Lesson 13 – Don’t Assume an Aggressor Is Rational

John Hearne:
Arguably, the most important thing you can possess as a properly prepared defender is a valid mental map. Mental maps have different names from different fields, mental representations. We can call them schemas, but regardless of the field, from surgery to football, the person with the best mental map tends to win. And everybody has this idea about what their self-defense event's going to look like. But when we look at the data, most of the time it's the presentation of the pistol quickly and efficiently that tends to end the events. Everybody thinks you're going to be in some long-running Mogadishu-type encounter when, in fact, the numbers tend to float around 90%. 90% of the time, presenting a gun quickly with some manner that makes you look competent solves most of the problems. Other things that mental maps for the armed citizen might need.

Don West:
I'd love to hear more about what you mean when you talk about you need a mental map.

John Hearne:
So mental maps are going to be very context-dependent. Obviously, the mental map of Tom Brady versus a jet pilot versus a trial attorney are going to be different, but the map has to reflect reality. One way of thinking about a mental map is how . . . It's a description of how reality is going to unfold. You have to make certain suppositions about that, right? I would politely offer that one of the realities you face is that a large part of your case is getting a jury that's going to be . . . not necessarily favorable to your point of view, but at least open to what you're going to have. So it's understanding how reality is going to unfold given a certain environment, given a certain set of inputs. That's where demeanor for an attorney comes in. I think we've all watched the closing argument now from the Rick Chow case, and it's like that was a masterful rendering of a closing argument by a very competent criminal defense attorney as far as that goes. So knowing how to sway the jury, engage with them emotionally, all of that is a part of the mental map that's appropriate to your environment.

Don West:
You're talking about everybody goes into life with a plan or at least they should?

John Hearne:
Well, they should. And I think part of the problem is sometimes people will decide to carry a gun without considering all of the ramifications that carrying that gun has with it. So, for instance, what are you carrying the gun for? Are you carrying the gun to enforce your will? Well, I got news for you. Lawfully, you can't impose your will using just the gun short of other information. You're carrying the gun so that others cannot impose their will upon you. So you have to have an idea about when you're going to use that gun. I think we all recognize that, for lack of a better word, it's an almost last resort. Kind of my quick and dirty is like, who's going to die in the next three seconds if I don't use deadly force? If it's me that's going to die, then that's a pretty clear-cut case, but it also raises the question of third-party defense, those kinds of issues.

If the person that's going to die in the next three seconds is my child for whom I have an ethical and moral responsibility to, then I've been watching the encounter unfold as far as that stuff goes. My ability to make a sound decision is a lot better as opposed to me walking out into the middle of a parking lot, say ... we love to have Walmart parking lots. I walk out into the Walmart parking lot, and there's two dudes that appear to be beating on a defenseless female. That's probably not even my business. I don't know enough to make a sound decision. That could be two guys attempting to kidnap a woman or it could be two plainclothes police officers trying to wrestle a woman into handcuffs. And if somebody's not about to die in the next three seconds, deadly force is going to be largely off the table.

Shawn Vincent:
I see the mental maps as everybody has a paradigm that they approach the world with. Everyone can walk into the same parking lot and see different things based on what their priorities are, whether they're even paying attention. A lot of people, Steve, only see their phones when they walk into a darkened parking lot because they're not watching. Since you brought that up, there's an analogy I love. If you've seen the old World War II movies, when they're in the bridge and they've got that plexiglass map with concentric circles where they're charting where all the ships are and aircraft are, that comes from a combat information center. There's an officer on the ship whose job is to collect all the information that the ship has about the contacts that they have on sonar, radar, visual, radio transmissions that might be relevant to the ship in their combat operations.

And then they actually learn how to write backwards on the grease board so that everyone else in the combat information center can see it. And then if the ship turns 90 degrees, they have to erase it and redraw it. And then as the radar sweeps and positions change, they have to keep up with all of that. And so I think that you have to first identify what are the things that really matter to you that are going to make a difference to you in your day as an armed defender.

It's Craig Douglas has managing unknown contacts. That's what those radar screens are for, and the CIC is for is managing unknown contacts. So you have to decide what you're paying attention to and then pay attention to that and then keep updating that map in your mind as you navigate the world.

Steve Moses:
Well, the Managing Unknown Contacts class that he teaches, I think a big part of that is building a mental map so that you get an understanding of what the threat might look like, what the threat might do, and then what some of your responses could be, and understanding, okay, they're going to be contingent upon the threat level at the time, whether this is something I can handle with just the way I project myself or all the way to I may have to use or threaten to use lethal force. I think that's a very good example of a mental map. A lot of it's going to be, at least for me, is that I need to examine the data.

I need to have an understanding, who the threat might be, what the threat might do, and where they may come from in a given area, like a Walmart parking lot.

And then, all right, I know what I need to do. My mission is to go in there, purchase my items, get back to my car, get out of there safely, and have an idea that when something starts unfolding that doesn't look right and is not right, I have a means already or a plan already that I can act upon if it means at some point I may have to revise it.

Shawn Vincent:
In our last podcast that John joined us for, we talked about this idea of *don't start needless arguments*. And Steve, we talked a little bit about how sometimes armed defenders and people that might show up at a training class will say, "Well, yeah, but I have the right to tell the person (to John's pet peeve that he confided in us) take your shopping cart back to the store or put it in the corral." Or I have the right to tell someone they shouldn't park in a handicapped parking spot like Michael Drejka did in the parking lot shooting case. Or I have the right to tell the jerk in front of me to put his cell phone away during the previews of the movie theater, like Curtis Reeves did, that it's not always the smart thing to do. And Steve, you brought up something that is going to be a lot about what we're going to talk about today.

And John, you brought this up too. As a veteran of law enforcement, you talked to us about how far de-escalation can go, that you need to have a willing participant in it. And if they want to ratchet it up and they don't accept, I think you used the word *invitation*. If they don't accept your invitation to de-escalate, sometimes that can be out of your hands. And Steve, you mentioned that when you approach somebody about one of these little things or even a more important thing, you can't predict how they're going to respond. And you've talked about this before. You have great language for it. Hopefully I'm not putting you on the spot, but tell us your insight into that.

Steve Moses:
Well, the problem is that we are different ages. We've been raised by different parents. We've been raised in different cities. You have a lot of people who are approaching a situation with a different mindset. Some of them are going to be very submissive in meek. Some of them are going to say, "Well, I'm not going to encroach on anybody. I'm not going to let anybody encroach on me." And then others are just very aggressive and willing to take advantage of anything that they think reeks of passivity. To that end, there is no win in almost all of those instances in confronting someone with something that you may think they may take as confrontational or adversarial. And so if you do not adopt that mindset, you may very well walk up there thinking you're just going to say something to kind of help this person out, or you're just going to vent a little, and then it gets completely away from you.

John Hearne:
Yeah. Well, the analogy from the other show is “life is like a box of chocolates.” Another way to think about this is you're sitting at the top of the mountains and you start making snowballs and start throwing them. Not every one of those snowballs is going to go

perfectly down the thing and make a massive, huge mess, but every time you throw one of those snowballs, you're creating the potential for it to do that. So don't throw snowballs as far as that goes. And to Steve's point, you can't assume that everybody that you encounter is going to be a rational actor like you believe yourself to be. Number one, there's just some straight up crazy people in the world. I mean, that's just the way it is. You have crazy people, you have people that take substances, whether it's alcohol or meth, high doses of marijuana. They're not connected to reality as you or I understand it. Don't take that invitation to step into their bizarro world.

Shawn Vincent:
I like that. “Don't take the invitation to step into their bizarro world.” And sometimes they might be stepping into your world. And when we talk about this clash of rationality or expectation of rationality, I like to bring up the Ted Wafer case from Dearborn Heights, Michigan. And so this is from years ago, about a decade or more ago. Ted Wafer, he lived in a neighborhood that had been having an escalating crime problem. He lived alone. He's in his 40s. He fell asleep in his recliner one night. His pants with his cell phone were hanging on the doorknob of the bathroom, and he wakes up around four o'clock in the morning to this furious pounding on his front door. And he gets up, it's obviously a very terrifying thing because it's really violent pounding. His lawyer at trial said the floorboards were shaking and the pounding would stop and then it moved over to the side door.

And then it came back to the front door, and he couldn't find his phone immediately to call 9-1-1. During a pause in the pounding, he couldn't help himself. He wanted to go investigate. And a few weeks before, he had seen some kids trying to get into his car, and he went outside and spooked them off. And I think he has in his mind that this is the type of person that he's dealing with. So he gets his shotgun, he has this Mossberg tactical pistol-grip shotgun, and he opens up the front door, and he's really surprised to see that there's a figure standing there just on the other side of his screen door. He has a screen door in front of his front door. And we believe he probably got spooked and clenched his... Steve's talked about this, clenched his fist. He probably had his finger on the trigger.

The firearm discharge happened to be pointed at this person's head, and he killed them instantly. This person happened to be a recently graduated young woman. She was a cheerleader in high school. Her name was Renisha McBride. She had been earlier that evening hanging out with a friend of hers. They were smoking weed. They were drinking vodka. They got in a fight. She got in her car and drove away. She had a single car or a single... Well, she crashed into another car that was parked, probably hit her head, probably had a concussion, started wandering around the neighborhood. She just left her car and was wandering around the neighborhood. And maybe she thought that Ted Wafer's house was a family member or a friend, or maybe she was just looking for help. So she came up and was pounding furiously because she needed help is the hypothesis.

And so you have these two completely different mindsets that collided when Ted opened the door. She was drunk, high, injured, scared, and confused. She wasn't rational. Her

behavior wasn't rational. He was making an assumption that it was criminals who were acting in some other interest, I assume.

John Hearne:
I think that his mental map did not include that somebody might need aid or assistance, that somebody banging on that door in that fashion, that time of the evening could only be some kind of violent intruder as far as that goes. So again, my first response to that is just questioning the validity of the mental map. The big problem I see there is just opening the door. I have an annual crime presentation I do every year and most people misunderstand how burglary works in this country.

Most burglaries are quick smash and grabs that take place during the daylight. And what will happen is that somebody will come and knock on the door. It could be like, "Hey, I need to use your cell phone. I ran out of gas. I'd like to sell you magazines." There's all these excuses, and all they're doing is trying to see if somebody's home. If somebody's home, they're going to go down the street, knock on the next door until they find an unoccupied dwelling. What I tell everybody is you cannot ignore the pounding on the door. You have to deal with it, but I never say, "Open the door. You can communicate perfectly well, leave me alone, go away through a closed door." So again, but for opening the door, that was a fairly innocuous situation. I hate to say he created the jeopardy. I think that's totally unfair as far as that goes. But again, just a little modicum, you could call it street smarts, whatever it is, is number one, is if you have some of the cheapest investments you can make in your safety is just look at your exterior doors and replace all the screws with good high quality three inch deck screws, something like that. If you have confidence that nobody can kick your door in or kick your door in without a great deal of difficulty, staying behind the closed door is just the smartest option that you have.

Shawn Vincent:
Yeah. So let me add on to that because another very similar case that ended a little bit differently is this Charles Dorsey case. So Charles Dorsey is at home, it's a little bit after midnight. He's with his wife. He lives in a house in a neighborhood where a lot of the houses look very similar, and in fact, he shares a driveway with his next-door neighbor. His next-door neighbor is relatively new in town. He invites an old friend of his, named Gary Espinoza, over. Gary spends the whole day drinking in his neighbor's pool. After midnight, he went down to his car to get a vape, came back to his host's house, went to the wrong door, but he's super drunk at this point, and he just doesn't realize the mistake. When he tries to get in, Charles Dorsey comes, says, "Who is it?" He said, "It's Gary. It's Gary. Let me in." Doesn't let him in, and he tells him to go down to the end of the driveway, and he tells me he's calling the cops. Gary thinks his friend, the host, is pranking him, right? And so he plays along with it a little bit at first, but then he gets angrier and angrier and decides at some point he's going to try to get in the house. He starts shaking the door and rattling the door. Well, Charles Dorsey, at this point, had called the police, expecting the police to arrive had unlatched the deadbolt. So it was just the lock on the knob, essentially. I don't know what you call that, that was there, and he powered through it.

Dorsey was standing behind that door when it was broken, and he shot Gary once when he came in and killed him. Now, Charles Dorsey was never charged in that case. There was a four-week investigation, and he was publicly exonerated for it because this guy had broken into his house. There's this funny situation where you can hear on the 9-1-1 call because his wife was on 9-1-1. When he shoots Gary, she says, "Why did you do that?" And let's just read into that to suggest that, at this point, there were signs to what you said before, John, that most break-ins happen during the day and it's someone just trying to see if you're home or not. There were signs that there was something wrong with Gary besides him being at a pretty violent criminal meant to break into this house for a home invasion.

John Hearne:
I don't know enough about the case to comment as far as that goes. I think we call that “tragic” is the only word for that. Arguably tragic, avoidable from the standpoint of if you don't drink to the point of complete blotto inebriation, that goes a long way.

Shawn Vincent:
Yeah, he certainly contributed to his circumstances, didn't he?

John Hearne:
Not everything is a perfect answer, and not everything's a perfect solution. I would like to think that if somebody forcibly entered my home after... Especially, most people that don't appreciate how easy it is to break into most residences, they think they're safe as far as that goes. So I think that most people are going to have a mental trigger that as soon as somebody has breached the sanctity of my home, to use some inflammatory language, that it's going to kind of “be on.” I understand that one a lot more than some of the other ones. There have been several of these tragic misidentifications. I want to say it's an older case where a Japanese exchange student knocked on the wrong house looking for a Halloween party as far as that goes.

We don't live in a perfect world, and you're not going to get perfect decisions in an imperfect world. So I hate to say just casually “too bad,” but to a certain degree, that was, again, kind of the Swiss cheese holes lining up that got that gentleman in that unfortunate set of circumstances. If somebody's not letting in you into your house, I don't care if it's your buddy pranking you or not, at a certain point we should probably recognize that forcible breaching of the exterior doors of a structure is a line that you are crossing, that you better make damn sure you're in the right house before you do that.

Steve Moses:
Had Ted a mental map of “What am I going to do if this situation takes place?” and how I'm going to handle it, and a little bit of an understanding on what that threat might look like, which typically, when it comes to home intrusion, you either have someone that tries to get in there. If you're there, they try to sneak their way in the house so they don't alarm you or they come in hard. And if you have a plan for dealing with that, like we had spoken in a previous podcast, had he gotten himself into the bedroom or something set

up in a hard corner, there is a very good chance that he would not have had to shoot that person. And if indeed that person was a deadly threat, he would've been in a better position to engage him because at that point, that person would literally have to come into the room or at least expose part of his body in the room before he could see Ted and that would give him, in my opinion, a few seconds and a tactical advantage.

John Hearne:
It goes back to that maxim that distance gives you time, time gives you options. So retreat to the safe room. I get that you want to defend your home, but again, if you're that worried about somebody coming in, locking yourself in a safe room, creating that, I hate to say "unassailable position," but most bad guys aren't going to attack an entrenched defender. Unless you've upset the cartels, that's not really a concern that's going to be on most people's plates.

Shawn Vincent:
Yeah. We talked to Claude Werner not long ago, and he was a captain in the army, and he talked about this idea of *rear march*. When we first talked about the Charles Dorsey case, I talked about the idea of retreating to a more defensible position in your home after Steve told me about the idea of the hard corner, right? And he used exactly the terms, John, that you described, that you want to create time and distance so that you can make better choices and you have a chance that what we call disambiguate the intentions of the potential aggressor.

John Hearne:
I'm sorry, if the guy had kicked in the door, he would've probably immediately recognized this was not his buddy's house. Something's not right.

Shawn Vincent:
And if Charles had noticed too that this guy's wearing no shoes or a shirt and is in a bathing suit, something was off about him. And so you talked about the mental map, and I want to go back to that and the whole idea of the Swiss cheese, meaning that when you're trying to prevent disasters, the idea that you have three sheets of cheese with a hole in different spots and they all have to align perfectly to cause something to go straight through and cause the disaster, right? So I guess what I'm illustrating is ... so first of all, in Charles Dorsey's case, he was not charged. He was exonerated. He was absolutely justified. And even though Gary Espinoza's family was outraged at it, there was no public consensus that Dorsey was in the wrong here. The real question then comes if he had adopted the mindset, if his schema, to use your word, and Steve's point here, had included the idea that if someone's pounding on my door in the middle of the night, there's a good chance that they might be under the influence or somehow impaired, he might have entertained some different choices in that confrontation. Is that fair to say, you think, John?

John Hearne:
I think it is. I think this is a phrase that comes from the law enforcement world, but I think it's apt here. We refer to some uses of force as lawful but awful, right? That was an

awful result, but it was completely lawful. Again, we're trying to make perfect decisions in an imperfect world and there's always a chance that things are going to go horribly wrong and all you can do is make decisions based on the information that you possess at the time. I haven't gotten a chance to read it yet, but there's a fascinating article talking about the 2020 hindsight fallacy coming out of the force science guys, because if you were in that particular situation with that set of facts, all you know is somebody's pounding on the door, then immediate use of deadly force as soon as the door is breached is reasonable.

Now, with twenty-twenty hindsight, we can obviously make better decisions, but life's never going to give you that perfect set of information to allow you to make those decisions. You got to do the best you can with what you have at the time.

Shawn Vincent:
Well, and I think ... Don, I'll get you just one second. I think a big point of this podcast is trying to learn from other people's mistakes and having some foresight to anticipate things that your own experience wouldn't have dictated. But Don, go ahead.

Don West:
Well, no, that's sort of where I'm coming from on this. I don't know that you can look at Wafer's case or Charles Dorsey and say they did anything wrong, but we can certainly look at them and say they didn't do everything right because very little difference in how they approached this thing would have changed their lives, and it would've saved the life of the person that got killed. In this instance, John, I don't know if you heard Shawn say he actually, Dorsey actually unlocked the deadbolt, left the other handle lock in place, but it wasn't very secure. And my guess is that the intruder, the neighbor, Gary, didn't break anything, that he just wiggled it enough that it came loose, and he came on in that way. He didn't intend to damage the door or bust his way through, but the fact of the matter was he did go in and set that up.

Now, if Dorsey had simply left the deadbolt in place and backed up a few feet, he would've required whoever that was to literally smash the door down before he had to make the decision whether or not to shoot him. And that's just not the mind map or the mental map that you're talking about, having thought through the steps that you might take if you're dealing. And likewise with Wafer, he was completely safe behind the door, but he perceived a threat that may actually not have been present when he opened the door and came face to face with this person who was, for lack of... Well, for drugs and alcohol and injury was quite deranged at the time. So I have to think that if we're going to help people avoid these situations and podcasts like this and the experts, the expertise of the experts, we want to help them think it through enough that they have their own mental map that reduces risk rather than creates an opportunity where they have to predict the behavior of someone else and when they act irrationally, they're unprepared to address it.

Shawn Vincent:

Well, I think to tack onto the mental map, I think part of that is having an idea of what you don't know. I think in any encounter we have out in the world, there's a certain level of uncertainty that we're going to face. And then we make certain assumptions. And the point that Steve keeps hitting over and over again is that when you instigate an interaction with somebody, you don't know where that's going to go or how they're going to react. And if you make some assumptions, you might just be wrong and could be setting yourself up for a tragic surprise. And so in our last podcast, we touched on this case from Lapeer, Michigan, where there was a little bit of a road rage incident as the defender, his last name was Smith, was leaving a convenience store and the perceived aggressor, Kohn, was coming in.

Smith had sort of blocked the driveway, making it hard for CKohn to come in, and they shouted through opened windows as they passed. Smith went down the road a block, stopped in another parking lot, decided he wasn't done. He hadn't had the last word with Kohn. So he turns around, comes back. Cone's in his car. He sees him return. They kind of go window to window, kind of like you see a couple highway patrol guys in the median when they stop traffic on I-75 for miles. You know what I'm talking about? They're chatting, and they start shouting out through the doors. So here's what Smith didn't know about Kohn, is that Kohn had a blood alcohol concentration that was just over twice the legal limit to drive, if I recall. Oh, and he had cocaine in his blood.

So I think what happened, it's pretty much undisputed now because it's in the appellate record. Video shows Smith raised his hand. He probably pointed a .38 revolver at Kohn, kind of like, "Hey, I'm the big guy here. I got the most lug nuts, right John? I can enforce my will upon you," which is the wrong mindset for an armed defender. I think what he expected Kohn to do is be like, "Oh, hey, sorry, my bad. You win this fight." But not only was Kohn drunk, high on cocaine, but didn't have a very great life and not a lot to lose. So instead of responding rationally to someone pointing a gun at him, he grabs a crowbar and gets out of his car and starts bashing Smith's car and tries to open his door and attack Smith with the crowbar. So would you agree, John, that this is a collision of misaligned mental schemas?

John Hearne:
Yeah, that outcome should have been sadly predictable as far as that stuff goes. That's just one of those situations that's just best not to be there for. And I mean, I guess after the toxicology report, we can finally say that we finally found some area of his life in which Kohn was an overachiever.

Shawn Vincent:
Yeah, that's right. Well, and so maybe a good place for us to land when we talk about “don't assume the aggressor is rational” is pick any road rage case. There's one that comes to mind because the family actually sent an email after we had done a couple of podcasts and talked about this. I'm going to get the names of the parties wrong, so I'm not even going to try, but it was down in Davie, Florida, and there was a Marine veteran who was in his work truck driving. He had cut somebody off, a young guy in his 20s who had a spotty record. It was kind of down and out. And he makes some sort of motion in

traffic that he's displeased that he was cut off. Our defender, the Marine veteran, actually rolled down his window and said, "Hey, my bad." He was trying to indicate that it was his fault and de-escalate.

We talked about de-escalating with you, John. But this was a guy who was not going to be de-escalated. And the guy got out of his car carrying a firearm, and then what resulted was a shootout that cost both of the participants their lives. And I think that the defender was at the intersection, could conceivably have hit the gas and gotten out of there at the expense of running a red light.

Things unfolded very quickly. He may not have felt he even had that amount of time when a guy was coming at him with a gun. But this is an extreme scenario, but Don can tell you firsthand probably dozens of stories about people who have had road rage incidents where they encounter someone who acts irrational. And Don, doesn't often that cause otherwise clearheaded people to also have an irrational response sometimes? We see it in road rage incidents all the time.

Don West:
Yeah. I've always wondered what it takes for someone to lose their mind, to snap, to do completely irrational, outrageous things. And the recurring scenario seems to be get crossways with somebody driving down the highway, cut them off or they cut you off, or they tailgate you, or they brake check you, or they pull up alongside you and wave their hand, and you roll down the window so you can yell at them and they roll down the window so they can yell at you. And then pretty soon somebody thinks the other person's trying to push them off the road. And now you have what is perceived as a deadly force threat, and then all of a sudden the guns come out, and people get hurt. The other scenario is, of course, repeat what I just said, but they pull off. They're alongside the road, and they both get out of their cars, decide to meet in the middle to talk this out.

But of course, if you're going to talk this out or prove your point and convince the other person that you are, in fact, the better driver, you have to assume that they have the same line that you do if your purpose isn't to get to the point where you absolutely lose your mind because it takes a lot of self-control when emotions are flaring. It takes a lot of sobriety and restraint. And we find that a lot of those things are absent when these motorists get face-to-face. And I've often wondered what people think as they do one or more of those things purposefully to engage the other person, what they think the end result will be. Are they thinking that there will be a point when both guys just say, "All right, let's go home," or one person admits that they were wrong. I don't know what the goal is, although I do know what it's like to feel emotionally charged in that moment.

So I do know what it's like to almost make that bad decision. Fortunately for me, I've never pulled off the road or done something that I knew would absolutely dramatically put myself in danger, but I've certainly gotten to the point where I'm mouthing words or waving hands, and just fortunately one or both of us had that line that they wouldn't cross. And I just wonder what it takes sometimes, but I do think you're right, Shawn. It's usually otherwise law-abiding, pretty even-tempered people that wind up in this

situation. Add in a variable—alcohol or drugs or just a horrible day leading up to it and you have someone who's willing to go that next step and just ruin everybody's life.

Shawn Vincent:
Well, Steve introduced me to the idea of becoming emotionally hijacked, and we talked about our lesson number eight is “don't get emotionally hijacked” and to start to recognize the things in yourself, what your hot buttons are, so that you can try to avoid those. And if you're in a situation where you feel your hot buttons getting pressed, for me it would be if I have to send something to my printer, as we established, be aware so you can help mitigate that. But I think at the same time, the extension of that is that you have to assume that other people can be emotionally hijacked as well. And John, I got to ask you, from your time in law enforcement, I think it's a foolish cop that's going to assume that every person that they encounter is going to be respectful, rational, and sane.

John Hearne:
Oh yeah. Well, absolutely, it depends on where you worked. I spent four years working around Lake Mead out in Las Vegas, and I had no idea that people could consume alcohol in those quantities. It was amazing to me, I guess, from my rural Virginia upbringing. But I remember going, you've got guys on jet skis and there's literally a folding table set up and there's Sam's Club bottles of Jack Daniels and vodka and all that sort of thing. I mean, alcohol is an amazing form of the stupid juice. The running joke is that all men have two forms of stupid juice, testosterone and alcohol. And when you mix the two together, you get some pretty catastrophic results. You've got the chemically impaired, you've got the... I think the common element is a violation of a sense of justice and being aggrieved, like I am a righteous man kind of thing.

Starting off with I am the righteous man is a pretty good start to that road down that emotional hijack. And again, once somebody's on that road, you're probably not going to be able to get them off with just words or actions. I mean, disengaging is always a great thing if we're talking about this from a self-defense perspective.

Shawn Vincent:
I just want to mention this because I told John in our last podcast, when I told you a little bit about the *36 Lessons*, we kind of had more at one point, consolidated some, and got rid of some. There was one that almost made the list, which was “beware of prairie justice.” And when he's talked about the righteous man or someone who feels that, we touched on this in our last conversation about don't start needless arguments, that there's some sort of universal justice that needs to be addressed, whether it's good driving on the road or whatever that... I don't know, there can be an emotional response to those perceived violations. And then when somebody feels that they're being scolded, they can have an emotional response in return. It's sort of like this reciprocal devolution into madness.

John Hearne:

Yeah. And I would think that a lot of those road rages are two righteous men encountering each other. They are both convinced of their righteousness, and I think that's what tends to trigger those. We were speaking of the road rages. The ones that scare me are not so much like where there was no contact between the vehicles, but suppose there's a minor crash, collision, that sort of thing, and you're supposed to pull... It's one thing to pull over over words. I think we used to call that mutual combat, but there also is going to be a time where you may have to literally pull over maybe somebody you just ran into the back of at a stoplight or something like that. Those are also situations that are rife and have less off ramps there for you.

Shawn Vincent:
We talked about that case recently. Help me out, John. This is Alexander...

Don West:
Weiss.

Shawn Vincent:
Weiss from Minnesota. And so he actually stopped. A car had crashed into an embankment a little bit. There were teenagers showing off, it turned out, to the girlfriends in the backseat. He stopped a car to get out to check on him, but they didn't see him pull in front of him and then they rear-end him. And then he gets out to be like, "All right, well, let's deal with this." They get out, accuse him of causing the accident, and apparently say they're going to kill him if he calls the police, and everything devolves from there. He ends up shooting one of these guys. Now, surprise, these are teenagers who are trying to impress girls and they were high. But just to go right back to our theme, Alexander Weiss approached this from, "I'm here to help. Oh, now we have to be responsible about how we handled this accident." And he'd actually gone back to his car to call 9-1-1, having to grab his pistol while he was there, but explained to a jury twice, because they were both mistrials for hung juries, that he didn't leave because he's a law-abiding citizen.

He didn't feel it was right to leave the scene of an accident. So you have somebody who's acting almost prudishly rationally with somebody who's completely off their rocker and not adhering to any social norms. And that's just a recipe for disaster. So to go back to your mindset, I think if you're an armed defender and you have that solution in your pocket or in your holster, you've got to open up your mind, your mental map to anticipate that the people you deal with or might be forced to deal with are nuts.

John Hearne:
Yeah. I don't think there's any perfect answers here. I think that in that case, suppose you are involved in a minor offender bender, you still do have an obligation to stop. I would probably get on the phone with 9-1-1 before the vehicles came to rest, so everything's being recorded from that point forward. But it's like this, if you get out and you expect to exchange insurance information and the door slams open and you can hear dude yelling before he gets out of the car, that's not somebody who you're probably going to exchange information with. I think you have to fulfill the obligation to stop as

far as that goes, but also have in your mind, there's an off-ramp here, there's a branching decision, this is going to be a typical event, this is going to be an atypical event, and be prepared to deal with both contingencies.

Shawn Vincent:
We see in these places where the refusal to bend a minor rule causes a good guy with a gun to get into trouble with somebody who's not recognizing any rules. We've talked about this case where his car was operational. He could have driven a block away and explained to law enforcement why he left the scene.

Don West:
Yeah.

Shawn Vincent:
And that's from a legal perspective, Don, much easier to defend leaving the scene of an accident than homicide?

Don West:
Yeah, because that was the end of that story, wasn't it? It just went more and more and up and up, and finally there was this face-to-face confrontation. In fact, Sean, that's the case where he was dared to shoot him. Am I right? He dared...
Shawn Vincent (46:16):
He pointed the gun at this guy's chest. His name was Noah Dukart, and the guy said, "Go ahead and do it then," essentially. So yes, yes, provoked, dared to do it, not what you'd expect, right? Unexpected response, not rational.
Don West (46:38):
It's hard to factor that in as a destination in your mental map, isn't it? When you're figuring out what do you do in that situation when you're face-to-face with somebody, and they dare you to shoot them. I know, I can tell you that's not a good choice to make. That would be the wrong decision to actually fulfill their wish.

Shawn Vincent:
That's not justification, legally. All he asked for it. Yeah. John, tie that into our mental map schema while we wrap this up.

John Hearne:
Well, I just think so part of the value of a mental map is it gives you a way to expect reality to unfold, but it should also give you some key decision points along the way. The one I just used, for example, "Hey, I'm getting out of my car" or "we're going to exchange information and the dude is irate." That's a different branching decision as far as that goes versus I've rear-ended a 70-year-old woman and she's coming out on a walker to exchange information. I think that the mental map isn't just a map, it's an explanation of possible destinations based on what the environment is telling you to do as far as that goes. I was talking to a friend of mine, and we were discussing, I didn't get as much press, what you call Hackathorn's priorities. Hackathorn said that the most important

things you can have is situational awareness, decision making, and then finally technical shooting skill.

We talk about situational awareness all the time, but the brother to situational awareness is that decision-making part of it. Based on what I'm observing in the environment, what do I need to change to put me in the most advantageous position?

Shawn Vincent:
Yeah, I love it. So in our conversation about situational awareness with Claude Werner, who I assume you at least know of, right, John?

John Hearne:
Oh yeah, I have breakfast with Claude every time I drive through Atlanta.

Shawn Vincent:
Through Atlanta. Perfect. And so he brought up, especially that, he taught me about the idea about *intelligence preparation of the battlefield*, which I'm going to get the terminology wrong, I'll get it right for the article, but essentially looks at looking at an actual map, but it could also be a mental map or a schema for where are the points where a decision is going to have to be made and then making that decision in advance, understanding that you may have to improvise once you get there if things don't happen the way you expect. I like to think in my life that all surprises are a failure of imagination, but the idea of... I like what you're saying is when you're navigating a map, you have waypoints. And so when you talk about decision points, that is building a mental map of these scenarios and knowing...

Because at each one of those points, if you recognize them as decision points, then you can have your predetermined, your default decision that you can edit on the fly as the circumstance changes. But Don, each one of those points, if you can explain your thinking there, if things go to the worst-case scenario and you have to use force, those all lend themselves to your legal defense if you have to justify it in front of a jury, right?

Don West:
I think it always boils down to that eventually is that if you can explain what you are thinking and why, and if it was reasonable to you, it's much more likely it's going to be reasonable to them, them being the jury, the people that have to decide for themselves whether or not essentially if they were in your shoes, would they have done the same thing or would it be reasonable for you to have done what you did? So absolutely, yeah. And I think people fail sometimes to appreciate the importance of being able to articulate their decisions. So it's really simply reflecting, thinking about it, and making an informed decision under the circumstances. Interestingly, as we all know here, that you don't actually have to be right. You can misperceive some things, you can make some mistakes, you can even make some bad decisions, but as long as you can explain it and it seems reasonable, then you fulfilled your responsibility, I think, under your use of force in that situation.

Shawn Vincent:
Sure. Like Charles Dorsey was wrong about the motives of the person who broke into his house, but he still had someone break into his house and his misunderstanding was reasonable under the circumstances, and he faced no charges. Yeah.

Don West:
Yes, of course.

Shawn Vincent:
Yeah. Steve, before we wrap up, is there anything that we didn't address in this topic that you'd like to explore?

Steve Moses:
Well, I don't know that we missed it, but just something I'd like to throw in. We talked about an encounter in which the armed defender pointed a gun at another person and the person went ahead and attacked him with a crowbar. And that action seems very irrational to me as to why would you attack somebody with a crowbar when they have a gun? Well, one of the things that a lot of people don't realize is that I don't know if they still do it, but back when I was in law enforcement, it was very common for police officers to point the muzzles of their guns at career criminals in order to enforce compliance. They literally may have had guns pointed at them, basically their teenage years, their adult years. They've had guns pointed at them with no bad negative thing taking place. And it's different when you're working with civilians. And so the fact that we think that's so irrational to him, it's like, "Well, I've had guns pointed at me all my life. This is no big deal."

Shawn Vincent:
Who the hell are YOU? Yeah.

Steve Moses:
Or they think he won't shoot. And so the whole thing is just to understand that they may not and probably don't think like us. And so anything we can do to not exacerbate the situation, we need to be working on that the entire time as much as possible.