

**David McDermott, Founding Partner McDermott Law Group and USCCA Network Attorney**

**March 4, 2025 Written Testimony to the**

**U.S. House of Representatives Judiciary Subcommittee on Crime and Federal Government Surveillance**

Good morning, Chairman Biggs, Ranking Member McBath and distinguished members of this Subcommittee. Thank you for the opportunity to appear before you to share my experiences as one of the leading self defense attorneys in the country.

My name is David McDermott. I've been a private criminal defense attorney for 27 years. I am the founding partner of McDermott Law Group, LLC (also known as Not Your Typical Attorneys). Over the past ten years, I've focused on the niche area of defending people after they've had to defend themselves. I refer to these cases as self-defense cases, although the prosecutor's office refers to them as murder cases, attempt murder cases or a host of other cases stemming from criminal charges. I've provided legal representation to hundreds of people throughout the country, after they've been involved in a self-defense incident; and you'd be hard pressed to find anyone that's litigated more of these cases. I have appeared on or in multiple news channels, radio shows, podcasts, magazines and newspapers to discuss these cases and/or answer questions concerning self-defense laws. I have given countless lectures, in front of thousands of people in multiple states throughout the country, on the issue of self-defense. And I've garnered a nationwide reputation for consistently securing not guilty verdicts after successfully asserting self-defense on behalf of my clients.

A good number of the people that I have represented in this manner are US Concealed Carry Association Members, otherwise known as the USCCA. For those of you who don't know, the USCCA is one of the largest and fastest-growing organizations dedicated to educating and training responsible gun owners. I am a proud member of the USCCA and one of the critical response attorneys for over 860,000 members, nationwide. Training and education are paramount to being a responsible gun owner; and, in my opinion, nobody does this better than the USCCA. This type of exposure and knowledge helps people to navigate through these stressful and highly intense

situations; to better understand what they should and shouldn't do; and, where necessary, to save lives in doing so.

I'm incredibly passionate about what I do for a couple of reasons. First, I believe in what I do. I believe in a person's constitutional right to protect him or herself and/or others. Second, I was a victim of a random act of violence, which allows me to personally relate to the fear that my clients describe when they find themselves in similar situations.

At the age of 17, I was walking with my then girlfriend (now wife), Dana, one of my sisters and a few friends, when a large group of gang members ran over to us. As they grabbed the hat off of the head of one of my friends, I quickly turned to my sister and Dana and told them to run. I was certain we were about to be attacked. As soon as I could say this though, I was hit very hard in the head with a blunt object. I immediately went down to my knees as I was beaten repeatedly with a lead pipe and a baseball bat. Dana and my sister were held at gunpoint as these gang bangers continued to beat me bloody. As luck would have it, a police officer happened to drive into the parking lot next to the concrete sidewalk where this was taking place, and the gang members took off running.

Nobody wakes up and says "I hope today's the day where I get attacked and I don't know whether I'm going to die or not." Unfortunately, these acts of random violence happen. We often see or hear about these incidents in the news, when we turn on the TV or the radio. With such a focus and emphasis on violent crimes, it comes as little surprise that more and more people have decided to purchase firearms to defend themselves.

Many people find themselves in situations where they are forced to defend themselves and then being criminally charged after doing so. My firm had five self-defense jury trials set in the month of March alone, one beginning each Monday. The first of these trials was scheduled to start yesterday, but just last week we were able to convince the prosecutor to dismiss the case against our client.

Unfortunately, I have no shortage of exposure to these types of cases. Which is why I'm excited to be in front of you, to share some perspective as to what occurs AFTER someone has had to defend him or herself. I often say that with self-defense shooting cases, you can go from being a victim of an attacker to being a victim of the system, as quickly as you can pull the trigger.

Our system is flawed when it comes to self-defense, as there is a lot of ignorance when it comes to this topic. The fact that we lack uniformity in our nation's laws is a significant contributing factor.

For example, if you're being attacked and you reasonably believe you are about to receive great bodily harm or death, some states require that you attempt to run or flee from your attacker before using lethal force to defend yourself; while others allow you to stand your ground and defend yourself where you are (provided you're legally entitled to be there). Whether and how you can defend yourself shouldn't come down to what state you're in. Everyone should have the right to defend themselves in the same way.

The disparity between these different rules of engagement concerning self-defense has caused a lot of confusion. From my personal experience, this confusion is not merely confined to people outside of the legal profession, but people in the legal profession as well. I have seen attorneys - defense attorneys, prosecuting attorneys, and even judges that have been mistaken about the self-defense law(s) of the jurisdictions in which they practice.

If this isn't bad enough, there's such a negative stigma concerning firearms in this country. Many people believe that all firearms are bad, some even going so far as to believe that people that own firearms are bad as well. Many believe people shouldn't be able to carry, or to defend themselves with firearms. Some of these people that share these beliefs are judges; others are potential jurors.

Imagine being the victim of a violent attack, being robbed, being carjacked. Imagine you reasonably believe you are about to receive great bodily harm or death. Imagine that the only way to stop this threat is to shoot the attacker. Imagine protecting yourself under these circumstances. Now imagine a legal system that is divided in terms

of how it perceives this incident. A system that regards you as the criminal after defending yourself. A system that arrests you. A system that criminally charges you. A system where attorneys and/or judges don't apply the correct law. A system where you are being prejudged, merely because you own a firearm and/or because you chose to protect yourself with that firearm.

This is not the system we want in place for the citizens of the United States.

Thank you for the opportunity to testify on this important topic. I welcome your questions.