



Written by [Raven Clabough](#) on March 20, 2013

Man's Home Raided After Son's Facebook Picture Shows Gun

After seeing a photo of an 11-year-old boy holding a rifle on Facebook (photo shown cropped at right), New Jersey police and Department of Children and Families officials [raided](#) the home of the boy's father, Shawn Moore, a firearms instructor. Moore was not arrested or charged, but immediately sought the counsel of his lawyer.



Moore is a certified firearms instructor for the National Rifle Association, an NRA range safety officer, and a New Jersey hunter education instructor. He posted a photograph of his son wearing camouflage and holding his .22 rifle. The photograph caused quite a stir, even though the boy has a New Jersey hunting license and has passed the state's hunter safety course.

"Someone called family services about the photo," said Evan Nappen, an attorney representing Shawn Moore. "It led to an incredible, heavy-handed raid on his house. They wanted to see his gun safe, his guns and search his house. They even threatened to take his kids."

On March 16, Moore's wife texted her husband to tell him that the Carneys Point Police Department and the New Jersey Department of Children and Families had raided their home. Moore quickly called Nappen and rushed back to his home to find police demanding to check his guns.

In response, Moore handed his phone to the officers so that they could speak to Nappen.

"If you have a warrant, you're coming in," Nappen told the officers. "If you don't, then you're not. That's what privacy is all about."

Moore, having heard what Nappen told the officers on his speakerphone, asked the officers to leave his home. He later wrote a post about his encounter on the Delaware Open Carry website.

"I was told I was being unreasonable and that I was acting suspicious because I wouldn't open my safe," Moore wrote on the Delaware Open Carry website. "They told me they were going to get a search warrant. I told them to go ahead."

According to Nappen, the police wanted an inventory of his firearms.

"We said, 'no way, it's not happening'," he said. "This is a guy who is completely credentialed and his son is also credentialed."

Nappen contends that the uproar over the photograph is entirely unfounded.

"If you look at the picture, his finger isn't even on the trigger —which is proper," Nappen told Fox



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News. "If half of Hollywood could follow that rule, we'd be thankful."

Nappen contends that the entire incident calls into question several of Moore's constitutional rights.

"He has a Fourth Amendment right and he's not going to give up his Fourth Amendment right or his Second Amendment right," he said. "They didn't have a warrant — so see you later."

While the Department of Children and Families has not confirmed or denied the raid, spokesperson Kristen Brown explains, "The department has a child abuse hotline for the state of New Jersey and anybody can make a call to that hotline. We are required to follow up on every single allegation that comes into the central registry."

She did add that it is not the role of the Department of Children and Families to peruse Facebook photos of children holding weapons, but to investigate cases of child abuse and neglect.

Brown also told Fox News that it's "prudent and wise to protect children."

"In many cases we may follow up on something and we don't find any problems and the case is closed," she said.

Meanwhile, any callers who report false allegations of abuse cannot be held liable, she noted.

"You can't be prosecuted for making an allegation of child abuse — even if it's false," she said.

Nappen points to the entire incident as a warning to gun owners.

"To make someone go through this because he posted a picture of his son with a .22 rifle on his Facebook page is pretty outrageous," he said. "Does that mean that anyone who posts a picture like that has to consent to a home inspection and a gun inspection? I don't think so."

A similar [incident](#) took place across the Atlantic in Tewkesbury, Gloucestershire, England, where Ian Driscoll posted a photo of a toy with a toy gun on his Facebook page. Driscoll had taken a picture of an Action Man figure and a toy Alsatian dog that featured a toy mortar in the background and made it his profile picture on Facebook. A month later, there were five police officers at the door, two of them carrying submachine guns. After careful inspection of the model mortar, the police apologized and left.

Mr. Driscoll said, "I was stunned. It was just mad. Five officers turned up in unmarked police cars."

"They flashed the search warrant in my face and said it was lucky I was in so they didn't have to break my door down," he continued. "Everyone has been laughing about it and I think it's funny. It's so stupid."

Moore, however, did not find his situation quite so funny. He and his attorney are considering pursuing legal action against the state for its raid on the Moore home.

The police raid on Moore's home is just one example of the anti-gun hysteria that is pervading the nation. Earlier this month, a seven-year-old Maryland boy named Josh Welch had been [suspended](#) from school for turning a breakfast pastry into the shape of a pistol. The school then offered counseling for any children who witnessed the boy's pastry gun.

Robin Ficker, a Montgomery County attorney hired by Welch's father, is representing the family in an appeal to have the student's record expunged. According to Ficker, this is the fourth time he has had to defend young children in cases where they have received suspensions for being accused of references to a weapon when there was in fact no weapon.

The Montgomery County incident prompted Maryland State Senator J.B. Jennings, a Republican



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representing Baltimore and Harford counties, to introduce a bill to prohibit principals “from suspending or expelling a student who brings to school or possesses on school property a picture of a gun, a computer image of a gun, a facsimile of a gun or any other object that resembles a gun but serves another purpose.”



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