

BuzzFeed

How A Philly Mom's Legal Battle Rallied Pro-Gun Advocates

Shaneen Allen, a black single mother from Philadelphia, got a raw deal from police and prosecutors. But her biggest champions came not from the political left, but the right.

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Shaneen Allen and her family were only a few minutes away from the hotel when they were pulled over by a New Jersey state police officer. “What are you doing out here?” Allen said the officer asked. “Where are you coming from?”

As Allen dug through her purse for her drivers license and vehicle registration, she realized that in it was the new handgun she had just purchased — and applied for a license to carry — in her home state of Pennsylvania. She told the officer about the weapon, she said, and the officer snatched the purse away from her. The officer called for backup, setting into motion Allen's months-long battle to avoid being locked up for years under New Jersey's strict gun laws.

“I was shaking and crying and asking him, ‘What did I do?’” Allen said. “And he wouldn't answer me.”

The case made a minor celebrity of Allen, a 28-year-old black single mother who legally bought a handgun in Philadelphia but was arrested after unwittingly violating New Jersey's strict gun laws. Similar to how tough drug laws designed for taking down kingpins ended up being used against low-level offenders, harsh gun laws can ensnare people like Allen, who are merely trying to protect themselves.

Allen's case was left largely untouched by liberals, who strongly support strict gun laws, as do most blacks. Indeed, some pro-gun rhetoric contains [naked appeals to white fears of rampaging nonwhites](#). Yet it's blacks who make up almost half — 47% — of all people convicted on federal firearms offenses, according to data from the U.S. Sentencing Commission. And that figure doesn't include black Latinos.

“Gun laws, by and large, are supported on the left and opposed on the right, but those left-based laws have a disparate impact on the black community,” said Adam Bates, a policy analyst with Cato Institute's Project on Criminal Justice.

Allen's biggest champions came from the political right: gun rights advocates, conservative lawmakers, and ultimately, Republican New Jersey Gov. Chris Christie, who pardoned her two weeks ago.

Second Amendment enthusiasts are hoping to use her case to relax gun laws in New Jersey. "Unlike many others who are understandably scared about this draconian sentence and plead guilty, she stood her ground and fought it," said Evan Nappen, the New Jersey-based attorney who represented Allen after she was given his name by a cellmate. Nappen describes himself [on his website](#) as someone who "has dedicated his life to fighting for gun rights and honest sportsmen."

Though most gun control advocates agree with Christie's decision to pardon Allen, they're wary of efforts to position her case as the fulcrum of a broader attempt to roll back New Jersey's gun laws.

"I think they had an agenda and the agenda was to force New Jersey to rescind its laws about conceal and carry and I don't think it's appropriate," said Rev. Bob Moore, executive of the Coalition for Peace Action, a New Jersey-based gun control advocacy organization. "I'm in favor of discretion in the enforcement."

Allen wasn't — and isn't — looking to become the face of gun rights advocacy in New Jersey. "I don't really pay that any mind. I'm not really into politics and that kind of stuff," she told BuzzFeed News. She just wanted protection after being robbed twice in a month while getting off work late at night.

It was the second robbery, in September 2013, that convinced her to buy a handgun. While at work, she was emptying trash into one of the dumpsters behind a Wawa convenience store near the South Street District in Philadelphia when an unidentified man approached her, she said, put a knife to her neck, and told her to give him everything she had in her purse and pockets. Just then a car came down the street, and the man ran away into the night.

"From there, I was spooked," Allen said.

A friend who had a license to carry a firearm told Allen she needed to protect herself, so she applied for a carry permit. She settled on the Bersa Thunder .380 because it was small enough to fit in her purse, she said. The gun and the expensive hollow-point bullets cost her about \$600, not an insignificant sum for a woman who cared for her two boys — Niaire, 11, and Sincere, 4 — by shuffling between three jobs.

But the diminutive Allen — she's not much taller than 5'2" and weighs around 120 pounds — needed something. She worked as a phlebotomist, bartender, and Wawa's clerk, often getting off of work at 4 a.m. before picking up her kids at a 24-hour day care center. Those hours often put her in harm's way, especially in the busy club districts where she often worked late into the night.

“It was hectic,” Allen said. “I barely had time for my kids. The only time I had them was at night, picking them up.”

Hoping to finally spend some quality time with them, she made plans to celebrate Sincere’s birthday over the weekend in a hotel room in Atlantic City. A few days later, on Oct. 1, 2013, Allen decided to go to New Jersey to decorate the room, and Sincere’s father, Desmond Boyd, came along for the ride. That’s when they were stopped by the New Jersey police and arrested after Allen revealed that she was armed.

Allen and Boyd were taken in cuffs — Allen said she had them on her wrists and ankles — to a nearby jail, where they were released after six hours. Allen was charged with unlawful possession of a firearm and possession of hollow-point bullets, while Boyd was let go without any charges. The possession of hollow-point bullets in New Jersey [is restricted to the home or the target range](#) because the bullets expand when they enter the body, causing extensive damage.

A week later, Allen returned to Atlantic County to apply for a pretrial intervention program that would spare her the mandatory three-year prison sentence which is automatic under New Jersey law. The decision would be made by Atlantic County Prosecutor James McClain.

While Allen waited to hear back from McClain on the status of her application, she returned to her grueling three-job schedule.

That routine was interrupted in April 2014 when Allen went to interview for another bartending job, just northwest of Philadelphia in Montgomery County, Pennsylvania. As Allen tried to pull out of the parking lot, a police vehicle blocked her into her spot and three officers approached her. They told Allen that Atlantic County had issued a fugitive warrant for her arrest; prosecutors declined to explain to BuzzFeed News why they filed a warrant against Allen.

Again, she would have to go to jail. They cuffed her and transported her to the Montgomery County jail.

“Jersey wants you and they want you bad,” Allen said one of the officers told her. “It’s not a pretty sight, where you’re going. Get ready.”

She would spend three weeks there, placed in a cell with 65 women. There were 3:30 a.m. bunk checks. A half hour outside per day. Uniforms that constantly smelled of mildew, she said. And the food was so bad that Allen claims she refused the meals, giving her trays to the pregnant inmates and eating only apples and oranges. She said she ended up losing 15 pounds.

Eventually, at the end of a nearly monthlong stay, Atlantic County officers came to transport her to their jail. On the two-hour drive into New Jersey, Allen saw her neighborhood through the backseat window and hopelessness started to well up inside of her.

“It made me want to jump out of that window,” Allen said. “It was too much. I was just wondering if this was ever going to be over.”

Her stint in the Atlantic County jail wasn't much easier. The phone calls to her boys, who stayed with Boyd, almost always ended the same: Sincere asking when she was coming home.

"I started crying and his dad took the phone," Allen said. "That happened every time. I didn't want to tell him a lie."

Things seemed most bleak for Allen when the public defender told her at the courthouse that the case didn't seem winnable. The best-case scenario might be three to five years in prison, she said. She should tell her two young sons good-bye.

"That made me go crazy," Allen said. "I had never snapped like that — I went to the bathroom and kicked the door and everything. For her to tell me that, I was like, what?"

Days later, Allen finally caught a break when her bunkmate recommended calling Nappen.

"He just knew it was going to turn out big," Allen said of Nappen. His hunch was correct.

Allen was released from the Atlantic County jail after two and a half weeks, and within a couple of months, a few media outlets — many of them who cater to gun rights advocates — began publicizing her case. Donors started coming forth.

Allen and her supporters [set up a Facebook page](#) and plastered it with posts ranging from words of encouragement to links to news stories about the case to advertisements to join the NRA. Support poured in: There was a fish fry in Philadelphia, "Set Shaneen Free" T-shirts for sale online, and even billboards that read "Free Shaneen From Unfair Prosecution."

That was around that time that many critics of New Jersey's gun laws noticed McClain, the prosecutor, had been much more lenient in the handling of then-Baltimore Ravens star Ray Rice's case.

While Allen waited for her next court appearance, McClain allowed Rice to enter the pretrial program after surveillance cameras in an Atlantic City hotel revealed the NFL player had punched his then-fiancee in an elevator, knocking her unconscious.

By contrast, McClain had previously denied Allen a chance to enter the same program despite receiving a recommendation for the program by its director. In a rare interview with the *Press of Atlantic City*, McClain denied that he'd granted any special courtesy for Rice and said his options were limited because of the differences in the respective charges for Rice and Allen.

It was then that New Jersey lawmakers on both sides of the aisle started looking into Allen's case. Remarkably, they all seemed to agree: Allen caught a raw deal.

"Carrying a gun is worse than beating your wife? Give me a break," said Assemblyman Ronald Dancer, a Republican from Cream Ridge.

In August, Dancer responded by introducing “Shaneen’s Law,” a proposal that would give judges discretion when dealing with out-of-state gun owners as long as they don’t have a criminal record and aren’t associated with street gangs. The bill will be considered in the state Legislature this spring and is expected to pass.

In September, at the behest of the state’s Democratic Senate president, the attorney general’s office investigated Allen’s case. They later issued to McClain a clarification of the law, noting that “imprisonment is neither necessary nor appropriate to serve the interests of justice and protect public safety.”

Citing that clarification, McClain allowed Allen to enter into the pretrial program on Sept. 24. McClain’s office declined comment to BuzzFeed News, instead referring to a press release from that day. “In the next few weeks, I will review similar cases that are pending within our jurisdiction and make appropriate decisions following the application of the factors set out in the clarification,” McClain said in the release.

“Shaneen had nothing to hide — she said what the facts were,” Nappen said. Through this entire ordeal, the only one who took the Fifth [Amendment] was the prosecutor.”

New Jersey’s NAACP leadership expressed concern about how Allen’s case was being handled but didn’t take an active role in promoting her case or providing legal support. Allen would have had to fill out an authorization form with the civil rights organization, leaders say, for them to get involved in her defense. “You have to go through the proper protocol,” said Melvin Warren, the criminal justice chair for the New Jersey NAACP.

But, as Bates mentioned, the NAACP would make an awkward ally for Allen given its history of support for gun control, [including its federal lawsuit against more than 100 handgun manufacturers, distributors, and importers](#) more than 15 years ago for knowingly allowing its products to fall into the hands of criminals. That suit was dismissed in 2003.

“It’s good for the governor to give her a pardon,” said Warren, a former police detective and prosecutor in Newark. “But New Jersey has some really good gun laws.”

Beyond New Jersey, Allen’s case could have broader implications for Christie as he considers running for president.

Christie’s wavering views on gun possession laws will come under increased scrutiny if and when he seeks the GOP nomination. In 2009, Christie said on Fox News that New Jersey had “a handgun problem.” But he’s softened publicly in recent years, vetoing a gun control bill in 2012 that would have banned gun magazines with more than 10 rounds of ammunition, and saying in December that the state’s gun control laws might be “a little too strict.”

He declined an opportunity to clarify his position on gun control to BuzzFeed News through a spokesperson. “If something develops on that, we’ll move it your way,” his spokesperson Brian Murray said in an email.

Christie didn't waste an opportunity to turn Allen's pardon into a photo opportunity — he posed for two pictures while signing the document at his desk. Earlier that day, Allen said, she also had a brief phone call with the governor.

"It wasn't a hard decision," she recalled Christie telling her. "Hopefully now you can move on with your life and go back to work. I didn't like the fact that this was holding you back."

Now back in her native Philadelphia and caring for her two sons, Allen doesn't have much interest in politics or whether Christie is positioning himself for another job.

She's now looking for one of her own.

Most of her jobs dried up as she endured legal limbo, and she said one regular employer — Atlantic Diagnostic Laboratories — fired her in July after her case went public. Atlantic Diagnostics confirmed that Allen worked there but declined to comment further.

Allen said recent efforts to return to work there were rebuffed. "I called them recently and they were like, 'You can get unemployment,'" Allen said. "I don't want unemployment. I want to work."