

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JUNE SHEW, et al.	:	No. 3:13-CV-0739 (AVC)
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants.</i>	:	OCTOBER 11, 2013

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- Exhibit 2 - Public Act 13-220
- Exhibit 3 - Public Act 93-306
- Exhibit 4 - Public Act 01-130
- Exhibit 5 - Excerpts from Senate Debates on Public Act 13-3
- Exhibit 6 - Excerpts from Senate Debates on Public Act 93-360
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- Exhibit 8 - Governor's Legislative Proposals
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Exhibit 29 - *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, Christopher S. Koper, July 2004 (“Koper 2004”)

Exhibit 30 - *America’s Experience with the Federal Assault Weapons Ban, 1994-2004, Key Findings and Implications*, Christopher S. Koper (chapter in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*) (“Koper 2013”)

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Exhibit 61 - Prepared Testimony by Laurence H. Tribe, Carl M. Loeb University Professor and Professor of Constitutional Law, Harvard Law School, *Proposals to Reduce Gun Violence: Protecting Our Communities While Respecting the Second Amendment*, Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights. February 12, 2003

Exhibit 62 - Excerpts from *Extreme Killing: Understanding Serial and Mass Murder*, James Alan Fox, Jack Levin (2d ed. 2012)

Exhibit 63 - Eugene Volokh, *Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda*, 56 UCLA L. Rev. 1443 (2009)

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Respectfully Submitted,

DEFENDANTS
DANNEL P. MALLOY, et al.

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CERTIFICATION

I hereby certify that on October 11, 2013, a copy of the foregoing Defendants' Exhibit List was filed electronically. Notice of this filing will be sent by electronic mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Maura Murphy Osborne
Maura Murphy Osborne

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Legislative Leaders Say Bipartisan Agreement Could Yield Nation's Strongest Gun-Control Bill



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CAPTIONS

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By **JON LENDER** and **JENNY WILSON**,

jlender@courant.com

The Hartford Courant

9:51 p.m. EDT, April 1, 2013

HARTFORD —

With the nation watching, Newtown parents still grieving and gun owners objecting, legislative leaders Monday said they had met the solemn challenge presented by the Sandy Hook school massacre with a bipartisan agreement for the nation's strongest gun control bill.

Easy passage of the legislative response to the Dec. 14 killings is expected in House and Senate votes scheduled for Wednesday, leaders of both the Democratic majority and Republican minority said after completing weeks of negotiations on the bill.

"There were some who said the 'Connecticut effect' would wear off — that it would wear off in Connecticut and it would wear off across the country," Senate President Pro Tempore Donald Williams, D-**Brooklyn**, said at an evening press conference in the Capitol flanked by five other legislative leaders.

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"What they didn't know was that Democrats and **Republicans** would come together and work to put together the strongest and most comprehensive bill in the United States to fight gun violence, to strengthen the security at our schools, and to provide the mental health services that are necessary," he said.

"Knowing that that tragedy happened in Connecticut, it was up to Connecticut to show the way," said House Minority Leader Larry Cafero, R-**Norwalk**. "And I'm very proud to say today the package that we are introducing ... has accomplished that goal."

The bipartisan deal would strengthen the state's existing ban on semiautomatic assault rifles to include weapons such as the Bushmaster AR-15 used by **Adam Lanza** to kill 20 first-graders and six women at **Sandy Hook Elementary School** in Newtown. Current law defines an assault rifle as having two military-style characteristics on a list of several, such as a pistol grip and a flash suppressor. The new bill would require only one such characteristic. It also lists more than 160 firearms by name as assault weapons.

People could keep the banned rifles that they already own if they submit to new registration procedures. But future sales of the rifles would be prohibited. An existing owner could bequeath an assault rifle to a family member, but could sell it only to a licensed firearms dealer who would have to sell it outside Connecticut.

Magazines Disputed

The bill stepped back from an outright ban on large-capacity magazines containing more than 10 cartridges, such as the 30-round magazines that Lanza used. Instead, it would allow owners of large-capacity magazines to keep them if they make an official declaration by Jan. 1 of how many they own and submit to restrictions on their use. The magazines could only be loaded with 10 or fewer rounds, except in their owners' homes or at a shooting range, where they can be fully loaded.

Buying, selling, importing or transferring high-capacity magazines would be a Class D felony, punishable by up to five years in prison and a \$5,000 fine.

Parents of Sandy Hook victims said Monday that they wanted those high-capacity magazines taken away from owners, not "grandfathered in" under the new bill. They called for an up or down vote on that issue.

But Williams and the other leaders who negotiated the agreement said they don't support such a vote because they want to stick to what has been negotiated.

"We learned, the way that no other parents should learn, that the most dangerous, dangerous part of an assault weapon is the magazine," Nicole Hockley, whose son Dylan, 6, was killed Dec. 14, said at a press conference with other parents at the Capitol Monday morning.

"The horrible, brutal truth is that 154 bullets were fired in four minutes, killing our children, our daughters, our wives. The shooter carried 10, 30-round large-capacity magazines," Hockley said. "We have learned that in the time it took him to reload in one of the classrooms, 11 children were able to escape. We ask ourselves every day — every minute — if those magazines had held 10 rounds, forcing the shooter to reload at least six more times, would our children be alive today?"



Pictures: Connecticut Passes Sweeping Gun Control Bill

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Lanza killed himself as police arrived at the school. He killed his mother at their Newtown home before driving to the school.

Neil Heslin, whose son, Jesse Lewis, 6, was killed, said Monday night: "I think it's useless to register the magazines. How are you going to register them? I think it's stupid. There's no way to register them, there's no serial numbers. ... It's just another law or regulation that's not going to be enforceable." But he said the bill contains other "steps in the right direction."

Democratic Gov. **Dannel P. Malloy** supported the parents early in the day, saying he agreed with them that "simply banning [the magazines'] sale moving forward would not be an effective solution."

Monday night, when asked if Malloy would sign the negotiated bill into law or if he would veto it, the governor's communications director, Andrew Doba, said he had no additional comment.

Williams said at the press conference that it is leaders' hope and expectation that Malloy will sign the bill.

Meanwhile, the executive director of Connecticut Against Gun Violence, a group that has been allied with many of the Newtown parents and residents of that area, expressed support for the compromise bill.

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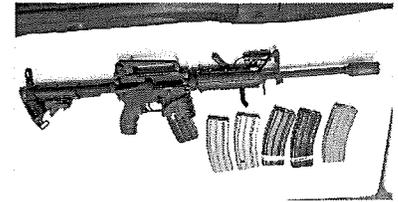
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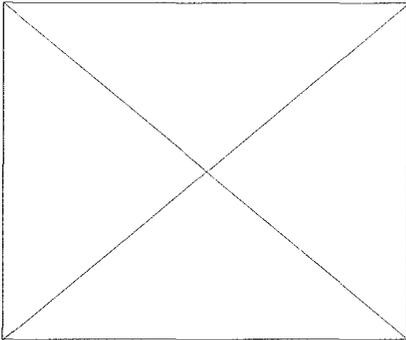
December 23, 2012 | By EDMUND H. MAHONY, DAVE ALTIMARI and JON LENDER, daltimar@courant.com, The Hartford Courant

As many as a half-dozen first graders may have survived Adam Lanza's deadly shooting spree at Sandy Hook Elementary School because he stopped firing briefly, perhaps either to reload his rifle or because it jammed, according to law enforcement officials familiar with the events.

A source said that the Bushmaster rifle that Lanza used in the shootings is at the state police forensic laboratory undergoing several tests, including tests to determine whether it was jammed.



A Bushmaster semi-automatic rifle, similar to the type used by Adam Lanza... (MICHELLE MCLOUGHLIN, REUTERS)



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The children escaped from the first-grade classroom of teacher Victoria Soto, one of the six educators Lanza killed in Newtown after shooting his way through a glass door with the .223-caliber semiautomatic rifle on the morning of Dec. 14.

On Friday, detectives obtained and began examining records related to psychiatric care Lanza had received in an attempt to determine a motive. Several friends of his mother have said that he suffered from Asperger's syndrome but authorities have not confirmed that or indicated it had anything to do with the shootings.

Lanza killed 27 people — 20 children, four teachers, the school principal, a school psychologist and his mother, Nancy — before shooting himself in the head as police began arriving at the school.

The arriving officers encountered a shocking scene in Soto's classroom. Lanza had shot her, as well as special education teacher Anne Marie Murphy and six of Soto's 6- and 7-year old students. Seven of Soto's students were found huddled and unharmed in a classroom closet, apparently hidden by Soto when she heard shooting. The other students fled the classroom.

Based on initial statements from surviving children and the fact that unfired bullets from Lanza's rifle were found on the ground, detectives suspect that some students were able to run to safety when Lanza stopped firing, probably for a short period of time, the officials said.

It is possible that Lanza, who reloaded the rifle frequently, mishandled or dropped a magazine and unfired bullets fell to the floor, they said.

But it also is possible, they said, that the mechanism that fed bullets into the rifle jammed, causing Lanza to remove the magazine and clear the weapon. Unfired bullets could have fallen to the classroom floor during that process as well, law enforcement officials said.

The six children who escaped Lanza's rampage ran to a home a short distance from the school. Upon reaching the home, one of the boys told the owner that "we obeyed the rules, we stayed on the sidewalk," one of the officials said.

The authorities have learned generally from the children who ran away that something may have happened to Lanza's rifle that caused him to stop firing. The substance of the statements, which are not entirely consistent, is that a piece of the weapon, probably a magazine holding live bullets, was dropped or fell to the classroom floor.

Investigators have decided not to formally interview the children, based on advice from Yale child psychologists. Given the chaotic nature of the scene, it is also possible that some children escaped while Lanza was shooting others in the room.

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State police are expected to wrap up work at the school and release the school as a crime scene in the next few days. They still are trying to determine how many shots Lanza fired.

Lanza killed himself in Soto's classroom with one of the two pistols he carried into the building. He killed himself as police entered the building.

Police found a loaded 20-round shotgun in the trunk of the car similar to what is known as a "street sweeper." Police believe that Lanza didn't bring it into the school because he couldn't carry all of the weapons and ammunition. Lanza, who was about 6 feet tall, weighed barely 110 pounds, law enforcement sources said.

The few people who knew Lanza have portrayed him in the days since the mass shootings as an awkward, emotionally isolated, withdrawn young man. He attended public schools in Newtown, but at times was home-schooled by his mother, who was said by authorities and others to be the only person with whom he was socially engaged.

Lanza lived with his mother. He had two bedrooms and used one of them to keep computer equipment on which he is said to have enjoyed playing video games involving violent war games.

Before the shootings at the elementary school, Lanza shot his mother four times with a .22-caliber rifle as she lay in bed. He left the rifle at the house. All the guns were properly registered to Nancy Lanza.

Adam Lanza also broke apart his computer equipment in a way that has prevented authorities from retrieving data that could reveal with whom he may have corresponded or played video games.

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Newtown families want strict ban on large ammo magazines

By [Mark Pazniokas \(http://www.ctmirror.org/source/mark-pazniokas\)](http://www.ctmirror.org/source/mark-pazniokas)

Monday, April 1, 2013

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The families of the Sandy Hook school massacre victims delivered a precise, unequivocal and timely message to legislators Monday: The current bipartisan proposal by the legislature's leaders to ban the sale, but not the possession, of high-capacity ammunition magazines is inadequate.

In a letter delivered to leaders, the families of 11 of the 26 victims said they think that 11 children escaped while Adam Lanza was inserting a fresh 30-round magazine in his Bushmaster rifle, making an emotional case for banning magazines capable of holding more than 10 rounds.

"We ask ourselves every day, every minute: If those magazines had held 10 rounds, forcing the shooter to reload at least six more times, would our children be alive today?" said Nicole Hockley, whose son, Dylan, was one of 20 children killed. "So please hear us. Have the courage to stand up for what you know is right."



Jackie and Mark Barden

The families came to the State Capitol just 90 minutes before legislators were to begin closed-door caucuses about gun-control legislation that is likely to come to a vote as soon as Wednesday after weeks of negotiations.

A sticking point has been a provision banning ammunition magazines capable of holding more than 10 rounds: Would only future sales be prohibited? Or would the possession of magazines legally purchased become illegal, as was the case under a 1994 federal law that expired in 2004?

Legislative leaders presented a version to their caucuses Monday in which only sales would be banned, provoking opposition by some members of the Democratic majorities in the House and Senate. New York, New Jersey and Massachusetts all ban possession of large-capacity magazines.

Gov. Dannel P. Malloy and Connecticut Against Gun Violence, a gun-control group whose membership has swelled since the Dec. 14 attack on the school in Newtown, have strenuously argued for a ban on possession, not merely the sale.

But the news conference Monday marked the first time that Newtown families involved with Sandy Hook Promise have focused so precisely on one aspect of the sweeping gun-violence legislation under consideration. A grandfather provision allowing the continued possession of large magazines would negate the value of a ban, the parents said.

"It's a big loophole," said Mark Barden, whose son Daniel was killed at Sandy Hook.

Hours later, as they were about to meet with Malloy, family members declined to say if they would ask the governor to veto a bill that fell short of their standard.

Malloy quickly issued a statement reiterating his position that a ban on the sale, but not the possession, would be meaningless, since the magazines have no serial numbers and are untraceable.

"This morning, we heard from victims' families on that very point. They've asked for an up-or-down vote on that provision and, whether it's in the larger bill or as an amendment, the families, and every resident of our state, deserve a vote," Malloy said.



The families held their news conference in the office of Senate Minority Leader John McKinney, R-Fairfield, who represents Newtown.

"We know this is an issue that has bipartisan support, including from Senate Minority Leader John McKinney," Malloy said. "We cannot lose sight of our ultimate goal -- improving public safety for all of our residents, including our children."

Sen. Beth Bye, D-West Hartford, whose friends, Jimmy Greene and Nelba Marquez-Greene, lost their daughter, Ana, at Sandy Hook, said it was clear that many of the families have focused on the magazines as a key to blunting the lethality of semiautomatic weapons in mass shootings.

"We learned the way no other parent should learn the most dangerous part of an assault weapon is the magazine," Hockley said.

assault weapons in 1993, restricting some weapons by name and others by so-called military characteristics, such as a collapsible stock, a pistol grip, flash suppressor or bayonet lug.

Many of the banned weapons were redesigned to comply with the law. Police say the Bushmaster XM15 used by Lanza was legally purchased by his mother.

The legislature also is expected to tighten a ban on the retail sale of military-style weapons, including the Bushmaster XM15, a variation on the best-selling AR-15. A rifle with any one listed military characteristic, not the two currently allowed, would come under the retail ban.

Authorities confirmed last week that Lanza had fired 154 rounds from his Bushmaster in less than five minutes, killing 20 first-grade students and six educators.

He carried 10 30-round magazines when he entered Sandy Hook Elementary School with the rifle and two semiautomatic handguns. He killed himself with a Glock handgun as police arrived.

Investigators found three full magazines on his body and 15 rounds in his rifle. He had discarded six magazines, three of which were empty. Three others had 10, 11 and 13 rounds.

Authorities have not publicly confirmed that Lanza was reloading when 11 students were able to flee the first-grade classroom of teacher Victoria Soto, who was killed. But Barden said the parents have no doubt that was the case.

"How can we not remove large capacity magazines from Connecticut if we know that it might save even one more children or teacher or parent?" said Bill Sherlach, reading the letter aloud.

His wife, Mary, was the school psychologist.

The letter was signed by 24 relatives of nine children and two adults killed at Sandy Hook.

"We are left to wonder," Sherlach said, reading a line likely to find its way into the legislative debate. "What if the Sandy Hook shooter had been forced to reload not six times, but 15 times? Would more children -- would our children -- be alive today?"

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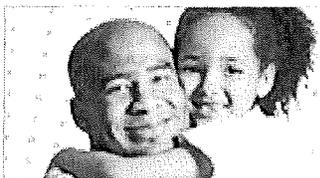
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Newtown Families Open Up About Day of Shooting and the Aftermath

More than a dozen parents who lost their children in the mass shooting at Sandy Hook Elementary School in December spoke candidly about their grief and hopes for the future on "60 Minutes"

By Emily Feldman | Tuesday, Apr 9, 2013 | Updated 8:22 AM EDT

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More than a dozen Newtown parents directly and tragically linked to the mass shooting at Sandy Hook Elementary, candidly recalled the December day that changed their lives in an emotional "60 Minutes" segment that aired Sunday night.

They spoke of frantic phone calls and fraying nerves as the day wore on and parents



AP

Jimmy Greene and Nelba Marquez-Greene, parents of Sandy Hook School shooting victim Ana, spoke candidly on "60 Minutes" Sunday about losing their daughter. They were among more than a dozen other victims' family members who appeared on the program.

gathered at the local firehouse had still not located their children.

"There were people everywhere ... and you really had to push to get through," said Nicole Hockley, the mother of one of the first-graders in Victoria Soto's class, killed in the attack. "We were all just jostling because we were trying to find our kids."

The interview aired on the eve of a big lobbying day for gun control supporters, which brought President Barack Obama to the University of Hartford and will send 11 relatives of Sandy Hook victims, including Hockley, to Washington where they will push for federal gun control legislation. In the "60 Minutes" segment, parents and relatives made an emotional plea

PHOTOS AND VIDEOS



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victims' relatives to the studio, the focus, more than anything, remained fixed on the memory of their children and loved ones, and their experiences on and since Dec. 14.

Hockley remembered the relief of finding her son Jake, suddenly shattered by the uncomfortable reminder that her other son Dylan, who had not yet been found, may not have survived.

"A woman asked me, 'what classroom was your other child in?' And I said, Miss Soto's. And she said, 'I heard she got shot.' And I got really angry at her and I remember very clearly saying, 'don't you dare say that to me if you don't know it's true.'" Hockley said. Teacher Victoria Soto did in fact die in the attack.

"I just pushed by her but I couldn't find Dylan's classroom or anyone from his class anywhere," said Hockley.

It was Gov. Dannel Malloy who finally, hours after the last shots were fired, broke the news to parents gathered in a back room at the firehouse.

for more stringent background checks and limits to the size of ammunition magazines.

"You can have a million bullets but if you have to put them in one at a time, the ability to do any kind of real damage is significantly reduced," said Bill Sherlock, the husband of Sandy Hook school psychologist Mary Sherlock, who died confronting shooter Adam Lanza. "It's simple arithmetic. If you have to change magazines 15 times instead of five times you have three more instances where something could jam," something could go wrong and potential victims can escape as 11 students did during a lull in Lanza's shooting rampage, he added.

While the gun control debate was certainly the backdrop of the interview and what called the

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"[He] had the duty to stand in front of the room and tell us that if we were in that room then our child or adult wasn't coming back to us," Hockley recalled.

Jimmy Greene, the father of Ana Marquez-Greene, who also died in the shooting, spoke about finding his other child, who also attended Sandy Hook, safe and terrified.

"I saw my son's teacher in a living room area ... Isaiah popped up and I just went and grabbed him and held him and he was crying, 'Daddy, you know, there were so many gunshots. I saw this and I saw that,'" Greene recalled. "So I just took my son in my arms—he's a big kid, but I took him like he was two years old again and held him on my shoulder and was just running and running from room to room trying to locate Ana's class."

His wife, Nelba Marquez-Greene, who is also among the group flying to Washington Monday evening, was driving to Sandy Hook when she learned that their son was okay.

"I was texting [Jimmy] every ten or fifteen seconds," she said. "Ana, question mark. And then Ana, exclamation point. Because we had Isaiah. I didn't understand why we didn't have Ana."

When she arrived at the school and later the firehouse and was eventually told to head into a back room, she didn't want to go.

"I knew what the back room meant. In my heart, as a mother, I knew what the back room meant."

Some of the most touching testimony regarded how the parents are coping with the absence of the quirky kids who were at the center of their lives.

Francine Wheeler said she dreams of her son Benjamin all the time. "And we talk," she said. "And he and I talk when I take my walks. And I just feel him. If I ask him to be present he is. And I know he'll always be there."

Jackie Barden said she feels distance growing between her and her son Daniel, who died in the shooting. "Sometimes it's too painful to think about him. And then I feel guilty because I need to think about him and keep him alive, but it's so hard because we miss him so much."

Nicole Hockley said that she keeps Dylan's cremated remains next to his photo in her bedroom. "Every morning I kiss him good morning and say hi. And he's the last thing I kiss before I go to bed at night. And every night I beg for him to come to me in my dreams so I can see him again. And during the day, I just focus on what I can do to honor him and make change."

Hockley and 10 other members of the Sandy Hook Promise, a non-profit pushing for federal gun control legislation, will fly aboard Air Force 1 with the president to Washington Monday night, where they will spend the week lobbying Congress for change. They represent nine victims killed in the Sandy Hook shooting.

Heroes of Tucson Shooting: 'Something Had to Be Done'

By JESSICA HOPPER, KEVIN DOLAK and LAUREN SHER

Jan. 10, 2011—

abcnews.go.com

Retired Army Colonel Helped Subdue Gunman, Bullet Grazed the Back of His Head

A 74-year-old retired Army colonel decided to tackle the Tucson gunman after watching him .

"Something had to be done," Bill Badger said today on " ."

Badger wasn't the only one who risked his life to stop the carnage. One man clobbered on the back of the head with a folding chair. A 61-year-old woman wrestled a fresh magazine away from Loughner as he tried to reload.

Others jumped on him and held him down, ripping the gun from his hands.

Six people were killed in Saturday's shooting rampage at the Tucson, Ariz., grocery store, and Rep. was left fighting for her life.

Badger was waiting in line to meet Giffords at the "Congress on Your Corner" event when he heard gun shots.

"I turned and dropped to the ground, and I felt a sting in the back of the head, and that's where he shot me, in the back of the head. I knew I'd been hit," Badger said.

Badger, who was treated for the injury at the University Medical Center and released, is among those who've been hailed as heroes for subduing and stopping further carnage after a shooting that left .

"[Loughner] was standing right in front of me. He took about a half a step to my left and some individual there took one of the folding chairs ... and hit him on the back of the head, and I was able to grab him," Badger said.

Together, Badger and another man pushed the suspected shooter to the ground.

Woman Stopped Tucson Shooter From Reloading

Patricia Maisch, 61, was in the back of the line, waiting to greet and take a photo with Giffords. When she heard gun shots, she hit the ground.

"I'm waiting to be shot because the lady next to me had been shot," Maisch said. "At the same time, someone says, 'Get the magazine.'"

Loughner allegedly used a legally purchased Glock 19-9 mm gun with an extended magazine to carry out the shootings.

Maisch grabbed the second magazine that Loughner was attempting to load into the gun.

Badger then helped tackle Loughner. Badger and Roger Salzgeber, who was reportedly standing with his wife, third in line to meet with Giffords, sat on the gunman while Maisch held his ankles down.

"When we pushed him to the ground, there was no struggle and no fight," Badger said. "I had this guy by the throat ... in a chokehold."

Salzgeber isn't ready to comment on his role in stopping the gunman, saying that he's still "dealing with it all."

Joseph Zamudio was at a nearby Walgreens when he heard the ring of gunshots.

"I heard the gunshots and came running," Zamudio said on "GMA."

Zamudio helped restrain Loughner by hanging onto his legs.

Another individual grabbed the gun from Loughner, Badger said.

911 Call Detail Tucson Rampage

As Badger was tackling the man spraying bullets at innocent bystanders, Badger's wife was frantically calling 911, seeking information about her husband.

"My husband just called me and told me he was shot. He was going to the Gabrielle Gifford event, and I don't know where he is," Badger told 911. "He called me and then the phone went dead."

Badger's 911 call was one of several that even left operators losing their composure.

"Oh my God," exclaimed a 911 operator who got the first report of the carnage.

Badger was among those struggling, according to Maisch. When she noticed the blood coming from the back of his head, she asked Zimude to hold down the shooter while she went to get paper towels and made a compress.

Maisch was thankful for the heroic actions of Badger and others at the scene.

"He saved my life," she told "GMA."

"Those two gentlemen saved my life."

Pima County Sheriff Clarence Dupnik lauded the actions of Maisch and others that he said likely saved dozens of lives.

"We could have had 31 more people shot," Dupnik said.

One of Congresswoman Giffords' interns, 20-year-old Daniel Hernandez, has been credited with helping keep Giffords alive after she was shot in the head.

"When I heard gunshots, my first instinct was to head toward the congresswoman to make sure that she was okay," Hernandez told Amanpour. "Once I saw that she was down and there were more than one victim, I went ahead and started doing the limited triage that I could with what I had."

Hernandez held Giffords, applying pressure to her wound. He used smocks from the grocery store as a bandage.

"The congresswoman was alert. She was able to hold my hand when I asked her if she could hear me," Hernandez said. "I wasn't able to get any words from her. She may have been trying, but because of the way that I was having to hold her it was a lot easier to just 'if you can hear me Gabby just grab my hand to let me know that you're okay.'"

Giffords remains in critical condition in a medically induced coma with part of her skull removed to ease pressure on her brain.

Loughner has been charged with multiple counts of murder and attempted murder. He will make his first court appearance later today.

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Texas Capitol Gunman Was Reloading When Troopers Tackled Him

AUSTIN (January 22, 2010)--A man who fired several shots Thursday outside the Texas Capitol was trying to reload his weapon when Department of Public Safety troopers confronted him and tackled him to the ground, according to court records.



Fausto Cardenas remained in Travis County's jail Friday, charged with deadly conduct.

His bond was set at \$250,000.

An arrest affidavit filed Friday describes the shooting incident, which happened on the south steps of the Capitol.

State Trooper Husain Roussel spotted Cardenas outside the Capitol after hearing shots ring out, the affidavit said.

He saw Cardenas "reloading a magazine" and noticed a pistol in his waistband and empty shell casings where Cardenas was standing, the affidavit said.

State troopers tackled Cardenas, 24, and arrested him.

No one was injured in the shooting, which briefly shut down the Capitol.

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Church Gunman Brought 76 Shells and Expected to Use Them

By MARK MOONEY
July 28, 2008—

abcnews.go.com

Church Shooter Expected to Kill Until He Was Killed

The gunman who yesterday shot up a Tennessee church that embraced gays and other liberal causes left behind a long letter fuming that he couldn't find a job and expressing a profound "hatred for the liberal movement," police said today.

Jim D. Adkisson, 58, ranted that "liberals and gays" taking jobs had prevented him from finding work. He wrote that he expected to keep shooting parishioners until the police showed up and killed him, Knoxville, Tenn., Police Chief Sterling Owen told a news conference.

Owen said police recovered 76 shotgun shells after Adkisson allegedly opened fired in the sanctuary of the Tennessee Valley Unitarian Universalist Church. Three shells had been fired before church members tackled Adkisson, but two people were killed and five more wounded by the blasts before he was wrestled to the floor.

The angry gunman invaded the Knoxville church on Sunday and began blasting away as more than 200 parishioners were packed inside to watch a children's performance of the musical "Annie."

Adkisson was tackled by church members when he paused to reload while terrified church members ducked beneath pews or ran screaming from the church.

Investigating as a 'Hate Crime'

Adkisson, an out-of-work mechanical engineer, left a four-page letter in his car in the church parking lot in which he railed against liberals and the fact that he had been unable to get a job since 2006. Owen said Adkisson was also angry that his food stamps were about to be reduced or eliminated.

"It appears what brought him to this horrible event was his lack of being able to obtain a job, frustration over that and his hatred for the liberal movement," Owen said.

The chief later added, "He did express that frustration that the liberal movement was getting more jobs and he was being kept out of the loop because of his age" and because he wasn't liberal.

"It appears he did choose that church intentionally," Owen said, possibly after it had received some publicity for its advocacy of liberal causes. "We're certainly investigating it as a hate crime."

Owen said Adkisson had been preparing for his assault on the church "for a week or so."

But his anger had apparently been boiling over for a while. "I'm sure this is something that has been building for a long time," Owen said.

Held on Murder Charges

Parishioner Barbara Kemper told the Associated Press that Adkisson said some "hateful things" before he started shooting, but Owen would only say that the gunman spouted something that "wasn't very complimentary." Despite the presence of the children, Owen said, "There was an indication he was not targeting the children." No children were injured in the barrage.

Because many parents in the church was believed to be filming the show, police are looking for video evidence of the rampage.

Owen said he believed that Adkisson was a former member of the Army's 101st Airborne Division and that he

<http://abcnews.go.com/US/story?id=5463260&page=1#.UXFZ3EpzpDg>

purchased the shotgun from a pawn shop. His only previous brushes with the law were a pair of driving under the influence charges.

The alleged gunman told police that "he had no next of kin and no family," Owen said.

Adkisson has been charged with first-degree murder and was being held on \$1 million bail under "close observation," Knox County Sheriff's Office spokeswoman Martha Dolley said.

Hero Loses Life

The Tennessee Valley Unitarian Universalist Church promotes progressive social work, including advocacy of women and gay rights. The Knoxville congregation also has provided sanctuary for political refugees, fed the homeless and founded a chapter of the American Civil Liberties Union, according to its Web site.

Karen Massey, a neighbor to Adkisson, told the Knoxville News Sentinel about a lengthy conversation she had with Adkisson a few years ago in which she told him her daughter had just graduated from a Bible college. She said she was surprised by his reaction when she told him she was a Christian.

"He almost turned angry," she told the newspaper. "He seemed to get angry at that. He said that everything in the Bible contradicts itself if you read it." She also said Adkisson spoke frequently about his parents, who "made him go to church all his life. ... He acted like he was forced to do that."

The shooting instantly created heroes inside the crowded church.

Greg McKendry, 60, died as he attempted to block the gunfire. Kemper described the burly McKendry as "a refrigerator with a head." She said McKendry "stood in the front of the gunman and took the blast to protect the rest of us."

Church members said one of the people who tackled the gunman was John Bohstedt, who played "Daddy Warbucks" in the performance.

A second victim was identified as Linda Kraeger, 61. She died at a hospital hours later. Five of the wounded remained hospitalized.

The Associated Press and Reuters contributed to this report

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The New York Times

Education

SHOOTINGS IN A SCHOOLHOUSE: THE HERO; Wounded Teen-Ager Is Called a Hero

By JERE LONGMAN
Published: May 23, 1998

On Thursday, his 17th birthday, Jacob Ryker was sitting with friends in the school cafeteria, waiting for classes to begin, when a boy in a trench coat walked in and began shooting.

The first shots were mistaken for firecrackers, a prank someone must have been pulling because of student election day at Thurston High School. But Jacob's girlfriend, Jennifer Alldredge, was shot in the upper body. Jacob yelled, "Gun!" and stood up, but a bullet from a .22-caliber semiautomatic rifle pierced his right lung, sending him tumbling backward over a cafeteria bench.

"He knew he had to tackle the guy or other people would be killed," said Jacob's mother, Linda Ryker, who is a school bus driver. "He told me, 'He had been shooting people, and I wasn't going to let him shoot again.'"

Students and law enforcement officials say Jacob performed a heroic act, getting to his feet even though he had been wounded, subduing the gunman -- identified by the police as 15-year-old Kipland P. Kinkel -- and containing an attack that could have been much worse. Two students were killed and 23 were injured in the shooting.

"They started with 300 or 400 kids in that cafeteria," said Mark Clark, a local minister and volunteer with the Springfield Fire Department who had rushed to Thurston High. "It was jampacked, and if the boy had continued shooting, there is no way those kids could have gotten out of there fast enough. He could have killed or hurt double or triple the number that he did."

At 6-foot-4 and 185 pounds, with close-cropped hair and a rawboned build, Jacob Ryker, a junior, had joined the wrestling team this year. Gary Bowden, who coaches wrestling and teaches social studies at Thurston High, said that Jacob never backed down from a challenge.

"This was perfectly consistent with his character, thinking about other people instead of himself," Mr. Bowden said. "He was angry that his girlfriend got shot. It was just like Jake to go after him. He wouldn't have been afraid."

The gunman walked up to a student who was lying on the floor, placed the rifle to her head and attempted to fire three times, but nothing happened, said Joshua Ryker, Jacob's 14-year-old brother.

As the gunman began to reload and other panicked students dived for cover, Jacob untangled his foot from the bench and charged 10 to 15 feet toward the boy with the rifle. Jacob knocked the gunman to the floor, his brother and other students said.

"I saw him run up and jump on the guy, and the gun fell from his hands," said Dee Strother, 18, a Thurston senior. "Jake started pounding him."

The Ryker brothers, like many others in rural Oregon, are familiar with guns. They often go hunting and target shooting with their father, Robert, a Navy diver, and their uncle, Jake Meyer.

"He heard a click, and he knew the rifle was out of ammo," Robert Ryker said, "and he knew it was time to get the gun away."

Jacob struggled with the gunman, who pulled out a 9-millimeter handgun, Mr. Ryker said. Jacob grabbed at the gun as it was pointed toward his face and it discharged, striking the knuckle on his left index finger, his father said.

Several other boys then joined in to subdue the gunman, including Joshua; two brothers, 18-year-old Doug Ure and 15-year-old David Ure, and another student, Adam Walberger. The other boys were not injured.

As the boys waited for teachers and the police to arrive, Joshua said, the gunman said to them, "Just shoot me, shoot me now."

Jacob was listed in serious condition at Sacred Heart Medical Center in nearby Eugene.

Joshua's father, a National Rifle Association member, said that Jacob had a .30-06 and Joshua had a .22-caliber rifle but that his boys were not allowed to fire their weapons unless an adult was present.

"I'm proud of my sons and the other boys," Mr. Ryker said. "I don't know about this hero business. All the boys did what they had to do to survive. They all did the right thing. When they had a chance to jump in, they did."

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The New York Times

Archives

DEATH ON THE L.I.R.R.: The Rampage; Gunman in a Train Aisle Passes Out Death

By FRANCIS X. CLINES
Published: December 09, 1993

When the gunman emptied his first clip into passengers at the rear of the car and stopped to reload, Kevin Zaleskie, crouching in panic a few seats farther along, realized he had one small chance to flee before aim was taken at him as the stalker worked the aisle, shooting to the right, then to the left, as methodical as if he were taking tickets.

"I got up to run, but the aisle was jammed with someone," Mr. Zaleskie, a financial analyst for I.B.M., said today, recalling what he thought would be the violent ending of his life amid the most banal routine of commuting home. "I didn't think I was going to get out. I was very panicky. I ducked back down in the seat. The guy was moving in my direction, shooting again." A Ticket and a Gun

The rampage by the gunman aboard the 5:33 evening commuter train from Pennsylvania Station had moved Mr. Zaleskie and 80 other passengers in the third car from the easiest of lulling habits to an instantaneous scramble of terror and fear.

A man intent on murder who carefully paid for his ticket back in New York City was firing methodically with a 9-millimeter pistol, a hallmark of modern America's pathology of violence and fear. In three minutes of gunfire, he reduced the defenseless commuters in the third car to casualties on a one-sided battlefield.

As the gunman was finally brought to ground, tackled by one brave passenger and pinned by two others as he sought to reload his pistol for a third 15-shot rampage, David Farrell joined a reinforcement group that came from hiding to grab his legs and arms. "We held on and the gunman said, 'Oh God, what did I do? What did I do? I deserve whatever I get.'"

One of the men who subdued him could be heard commanding again and again from within the bloody scrimmage: "Stay where you are. Shut up. Shut up. Shut up."

Passengers farther away in the train would not discover the carnage until well after the gunman was subdued and the first of his 25 victims limped or were carried onto the Long Island Rail Road platform. One passenger, William A. Warshowsky, had scrambled for his life from the gunman's approach, leaped with a crowd into the darkness from the stopped train and ran all the way home, finally checking his body for wounds and celebrating his survival intact.

Another passenger, Margaret Richards, was amazed even beyond the bloodied windows and three victims she saw slumped tightly together with head wounds, when she saw the gunman handcuffed later in a patrol car. "He was very calm. No emotions showing. Everything fine, you know, 'dum-de-dum,'" she related, songlike. "And then someone came over from all the blood of the train and lost it and began shouting, 'How can he be sitting there so calm after everything he did?'"

In the moment after the gunman had been subdued, Mr. Zaleskie had turned in his mind from the next likely victim to someone of immeasurable good fortune. In a minute, he was taking off his necktie and began making a tourniquet for a woman bleeding nearby, delivered from the terrifying stalker.

"The guy kept coming down the aisle with the gun," Mr. Zaleskie related of the height of the carnage. "And I just put my briefcase in front of my face and hunched down with two other people in the seat," he said, describing something close to fearful resignation. "He walked past, still shooting. And I didn't feel any bullets," the passenger continued in a very tight, very grateful monotone of recollection and survival.

At this point, more than a score of passengers were already cast about the car, wounded and bleeding, and the gunman tended his pistol, the second 15-shot clip exhausted.

"So he's reloading again and he was certainly going to keep shooting," Mr. Zaleskie recalled. "But someone yells, 'Grab him!'"

That was when one passenger tackled the gunman in the center of the car before he could get off another round and two more men piled onto him. The killer was pinned in a seat in the blood- and gore-smeared third car of the train, which had come to a stop at the Merillon Avenue station, panic spreading in all directions.

"A horror," said Mr. Zaleskie of the scene inside the car, suddenly quiet after the outrageous siege. "An absolute horror, and lying around in the aisles and in the seats, you see these people you never quite got to know across years of commuting," he said, his tone tinged with wonder. "Faces you recognize each day, but don't really know. And this horror has happened to them."

At the front of the car, Mr. Warshowsky had got up to wait by the door as the train approached the station when he heard the pop of the 9-millimeter gunfire and mistook it for something harmless, caps or fireworks. "A woman yelled, 'He's got a gun! He's shooting people!'" the passenger recalled, saying he was instantly moving in an adrenal blur, jumping down into a seat to hide as the bullets sprayed about the car.

"I heard 15 shots," said the 26-year-old purchasing department worker at The New York Times. "The gunman was pressing the trigger every half second or so. Going side to side shooting people. Not rapid fire, but pressing the trigger steadily -- pop, pop, pop. When he stopped to reload I made a run for the next car. We were trampling each other. I thought the guy was right at my back," said the New York City native, in his second year of suburban life.

In the next car, the second in the 12-car train, some passengers, unaware of the killing going on next door, seemed annoyed at the unruly

influx. "Be calm," one shouted at Mr. Warshowsky, who joined a crowd that manually forced open a door as the train pulled into the station. He burst forth to freedom.

The gunman had moved backward down the aisle, suddenly, briefly, facing each victim as or after he fired. The gunman was identified by the police today as Colin Ferguson, a 35-year-old native of the island of Jamaica who authorities said was a rage-filled individual from a furnished room in Brooklyn.

Police officials reported that the suspect was carrying scraps of angry notes cast in racist tones but directed across a spectrum of institutions and ethnic groups, including whites, Asians and black officials police said he characterized in his angry jottings as corrupt and racist. None of his victims was black, and police officials, who described his siege as methodical and inclusive, were unable to say whether there were other black passengers aboard the train.

"This was the work of a deranged, maniacal person who for a variety of reasons decided to explode," said Chief Joseph Flynn of the Long Island Rail Road police.

When Mr. Warshowsky began fleeing, he saw a conductor peer into the bloody third car from the second, spot the gunman and make an about-face. The railroad defended the crew's performance, saying the engineer, informed of the shooting, thought it best not to open the doors immediately because two of the cars were not at the platform. A conductor finally managed to climb from a train window and open some doors from outside so the panicky throng could flee.

As the gunman had moved in vicious pathology down the aisle, one passenger heard a man suddenly shout, "I have seven kids. Please don't kill me." His fate was unknown.

Police detectives said it appeared that the gunman had been planning his foray for more than a week. In the aftermath, it was his relentlessness that was most often recalled with lingering fear.

In the fourth car, Lorraine Oltadel's first notion of something going wrong aboard the 5:33 was the sudden shout, "He is coming with a gun!"

She did not immediately comprehend the warning but looked into the third car and saw the full threat, gun in hand, leveling passengers. "There he was. He was coming."

Then came a pause free of gunfire. A man shouted, "I think he has run out of bullets." But then, Ms. Oltadel recalled, someone screamed anew in the train: "He's coming again."

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