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Exercising The Right

Deranged Man Terrorizes Neighborhood

The *Sun Gazette* reported on November 15 about a terrifying incident in Oakton, Virginia, in which a man who was terrorizing a small community ended up getting shot by a homeowner.

The suspect was identified as 24-year-old Eduardo Santos, who detectives believe was in the neighborhood for several hours during the afternoon of November 9 acting suspiciously. Police were called to the neighborhood due to Santos' bizarre behavior, but could not find any evidence of a crime at that time. Santos refused to talk to police, and walked away from them when they tried to intervene. When cops were called back to the scene due to reports of Santos once again disturbing people, the officers could not find him when they arrived.

As day turned to night, Santos' odd behavior escalated into a violent outburst when a homeowner discovered him wandering around on his property. The homeowner told the suspect to leave, but Santos became angered and hit the homeowner with a stick. The homeowner wisely tried to flee toward his house, but Santos tackled the man, injuring him. The homeowner was able to get to his feet and get inside his house, but Santos followed. Fortunately, the homeowner was able to retrieve a firearm to defend himself and his family. By this point, Santos had grabbed a large landscaping rock and forcibly entered the house wielding the rock in a deadly manner, but the homeowner shot him before he could get too far. The homeowner called 911 and the police soon arrived, where they discovered Santos mortally injured with gunshot wounds. He was pronounced dead on the scene.

Detectives are not entirely sure what led to Santos' wild behavior that day, and whether he had mental problems or was under the influence of drugs or alcohol. Law enforcement is still investigating, but they believe there was no connection between Santos and the homeowner and that it was a completely random attack.

What Not to Do in a "Self-defense" Shooting

Tulsa World reported on November 16 about a homeowner in Tulsa who made several bad decisions in the early morning of November 14 that got him in legal trouble. The Tulsa Police Department posted on its Facebook page about homeowner David Roland's arrest and wrote, "We understand that this incident will spark many conversations about the use of firearms in similar situations and what is legally allowed."

One mistake that Roland made after being involved in the shooting was talking to the police without an attorney present. Roland told police who arrived on the scene that he heard a car drive down his street at 3:00 a.m. and immediately suspected foul play. The arrest and booking report contained many damning admissions that Roland made that he most likely wouldn't have if he had had an attorney present to stop him from making incriminating statements.

The arrest report showed that Roland suspected the person in the car was up to no good because, as he told police officers, "no one drives through the neighborhood at that time unless it is a thief." Roland's suspicions would prove to be spot-on, as the suspect was later determined to have property in his possession that investigators believe he stole from a neighbor. But the fact that Roland's hunch was correct did not justify his actions that followed.



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Roland also made a mistake when he exited his home with a flashlight and a gun and went to confront the person whom he suspected was a thief. While it's admirable that Roland was brave enough to want to deal with a criminal stealing from his neighbors, he voluntarily inserted himself into the role of deputized law enforcement and subjected himself to all the dangers that come with that. He told police officers that he approached the suspect, who fled back to his car. Roland chased after him to try to stop him from escaping. This was another bad admission, because it showed that Roland was pursuing the suspect, and not the other way around. A typical requirement of a justified self-defense shooting is that the shooter be in fear for his life, and some states even have a "duty to retreat" before using deadly force. In this case, Roland was the one in pursuit and, from Roland's own words, it does not appear that the suspect ever threatened any type of violence toward him.

Roland used his body to block the suspect's car from driving away so he could not escape. This was when Roland crossed the line from making unwise decisions to engaging in conduct that opened him up to criminal charges. Roland pointed his gun at the suspect and ordered him to surrender. Based on this situation as related to the police, it did not appear that Roland was in fear for his life, and therefore was not justified in pointing his firearm at the suspect.

The final mistake Roland made was that he apparently fired at the suspect when the suspect mocked him and said "you won't shoot me" before walking toward Roland. Roland shot the suspect in the stomach, and the wounded burglar crumpled to the ground. Police soon arrived, and the wounded suspect was transported to a nearby medical facility for treatment. Authorities say the suspect's injuries are not life-threatening, and he will be arrested and charged with burglary after he is discharged from the hospital. Sadly, even though Roland stopped a crime while it was being committed, he was arrested on a complaint of assault with a deadly weapon and released on \$15,000 bail.

While neighbors might appreciate Roland's efforts to enforce a neighborhood watch and prevent crime in their community, he unnecessarily exposed himself to a costly criminal prosecution that might result in him serving time in prison.

Another important takeaway from this story is that, if you have been involved in a shooting, you should immediately contact an experienced attorney who knows your state's self-defense laws. Most importantly, you have a right to remain silent and you should never talk directly to police without your attorney present. Unfortunately, Roland's trusting nature led him to give the police too much information, which county prosecutors are now using against him.

— Patrick Krey



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