

Armslist Case to be Heard by Wisconsin Supreme Court

Written by End Domestic Abuse WI, Chase Tarrier

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Domestic Violence Programs Sign Brief to Increase Accountability and Justice

MADISON, WI - On Thursday, the Wisconsin Supreme Court will hear oral arguments on *Yasmeen Daniel v. Armslist, LLC et al.* In an amicus brief, over 40 victim advocacy organizations say the court's decision could have life and death consequences for victims of domestic abuse.

The case stems from a lawsuit filed by The Brady Center to Prevent Gun Violence on behalf of Yasmeen Daniel against Armslist.com, the company that facilitated an illegal gun sale which led to the death of Daniel's mother during the Azana Spa Shooting in 2012. Armslist wants the State Supreme court to overturn an appellate court decision that gives Daniel the opportunity to prove Armslist acts negligently when it refuses to prevent illegal gun sales on its site. The brief from victim advocates urges the Supreme Court to uphold the decision. They agree with Daniel that Armslist.com was designed to allow buyers to acquire weapons without a background check. They also say the outcome of the case is significant for the safety of victims.

"If the Supreme Court overturns the lower court decision to find that Armslist is immune from suit, domestic abusers will continue to have easy – and deadly – access to firearms," said Patti Seger, Executive Director of End Domestic Abuse Wisconsin. "Family and intimate assaults with firearms are twelve times more likely to result in death than non-firearm assaults and victims of domestic violence are five times more likely to be killed if their abuser owns a firearm. The Azana Spa shooting of 2012, the murder of Sarah Schmidt in Calumet county and other similar cases show that sites like Armslist.com must be held accountable for exploiting online loopholes to allow illegal arms sales."

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Zina Daniel-Haughton was murdered by her estranged husband, along with two of her co-workers at the Azana Spa and Salon in Brookfield in 2012. Although he was prohibited from buying a gun because of an active domestic abuse restraining order, Radcliffe Haughton easily obtained a firearm on Armslist.com through the private sale loophole in the federal background check system. Similarly, in early 2018 Robert Schmidt illegally purchased a firearm on Armslist.com, using the site to avoid a background check that would have prevented the sale before killing his wife, Sarah Schmidt. A recent investigation from Everytown for Gun Safety found nearly 1.2 million ads on Armslist for firearm sales that have no legal requirement for a background check. The investigation also found that, across several states, one in nine people seeking to buy a gun from an unlicensed seller were legally prohibited from buying or possessing a gun — and would have failed a background check at a licensed gun dealer.

“Guns are consistently the most common weapon in domestic violence homicides—they account for more killings than all other weapons combined,” continued Seger. “Our thoughts are with the families of the shooting victims of these two cases and with all people who experience gun violence at the hands of an intimate partner. We hope the Supreme Court will honor these families by upholding the lower court decision that will encourage companies like Armslist.com to take further action to keep guns out of abusers’ hands and prevent domestic violence from claiming more lives.”

The hearing is scheduled for February 14, 2019 at 1:30 p.m. at the State Capitol.

End Domestic Abuse Wisconsin: The Wisconsin Coalition Against Domestic Violence is the leading voice for victims of domestic abuse in Wisconsin. At End Domestic Abuse Wisconsin, we educate shelter and program volunteers and advocates, law enforcement, legislators, and community members to provide safety and support to survivors. We strive to shift Wisconsin from the attitudes and beliefs that cause domestic violence to values of mutual respect and equality, and we partner with communities in the effort to prevent and end domestic abuse. We encourage reporters to include the National Domestic Violence Hotline number [1-800-799-SAFE(7233)] in their stories for victims who need help. A list of local Wisconsin domestic violence victim service providers can be found at <http://www.endabusewi.org>.