



Written by [Bob Adelman](#) on November 6, 2018

## Law-abiding gun Owner Killed During Red Flag Confiscation Raid

Gary Willis, a resident of Ferndale, Maryland, was awakened Monday morning at 5:17 a.m. when two officers from Anne Arundel County knocked on his door. A law-abiding gun owner, Willis answered the door “with a gun in his hand,” according to a police department spokesman. They were there to serve him with an “extreme risk protective order” and remove his legally owned firearms.



According to the spokesman, Willis put his firearm down to read the ERPO but then, apparently recognizing that it wasn't a legal search warrant issued by a judge in accordance with protections guaranteed to him by the Fourth Amendment to the U.S. Constitution, but instead was issued by a local judge under Maryland's newly minted “red flag” law, [he retrieved his firearm](#).

The spokesman said that Willis “became irate.” In the melee that followed, one of the firearms carried either by one of the officers or by Willis went off. One of the officers then pulled his own sidearm and shot Willis dead.

Family members told Capital Gazette reporters that a distant relative had requested the ERPO the day before, due to an “incident” that occurred at his residence. The details of the “incident” remain unclear at this writing, but the backpedaling by the police chief began almost immediately.

Said Anne Arundel County police chief Timothy Altomare:

If you look at this morning's outcome, it's tough for us to say, “Well, what did we prevent?” Because we don't know what we prevented or could've prevented.

What would have happened if we didn't go there at 5 am?

Probably nothing. Because during his many years as a resident at his home in Ferndale nothing untoward happened. His niece, Michele Willis, said “I'm just dumfounded right now. My uncle wouldn't hurt anybody.”

Chief Altomare announced that since the law became effective on October 1, there have been 19 ERPOs issued in his county, his officers have served nine of them and have seized “around 33 guns” in the process. So successful have the unconstitutional raids been in Anne Arundel County that the department is building a new storage facility specifically to accommodate all the firearms they are expected to confiscate under the new law.

Gun grabbers are delighted with the new laws springing up around the country. Jonas Oransky, deputy director of Everytown for Gun Safety, calls the unconstitutional gun-confiscation laws a “new frontier” in his group's attack on private ownership of firearms: “We think of this is a new frontier. We don't have a perfect system in this country, and we can't stop every act of gun violence. [But these “red flag” laws are] a way for states to take some care and be somewhat nimble when there is a dangerous case.”



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The point of the Fourth Amendment (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause.”) is to protect private citizens such as Gary Willis from living in a police state where police can be “nimble” and arrive unannounced at 5:17 in the morning with a piece of paper that says they have the right to take his guns.

The point of the “red flag” laws, however, is to do an end run around that Fourth Amendment. As *The New American* noted back in March when “red flag” laws started popping up in a number of states in response to the Marjory Stoneman Douglas High School shooting in Parkland, Florida: “The ‘red flag’ provisions do not allow the person charged to defend himself or even to know who his accuser might be. Further, he must prove his innocence in order to get his confiscated firearms returned to him. He is “guilty until he proves himself innocent.”

ERPOs lower the standard in the Fourth Amendment — probable cause — to “reasonable cause.” They allow judges to act quickly (in Gary Willis’ case, overnight) before the victim gets wind of what’s coming and can secure legal counsel to defend himself or make other arrangements to protect himself and his property.

Willis isn’t the first citizen to be caught in the “red flag” web, just the first one to die as a result. In Seattle, an agency called the “Crisis Response Squad” has already pre-identified pre-criminals before they committed atrocities and seized their legally owned firearms. On March 1, one of those identified as a “precriminal” didn’t comply with the court order and made the headlines when police entered his residence and forced him to relinquish his weapons.

KOMONews.com covered the incident, informing its readers that the 31-year-old man hadn’t committed a crime but was guilty of “escalating behavior,” whatever that means. Some workers at a local restaurant, according to KOMO News, said the defendant “harassed” them while he was carrying a holstered firearm (which is legal there).

KOMO News added that this man’s “precrimes” included a history of police seizing a shotgun from him “in a different incident.” After entering his residence with the so-called warrant (based not on “probable cause” but on the much lower standard of “reasonable cause”), the police not only retrieved a .25-caliber handgun but then entered the residence of one of the man’s family members, where they hoped to find some other firearms belonging to him.

A teenage girl from Pembroke Pines, Florida, was brought to police headquarters and subjected to more than two hours of questioning about her posts on social media. No attorney was present. None was needed. After all, the right to “lawyer up” isn’t allowed under the state’s new law. Said Pembroke Pines Police Captain Al Xiques, his “police department will pursue those Risk Protection Orders in accordance with the new law when we determine that it is necessary in order to protect the public’s safety.”

The girl’s attorney is suing to have the new Florida law overturned.

And then there’s the case of Broward County, Florida, Sheriff’s bailiff Franklin Joseph Pinter, age 60, who allegedly made some verbal threats toward other bailiffs and, again allegedly, was seen on the fifth floor of the county courthouse leaning over the railing and pretending to hold a long gun and shooting at people below.

This was all that the judge needed. On Friday, May 25, the sheriff’s office sought the ERPO, which the judge granted that same afternoon. No trial. No defense. No witnesses. No one representing Pinter. In fact, Pinter had no way of knowing about the court order to seize his 67 firearms until deputies showed



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up at his door.

Where will this end? Repeal isn't likely, as states, encouraged happily by gun grabbers, are pushing for more "red flag" laws, not fewer. Instead, it will end when a court grows a backbone and declares them unconstitutional. Until then, every citizen legally possessing a firearm in "red flag" states is in danger of having a relative, an acquaintance with whom he has had a disagreement, a disaffected or offended neighbor or co-worker, a mental health "professional," or as is sometimes the case, the police themselves, petition a judge and obtain an ERPO that enables local police to remove the offending weapons from his possession, by force if necessary.

Resistance, as Gary Willis found out, is not only futile, but fatal.

*Image: P\_Wei via iStock / Getty Images Plus*

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