



Tactical Talk

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Lt. Marlan Ingram is a Rangemaster student, and the author of several articles featured in this newsletter in recent issues. He is also the firearms instructor for the Memphis branch of the Federal Reserve Bank. The Federal Reserve Bank has its own force of sworn, armed officers who provide security for zillions of dollars in cash. The Memphis branch recently participated in a system wide handgun match, in which teams from each Federal Reserve Bank branch compete. The Memphis team won its division, and Lt. Ingram won the match. Congratulations, Marlan!

Tom Givens Receives More National Recognition!



A couple of years ago, Tom was appointed to the Board of Advisors of the Armed Citizens Legal Defense Network, an organization that provides training and education for its members, as well as helping pay for legal representation for members who are unmeritoriously prosecuted in a self defense shooting. The other members are Marty and Gila Hayes, John Farnam, Massad Ayoob, and Dennis Tueller, all well known self defense trainers.

Tom has just recently been named to the Board of Advisors of the United States Concealed Carry Association. USCCA is a grass-roots organization that promotes the individual right to carry firearms for self defense, and is the publisher of Concealed Carry Magazine. The other members of the USCCA advisory board are Massad Ayoob, Michael Bane, John Farnam, Marty Hayes, Rob Pincus, Bruce Siddle, and Stig Rahm.

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Memphis was recently named by AOL News as one of the Ten Worst Cities in America. This was based partially on crime rates and rate of public corruption cases. Here is an excerpt: "Memphis has one of the worst violent crime rates in the country, and was ranked third by *Forbes* in its list of miserable cities for corruption by city officials.



According to stats released by the Federal Bureau of Investigation, the city had the second-worst rate of violent crime. NeighborhoodScout, which tracks crime and other factors in various cities and neighborhoods said "One's chance of becoming a victim of either violent or property crime here is one in 10. Within Tennessee, more than 90% of the communities have a lower crime rate than Memphis."

See full article from WalletPop: <http://www.walletpop.com/blog/2010/08/05/10-worst-places-to-live/?ncid=webmail&icid=sphere> copyright

Real World Lessons for Handgun Carry Permit Holders

By Patrick Stegall, Attorney

Most readers are by now familiar with the so-called Cordova parking lot shooting. This recent high profile case presents some rather elementary but crucial lessons for Tennessee handgun permit holders. On February 6, 2009, Memphis resident Harry Coleman shot and killed Robert Schwerin during an argument in the Trinity Commons shopping center in Cordova. Coleman was arrested and subsequently indicted for murder, but pleaded not guilty and testified at trial that the shooting was in self-defense. The jury, however, found otherwise and on July 16, 2010 convicted Coleman of Second Degree Murder.

The incident started when Schwerin, who had been drinking and had a blood alcohol content of .14 (the legal limit for driving in Tennessee is .08), became upset that Coleman's Hummer was parked too close to his SUV. Schwerin began removing plastic headlight caps from the Hummer. Coleman's wife, who was on her way to meet her husband at a nearby restaurant, witnessed what Schwerin was doing and confronted him. They exchanged insults and profanities, and Mrs. Coleman sent her mother in to the restaurant to get Mr. Coleman. Mr. Coleman came out a few moments later and approached Schwerin. Both Coleman and Schwerin began arguing back and forth, cursing and yelling. Then Mr. Coleman, who had a Tennessee handgun carry permit, went back to his car and retrieved his weapon. He walked up to Schwerin, put the gun first to his head and then to his mouth, backed away several feet, pointed the gun at Schwerin again, and fired.

In Tennessee, a person may use deadly force to defend themselves or a third person if they have a reasonable belief that they are in immediate danger of death or serious bodily injury. While Harry Coleman may have subjectively believed he was in danger, his belief was not a reasonable one. To his credit he said all the right things at trial (as did his wife, who testified right before he did). Coleman stated that he felt he stepped into a bad situation, that Schwerin was threatening him, that he felt like he needed protection, and that he was scared.

The facts, however, clearly do not support use of deadly force. Most damning to Coleman was that he simply could have left the scene. He himself testified that he had time to go back to his car, open the door, reach in, and get his handgun. Under Tennessee's deadly force laws, time is a critical factor. For a shooting to be found justified, the threat has to be imminent, or immediate, which strongly implies that the user does not have time to extricate themselves from the situation. Coleman clearly had plenty of time. Another factor is that Coleman walked up to the victim and put the gun to his head. Under the law, the standard is what a reasonable person would do. At trial Coleman testified that he put the gun to Schwerin's head to let him know that he and his wife were scared and wanted to be

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left alone. But is that what a reasonable person who is in fear for their life would do? Yet another factor is that Mr. Schwerin was unarmed. While there are always exceptions, and each case is going to depend on its specific facts, an unarmed threat will often negate the “death or serious bodily injury” requirement for use of deadly force.



This was a fairly simple and straightforward case of what not to do (the jury took less than two hours to convict Coleman on four of his five counts), but there are some valuable lessons in here for gun owners. They've been said before, but they bear repeating. Know the laws on use of deadly force. Remember the required elements: reasonable belief, immediate danger, and threat of death or serious bodily injury. All three of those must be present, not just one or two. The required threat level is very high: it must be to your life. Mr. Coleman may have felt like his ego and his pride were in danger, but his life was not. Furthermore, that his car was being vandalized does not justify the shooting. In Tennessee you may not use deadly force to protect property. Remember also the time factor. If an unarmed, belligerent drunk person is calling you names, going to your car and getting your gun is not going to lend itself well to the “imminent danger” element. Had Schwerin followed Coleman to the car things may have been different. But he did not, and it was Coleman who got his gun and then chose to go back into the confrontation.

Each case is different. Each one will depend on its particular set of facts. There certainly are situations where it would be justified to use deadly force against an unarmed person, just as there are situations where it would be justified to go to your car, or inside your home, and retrieve a weapon. There's no one-size-fits-all for the real world. Permit holders must always not only remember the law, but also be able to rationally and often quickly analyze their particular situation in the context of the law. That's part of the responsibility of being an armed citizen.

Patrick Stegall is an attorney and gun owner. You can contact him at www.stegall-law.com.

Comment:

“To reinforce what Patrick said, the main issue here was that Coleman went to his car, got a gun, and came back to the confrontation. If you can go get something, you can leave. Ironically, if Coleman had actually been wearing his gun, I doubt he would have been charged. Schwerin was 25 years younger than Coleman, several inches taller, outweighed Coleman by 50 pounds, and was drunk and hostile. The Attorney General's office may have accepted a disparity of force defense under those circumstances, but Coleman blew all that by going to his vehicle to get a gun. Again, if you can come and go, you're not really in any danger.”

—Tom Givens



BATFE Annual Report

The federal Bureau of Alcohol, Tobacco, Firearms and Explosives puts out an annual report detailing the production of American firearms manufacturers. This report takes a while to compile, so the figures for 2008 production were just recently released. You might be a bit surprised by the total production, and ranking based on those numbers, of the major gun companies.

| Maker | Pistols | Revolvers | Total |
|----------------------|----------------|------------------|--------------|
| Smith & Wesson | 303,834 | 215,955 | 519,789 |
| Ruger | 239,499 | 96,736 | 336,235 |
| SIG | 123,756 | 0 | 123,756 |
| Beretta | 84,821 | 0 | 84,821 |
| Glock * | 70,532 | 0 | 70,532 |
| Kimber | 62,603 | 0 | 62,603 |
| Colt | 23,178 | 3,933 | 27,111 |
| Taurus * | 11,882 | 0 | 11,882 |
| Springfield Armory * | 10,878 | 0 | 10,878 |

Note * - *These manufacturers import some of their guns from other countries. The numbers above reflect guns made in the US.*

Woman shot in the head by Pillsbury Doughboy!

Linda Burnett, 23, a resident of San Diego, was visiting her in-laws and while there went to a nearby supermarket to pick up some groceries. Later, her husband noticed her sitting in her car in the driveway with the windows rolled up and with her eyes closed, with both hands behind the back of her head. He became concerned and walked over to the car. He noticed that Linda's eyes were now open and she looked very strange. He asked her if she was okay, and Linda replied that she had been shot in the back of the head and had been holding her brains in for over an hour.

The husband called the paramedics, who broke into the car because the doors were locked and Linda refused to remove her hands from her head.



When they finally got in, they found that Linda had a wad of bread dough on the back of her head. A Pillsbury biscuit canister had exploded from the heat, making a loud noise that sounded like a gunshot, and the wad of dough hit her in the back of her head. When she reached back to find out what it was, she felt the dough and thought it was her brains. She initially passed out, but quickly recovered.

Linda is a Democrat and an Obama supporter, but that could all be a coincidence. Attorney General Eric Holder has announced the administration will seek legislation requiring a five-day waiting period to purchase canned biscuits.





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Student Incident

Tulsa, OK



One of our students, who lives in Tulsa, OK, recently had an experience that made him very glad he bothered to acquire some training in “managing unknown contacts”, which means dealing with people you don’t know. These interpersonal interactions are part of daily life, and most are benign. We have to be mentally prepared, however, to deal with the exceptions. Here is our student’s account, plus comments from a long-time law enforcement officer.

Student: First, a little background. I live in a fairly nice old neighborhood, but it's close to downtown, and we get quite a bit of (homeless, drunk) pedestrian traffic walking through the park that's across the street from my house. I take my 4 year old twins to the park to play at least a few times a week.

Recently, I was at the park chatting with one of the soccer moms from the neighborhood. My kids are playing with her boy, all toddlers. There are two homeless guys drinking something out of a sack at a picnic table maybe 25 yards south of us. I kept an eye on them, but it's not exactly a unique occurrence in local parks here, and aside from making sure they stayed put, I didn't pay much more attention to them.

Until one of the two homeless guys, a drunk, scrawny, anywhere between 45-and-60 year old homeless guy, stands up and starts walking towards us, smiling. I step in front of the soccer mom and all of our kids, sort of blade myself toward the guy a little as he's walking up, making sure I have a decent chance of getting a grip on the 2" barrel revolver I'm carrying concealed, and he says, "You sure have beautiful kids". I say something along the lines of, "Do you need something?", and he says, "Why are you looking at me like you want to fight me or something?"

At this point, I remember very distinctly thinking of Southnarc's training on managing unknown contacts, and I was mostly tuning out what he was mumbling and watching his hands, trying to decide if this was turning into an episode of computer-goober-pistol-whips-the-homeless-guy or not. He was apparently saying something about his kids having died, and the soccer mom was telling him how horrible that was, when I said firmly, "Right. Thanks for stopping by. You take care now", motioning to the table with his friend. He mumbled some more crap, and headed back to the table. The soccer mom gave me an awkward look, like she wasn't sure if I was being an asshole to the guy, or if I'd just helped her out. We decided to call it a day, we followed the soccer mom back towards her house and we went home. End of story.

Well, today, at the same park across the street from my house, around 5:30pm, [two homeless](#)

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[men apparently tried to kidnap a 3 year old boy from his mother while they were in the park.](#)

Looks like a story where all the facts are still pretty muddy, but the gist seems to be coming out.

And low and behold, the one guy that the Tulsa Police Department has caught so far (one's still at large)... **is the same guy I ran into at the same park.**

I've spent a week of my life listening to Clint Smith tell funny stories at Thunder Ranch, and I've spent a long weekend listening to Tom Givens tell more depressing (and more useful) stories at Rangemaster while I spewed rounds downrange like a computer guy on vacation. I have also studied Southnarc's material on Managing Unknown Contacts. This training put me in the right mental mode to respond correctly to *prevent* a problem, rather than have to *respond* to one.

This isn't some "I narrowly escaped with my life" anecdote, but it is a wake-up call to me, and hopefully to others. If I had not been paying attention, and not been willing to challenge this man when he moved toward my kids, something tragic may have happened.

And now, for commentary on this incident from an experienced law enforcement officer who deals with these people daily:

"Don't take this as accusing you of *being* stupid by being in a stupid place, because I'm not; but if you continue to frequent that park, this will happen again. I know you live there, and I know that it is part of the charm of living in an older downtown neighborhood. But it *will* happen again, buddy....and again, and again.

That particular population is dangerous...especially for your family (which you're obviously aware of). But people need to realize just *how* dangerous they are.

So here ya go. From someone that works this population on a regular basis, these are my estimates and I would bet that most of the LEO's with experience with the demographic would concur with the following estimates:

--Nearly 100% of them will have extensive criminal records

--Upwards of 2 in 10 will likely be current or former sex offender registrants

--Nearly 100% will be either IV dope addicts or alcoholics (or both);

--of the IV dope users, there will be rigs (hypodermic needles) within a few feet of them (something to consider when you let your kids play nearby)

--Nearly 100% will be armed with *some* kind of weapon (knife, box cutter, gun, etc)

--50 to 75% will have some kind of mental disorder. These are typically dope-induced. *This* is the part that most "good Samaritans" don't understand. These people are irreparably damaged. They cannot be "fixed" by your kindliness.

--At least 50% (conservatively) carry communicable diseases that can be transmitted in the air or

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via spit, feces, blood, etc. Do you know what the ball your child just picked up off the grass just rolled through?

These are just a few thoughts that I would offer for people to ponder when they consider taking their family---or even themselves---to a known transient "infested" locale. People will undoubtedly find ways to justify it and rationalize it, but the fact is, *statistically*, these people are dangerous and should be avoided at *all* costs. "

All I can add is "Amen."

—Tom

"Extremism in the defense of liberty is no vice. Tolerance in the face of tyranny is no virtue."

-- Barry Goldwater

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