



Written by [Patrick Krey](#) on August 21, 2017

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## Exercising the Right

### Former Green Beret Prosecuted

Armed self-defense, even on one's own property, can sometimes lead to the victim of a crime being treated like a criminal. The *Colorado Springs Gazette* reported on June 27 about such a case, where a homeowner was prosecuted for shooting an intruder.

The homeowner, 35-year-old Michael Galvin, was tried for negligent homicide in the shooting death of Robert Carrigan in Colorado Springs. Authorities say Carrigan broke in to Galvin's detached garage on November 3, 2015. Galvin, who had just moved into the house on the city's west side with his family, was home with his wife and two small children the night of the break-in. The couple had just put their children to bed when Galvin noticed that his mountain bike was lying in the backyard. Galvin knew he had stored the bike in his garage, so he suspected that something was awry.

Galvin, who had served for more than 12 years as a Green Beret in an Army Special Forces unit, retrieved a 9-mm pistol and flashlight and went to investigate. He walked toward the detached garage, which is set back 25 feet from the house. Once inside, Galvin discovered Carrigan rummaging through his belongings. After a brief exchange of words, Galvin said, Carrigan lunged at him, so he fired his pistol. Carrigan was fatally wounded. Police were called to the scene, and the family thought the terrifying ordeal was over. Sadly, the trauma was just beginning as Colorado Springs prosecutor Samorreyan Burney of the Fourth Judicial District Attorney's Office decided to prosecute the veteran for defending himself.

Normally, such a shooting would not be considered controversial under the state's Homeowner Protection Act. The law, which is popularly referred to as the "Make My Day" law, codifies the legal concept known as the "Castle Doctrine" and provides increased legal protections for people who use deadly force in their homes. Colorado was actually the first state in the country to pass such a law back in 1985. Whereas Galvin's actions most likely would have been legal under that statute, what made this case different is that the shooting happened in a detached garage, not one that was actually connected to the house. That was all that Samorreyan Burney needed to subject the former Green Beret and his family to the emotional and financial torment of being prosecuted for murder. Galvin was indicted in 2016 for negligent homicide and faced a trial in June of this year.

Burney acknowledged that Carrigan had a checkered past and struggled with drug addiction, which resulted in him turning to a life of crime, but claimed that Galvin's actions were not justified. The *Colorado Springs Gazette* reported that prosecutors said that Galvin should have either waited in his house or called police instead of going to investigate, or merely used his pistol to detain Carrigan.

Such statements might seem like "Monday morning quarterbacking" of the worst sort, but this type of thinking drove Burney to prosecute a man who had served his country for more than a decade.

Burney claimed that Galvin shot Carrigan in the back as Carrigan tried to flee the garage, but Galvin's attorney denied that was true. Galvin's attorney, Julia Stancil, disputed that her client shot Carrigan in the back and said that Burney was misrepresenting autopsy results. Stancil contended that Carrigan was standing "in profile" facing Galvin in what Stancil referred to as a "martial arts stance." Stancil also took issue with Burney's contention that Carrigan obviously did not pose a threat. She said that Carrigan was wearing a vest with burglary tools in it and many of those tools could have been used as



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deadly weapons. Stancil also argued that Carrigan was not fleeing the garage and was actually lunging for Galvin's pistol when Galvin fired. Stancil repeatedly brought up her client's military background and his ability to correctly identify a deadly threat.

After a two-week trial and a half day of deliberations, the jury agreed with Stancil's arguments and found Galvin not guilty of negligent homicide. Stancil told the *Colorado Springs Gazette* that "the jury worked very hard in this case, and we're grateful that the jury got it right."

Galvin, who now serves in the Colorado Army National Guard, could have faced up to three years in prison if convicted.

## **Violent Home Invasion Results in Murder Charge**

WBRZ, the ABC affiliate in Baton Rouge, Louisiana, reported on July 18 about a violent home invasion in Zachary, Louisiana.

The Zachary police department and the East Baton Rouge Parish sheriff's office worked together to process the scene of the incident, where they have recovered a large number of bullet casings. Police say the homeowner knew one of the suspects, and let him into his house with his accomplice.

The two suspects then tried to rob the homeowner. The victim was able to grab a firearm and fire at the suspects and fatally injured 20-year-old Damon Hayes, Jr. The accomplice ran from the house, but police soon arrested 20-year-old Jordale Ty'Ray Carter and charged him with burglary, armed robbery, battery, theft of a firearm, possession of marijuana, and murder under the state's felony murder rule, which allows a defendant to be held criminally liable for any death that occurs during the commission of a felony.

This wasn't Carter's first brush with crime, as his lengthy record revealed that he had previously been arrested for charges that included illegal possession of a firearm, illegal use of a weapon, sexual battery, and resisting arrest. On those last two charges, Carter actually made the local news the prior month when he was arrested for groping a woman in the bathroom of a Hooters restaurant. In that incident, Carter allegedly sneaked up behind a woman as she was washing her hands and touched her in an inappropriate manner while asking for her phone number. The woman reported what had happened to the police, and they came to investigate. When Carter saw that police had arrived, he tried to run away, but the officers eventually apprehended him. The investigation into the home invasion is still ongoing, and authorities are still trying to determine whether other suspects were involved in the crime.

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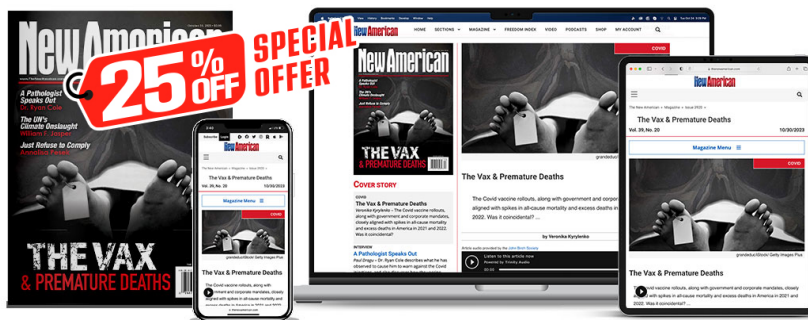
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