

Electronic Newsletter

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[The Law Firm of Stephen M. Reck, LLC](#)

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Text Kills Documentary in the Works, Funding Sought



Please Consider Supporting this Worthy Project

The fundraising deadline is fast approaching for the planned [Text Kills](#) documentary "Smartphones of Mass Destruction." Text Kills® is a donation-supported outreach program that partners with law

enforcement, fire/safety authorities, schools, other non-profits, community outreach programs, and corporate safety officers in an effort to educate and increase public awareness concerning the dangers of cell phone use while driving or when used to bully and harass (text-bullying and cyber-bullying). Text Kills® works with Bully Buster USA™ in community outreach and safety awareness, dedicated to educating the public about the deadly issues of distracted driving and text-bullying. To help spread the Text Kills® message of driver safety and responsibility, the Text Kills® Tour Bus traverses the country, collecting signatures on its sides from people pledging not to text and drive.

The [Text Kills "Indiegogo" project](#) is designed to create a one-of-a-kind, educational documentary that focuses on four main aspects of the relatively new, and very dangerous byproduct, of using mobile technology while driving. They will explore and expose what happens chemically in the brain when people engage in texting while driving (TWD), hear from esteemed psychologists on how TWD changes our behavior and affects us psychologically and emotionally, look at the latest technology trends in mobile communications (including an exploration of what lies ahead in terms of technology design), and analyze the "what" and the "why" behind various state and federal initiatives that lawmakers are now planning as part of their effort to discourage distracted driving. [Learn more here](#), including the various perks for all levels of donations. This is a great project with the potential to reach countless people and help save lives.

The Law Firm of Stephen M. Reck Opposes State's Motion to Dismiss *DAFR v. Malloy*

[Attorney Scott D. Camassar](#) filed a [50-page brief](#) with hundreds of pages of exhibits in opposition to the State's Motion to Dismiss the declaratory judgment action filed by Disabled Americans for Firearms Rights and Scott Ennis of New London. Among the exhibits are affidavits from Ennis as well as Jeff Merli, a disabled Marine sniper wounded in Afghanistan, and Jonathan Stanco, a paraplegic, describing how they need weapons like the AR-15 in order to be able to safely and effectively handle a rifle (the Day covers it [here](#)). Also, an affidavit by Christopher Fields, retired special forces and owner/operator of [King 33 Defense Training and Consulting](#) in Southington, explains how the AR-15 is an ideal self-defense tool, particularly for disabled people, who suffer a disproportionately high

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Distracted Pedestrians Walk in Front of Trains

It's hard to believe but happening with increasing frequency around the nation: Someone distracted by their cellphone, iPod or other device walks in front of a moving train, according to transportation experts. It's happening on commuter and light rail tracks, at freight train crossings, and increasingly, on subway platforms. It's difficult to document growth in the trend of distracted pedestrians struck by transit trains because no federal agency tracks such incidents, but there's been plenty of research showing that pedestrians in general are more and more distracted by their electronic devices. Researchers at Ohio State University estimate that injuries related to using a cellphone while walking doubled from 2005 to 2010. In many cases - as with distracted driving - people do it even though they know it's dangerous. Last month, insurer Liberty Mutual released a survey of more than 1,000 adults which found that 60% of pedestrians admit that they walk while texting, e-mailing, talking on the phone or listening to music - even

rate of violence compared to non-disabled people. There was a staggering annual average of about 923,000 nonfatal violent crimes (rape, sexual assault, robbery, aggravated assault and simple assault) against the disabled during the 2010-2011 period, according to a 2012 report by the federal Bureau of Justice Statistics.

Mr. Fields explains that semi-automatic rifles like the AR-15 "are not military weapons and are not used by any legitimate military force anywhere in the world. The AR-15 may look like the fully-automatic M16 rifle, but that is where the similarity begins and ends." Semi-automatic weapons do not "spray" bullets and shoot only as fast as the user can pull the trigger. "Semi-automatic" means the user need not physically manipulate some part of the firearm (such as a bolt or lever mechanism) to put a new round in the chamber after firing a shot. The technology is over 100 years old.

The features banned in the Act, like pistol grips and adjustable stocks, are conveniences that promote safety, stability, accuracy, and ease of use, and are especially important to disabled shooters who do not have the strength or ability to load, hold, or control a rifle in the same manner as people without physical impairment.

Mr. Fields also explains why the ban on so-called "large capacity magazines" is nonsensical and works to the detriment of disabled shooters. "Ten rounds of ammunition is simply not enough for effective self-defense in many commonly encountered circumstances. A would-be victim may face multiple attackers; the attacker may be wearing heavy clothing or even body armor; the attacker may be under the influence of stimulants or other drugs; the attacker may be behind cover; or the attacker may have the benefit of low light or darkness. In stressful situations like these, trained civilians and even trained police will often miss their target when shooting, especially with a handgun and even at close range, which is why more than 10 rounds are needed for adequate self-defense. In fact, a 30-round magazine is insufficient as well. At King 33, I teach self-defense students that they need at least two 30-round magazines, in case one fails."

The people who have the most need for "large" capacity magazines are those who have difficulty loading and changing a magazine, particularly disabled people, the elderly, and the infirm. For a healthy person without physical impairment, changing a magazine takes only a second or two. Limiting magazine size will not stop a madman from shooting multiple victims in a school or other public place. Even if the shooter obeyed the law's 10-round limit, he would still be able to carry multiple magazines and/or multiple (non-banned) weapons.

Said Camassar: "Incidents like Newtown are among the most isolated and rare crimes in this country. Sadly, crimes against the disabled happen with much more frequency and regularity. Sane, law-abiding citizens, particularly disabled ones who are among the most vulnerable in our society, deserve the ability to defend themselves with appropriate arms that are suitable for personal and home defense. The language of P.A. 13-3, particularly the expansion of the 'assault weapons' ban and limitation on 'large capacity magazines,' deprives disabled persons such as the plaintiffs of the right to bear suitable arms in self-defense. For these reasons, the plaintiffs maintain that the provisions of the Act should be declared unconstitutional."

Conn. Toughens Distracted Driving Laws



Camillo. "In 2011, 3,331 people were killed in crashes involving a distracted driver and an additional, 387,000 people were injured in motor vehicle crashes involving a distracted driver. I hope that these new laws will serve as a model for other states so we can see those numbers decrease on a national basis." Connecticut's new law, effective Oct. 1, will do the following:

- Establish a task force that will study and evaluate the state's distracted driving laws and their enforcement, research what other states are doing on the distracted driving front and then develop recommendations to prevent distracted driving in Connecticut.

though 70% of respondents consider those behaviors dangerous. Read [more](#).

Patient Wakes Up to Doctors Preparing to Remove Her Organs

A Syracuse, NY woman who was mistakenly pronounced dead in the hospital, woke up shortly before her organs were going to be harvested. Read more about this disconcerting case [here](#).

Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

For updates on the peanut products recall click [here](#).

The Media, the Zimmerman Case, and the Law

Prof. Jacob Sullum wrote [an article at Reason Online](#) pointing out that most reporters and spokesmen are talking about "stand your ground laws," when they had nothing to do with the case (if a person is pinned to the ground, retreat is not an issue), and others misunderstand self-defense law. Prof. Jonathan Turley also had some insightful comments on the case [here](#).

Want More Distracted Driving News?



Check out the [Distracted Driving News from Safe Roads Alliance and the Distraction Advocate Network](#).

Don't Drive Distracted!

It Kills



[KidsAgainstDistractedDriving.com](#)

Descendants of

- Raise distracted driving fines. A first violation increases from \$135 to \$150, a second from \$250 to \$300 and a third or subsequent jumps to \$500, from the current amount of \$400.

- Change distracted driving citations to a moving violation -- putting it on the list of serious traffic violations and assigning it points.

- Allow for the offense to now appear on the motor vehicle record of the driver and be available to car insurance companies to use when calculating rates for an insurance policy.

It is now also illegal to use a handheld device while stopped at a red light. More [here](#).

Study: Teen Drivers Speeding is Critical Safety Issue



To make roadways safer for teens, the nation has focused much attention on such critical issues as distracted driving and driving under the influence. But speeding has largely escaped such notice. Meanwhile, speeding as a factor in fatal teen crashes is ticking up, from 30% in 2000 to 33% in 2011, according to a new report from the Governors Highway Safety Association. In a study funded by insurer State Farm, GHSA found that from 2000-11, there were 19,447 speed-related crashes involving teen drivers. If the USA is to continue making progress in teen driving safety, it must address speeding, says Susan Ferguson, an established highway safety consultant who authored the report. Half of all fatal crashes involving 16-year-old drivers with three or more passengers are speeding-related, according to the report. "Unless speeding is recognized as a dangerous behavior, much the same as alcohol-impaired driving, it will continue to be difficult to address as a society," the report says. Read [more](#).

AAA, Consumer Electronics Assoc. at Odds Over Distracted Driving Studies

The Consumer Electronics Association, a trade group that represents more than 2,000 consumer electronics companies, took issue with a AAA Foundation for Traffic Safety study that criticized voice-to-text technology as more distracting to drivers than even talking on a hand-held cell phone. The AAA study also found that using a hands-free cell phone was only slightly less distracting than using a hand-held one. The CEA issued this statement the same day: "CEA welcomes all research on how to increase roadway safety and shares AAA's interest in preventing distracted driving," said Gary Shapiro, CEA president and CEO. "However, we believe this AAA-sponsored study suffers from a number of methodology flaws, and, as a result, its broad conclusions about voice-to-text technology should be questioned," he said. The AAA report said the group had participants perform eight different tasks, with or without operating a motor vehicle at the same time. One experiment used a driving simulator, and another experiment had drivers actually driving a car while wearing instruments to measure their reaction time and their performance. Read [more](#).

About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at www.stephenreck.com.

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Sand Creek Indian Massacre Seek Reparations

Four descendants of Arapaho and Cheyenne Indians slaughtered in 1864 by U.S. federal troops in Colorado sued the federal government earlier this month for reparations over the infamous Sand Creek Massacre.

The lawsuit accuses the U.S. of reneging on an 1866 promise to compensate victims of the massacre, and is demanding an accounting for the money that was set aside to pay the claims. "At dawn on the morning of the massacre on November 29, 1864, about 700 U.S. cavalry troops, commanded by Col. John Chivington, descended on an encampment of some 500 Cheyenne and Arapaho Indians along the Sand Creek near Fort Lyon, Colorado. The Indians at Sand Creek were non-combatants in the Indian Wars and were led to believe under the terms of the 1861 Treaty of Fort Wise that they were in a safe haven. Nevertheless, cavalry troops opened fire with 'artillery and 12-pound mountain howitzers,' according to the lawsuit." About 165 Indians - many unarmed women, children and the elderly - were killed over the next several hours. Read [more](#).

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The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

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