



Written by [Patrick Krey](#) on October 7, 2020

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## Exercising The Right

### Tragic Ending

This column previously covered the story of Jake Gardner, who lawfully defended himself when he was attacked by Black Lives Matter rioters in Omaha, Nebraska, on May 30. Gardner was well within his rights when he shot a rioter, James Scurlock, who was choking him. Scurlock had a lengthy criminal record of violent crimes, including beating the mother of his child, and he had both cocaine and methamphetamine in his system the night he died.

The whole incident was recorded on cellphone video, and Gardner was initially cleared by the county prosecutor, but leftist agitators and a biased media demanded criminal charges. This column specifically chronicled how Yahoo News went to great lengths to smear Gardner as a “white supremacist” based on unsubstantiated allegations by people with an agenda. The relentless agitation from the far-left mob and media not only hounded the poor man out of his hometown, but they even got a special prosecutor appointed to prosecute Gardner. The special prosecutor eventually drummed up egregious charges against Gardner, which had him facing 95 years in prison! This story ended tragically when Jake Gardner took his own life.

This outcome was heartbreaking for patriots all across the country who saw a bit of themselves in Gardner. If they could do this to a former Marine and successful business owner who lawfully defends himself, then couldn’t they do this to all of us gun owners?

The special prosecutor, Fred Franklin, held a press conference to defend his charges, but gave confusing answers that even the media was forced to admit looked bad. The *Omaha World Herald* reported that special prosecutor Franklin said that Gardner was hoping a looter would break in to his business “so he could light him up,” but then minutes later when asked a question by the media, Franklin denied using the phrase “light him up.” “Those are your words, not mine,” Franklin told a reporter.

The county prosecutor, Don Kleine, who had originally found that Gardner acted lawfully, strongly questioned the arguments Franklin made in support of his charges. Kleine told the CBS affiliate KMTV in Omaha on September 23 that he was aware of the text messages that the special prosecutor relied upon in his indictment and that he thought they weren’t indicative of any criminal intent. Kleine also brought up that the rioter, James Scurlock, showed evidence indicative of a violent mindset on the night of the shooting. “James Scurlock was committing a felony.... He broke into a building, tore property up, broke out the windows there. Immediately prior to where he went to the Hive [Gardner’s bar] ... he had previously been involved with his child’s mother where he broke into a house and beat her. Her comment to the police was that his violence was escalating.” Kleine also told the *Omaha World Herald*, “I know Fred Franklin — he’s a good man. But he really seemed to have his mind made up before he went in there as to what his theory of the case was.”

Gardner’s lawyers also refuted the special prosecutor’s evidence and claimed that the fact that charges were brought at all was a travesty of justice. “The statements made by special prosecutor Franklin did not change our belief in our client’s innocence or the belief that he never should have been charged and Don Kleine shares that view. There was no new credible or relevant evidence provided by Mr. Franklin today that Mr. Gardner’s state of mind was to harm anyone.”



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Conservative columnist Ann Coulter echoed those sentiments in her syndicated column on September 23, where she recounted the details of the incident that started all of this and profiled the cast of characters who came out of the woodwork to call for Gardner to be prosecuted. Coulter wrote about two Nebraska state senators who are both “bisexual” and smeared Gardner. Senator Megan Hunt repeatedly called Gardner a “white supremacist” and Senator Kara Eastman decried the shooting as a “cold-blooded murder.”

Coulter explained that the far-left mob even protested at the county prosecutor’s home, which resulted in the special prosecutor being called. “Kleine responded to the mob’s demand for ‘justice’ by calling in a black prosecutor, Fred Franklin, to make damn sure the grand jury indicted Gardner — whom Kleine (the elected D.A.) had found to be innocent. As he was expected to do, Franklin produced a series of fanciful indictments, including for manslaughter and making a ‘terroristic threat.’ (The ‘terroristic threat’ was Gardner lifting his shirt to show the peaceful protesters that he was armed.)”

Coulter accurately captured the tragedy of this whole story when she wrote that “poor Jake Gardner didn’t stand a chance against the raging, hate-filled multitude. Even those sworn to uphold the law, like Kleine and Franklin, leapt in with the mob.... Last weekend, facing death threats and a kangaroo court, and with no means to mount a defense, Gardner killed himself, rather than be killed by the mob waiting for him back in Omaha.... It’s official: You can’t protect yourself. Not even a blameless ex-Marine could defend himself from being choked to death. The D.A. will call in a ‘special’ prosecutor to throw you to the wolves, and they’ll both be praised for railroading an innocent man in the *Omaha World Herald*, while the ‘elite’ media defame you.”

Cassandra Fairbanks, writing at The Gateway Pundit, shared the sadness she felt after finding out about Gardner’s suicide. “Gardner’s body was found outside a healthcare clinic in Hillsboro, Oregon — roughly 20 minutes outside of Portland,” where sources stated that he was staying with an uncle.

Fairbanks also wrote that “people were doxxing his mother and that his family was receiving death threats.” Fairbanks explained that “Gardner was allegedly planning to turn himself in to the police on Monday.

His family and friends believed that his bail was expected to be one million dollars. He was facing up to 95 years in prison if convicted on all charges.”

This is definitely a heartbreaking story, and the takeaway is that armed patriots need to be prepared for the far Left and the media to coordinate against them to prosecute them even if the facts don’t support it. We are truly entering a scary time in our nation’s history.



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