

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEREMY W. LANGLEY, et al)
)
Plaintiffs,)
)
v.)
)
BRENDAN KELLY, et al)
)
Defendants.)

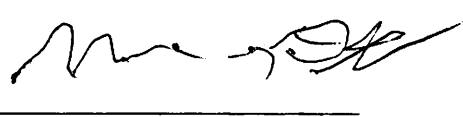
Case No. 23-CV-192-SPM

SWORN STATEMENTS OF MICHAEL DENNIS

Comes now Michael Dennis, and under penalties of perjury, states as follows:

1. My name is Michael Dennis. I am NOT a party in or to the above styled case.
2. I submitted an expert report in this case. A copy of it is attached. All of the factual statements in it are true, to the best of my knowledge and belief.
3. That the opinions in said report and mine, and remain the same on this date.
4. If I were called to testify live in this case, I would testify as follows and consistent with what is said in my attached expert report.
5. I am a citizen and resident of Illinois and the United States. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 9-5-2024.



Michael Dennis

Colonel Michael M. Dennis, Ret.

East Carondelet Police Department

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June 9, 2024

In response to certain opinions stated by persons hired by state parties, I have been asked to give my opinions on; historical firearms use and current firearms use in Police and civilian settings, the effect of firearms including the effect of firearms in self-defense shootings, and the popularity and commonality of certain firearms accessories and certain types of firearms and their relative use in defense of life and liberty under various circumstances.

My expert opinions are based upon a lifetime of shooting and hunting and over 12 years of training and service starting as a First Responder and Volunteer Firefighter with the Edwardsville Fire Department, 9 years and as an EMT/Paramedic in East Saint Louis Illinois, as well as about 2 years as a volunteer Paramedic with The Dupon Fire Department. My expert opinions are also based upon my 10 years of training and service with the East Carondelet Police Department including as a Police Firearms Instructor with an expert rating. I am also an Illinois State Police Certified Concealed Carry Instructor as well as a certified Youth Shotgun Coach and Certified Range Safety Officer as well as a type 07 FFL.

As an EMT/Paramedic in a disproportionate share community I was one of the first on scene for numerous scenes involving gunshot victims and learned firsthand and through follow up education working with Law Enforcement, Crime Scene, and the Coroner's office, the real effects of various firearm types and their calibers related to the outcome of those shootings.

I come to this court with a couple of issues in mind.

1 - Why do Police Officers Carry firearms?

a - The simple answer is. The defense of self and others.

2 - What do Police Officers and their departments choose as the best firearms for the defense of self and others?

a - overwhelmingly Semi-Automatic Handguns with magazine capacities of 15 or more rounds (and box magazine fed,) and Patrol Rifles like the AR-15 (with 30 round box magazines.)

3 - How are those guns used in the civilian market other than for self-defense?

a - The International Defensive Pistol Association (IDPA) is one example of civilian use of higher capacity handguns for competition. With over 25,000 members in the us alone. IDPA competitions are fast moving and geared to real world examples of defensive pistol use, with the vast majority of the competition dominated by 15 round or more capacity 9mm or greater semi-automatic handguns.

a - The United States Practical Shooting Association (USPSA) webpage says it best:

“For 20 years USPSA competition has provided a test bed for equipment and techniques, many of which are now the standard for police and military training. Some of USPSA's top competitors are regularly employed as trainers for elite police and military units. Today, USPSA matches are conducted every week by the nearly 400 affiliated clubs all over the United States. For most people, practical shooting is pure sport conducted with little or no thought of the self-defense aspect of firearms use. However, USPSA members are generally the most proficient shooters in the world as witnessed by their domination in the world of firearms competition.” - <https://uspsa.org/pages/history>

4 - How can simple firearms be used to defend liberty from tyranny?

a - the initial way these firearms defend liberty from tyranny is sheer deterrence. In the event of local or national politics reaching beyond their scope; the mere fact that so many firearms of the type useful for self-defense are in the general population, prevents unrestrained political will from going door to door before the public can weigh in on new and unexpected changes.

a- One way this manifest is the fact that gun ownership is part of the considerations Law Enforcement uses to determine when and how to approach arrest warrants, and is a significant calculation into how much manpower and equipment must be brought to bear. This is a significant factor in determining what time, tactics, and environments would be best suited to avoid a violent confrontation.

a - As an example I refer to the “battle of Athens.” August 1st, 1946, in response to severe local corruption, usurpation of power, and election fraud; returning veterans from WWII

took up arms and defended the integrity of the election by force after one of their own was attacked and shot at a polling place during a tense election. As their claims were proven to be accurate, the veterans were not prosecuted, but by most accounts ultimately secured the election.

a- Even in the event of social unrest or foreign attack, we have seen many situations at home and abroad, even recently in other countries, where Law Enforcement was overwhelmed or unprepared to defend the civilian population for extended periods of time. Having the ability to defend oneself and those they love instantly becomes a lifesaving need that cannot wait for debate or response from others.

So, if the need to prevail in a gunfight is critical to the defense of self and others; and those most likely to encounter a need to deploy a firearm in the defense of themselves and others can most often be found in Law Enforcement; then it is most likely they have chosen the firearms most suited to the task.

It is clear that the State of Illinois agrees with my premise that the weapons chosen must fulfill the sole purpose of the defense of self and others.

Illinois Statute 720 ILCS 5/7-5 paragraph (d) starts with the first sentence.

(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life.

This is a good part of the definition of the common phrase "the defense of self and others."

While Police Officers are expected to enter into situations to enforce rules and laws, the ultimate question of why they are armed and with what firearms is exemplified by that simple definition of the use of deadly force as written by the State of Illinois.

Regardless of what situation a civilian may find themselves, they too are afforded the right to self-defense under Illinois Law as found under 720 ILCS 5/7-1.

(720 ILCS 5/7-1) (from Ch. 38, par. 7-1)

Sec. 7-1. Use of force in defense of person.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which

is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.

As the two statutes show, the ultimate right of defense of life remains essentially the same as "such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony."

As a Firearms Instructor for both Law Enforcement and Civilians the firearms selected by the students (or their departments in the case of most Police Officers,) were the same with only a few exceptions.

As I have learned over the years by studying and witnessing outcomes of various shootings, gunfights are not a simple matter of a single hit on a target.

Two notable cases stand out:

April 6, 1970 - The Newhall Incident - California Highway Patrol

Two CHP Officers pulled over a vehicle with two criminal suspects. While the CHP Officers were put into the position of having to defend their lives by way of their job duties... the ultimate battle to defend their own lives was a snapshot of what a gunfight looks like in real life. That fight included two more arriving CHP Officers as well as a

Good Samaritan who attempted to help by using one of the fallen officers' handguns.

Over the course of about 4 and a half minutes 4 well trained Police Officers were killed by only two suspects armed with revolvers. The Good Samaritan ran out of ammunition and being unable to help further ran and took cover and survived having only been pistol whipped.

The Officers followed their training and used what was at the time believed to be the best firearms for their self-defense. It is important to note that they fought exactly how they were trained. It is equally important to note that neither side had the advantage of body armor, so it

was purely an exercise in handgun combat, despite one Officer having also deployed his department issued shotgun.

It was a hard lesson that six shots in a handgun in a sudden defensive shooting caused a critical time delay that altered future training and the discipline of self-defense to increase the efficiency and speed of reloading. It ultimately became one of the main events that led to higher caliber large capacity magazine box fed handguns being recognized as necessary for the defense of self and others.

April 11, 1986 - The FBI Miami Shootout - FBI

8 FBI agents attempted to stop two armed suspects in a vehicle. It is believed that in under 5 minutes 145 rounds were fired. Two FBI agents were killed and 5 were wounded. The two suspects did die at the scene.

The incident highlighted that the revolvers and 9mm handguns were insufficient for the agents to defend themselves. The FBI researched larger calibers and higher capacity handguns with specifications for agents to be armed box magazine-fed semiautomatic pistols. To this day they are armed with larger caliber handguns with higher magazine capacities.

For the purpose of self-defense, it was determined that gunfights required more shots to be fired in defense, (and in greater caliber than .38 caliber and .357 caliber,) regardless of training, as the real-world environment does not provide clear targets while under stress and under fire.

Law Enforcement involved shootings continue to be a good example firearm use for self-defense. They are often well investigated and studied for future policies and training. This includes the selection of firearms and calibers as well as tactics and equipment.

While they find themselves encountering criminal suspects more often than a civilian, those criminals are part of our population, and their attacks on their fellow Americans are well documented.

Home invasions and armed robberies routinely involve multiple armed suspects. The fact that these suspects are encountered by Law Enforcement, and that the well-studied outcome of members of Law Enforcement defending themselves with firearms is helpful for the purpose of understanding the position of anyone who may need to defend themselves from armed criminals with firearms; especially while waiting for Law Enforcement to arrive.

In my training and experience the vast majority of firearms chosen by Police

Departments in Illinois are those readily available to civilians. This is not by accident. The consumer market supplies some of the best firearm solutions for everything from sport shooting and hunting to self-defense. As noted by the USPSA website, those weapons are tested heavily in competition shooting and ultimately chosen for the very qualities that Law Enforcement demands.

The Illinois State Police began carrying a civilian 9mm semi-automatic handguns with a magazine capacity of 15 rounds in 1967. In 1999 they went through a lengthy selection process involving over 23 weapons from four manufacturers before settling on the Glock 22 .40 caliber with a magazine capacity of 15 rounds, again a civilian weapon that had been growing in popularity around that time.

Patrol Rifles were selected by each agency or in many cases by the individual officers but again, they were selecting from civilian firearms in common use. I've trained Officers on semi-automatic rifles including the semi auto versions of the SKS and AK platforms, but most commonly Officers and departments select the civilian semiautomatic AR-15. Furthermore, from discovery in this case it's clear that the Illinois State Police itself uses copious quantities of AR15 rifles themselves.

Given the same demand that deadly force be for the defense of self and others regardless of which weapon is chosen, the overall consensus in Law Enforcement is the AR-15 platform is best suited for their patrol rifle. It is the most readily available and adaptable for the application, mainly because it is in common use in the civilian market to fulfill the role of a reliable self-defense firearm.

The same factors that make the AR15 pattern of firearm ideal for Law Enforcement purposes, such as the defense of self and others, also make it ideal for home defense. Reasonable caliber, light recoil, adequate ammunition capacity, fast efficient reloading, ease of use, and a stable platform are all requirements of a safe home defense firearm. Furthermore, the standard caliber of these types of firearms is an intermediate power cartridge which provides greater safety to bystanders than for instance standard hunting rounds such as the .30-06 Caliber and other high-powered calibers which can over penetrate and injure innocent people.

Contrary to certain assertions, the intermediate power cartridges such as the .223 cal. and 5.56 cal. do not cause the same trauma as their full power analogs which were specifically designed for lethal effectiveness at longer ranges against large animals. In fact, the intermediate cartridges are not legal for hunting anything more than small game in many states precisely because they are not as effective at quickly and efficiently stopping anything larger than small game.

My opinion is that we are all given the right of self-defense.

The State of Illinois has been clear that deadly force is reserved for the defense of life. Specifically, it is the force necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

The State of Illinois has specifically chosen the weapons and platforms best suited for self-defense through hard learned lessons from around the country.

The State of Illinois has already clearly chosen to purchase and deploy handguns with larger calibers and larger capacity magazines with most being 15 rounds, as well as AR-15's and other semi-automatic rifles precisely because that is what is desperately needed by those who find themselves in need of using a firearm to defend human life.

There has been some assertion that the AR15 pattern and other semiautomatic firearms are "like" machine guns. While the platform itself was derived from the fully automatic M16 machine gun. The AR15 by all legal definitions and rules cannot be easily converted to fully automatic. In order to convert a semiautomatic AR15 to fully automatic would generally require a milling machine, a drilling jig, an auto sear, a new bolt carrier, new trigger parts, and delicate fitting generally by a trained gunsmith. This is also generally true for AK47, SKS, and other similar pattern firearms. The receivers for the semiautomatic firearms at issue in this case are intentionally dimensionally different from the point of manufacturing to intentionally preclude their conversion to fully automatic. In fact, the only common firearm that has an identical receiver for the fully automatic and semiautomatic versions is the .30 caliber carbine which is NOT prohibited by this statute.

It is not a common occurrence among law abiding gun owners to expend the effort needed and risk their reputations and possible incarceration. As a Paramedic and member of law enforcement I have never come across a firearm that has been converted to fully automatic. This is not to say I have not come across fully automatic weapons, but generally they were either illegally imported, stolen, or were lawfully owned by Law Enforcement or other legally authorized people.

As to "grenade launchers" and or "flare guns" as relates to ammunition that is actually available on the civilian commercial market, there is no appreciable difference between the two items. High explosive grenades are so highly regulated by the federal government that even for law enforcement they are essentially unobtainable. The only ammunition on the market for these types of launchers are inert practice rounds, flare rounds, and smoke rounds.

While tear gas rounds are available to law enforcement and can be found on the black market, they are largely unavailable to non-governmental purchasers. By contrast in the event of a major catastrophe or foreign borne attack, the US Military could easily distribute those rounds to

properly familiar owners with minimal training to immediately boost the effective defense of the US.

In addition, Coast guard regulations require many vessels to have flare capability in the event of emergencies. The commercially available flare guns are often plastic whereas aluminum and composite "grenade launchers" are more substantially built and robust giving better reliability in the event of an emergency.

Finally smoke discharging rounds can be useful both for practice and to mark areas in need of assistance such as rural emergencies requiring air medical transportation. In fact, the only difference between a "grenade launcher" and a "flare gun" is the durability of the launcher.

As for 50BMG rifles and ammunition, as a general proposition they are essentially a scaled up .30-06 caliber rifle. In my training, education, and experience as a law enforcement officer I have never seen a weapon of this caliber being unlawfully used. As a gunsmith / gun dealer I am aware of the use of 50 BMG rifles being used in long range marksmanship competitions.

In summary, none of the firearms or magazines prohibited by PICA are rare or unusual. In fact, they are ubiquitous. The mere fact that they exist in the civilian market aids Law Enforcement and the military as shown through examples like the USPSA explaining how rigorous use helps improve the technology and platforms that are most reliable.

The State of Illinois has already agreed to my premise in that they had already reached this conclusion and chosen these very same weapons for Law Enforcement to use in the defense of self and others.

Respectfully Submitted,



Michael M. Dennis, 6/9/2024

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Colonel Michael M. Dennis, Ret. ECPD

Employment Experience

1/2016-current Scorpion Home LLC. Bunker Hill, IL
Operations Manager / Consultant

- Custom Home Remodeling
- Custom new additions and decks

8/2009 – 8/2019 East Carondelet Police Dept. East Carondelet, IL
Police Officer

- Patrol and Investigations
- Highlight Investigation – Class X Charges, Pred. Crim. SA. of a
Minor
- St. Clair County Sherriff's Department DTU / Gang Suppression
Details

2002 - Current Business Administration Edwardsville, IL
Operations Manager / Consultant

- Business Owner / Operations Manager
- Top 10 Ranked St. Louis Area Nextel Dealership over 6 years
- Sign Company and Construction Company startups for last 3 years

1993 - 2002 Simmons Ambulance Co. East Saint Louis, IL
Paramedic / Shift Supervisor

- Provide Advanced Life Support care in disproportionate share
communities.
- Coordinate Ambulance Operations for midnight shift

Education	2010	Southwest Illinois College	Belleville, IL
	Part Time Police Academy – SESSION 18		
	<ul style="list-style-type: none">• Basic Part Time Police Classes and Training – TOP ACADEMIC AWARD		
	1996 - 1997	Southwest Illinois College	Belleville, IL
	EMTP (Paramedic)		
	<ul style="list-style-type: none">• Advanced Life Support Classes and Training		
	1992-1993	Southern Illinois University	Carbondale, IL
	Pre-Med		
	<ul style="list-style-type: none">• Pre-Requisite Classes for Bachelor of Science degree		
	1986-1990	Edwardsville High School	Edwardsville, IL
	High School		
	<ul style="list-style-type: none">• General Education Diploma		

Certifications

- **Part Time Academy Top of Class Award - 9/2010- State of Illinois**
- **40 HR Mandatory Firearm Training –10/2009- State of Illinois**
- **Defense Tactics- 2/2010- Southwest Illinois Police Academy**
- **Close Quarter Hand Gun- 3/2010- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Basic Patrol Rifle Familiarization and Qualification- 4/2010- Southwestern Illinois Law Enforcement Commission MTU #14**
- **Advanced Patrol Rifle – 4/2010- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Standardized Field Sobriety Training - 4/2010- State of Illinois**
- **Hazardous Materials Awareness- 6/2010- Illinois Emergency Management Agency- Illinois Law Enforcement Training and Standard Board- Illinois Fire Service Institute**
- **Southwestern Illinois College Vice President High Honors List -6/2010- Southwestern Illinois College**
- **Police Firearms Instructor -With Expert Certification- 8/2010- State of Illinois**
- **Police Rifle Instructor 8/2010- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Juvenile Police Officer – 10/2010- State of Illinois**

- **Rapid Response to Active Shooter Training -12/2010- Advanced Law Enforcement Rapid Response Training**
- **Basic Investigator Course -1/2011- State of Illinois**
- **Firearms Use of Force Instructor -2/2011- Illinois Law Enforcement Training and Standards Board**
- **Flashlight Techniques for Handgun and Long Gun -3/2011- Southwestern Illinois Law Enforcement Commission MTU#14**
- **New High Techniques Investigation Techniques - 4/2011- Southwestern Illinois Law Enforcement Commission MTU#14**
- **St. Clair County Sheriff Department Commission - 8/11- St Clair County Sheriff Department**
- **Police Rifle Instructor- 9/2011- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Precision Rifle Qualifications and Training- 9/2011- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Officer Safety and Career Survival for Law Enforcement -1/2012- Lifeline Training Inc**
- **St Clair County Sheriff Dept Acceptance Letter- 1/2012- St. Clair County Sherriff Department**
- **Lie Detection Skills for The Patrol Officer- 3/2012- Southwestern Illinois Law Enforcement Commission MTU#14**
- **Severe Weather Observation Training - 5/2012- The Traveling Weather Show**
- **Full Time Law Enforcement Approval -8/2012- Illinois Law Enforcement Training and Standards Board**
- **AWR 147 Rail Car Incident Response -8/2012- Rual Domestic Preparedness Consortium**
- **EVOC -101 Web -8/2012 -Southwestern Illinois College**
- **Law Enforcement Transition -8/2012- State of Illinois**
- **Transformation To Leadership -12/2012- State of Illinois**
- **NIM ICS All-Hazards Public Information Officer -10/2012- Emergency Management Institute**
- **Transformation to Leadership Effective Police Supervision -12/2012- Illinois Law Enforcement Training and Standards Board Executive Institute**
- **Report Writing Editing /Proofing for Supervisors & FTO's -2/2013- Southwestern Illinois Law Enforcement Commission MTU#14**

- **Colt M16/AR-15 Rifle- 4/2013- Colt Defense**
- **Colt .45/ Model "O"- 4/2013- Colt Defense**
- **Emergency Medical Dispatcher -7/2013- National Academy of Emergency Medical Dispatch of the United States of America**
- **Advanced EMD Certification -7/2013- National Academy of Emergency Dispatch**
- **Field Communications -8/2013- IL-TERT**
- **Basic Public Safety Telecommunicator Training Program -1/2014- State of Illinois**
- **Freedom OF Information Act Training -11/2015- State of Illinois**
- **NRA Shotgun Coach 8/23 National Rifle Association**
- **NRA Range Safety Officer 10/23 National Rifle Association**