



Written by [Joe Wolverton, II, J.D.](#) on June 24, 2023

Man Faces Life in Prison for Owning an Unlicensed Firearm

Charles Foehner, 65, was about to be mugged. Surveillance footage recorded by a camera near the parking garage in Queens, New York, where Foehner was walking shows another man — Cody Gonzalez, 32 — approaching Foehner with the apparent intention of assaulting him.

Foehner pulls out his gun as a warning to Gonzalez, but Gonzalez isn't deterred and continues closing in on Foehner, finally lunging toward him. Foehner fires his weapon, killing Gonzalez.



During a subsequent search of Foehner's apartment, police found several weapons, a few of which were not properly licensed by the state of New York. Just that — the act of owning unlicensed firearms — may soon result in Foehner spending the rest of his life behind bars. Mind you, five of the weapons found in Foehner's apartment had been properly licensed, demonstrating that he obviously isn't someone with a habit of skirting the law.

What's more, not only could Foehner be imprisoned for life for possessing an unlicensed firearm, but his use of that firearm is not being prosecuted! That's right. The district attorney acknowledges that Foehner's shooting of Gonzalez was in self-defense, and he will not be charged in the killing of his attacker.

Understand, my friends, unless this man agrees to some sort of reduced sentence for having failed to comply with a tyrannical and bureaucratic edict, then he will never be free again.

Why would that be? Here's the government's explanation as [published by Reason](#):

"The defendant was on the street with a loaded, unlicensed gun," said Judge Jerry Iannece of Queens Criminal Court in an early June hearing, during which he set bail at \$50,000—double what the office of Queens District Attorney Melinda Katz sought. "There are too many shootings in this city! The court is quite concerned with what we see."

There are too many shootings in every city. That is to say, too many armed attacks on innocent people. Judge Iannece's reasoning reveals the misunderstanding from which so many Americans suffer: if we get rid of guns, we get rid of "shootings." The only problem is, people depraved enough to kill people won't care about confiscation, and that won't affect their ability to acquire a weapon. They've already made a choice to commit the most heinous crime conceived in the minds of men: murder. Such a person as that won't be deterred in the slightest by some state or federal regulation aimed at making the purchase of a weapon more difficult.

Why would they care about such a relatively insignificant rule when the most significant of all rules means nothing to them? Here's how the influential Italian jurist Cesare Beccaria explained the futility of



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laws against keeping and bearing arms in his essay “On Crimes and Punishments”:

Can it be supposed, that those who have the courage to violate the most sacred laws of humanity, and the most important of the code, will respect the less considerable and arbitrary injunctions, the violation of which is so easy and of so little comparative importance? Does not the execution of this law deprive the subject of that personal liberty, so dear to mankind and to the wise legislator; and does it not subject the innocent to all the disagreeable circumstances that should only fall on the guilty? It certainly makes the situation of the assaulted worse, and the assailants better, and rather encourages than prevents murder, as it requires less courage to attack unarmed than armed persons.

Along those lines of subjecting the innocent to the punishment that should only fall on the guilty, it is worth pointing out that Foehner’s potential sentence is longer than the duration Gonzalez, with a criminal record of at least 15 prior arrests, had spent incarcerated. Moreover, it exceeds the punishment Gonzalez would have faced had he survived and been prosecuted for the attempted robbery.

The fact is that there are government officials — the district attorney and a judge — that would see an otherwise law-abiding man spend the rest of his life in jail for defending himself against someone who has a habit of breaking the law, all because the former used a gun.

That is the heights to which the gun-grabbing mania has ascended in America. You can be a career criminal and get caught on camera trying to rob an innocent person walking down the street, but if that innocent person defends himself by firing a gun at you, he’ll spend the rest of his natural life in prison and you’ll be back breaking the law after a few years.

Despite the various articles that have covered this story, most of them focus, and with good reason, on the tragedy that would be the sentencing of a man for failing to register a firearm. But the point of this story is not only that Mr. Foehner could spend the rest of his life in prison, but that he could spend the rest of his life in prison because he failed — whether intentionally or not — to comply with an unconstitutional infringement on the right to keep and bear arms.

In other words, no one in a country with a Constitution that includes an explicit protection of the right to keep and bear arms and an explicit prohibition on government infringement of that right should face even a day in prison for owning a firearm, much less a lifetime.

The irrefutable fact is that Charles Foehner is not a violent man. He has no history of violence or recklessly discharging his weapons. He is facing life in prison because the Second Amendment is just another part of the parchment barrier that the Leviathan has torn to shreds.



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