesn't that give your client jeopardy? The answer is no because you do not get jeopardy until the jury is actually seated. You must have the trial. You have to get the jury seated or the trial begin. An actual trial and then found not guilty. Then you have jeopardy.

Evan Nappen 23:37

But if it was just dismissed then no. It does not necessarily mean anything. They could rebring if they wish, and that is what happened. And what I said here was, we need a trial, right away. Let's try this thing. Here's the part that was so interesting. When we asked for the trial, I said, Judge, my client wants to waive his right to a jury trial. Now look, I love jury trials. I appreciate our right to a jury trial. We all get that. But you know what? I just had a judge dismiss the case based on the law, why would I want a jury? I want this judge to hear this case. He already knows based on the law where we are going, and he has already spoken to that. So, I said my client is waiving his right to a jury, judge. We will have a bench trial before your honor on it. And do you know, the prosecutor objected. He objected to my client waiving his right. It is not the state's right. It is my client's right to a jury. He objected to my client

waiving his right to a jury trial. The judge looked at the prosecutor. What? Are you kidding me? You do not have any right to object to a defendant waiving his right to a jury trial.

Evan Nappen 24:54

Now, why do you think the prosecutor wanted a jury trial? Why do you think he wanted a jury trial? Because he wanted 12 people who are not smart enough to avoid jury duty that he could fool about guns, that he can scare about guns, that they could use all the pejoratives - assault firearm, large capacity magazine, and gun violence and all that stuff to fool the jury. But this judge was not having any of it, and neither was my client. So, we went to trial on this matter. This other character from the state, their so-called expert, was one of the biggest liars I have ever had on the stand. It was incredible to see this guy actually say the things that he said. It was startling in his false testimony, just startling. At one point, he was talking about the definition of antique firearm, and he talks about firing fixed ammunition or not. The judge goes to this guy for the state, their so-called expert, and says, oh, hey, what is fixed ammunition? How do you define fixed ammunition? This guy on the stand takes out his gun because he was law enforcement as well. Takes his gun out and then takes his magazine out on the stand. It is ridiculous. He takes a cartridge out of his magazine and holds up the cartridge for the judge to see.

Evan Nappen 26:52

I'm like, oh my god, the protocol, that's outrageous, but whatever he's going to now say, of course, that this is fixed ammunition, right? Wrong. He says, judge, do you see this? That's not fixed ammunition. What? Fixed ammunition he says, ready for this, folks, is when the bullet and the cartridge case go down the barrel as one unit. That is State's expert saying this. So, on cross examination, I jumped on that. You defined fixed ammunition as when the bullet and the cartridge case go down the barrel as one unit. Can you give me an example of such a round? He couldn't even tell me such a round. Now, I can actually tell you a round that does that and it is called Gyrojet. It is an obscure cartridge from the 60s. But hey, he didn't even know that. But that's not what the entire definition of antique firearm is about, Gyrojet ammo, hardly. But he did not even know that. He could not even give an example of what his own definition is.

Evan Nappen 27:57

At which time I take out Steindler's dictionary on firearms terms. Oh, what does this say here is fixed ammunition. How about you read that to the judge? Oh, it's actually what you held up in front of them and said was not fixed ammunition? Well, how about the Shooters Bible Lexicon here? What's that say fixed ammunition is? Oh, the same thing. Exactly what you held up in front of the judge and said was not fixed ammunition. Then the judge is looking at this expert like, what are you crazy? The judge says, look, I asked you, how do you define fixed ammunition? And you're telling me this? And obviously that's not it at all. Why did you say what you said? Ready for this answer, folks. I'm not making this up. He said, well, Your Honor you said how do I define it? I was like what? Say this in your own words? Rabida give new give Abba Baba I just made up my own words. That's not what it means. This is State's expert, folks. Shocking and amazing. I just couldn't believe it and it went on. This is the rotten, horrible advice that the prosecutor was getting in pursuing this. Needless to say, the case was dismissed with a finding of not guilty on all counts, so that it could be finally over for my client. Something that never should have begun.

Evan Nappen 29:37

But the question being about the Curio and Relic License, if you live in anti-gun states like New Jersey beware. Because they will try to use the fact that you are licensed against you. We see that not just in that context, but also when you are stopped in a motor vehicle stop, and they see your Firearms ID Card. Now it escalates. Any guns in the car. They don't care that you are a law-abiding gun owner. They just want to get you with the guns, law-abiding, small-abiding, it doesn't matter. They are after the guns and cost law-abiding citizens, their hopes, their dreams, their freedoms, their life, even. They don't care. As long as their anti-gun agenda is being forwarded. And that's what we see every day.

Evan Nappen 30:26

So, try not to become a victim. Be aware of these tactics and techniques. It's out there. I know it's hard for some of you to believe it, but it is for real. Every day I am getting cases in of the same stuff happening and what are the folks saying? Why are they doing this to me? They will say that, and I sympathize. Why are they doing this to me? I'm a good guy. I support law enforcement. I've never done anything wrong. Why are they doing this to me? The answer is purely political, and it is based on an evil, anti-freedom agenda. It is there and it is being put forward with more laws, and more aggressive enforcement. At some point, I don't know what is going to stop it. But something's going to. Maybe the (United States)Supreme Court when it finally gives a decision in June on the New York State case. We can always hope. Anyway, folks, till then. This is Evan Nappen, reminding you that gun laws do not protect honest citizens from criminals. It protects criminals from honest citizens.

Speaker 3 31:49

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