

FIRST OF ITS KIND WEAPONS CHARGE DISMISSED

MOSSBERG SHOCKWAVE INDICTMENT APPEARS TO BE FIRST IN THE U.S.

WHITE PLAINS, NEW YORK, USA, January 12, 2021 /EINPresswire.com/ -- A retired NYPD Detective who was arrested and indicted for possession of two Mossberg Shockwave weapons in his home



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Peter H. Tilem, Esq.

had those charges dismissed earlier today, in what appears to be the first criminal prosecution for illegally possessing a Shockwave in the United States. The charges were dismissed after a prosecution spanning almost two years, in which the former cop faced a possible maximum prison sentence of 15 years, according to Peter Tilem, his attorney.

William Nolan, of Staten Island, was arrested on illegal weapons charges in December 2018 after a police search of his home turned up two Shockwaves and a stun gun, according to Tilem. However, according to Tilem, of [Tilem & Associates](#) in White Plains, the charges brought against Nolan had no basis in law. Earlier today, a New York State

Supreme Court judge agreed and dismissed the charges related to the Shockwaves.

“While I am terribly upset that a man who lawfully possessed legally purchased firearms was indicted and spent the last two years of his life facing a 15 year prison sentence, I am deeply gratified that once Tilem & Associates got involved in the case, we were able to quickly get these charges dismissed.” Tilem said.

The Shockwave, made by gun manufacturer Mossberg, is a legally interesting weapon that fires shotgun shells out of a 14-inch barrel, has an overall length of 26 inches and a special “bird’s head” grip. Because of its design, it can’t be considered a shotgun, rifle nor a handgun under New York law, and no license is required to possess one in the state.

A shotgun with a barrel length under 18 inches is generally illegal to own and possess in New York, at least without a license; however, the Shockwave (and similar weapons) cannot be legally considered a shotgun, which is defined in New York Penal Code §265.00 as a weapon which is “intended to be fired from the shoulder.” Mossberg’s “bird’s head” grip, similar to a pistol grip, makes it impossible to fire from the shoulder. In addition, the Shockwave cannot be legally considered a pistol because a pistol by definition was designed to be fired by one hand. The Shockwave features a strap on the foregrip designed for the support of the second hand. The prosecution’s own ballistics expert referred to each of Nolan’s Shockwaves as an “other weapon”

in his report, meaning that it was not a “firearm” as was charged in the indictment. “It is my hope that prosecutors will think twice before charging law abiding individuals with simple possession of firearms,” said Tilem. “This case, along with so many others, demonstrates the injustices caused by complex, opaque, and confusing gun control statutes that even law enforcement and prosecutors do not understand.” Mr. Nolan is currently suing the City of New York and others, in Federal Court, for violations of his constitutional rights concerning this arrest and other acts committed against him.

Tilem & Associates is New York's premier Second Amendment law firm, and has recently launched [NY TAC Defense](#), a prepaid legal plan for New York gun owners. The program allows clients to retain the firm and prepay for legal services so that if they need to hire a lawyer for a self-defense shooting the client will not need to come up with a large lump sum retainer.

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