

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Arie S. Friedman, M.D. and the Illinois State
Rifle Association,

Plaintiffs,

v.

City Of Highland Park,

Defendant.

Case No. 13-cv-9073

Hon. John W. Darrah

**DEFENDANT CITY OF HIGHLAND PARK'S RESPONSE IN OPPOSITION TO
PLAINTIFFS' MOTION TO STRIKE CERTAIN STATEMENTS OF MATERIAL
FACTS SUBMITTED BY DEFENDANTS**

In their Motion to Strike, Plaintiffs challenge 21 of the 74 Statements of Fact that Highland Park has submitted. Plaintiffs challenge some of these facts on multiple grounds. As set forth in more detail below, however, none of these challenges have merit. Plaintiffs' Motion to Strike should be denied in its entirety. First, the term "assault weapons" is defined in detail by the Highland Park Ordinance and is nearly identical to the definition used by Cook County, as well as the United States Congress under the federal Assault Weapons Ban. Second, Mayor Rotering's discussion of the tragic incident involving Laurie Dann is highly relevant to both Highland Park's decision to restrict assault weapons and Plaintiffs' constitutional challenge to that decision. Finally, the expert affidavits of Paul Shafer, Chief of Police for the City of Highland Park, and James Yurgealitis and Mark Jones, both long-time veterans of the federal Bureau of Alcohol, Tobacco, Firearms & Explosives are competent and well-supported statements of expertise that meet all of the requirements of Rules 702 and 703 of the Federal Rules of Evidence.

I. The Term “Assault Weapon” is Defined Extensively by the Ordinance.

Plaintiffs’ contention that the term “assault weapon” is not defined is confusing as a threshold matter. Highland Park’s Ordinance No. 68-13 is titled “An Ordinance Amending Chapter 134 of “The Highland Park Code of 1968,” as Amended, Regarding **Assault Weapons.**” (emphasis added). The five-page Ordinance then consists of nearly three full pages of definitions of the term “assault weapon” as well as a list of many examples of specific weapons which fall under those definitions. Highland Park’s Ordinance is also nearly identical to the Blair Holt Assault Weapons Ban adopted by Cook County on November 14, 2006. (A copy of the Highland Park Ordinance was attached to Defendant’s Statement of Undisputed Material Facts. For convenience, Defendants have attached another copy of the Highland Park Ordinance as Exhibit A herein.)

The Highland Park and Cook County Ordinances modeled their definitions upon similar sections of the federal Assault Weapons Ban, which restricted the sale and manufacture of these weapons nationally from 1994 through 2004. In *Wilson v. County of Cook*, 968 N.E.2d 641, 649-653, 2012 WL 112026 (Ill. S. Ct. April 5, 2012), the Illinois Supreme Court described the federal Assault Weapons Ban in more detail:

[I]n 1994, after a series of hearings on the subject of semiautomatic assault weapons over a five-year period, Congress enacted the Violent Crime Control and Law Enforcement Act, Pub.L. 103–322, 108 Stat. 1796 (codified at 18 U.S.C. §§ 921, 922 (1994)), including a ban on the possession of “semiautomatic assault weapons” and “large capacity ammunition feeding devices” not lawfully possessed as of the date of the enactment. 18 U.S.C. §§ 921(a)(30), (a)(31), 922(v), (w) (1994). **The law defined a “semiautomatic assault weapon” in several different ways, including a specific list of banned firearms or “copies or duplicates” of those firearms. In addition to banning weapons by name, the law banned other semiautomatic rifles, pistols and shotguns that possessed two or more specific characteristics that the legislature found were designed for military applications and that distinguished the firearms from traditional sporting weapons or those useful for self-defense.** 18 U.S.C. § 921(a)(30)(A)–(D) (1994).

968 N.E.2d at 645 (emphasis added). In *Wilson*, the Illinois Supreme Court also went on to note specifically:

Congress found these features [of assault weapons] were combat-designed features that enabled shooters to discharge high numbers of bullets rapidly in a “spray fire” fashion while maintaining control of the firearm, creating enhanced lethality. H.R.Rep. No. 103–489, at 18–20 (1994), reprinted in 1994 U.S.C.C.A.N. 1820, 1826–27. The law also specifically exempted a list of 661 firearms by make and model that the legislature found were most commonly used in hunting and recreational sports. 18 U.S.C. § 921, app. A (1994).

968 N.E.2d at 645. Thus, the definition of an assault weapon is defined at length in the Highland Park Ordinance. In addition, this definition of a semi-automatic weapon including a detachable magazine and other characteristics “designed for military applications” has been part of the general legislative vocabulary for more than 20 years. Plaintiffs’ challenge defies logic let alone the law.¹

One possible explanation for the Plaintiffs’ illogical attack on the definition of “assault weapons” is the Illinois Supreme Court’s ruling in *Wilson*. There, the Court denied a challenge to Cook County’s Assault Weapon Ordinance which asserted that the term “assault weapon” was unconstitutionally vague. 968 N.E.2d at 649-653. Given the Illinois Supreme Court’s ruling, Plaintiffs here do not and cannot challenge the identical definition in the Highland Park Ordinance on similar constitutional grounds. Instead, Plaintiffs are attempting to challenge in a

¹ Plaintiffs’ reliance on Justice Thomas’ dissent in *Stenberg v. Carhart*, 530 U.S. 915 (2000) is particularly baffling. That case had nothing to do with assault weapons or Second Amendment rights whatsoever. In *Stenberg*, the Supreme Court struck down restrictions on certain *abortion* procedures which the Court held interfered with the right to privacy. In his dissent, Justice Thomas noted in a footnote that the majority referred to the medical procedure “dilation and evacuation” rather than the Plaintiffs’ preferred but more politically-charged term “partial birth abortion.” *Id.* at 1001 n. 16. He then cited a Stanford Law Review article which contains the language quoted by Plaintiffs about assault weapons. (The language was from the article, not Justice Thomas.) Justice Thomas was asserting, however, the opposite of Plaintiffs’ contention. The fact that someone objects to a particular term does not mean it does not have a given meaning. Since 1994, assault weapons have developed a very clear meaning. As Justice Thomas asserted, the fact that Plaintiffs object to the term “assault weapon” is not a basis for not using that term.

Motion to Strike what they could not challenge on vagueness grounds. This court should reject that procedural gambit.

The term “assault weapons” is extensively defined in the Highland Park Ordinance. Highland Park’s Undisputed Material Facts referencing that term are neither argumentative nor misleading. Facts 9, 25, 26, 28, 29, 30, 31, 34, 51, 54, 56, 60 and 62 should all be deemed admitted as a matter of law.

II. The Tragic School Attack by Laurie Dann is Highly Relevant to Highland Park Decision to Ban Assault Weapons.

In her sworn declaration, Highland Park Mayor Nancy Rotering described some of the deliberations of the Highland Park City Council during its consideration of a ban on assault weapons.

The City Council also expressed its concern that the recent mass shooting tragedies in Aurora, Colorado, Newton, Connecticut, Tucson, Arizona and Santa Monica, California, could occur in Highland Park, unless proper public safety measures are taken. As Mayor, and as a mother of four, I am particularly concerned about preventing a school shooting similar to the massacre at Sandy Hook Elementary School in Newtown. That is what was on my mind throughout our consideration of the Ordinance: how unlikely an assault weapon massacre was in Newtown and how similar our communities are. I could not shake the thought that we could just as easily be those panicked and grief-stricken parents. In a similar vein, I wrote a letter to the Mayor of Aurora, Colorado, in the wake of their gun-related tragedy, empathizing with the agony his community was experiencing.

Rotering Declaration at 9, (attached as Exhibit A to Statement of Undisputed Material Facts.)

Mayor Rotering then went on to recall the devastating events caused by Laurie Dann in 1988.

As Highland Park Chief of Police, Paul Shafer described these events in his declaration:

During the morning of May 20, 1988, Laurie Dann entered the Ravinia Elementary School in the City, and attempted to detonate a bomb in the school’s hallway. Nobody was injured by Dann at the Ravinia School. However, later that day, Dann would shoot six students at an elementary school in the adjacent Village of Winnetka, killing one eight-year-old boy.

(Shafer Declaration at 12, attached as Exhibit B to Statement of Undisputed Material Facts.)

In her declaration, Mayor Roterling also recalled those events and their impact on her decision to support the ban on assault weapons:

Lastly, the tragedy that occurred when Laurie Dann attempted to ignite an incendiary device at one of our Highland Park elementary schools, then went on a shooting rampage at another school in nearby Winnetka was also on my mind. My concern for how vulnerable our schools and schoolchildren are played into our need to pass the Ordinance.

Roterling Decl. at 9. Mayor Roterling was noting that the mass shooting in the Sandy Hook elementary school in Newtown, Connecticut was not a remote tragedy, but unfortunately similar to events which had occurred in Highland Park and its neighboring community in 1988.

Plaintiffs' contention that Laurie Dann was not armed with an assault weapon misses this point entirely. If Laurie Dann had obtained an assault weapon, the tragic events in Winnetka could have been far, far worse. Beyond this, Highland Park did not have an abstract connection to school violence, but a real and painful one based on actual experience.

The events involving Laurie Dann are potentially relevant to this Court's decision as both a legal and factual matter. Under the two-prong standard established by the Seventh Circuit in *Ezell v. City of Chicago*, 651 F.3d 684 (7th Cir.2011), if the court determines that Plaintiffs' Second Amendment rights are implicated by the Highland Park Ordinance, "then there must be a second inquiry into the strength of the government's justification for restricting or regulating the exercise of Second Amendment rights." *Id.* at 703. *See also Heller v. District of Columbia*, 670 F.3d 1244 (D.C. Cir. 2011) (*Heller II*). Mayor Roterling and the City Council's consideration of the Laurie Dann incident and its connection to a possible ban on assault weapons would be directly relevant to this consideration of Highland Park's justification for its decision under this second prong of the analysis.

Accordingly, there is no basis for Plaintiffs' Motion to Strike Defendants' Statement of Fact Number 24.

III. Defendants' Experts in Law Enforcement Have Properly Supported Their Conclusions on Factual Issues.

Highland Park has submitted three experts in law enforcement to support its ban on assault weapons: Paul Shafer, the Highland Park Chief of Police, James Yurgealitis, a 26-year veteran of the federal Bureau of Alcohol, Tobacco, Firearms & Explosives ("BATF"), and Mark Jones, also a career agent of the BATF, who also served as an officer in the Glencoe Police Department, and is currently a member of the University of Chicago Crime Lab. For their part, Plaintiffs have not offered a single member of law enforcement to challenge Highland Park's Ordinance.² Because Plaintiffs' challenge to Highland Park's experts misunderstands both the Rules of Evidence and the factual support for their conclusions, Plaintiffs' Motion to Strike portions of their factual assertions should be dismissed as a matter of law.

A. Federal Rules of Evidence 702 and 703 Do Not Bar Statements of Fact

Plaintiffs assert that the Court's "gatekeeper authority" under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and Fed. R. Evid. 702 along with Fed. R. Evid. 703 should act as a bar to more than a dozen Statements of Fact supported by the declarations of Highland Park's experts. Not surprisingly, though, Plaintiffs do not cite to single case in which the Federal Rules of Evidence have been used to strike statements of fact in this manner. The case law establishes the opposite: Highland Park's experts have provided highly relevant and admissible information to the Court.

² Plaintiffs five experts are: James Supica, the Director of Museums for the National Rifle Association; David Lombardo, a firearms trainer; James Cucuruto, the Director of Research for a firearms industry trade association; Gary Kleck, a Professor of Criminology at Florida State University; and Gary Roberts, a dentist in private practice in California.

As the Court is well aware, Rule 703 provides in full:

Bases of an Expert’s Opinion Testimony

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. **If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted.** But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Fed. R. Evid. 703 (emphasis added). By its express terms, Rule 703 applies only to matters to be submitted to a jury. As the Seventh Circuit has noted: “Rule 703 effectively recognizes that distinction in limiting the admissibility of such evidence only as to juries.” *Ambrose v. Roeckman*, 749 F.3d 615, 621 (7th Cir. 2014). Where the court is the trier of fact, “it is presumed that the judge will understand the limited reason for the disclosure of the underlying inadmissible information and will not rely on that information for any improper purpose.” *Id.* Even when expert information is presented to a jury, an expert may rely upon hearsay or the conclusions of other experts. *U.S. v. Rollins*, 862 F.2d 1282 (7th Cir. 1988); *Nachtsheim v. Beech Aircraft Corp.*, 847 F.2d 1261 (7th Cir. 1988). Thus, Plaintiffs challenges to the expert conclusions of Paul Shafer, James Yurgealities and Mark Jones are all misplaced to the extent Plaintiffs complain of reliance on hearsay, particularly given that the case is before the court rather than a jury.

Plaintiff reliance on *Daubert* and Rule 702 is similarly misplaced. As Rule 702 provides:

Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

Fed. R. Evid. 702. But Plaintiffs have not established that any of the facts submitted are flawed in any way. At most, Plaintiffs contend that their experts would have asserted conflicting information. Yet, this is grounds for cross-examination, not a basis for striking material facts. *See e.g. Manpower, Inc. v. Ins. Co. of Pennsylvania*, 732 F.3d 796 (7th Cir. 2013)(reversing trial court's decision to bar statistical evidence as an abuse of discretion where court challenged conclusions reached by experts rather than the underlying data supporting those conclusions).

None of the facts supported by Chief Shafer, Mr. Yurgealitis nor Mr. Jones are proper subjects of a motion to strike. As described in more detail below, each of Plaintiffs' contentions as to these experts should be denied as a matter of law.

B. Highland Park's Chief of Police is Competent to Testify about Assault Weapons

Paul S. Shafer has been the Chief of Police for the City of Highland Park since July 2003. He has more than 35 years in law enforcement in the Chicago area, beginning as a patrol officer in Bellwood in 1979, and then serving as a Commander and Captain in the Naperville Police Department for more than twenty years. In addition to his extensive law enforcement experience, Chief Shafer also described his own decision to request that Highland Park purchase assault weapons for use by its police officers in special situations. As set forth in his

Declaration:

In 2013, due to the nationwide increase in active shooter incidents, I requested that the City Council approve the use of .223 rifles by members of the Department. I believe that these rifles, **which are assault weapons**, are necessary for law enforcement, because (a) the rifles are more accurate at longer distances; and (b) the ammunition for these rifles can penetrate a suspect's body armor. To my knowledge, every municipal police department in the vicinity of the City deploys .223 rifles for its officers.

Shafer Decl. at 22 (emphasis added). Despite Chief Shafer's extensive law enforcement background and his particular experience with assault weapons, Plaintiff have challenged the following six facts set forth in his declaration:

25. Assault weapons are not designed for self-defense, but are instead designed for combat situations which include rapid fire, the possibility of multiple targets, and a need for increased magazine capacity to engage multiple targets. These factors are not typically present when a firearm is required for defense of a home. (Shafer Declaration, ¶16)

26. Assault weapons are not appropriate for hunting. Hunting strategy requires a weapon to accurately kill an animal humanely, preferably with one shot. Accordingly, the magazine capacity is generally much smaller. Large magazines and rapid-fire capability of assault weapons exceed these hunting requirements. (Shafer Declaration, ¶17)

27. By way of example, the AR-15 assault weapon (the civilian version of the military M-16) was not designed as a hunting weapon; it was designed for use by the military in combat situations. (Shafer Declaration, ¶18)

28. The Highland Park Chief of Police determined that residents did not need assault weapons to adequately protect themselves, their families, or their properties. If required, there were numerous other types of firearms available and legal for possession by City residents that would serve the intended self-defense purposes. (Shafer Declaration, ¶19)

30. Assault weapons typically have many features that are specifically designed to allow the user to shoot multiple targets in a shorter time period than conventional firearms that are designed for self-defense. (Shafer Declaration, ¶19)

31. The presence of assault weapons in the City would increase the probability that shooting incidents could involve multiple victims. (Shafer Declaration, ¶20)

Each of these facts, however, is clearly based on Chief Shafer's extensive law enforcement experience and personal knowledge of the capabilities of assault weapons. Plaintiffs have not established that he would not be a credible and reliable witness on these issues. Notably, Plaintiffs chose not to depose Mr. Shafer during expert discovery and therefore do not have any basis for challenging his expertise. Plaintiffs should not be allowed, though, to waive discovery

and then use their lack of knowledge to assert a lack of expertise. Accordingly, Plaintiffs Motion to Strike Facts 25, 26, 27, 28, 30, and 31 should be denied.

C. A 26-Year Law Enforcement Agent is a Reliable Expert on Firearms and Assault Weapons.

Plaintiffs attack two relatively straightforward statistics offered by one of Highland Park's other expert witnesses, James Yurgealitis. In his sworn declaration, Mr . Yurgealitis describes his credentials as follows:

I am currently Self Employed as a Legal and Forensic Consultant providing Criminal Case Reviews, Forensic Case Reviews and Technical Firearms Consulting, Testing and Training Services to Corporations, Legal Counsel and the Public Sector. During my previous 26 year career as a Federal Law Enforcement Officer I have been recognized, and testified as, an expert witness in numerous local, state and federal courts. I have toured numerous firearms and ammunition manufacturer's facilities both in the United States and overseas. I maintain a personal library of firearms and ammunition related books and periodicals and maintain contact with other recognized experts in the field. My final assignment in government service was as Senior Special Agent/Program Manager for Forensic Services for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Department of Justice, a position I held for nine (9) years. During that time I was responsible for all Bureau firearms and forensic firearms related training and research at the ATF National Laboratory Center in Ammendale, Maryland.

Yurgealitis Decl. at 1. Mr. Yurgealitis supported a series of material facts, including the following facts addressing the number of assault weapons in the United States:

Prevalence of Assault Weapons

54. It is difficult to determine how many assault weapons Americans currently own, in large part because most firearm manufacturers refuse to release data tracking their sales. The declarations filed in support of the plaintiffs' complaint in this matter focus on the number of semi-automatic rifles manufactured in the United States, but we know that a great many of these end up in Mexico. (Yurgealitis Declaration, ¶35)

55. The NRA's lobbying arm estimates that, depending upon the definition of assault weapon, assault weapons represent 15% of all semi-automatic guns owned in the U.S., which in turn represent about 15% of all firearms owned in the U.S. (Yurgealitis Declaration, ¶35)

56. According to 2004 national firearms survey conducted by Hepburn, Miller, Azreal and Hemenway, there are approximately 218 million privately owned firearms in the U.S. Based on the NRA's statistics, therefore, there are approximately 4,905,000 assault weapons in the U.S. While this number is not insignificant, in my opinion it does not support the claim that assault weapons are 'in common use'. (Yurgealitis Declaration, ¶36)

Plaintiffs have moved to strike Fact Nos. 55 and 56 on the basis that they are hearsay. Yet, as Plaintiffs are forced to admit Rule 703 specifically provides: "If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted." Thus, the Seventh Circuit has recognized that hearsay is an improper objection to an expert's testimony under Rule 703. *See U.S. v. Rollins*, 862 F.2d 1282 (7th Cir. 1988).

Plaintiffs Motion to Strike Fact Nos. 55 and 56 also fails for two additional reasons. First, as the stated facts make clear, Mr. Yurgealitis relied upon data from the National Rifle Association in reaching his conclusions. Since one of Plaintiffs' stable of industry experts was the Director of Museums for the NRA, it is at least highly likely that Plaintiffs had access to this data or should have found a way to do so.³ Second, Plaintiffs can hardly be heard to complain of data from the National Rifle Association as unreasonable or unreliable.

At most, Plaintiffs have offered grounds on which to challenge the facts asserted by Mr. Yurgealitis. This does not constitute, however, a basis for striking those facts altogether. Accordingly, Plaintiffs Motion to Strike Facts No. 55 and 56 should be denied.

³ Plaintiffs' contention that Mr. Yurgealitis did not bring a printout of the NRA webpage on which he relied to his deposition is similarly misplaced. Mr. Yurgealitis provided extensive footnotes to all the material referenced in his Declaration and Plaintiffs' counsel had copies of all relevant reports, studies and other references. Plaintiffs have cited no rule nor case law requiring experts to maintain copies of every website upon which they may rely.

D. Highland Park's Evidence on Mass Shootings is Admissible and Reliable.

Finally, Plaintiffs move to strike a series of facts supported by Highland Park's expert Mark Jones, a career agent of the BATF and a Law Enforcement Advisor to the University of Chicago Crime Lab. Specifically, Plaintiffs move to strike the following six facts concerning mass shooting events in the United States.

Use of Assault Weapons in Mass Shootings

57. Mass shootings alone resulted in at least 519 deaths and scores of injuries between 2009 and 2013. (Jones Declaration, ¶37)

58. The recent study by Mayors Against Illegal Guns (MAIG) shows that of the 93 examples occurring between January 2009 and September 2013 at least 14 semi-automatic or fully automatic assault weapons were recovered from the suspects; in those incidents, 151% more casualties resulted and 63% more deaths occurred than in incidents involving other types of guns. (Jones Declaration, ¶11)

59. The MAIG Report cited does not include the September 20, 2013 mass shooting at Cornell Park in Chicago wherein a subject wielding a Kalashnikov style semi-automatic assault rifle wounded 13 victims in just a few seconds. (Jones Declaration, ¶11) (A copy of the MAIG Report is attached as Ex. G.)

60. For example, Adam Lanza used an assault weapon legally purchased by his mother to shoot his way into a locked elementary school building in Newtown, Connecticut in 2012. In ten minutes, he killed 26 people and wounded two others. He discharged his weapon at least 130 times in less than eight minutes. Newtown Police responding to the first 911 call were on the scene in less than four minutes. (Jones Declaration, ¶12)

61. According to the Federal Bureau of Investigation, the frequency of active shooter events has doubled between 2009 and 2013, as compared to the period 2000 to 2008. The FBI defines an "active shooter event" as "an individual actively engaged in killing or attempting to kill people in a confined and populated area, typically through use of a firearm." The events considered in the FBI's study were limited to those where the shooter attempted to kill multiple people in an area occupied by multiple unrelated individuals where at least one victim was unrelated to the shooter. (Jones Declaration, ¶13)

62. Moreover, assault weapons are used in a disproportionately high number of shootings of law enforcement officers. For example, although assault weapons

represented somewhere between 1 and 8% of guns used in crime in 1994, they accounted for 16% of gun murders of police officers. (Jones Declaration, ¶14)⁴

63. Statistically, rifles and shotguns, known collectively in the vernacular as “long guns”, are less likely to be used in homicides or be recovered by law enforcement authorities in other crimes. Yet when they are used the carnage that results is stunning, the two most recent examples being 29 casualties in Newtown, Connecticut (December 2012) and 70 in Aurora, Colorado (July 2012) for a total of 99 dead and wounded in just those two 2012 incidents. (Jones Declaration, ¶38)

To support these conclusions, Mr. Jones relied in part on a Report by Mayors Against Illegal Guns from September 2013. (A copy of this Report was attached as Exhibit G to Highland Park’s Statement of Undisputed Material Facts. For convenience, a copy is attached to this Response as Exhibit B.)

Plaintiffs attack these facts on the ground that Mr. Jones has no “expertise in statistics or critical interpretation of criminological data.” Pl. Mot. to Strike at 9. But the summary of the Mayors Against Illegal Guns Report did not require this level of statistical work. As a review of the report makes clear, the facts are entirely supported. The computation by Mr. Jones were simple arithmetic. As Plaintiffs admit, there have indeed been 93 mass shooting events since 2009. *Id.* at 8. In those events, 14 involved weapons which would have been excluded by the Highland Park Ordinance. In those 14 events, the deaths and casualties were extraordinarily higher than in the other 79 events.

Plaintiffs cannot challenge this simple math. Even if they could, this hardly is grounds to strike the facts proffered by Mr. Jones, a career agent of the BATF and a Law Enforcement Advisor to the Chicago Crime Lab. At most, it would grounds for cross-examination, impeachment, or testimony by a competing expert. Plaintiffs have not identified any appropriate

⁴ Although Plaintiffs assert in their Caption Heading that they are moving to strike Fact Nos. 61 and 62, they offer no basis for doing so, and do not refer again to these facts in their concluding sentence which only refers to the other five. In an abundance of caution, Highland Park treats them as if they have all been part of the same argument, although there is no discussion of Facts 61 and 62 nor their alleged insufficiencies.

grounds for striking these facts as a matter of law. Accordingly, Plaintiffs Motion to Strike Facts Nos. 57, 58, 59, 60, 61, 62, and 63 should be denied.

CONCLUSION

WHEREFORE, for the foregoing reasons, Defendant, the City of Highland Park requests an order of this Court denying Plaintiffs' Motion to Strike Defendant's Statements of Material Fact Nos. 9, 24, 25, 26, 27, 28, 29, 30, 31, 34, 51, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63. Each of those facts is relevant, properly supported, and complies with Rules 702 and 703 of the Federal Rules of Evidence.

DATE: August 6, 2014

CITY OF HIGHLAND PARK

By: /s/ Christopher B. Wilson
One of Its Attorneys

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CERTIFICATE OF SERVICE

I, Christopher B. Wilson, an attorney, certify that on August 6, 2014, I caused the foregoing **DEFENDANT CITY OF HIGHLAND PARK'S RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO STRIKE CERTAIN STATEMENTS OF MATERIAL FACTS SUBMITTED BY DEFENDANTS** to be filed pursuant to the Court's CM/ECF system and served via the Court's CM/ECF System on the following:

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EXHIBIT A

DECLARATION OF NANCY ROTERING

I, Nancy Rotering, under penalty of perjury as set forth in 28 U.S.C. § 1746 declare as follows:

1. I serve as the Mayor of the City of Highland Park, Illinois ("City"). I have served the City as Mayor since May 2011. Prior to being elected as Mayor, I served as a member of the City Council from May 2009 until May 2011.

2. I have personal knowledge of the matters set forth in this Affidavit and can testify competently to such matters.

3. I was born in the City of Cincinnati, Ohio in 1961 and have lived in Highland Park for all but 18-years of my life.

4. As the legislative body for the City, the City Council is responsible for making policy and enacting laws that protect and preserve the public health, safety, and welfare of City residents, businesses, and visitors. Specifically, the City Council has the duty to prevent, to the greatest extent practicable, the commission of violent crimes within the City.

5. On June 24, 2013, the City Council adopted City Ordinance No. 68-13, prohibiting the manufacture, sale and possession of assault weapons and large capacity magazines within the City ("*Ordinance*"). A true and correct copy of the Ordinance, which bears my signature, is attached to this Affidavit as Exhibit A.

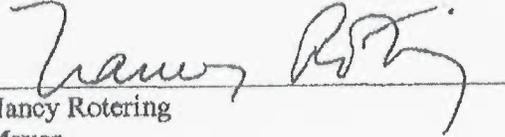
6. The City modeled its Ordinance after Cook County's assault weapon ban; with only minor non-substantive exceptions, the City's Ordinance is identical to the County's.

7. The City deliberately chose Cook County's ordinance as a model because it has recently survived equal protection and vagueness challenges before the Illinois Supreme Court.

8. As set forth in the Ordinance, the City Council believes that assault weapons pose an undue threat to public safety for the residents, property owners and visitors to the City.

9. The City Council also expressed its concern that the recent mass shooting tragedies in Aurora, Colorado, Newtown, Connecticut, Tucson, Arizona and Santa Monica, California, could occur in Highland Park, unless proper public safety measures are taken. As Mayor, and as a mother of four, I am particularly concerned about preventing a school shooting similar to the massacre at Sandy Hook Elementary School in Newtown. That is what was on my mind throughout our consideration of the Ordinance: how unlikely an assault weapon massacre was in Newtown and how similar our communities are. I could not shake the thought that we could just as easily be those panicked and grief-stricken parents. In a similar vein, I wrote a letter to the Mayor of Aurora, Colorado, in the wake of their gun-related tragedy, empathizing with the agony his community was experiencing. Lastly, the tragedy that occurred when Laurie Dann attempted to ignite an incendiary device at one of our Highland Park elementary schools, then went on a shooting rampage at another school in nearby Winnetka was also on my mind. My concern for how vulnerable our schools and schoolchildren are played into our need to pass the Ordinance.

10. The City Council believes that the City is not immune to gun violence, particularly gun violence involving assault weapons, and that the weapons pose a dangerous threat in the City and other suburban areas.



Nancy Rotering
Mayor
City of Highland Park

#27507543_v1

ORDINANCE NO. 68-13

AN ORDINANCE AMENDING CHAPTER 134 OF "THE HIGHLAND PARK CODE OF 1968," AS AMENDED, REGARDING ASSAULT WEAPONS

WHEREAS, Chapter 134 of "The Highland Park Code of 1968," as amended ("*City Code*"), regulates the manufacture, sale, and possession of firearms in the City; and

WHEREAS, the Constitution of the United States of America and the Constitution of the State of Illinois afford certain protections related to the ownership of firearms; and

WHEREAS, in *District of Columbia v. Heller*, the United States Supreme Court recognized that the Constitutional protections related to firearm ownership is not unlimited, and can be subject to certain types of governmental regulations; and

WHEREAS, in its *Heller* decision, the United States Supreme Court specifically acknowledged that the protections afforded by the Second Amendment to the Constitution of the United States does not extend to all types of firearms; and

WHEREAS, many courts throughout the nation have upheld local regulations restricting or prohibiting the ownership or possession of assault weapons, including, without limitation, the State of Illinois Appellate Court, the United States District Court for the District of Columbia, and the Court of Appeals for the State of California; and

WHEREAS, recent incidents in Aurora, Colorado; Newtown, Connecticut; Tucson, Arizona; and Santa Monica, California demonstrate that gun violence is not limited to urban settings, but is also, tragically, a reality in many suburban and small town locations as well; and

WHEREAS, the City Council has determined that assault weapons are not traditionally used for self-defense in the City of Highland Park, and that such weapons pose an undue threat to public safety to residents, property owners, and visitors within the City of Highland Park; and

WHEREAS, the City has previously encouraged the Governor and the Illinois General Assembly to enact statewide legislation banning the sale and possession of assault weapons; and

WHEREAS, to date, the State has failed to enact a statewide ban on the sale or possession of assault weapons; and

WHEREAS, on May 31, 2013, the Illinois General Assembly approved House Bill 183, as amended, which Bill contains a provision that would preempt the home rule authority of the City to regulate the possession or ownership of assault weapons, unless the City adopts such a regulation not later than 10 days after House Bill 183 becomes law; and

WHEREAS, pursuant to the home rule powers of the City, and in order to protect both the home rule authority of the City and the public safety and welfare, the City Council desires to amend Chapter 134 of the City Code to prohibit the manufacture, sale, ownership, acquisition, or possession of assault weapons within the City; and

WHEREAS, the City Council has determined that it will serve and be in the best interest of the City and its residents to amend the City Code pursuant to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, STATE OF ILLINOIS, as follows:

SECTION ONE: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION TWO: FIREARMS CONTROL. Chapter 134, entitled "Handgun Control," of Title XIII, entitled "Misdemeanors," of the City Code is hereby re-titled "Firearms Control".

SECTION THREE: ASSAULT WEAPONS AND LARGE CAPACITY MAGAZINES. Chapter 134, entitled "Firearms Control," of Title XIII, entitled "Misdemeanors," of the City Code is hereby amended to add a new Section 134.010, which Section 134.010 hereafter reads as follows:

"Sec. 134.010 Assault Weapons and Large Capacity Magazines.

(A) Whenever the following words and phrases are used, they shall, for purposes of this Section 134.010, have the meanings ascribed to them in this Section 134.010(A), except when the context otherwise indicates.

(1) "Assault Weapon" means

(a) A semiautomatic rifle that has the capacity to accept a large capacity magazine detachable or otherwise and one or more of the following:

- (i) Only a pistol grip without a stock attached;
- (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (iii) A folding, telescoping or thumbhole stock;
- (iv) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; or
- (v) A muzzle brake or muzzle compensator;

(b) A semiautomatic pistol or any semi-automatic rifle that has a fixed magazine, that has the capacity to accept more than ten rounds of ammunition;

(c) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

- (i) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (ii) A folding, telescoping or thumbhole stock;
- (iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
- (iv) A muzzle brake or muzzle compensator; or
- (v) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(d) A semiautomatic shotgun that has one or more of the following:

- (i) Only a pistol grip without a stock attached;
- (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
- (iii) A folding, telescoping or thumbhole stock;

- (iv) A fixed magazine capacity in excess of five rounds; or
- (v) An ability to accept a detachable magazine;
- (e) Any shotgun with a revolving cylinder;
- (f) Conversion kit, part or combination of parts, from which an assault weapon can be assembled if those parts are in the possession or under the control of the same person;
- (g) Shall include, but not be limited to, the assault weapons models identified as follows:
 - (i) The following rifles or copies or duplicates thereof:
 - (A) AK, AKM, AKS, AK-47, AK-74, ARM, MAK90, Misr, NHM 90, NHM 91, SA 85, SA 93, VEPR;
 - (B) AR-10;
 - (C) AR-15, Bushmaster XM15, Armalite M15, or Olympic Arms PCR;
 - (D) AR70;
 - (E) Calico Liberty;
 - (F) Dragunov SVD Sniper Rifle or Dragunov SVU;
 - (G) Fabrique National FN/FAL, FN/LAR, or FNC;
 - (H) Hi-Point Carbine;
 - (I) HK-91, HK-93, HK-94, or HK-PSG-1;
 - (J) Kel-Tec Sub Rifle;
 - (K) Saiga;
 - (L) SAR-8, SAR-4800;
 - (M) SKS with detachable magazine;
 - (N) SLG 95;
 - (O) SLR 95 or 96;
 - (P) Steyr AUG;
 - (Q) Sturm, Ruger Mini-14;
 - (R) Tavor;
 - (S) Thompson 1927, Thompson M1, or Thompson 1927 Commando; or
 - (T) Uzi, Galil and Uzi Sporter, Galil Sporter, or Galil Sniper Rifle (Galatz).

- (ii) The following pistols or copies or duplicates thereof:
 - (A) Calico M-110;
 - (B) MAC-10, MAC-11, or MPA3;
 - (C) Olympic Arms OA;
 - (D) TEC-9, TEC-DC9, TEC-22 Scorpion, or AB-10; or
 - (E) Uzi.

- (iii) The following shotguns or copies or duplicates thereof:
 - (A) Armscor 30 BG;
 - (B) SPAS 12 or LAW 12;
 - (C) Striker 12; or
 - (D) Streetsweeper.

"Assault weapon" does not include any firearm that has been made permanently inoperable, or satisfies the definition of "antique firearm," stated in Section 134.001 of this Chapter, or weapons designed for Olympic target shooting events.

(2) "Detachable Magazine" means any ammunition feeding device, the function of which is to deliver one or more ammunition cartridges into the firing chamber, which can be removed from the firearm without the use of any tool, including a bullet or ammunition cartridge.

(3) "Large Capacity Magazine" means any ammunition feeding device with the capacity to accept more than ten rounds, but shall not be construed to include the following:

- (a) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds.
- (b) A 22 caliber tube ammunition feeding device.
- (c) A tubular magazine that is contained in a lever-action firearm.

(4) "Muzzle Brake" means a device attached to the muzzle of a weapon that utilizes escaping gas to reduce recoil.

(5) "Muzzle Compensator" means a device attached to the muzzle of a weapon that utilizes escaping gas to control muzzle movement.

(B) No person shall manufacture, sell, offer or display for sale, give, lend, transfer ownership of, acquire or possess any assault weapon or large capacity magazine. This Section 134.010(B) shall not apply to:

- (1) The sale or transfer to, or possession by any officer, agent, or employee of the City or any other municipality or state or of the United States, members of the armed forces of the United States, or the organized militia of this or any other state; or peace officers, to the extent that any such person named in this Section 134.010(B)(1) is otherwise authorized to acquire or possess an assault weapon and/or large capacity magazine and does so while acting within the scope of his or her duties; or

(2) Transportation of assault weapons or large capacity magazine if such weapons are broken down and in a nonfunctioning state and are not immediately accessible to any person.

(C) Any assault weapon or large capacity magazine possessed, sold or transferred in violation of Section 134.010(B) of this Chapter is hereby declared to be contraband and shall be seized and destroyed of in accordance with the provisions of Section 134.010(E) of this Chapter.

(D) Any person who, prior to the effective date of this Section 134.010, was legally in possession of an assault weapon or large capacity magazine prohibited by this Section 134.010 shall have 90 days from the effective date of this Section 134.010 to do any of the following without being subject to prosecution hereunder:

(1) To remove the assault weapon or large capacity magazine from within the limits of the City;

(2) To modify the assault weapon or large capacity magazine either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon or large capacity magazine; or

(3) To surrender the assault weapon or large capacity magazine to the Chief of Police or his or her designee for disposal as provided in Section 134.010(E) of this Chapter.

(E) The Chief of Police shall cause to be destroyed each assault weapon or large capacity magazine surrendered or confiscated pursuant to this Section 134.010; provided, however, that no firearm or large capacity magazine shall be destroyed until such time as the Chief of Police determines that the firearm or large capacity magazine is not needed as evidence in any matter. The Chief of Police shall cause to be kept a record of the date and method of destruction of each Firearm or Large Capacity Magazine destroyed pursuant to this Chapter.

(F) The violation of any provision of this Section 134.010 is a misdemeanor, punishable by not more than six months imprisonment or a fine of not less than \$500 and not more than \$1000, or both."

SECTION FOUR: PUBLICATION. The City Clerk shall be, and is hereby, directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

AYES: Mayor Rotering, Councilman Stone, Kaufman, Frank, Blumberg, Knobel

NAYS: Councilman Naftzger

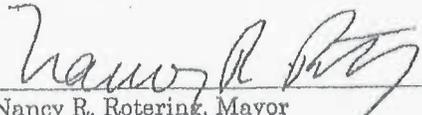
ABSENT: None

PASSED: June 24, 2013

APPROVED: June 24, 2013

PUBLISHED IN PAMPHLET FORM: June 25, 2013

ORDINANCE NO.: 68-13

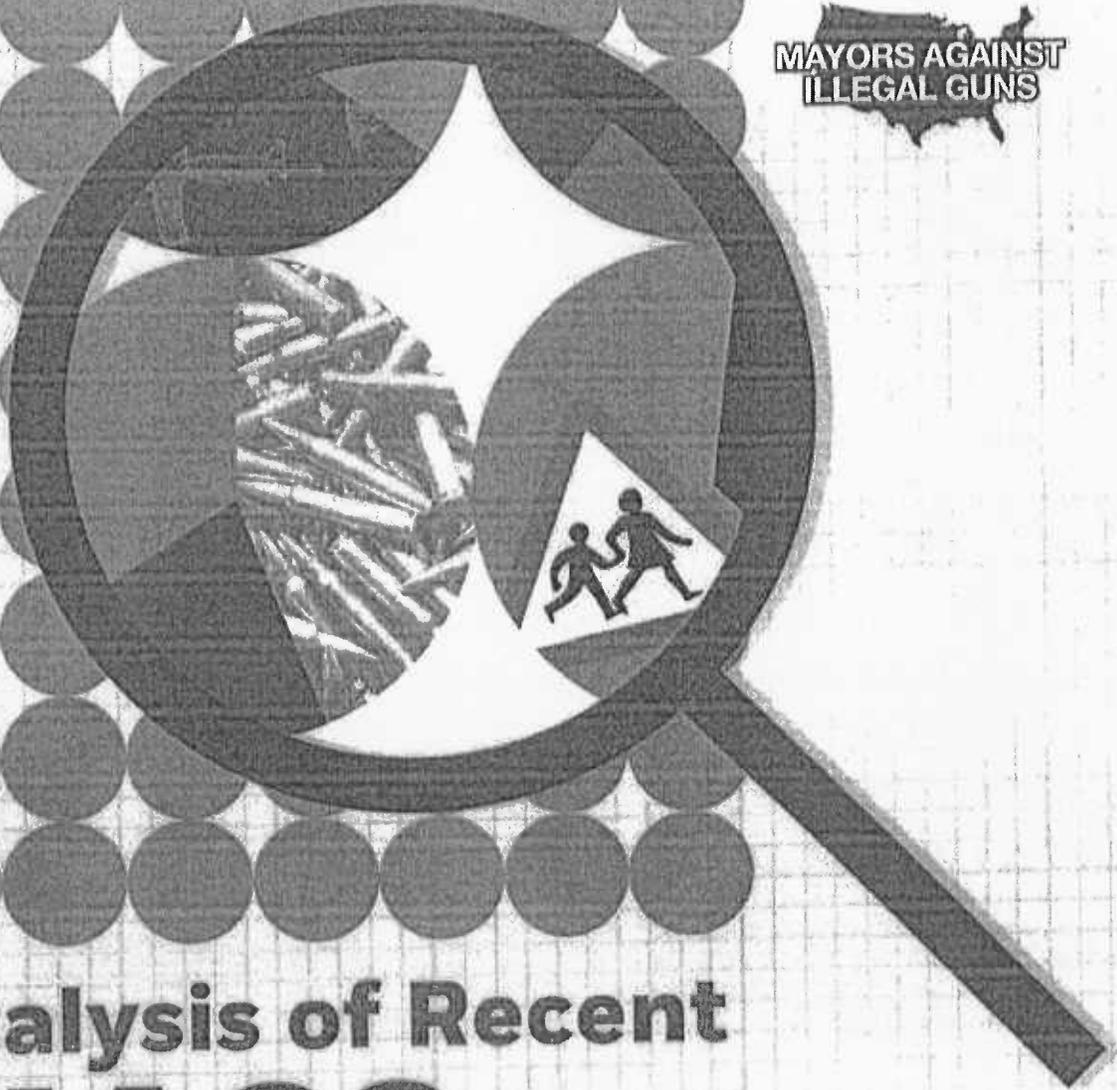

Nancy R. Rotering, Mayor

ATTEST:

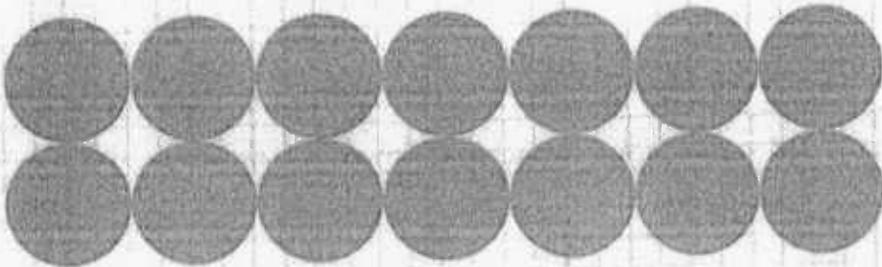

Ghida S. Neukirch, City Clerk

EXHIBIT B

September 2013



Analysis of Recent
MASS
SHOOTINGS





ANALYSIS OF RECENT MASS SHOOTINGS

Mayors Against Illegal Guns conducted a comprehensive analysis of every mass shooting between January 2009 and September 2013 that was identifiable through FBI data and media reports. This report describes the **93 MASS SHOOTINGS — ALMOST TWO PER MONTH — THAT OCCURRED IN 35 STATES** in the nearly five-year period. Each description includes the location of the shooting, number of people killed and/or injured, and information on the shooter, gun(s), ammunition, and gun purchase, where available.

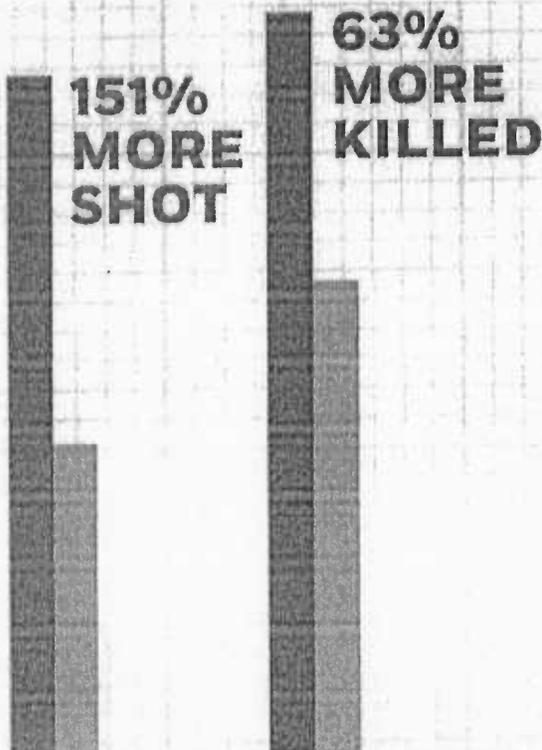
The FBI defines “mass shooting” as any incident where at least four people were murdered with a gun. Mayors Against Illegal Guns reviewed mass shootings in the FBI’s Supplementary Homicide Reports from 2009-2011, the most recent data available, and searched the media for further details about these incidents as well as for mass shootings that occurred in 2012 and 2013.

This survey includes every shooting we identified in which at least four people were murdered with a gun. And the findings reveal a different portrait of mass shootings in America than conventional wisdom might suggest:



Mass shootings

represent a small share of total U.S. firearm homicides. Less than one percent of gun murder victims recorded by the FBI in 2010 were killed in incidents with four or more victims.



Assault weapons or high-capacity magazines

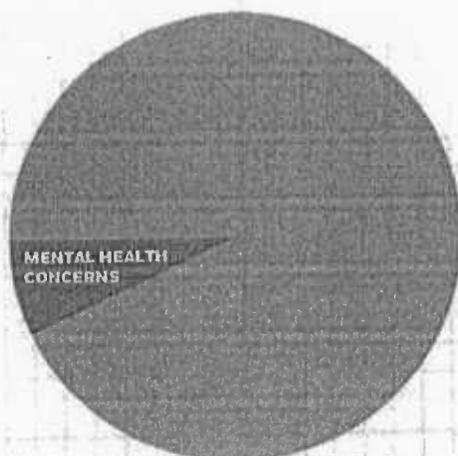
were used in at least 14 of the incidents (15%). These incidents resulted in an average of 14.4 total people shot — 151% more people shot than in other incidents (5.7) — and 7.8 deaths — 63% more deaths than in other incidents (4.8).

Analysis of Recent MASS SHOOTINGS



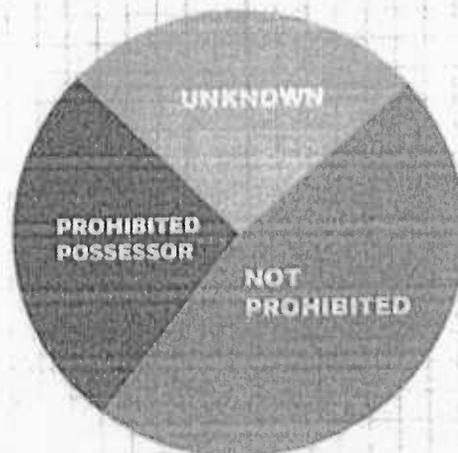
Domestic or family violence

There was a noteworthy connection between mass shooting incidents and domestic or family violence. In at least 53 of the cases (57%), the shooter killed a current or former spouse or intimate partner or other family member, and in at least 17 incidents the shooter had a prior domestic violence charge.



Mental health

We did not find evidence that any of the shooters were prohibited from possessing guns by federal law because they had been adjudicated mentally ill or involuntarily committed for treatment. In 10 of the 93 incidents (11%), we found evidence that concerns about the mental health of the shooter had been brought to the attention of a medical practitioner, school official or legal authority prior to the shooting.



Role of prohibited possessors

Certain categories of people, including felons, certain domestic abusers, and people adjudicated mentally ill are prohibited by federal law from possessing guns. We had sufficient evidence to judge whether the shooter was a prohibited gun possessor in 75 of the 93 incidents (81%). Of those 75 incidents, 32 (43%) involved a prohibited possessor, and 43 (57%) did not.

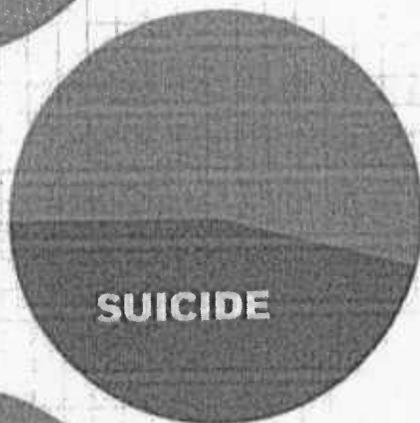


Analysis of Recent MASS SHOOTINGS



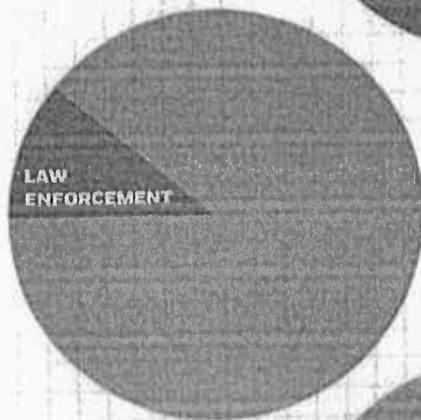
"Gun-free" zones

Sixty-two of the 93 incidents (67%) took place wholly in private residences. Of the 31 incidents in public spaces, at least 17 took place wholly or in part where concealed guns could be lawfully carried. All told, no more than 14 of the shootings (15%) took place entirely in public spaces that were so-called "gun-free zones."



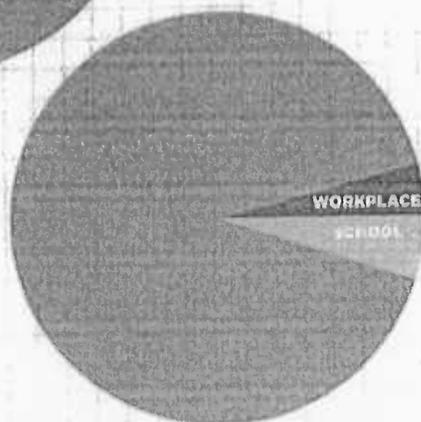
Suicide

In 40 of the 93 incidents (43%), the shooter committed suicide during the incident.



Law enforcement

In 13 of the 93 shootings (14%), law enforcement or military officers were targeted in the shooting or killed or injured responding to it.



Workplace and school shootings

Four of the 93 shootings (4%) occurred at the shooter's current or former workplace. Four of the 93 shooting incidents (4%) took place in schools, including primary, secondary, and college campuses.



MASS SHOOTING INCIDENTS JANUARY 2009-SEPTEMBER 2013 (in reverse chronological order)

Washington, D.C., 9/16/2013: The alleged shooter, who was a civilian contractor and former non-combat military, killed twelve and wounded three more in an attack on Building 197 at the Navy Yard.

- **SHOOTER NAME:** Aaron Alexis, 34
- **GUN DETAILS:** The shooter arrived with a shotgun and also obtained a handgun from one a security guard that he killed.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Two days before the incident the shooter passed a National Instant Criminal Background Check System (NICS) at the licensed gun dealer Sharpshooters in Lorton, VA, and purchased the shotgun.
- **PROHIBITING CRITERIA:** The shooter had been arrested at least three times including: in September 2010 in Fort Worth, Texas for shooting a firearm into a neighbor's apartment; in August 2008 in Dekalb County, Georgia for disorderly conduct; and in 2004 in Seattle, Washington for shooting out the tires of another man's vehicle. But court records do not indicate he was convicted in any of these cases, and this record did not prohibit him from buying guns. He had also received treatment for mental health conditions at two VA hospitals beginning in August, 2013 following an incident where he called Newport Rhode Island Police to report hearing voices. But these incidents did not rise to the level of prohibiting from buying guns. And during his military service he was reportedly cited on at least eight occasions for misconduct ranging from traffic tickets and showing up late for work to insubordination, extended absences from work, and disorderly conduct. On account of this the Navy sought to offer him a "general discharge" but he was ultimately honorably discharged through the early-enlisted transition program in January 2011.
- **NOT A GUN-FREE ZONE:** There were armed guards at the Washington Navy Yard, and the shooter was familiar with the premises, so he did not select it as a target on the presumption he would not faced armed resistance. In fact, the shooter reportedly used a gun that he took from a guard after killing him.

Crab Orchard, TN, 9/11/2013: Bennett and his girlfriend Moser killed a woman and three teenagers, apparently during an attempted robbery during a marijuana exchange. The victims' bodies were discovered in a car parked along the side of the road in the Renegade Mountain resort community near Crossville.

- **SHOOTER NAME:** Jacob Allen Bennett, 26 and Brittany Lina Yvonn Moser, 25
- **GUN DETAILS:** Handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Bennett was prohibited from possessing firearms. In 2010 he received a 6-year prison sentence for charges of theft, forgery, and possession of a handgun during a felony, but was paroled on March 4, 2013. The Cumberland County sheriff's office estimated they had previously arrested Bennett



Analysis of Recent MASS SHOOTINGS

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five times.

- **NOT A GUN-FREE ZONE:** We could find no evidence that permit holders were prohibited from carrying guns in this area. In Tennessee, concealed weapons would be prohibited only if the county or municipality declared itself a gun-free zone.

Oklahoma City, OK, 8/14/13: The shooter killed four of his relatives including an infant inside of their family home.

- **SHOOTER NAME:** Daniel Green, 40
- **GUN DETAILS:** .380 semiautomatic handgun
- **AMMO DETAILS:** A box of .380 handgun ammunition was found in the vehicle when the shooter was arrested.
- **GUN ACQUIRED:** One of the victims owned a .380 semiautomatic handgun and kept it hidden in the attic.
- **PROHIBITING CRITERIA:** Green's father told police in an affidavit that his son was schizophrenic, but there is no evidence that Green had been adjudicated mentally ill or had a criminal history that would prohibit gun ownership.

Dallas, TX, 08/07/2013: The gunman shot and killed his girlfriend and her daughter, and injured two others; and then in a separate attack shot and killed his estranged wife and her daughter, and injured another two people. He also detonated an explosive but it did not harm anyone.

- **SHOOTER NAME:** Erbie Lee Bowser, 44
- **GUN DETAILS:** .380 pistol
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The shooter's estranged wife had obtained a protective order against Bowser in February 2011, citing family violence, and he was later arrested for violating the order. The order seems to have expired in February 2012, but would likely have been prohibiting while it was in place. A criminal conviction for domestic violence, which would also likely have been prohibiting, was expunged from his record after he completed a court program for veterans in the summer of 2012. Bowser was a veteran, but he had not served in combat — making him ineligible to enter the program. He apparently lied about his military history in order to enter the program.

Clarksburg, WV, 07/26/2013: According to a criminal complaint, the shooter was trying to collect \$10,000 two men owed him for drugs when one of them aimed a handgun at him. He stripped the man of the weapon and used it to kill them both; he then shot and killed a father-son newspaper delivery team that happened to be outside the house.

- **SHOOTER NAME:** Sidney Muller, 27
- **GUN DETAILS:** 9mm Beretta
- **AMMO DETAILS:** Unknown



- **GUN ACQUIRED:** Gun apparently belonged to one of the victims
- **PROHIBITING CRITERIA:** The shooter had been convicted previously for driving under the influence and had been arrested for driving with a suspended license, but was not criminally prohibited from possessing a gun. The shooter was also a veteran of the U.S. Marine Corps and his lawyers indicated he had scored four out of five in Post-Traumatic Stress Disorder testing and had been diagnosed as bipolar. He was reportedly in treatment at the local VA hospital. But there is no evidence his mental illness rose to the level of prohibiting him from possessing guns.

Hialeah, FL, 7/16/13: The shooter killed the two managers of his building, a bystander across the street, and three more occupants before police killed him in a standoff.

- **SHOOTER NAME:** Pedro Alberto Vargas, 42
- **GUN DETAILS:** Glock 17 9mm semiautomatic pistol
- **AMMO DETAILS:** Hundreds of additional rounds were found in Vargas' apartment following the incident.
- **GUN ACQUIRED:** Vargas obtained a concealed weapons permit after completing a two-hour training and four-hour safety course in the fall of 2010 at the Florida Gun Center in Hialeah. In October 2010 he passed a background check and purchased a Glock 17, which was used in the shootings.
- **PROHIBITING CRITERIA:** The shooter had developed a pattern of anonymously harassing his former co-workers online, and was confronted about it three days before the shooting. But there is no evidence Vargas was prohibited from owning a gun.

Santa Monica, CA, 6/7/13: The shooter killed his father and brother, burned down their house, and shot and wounded a passing driver who tried to intervene. He then carjacked another vehicle and made the driver transport him to Santa Monica College, firing at a city bus and police cruiser along the way, injuring three. Once on the college's campus, he shot and killed three people outside and fired 70 rounds at students in the library before he was shot and killed by police.

- **SHOOTER NAME:** John Zawahri, 23
- **GUN DETAILS:** The shooter was armed with a .223 caliber AR-15 assault rifle that did not have a serial number; this type of rifle is prohibited in California. A .44 caliber "black powder" revolver that had been converted to fire .45 caliber rounds and three 'Zip Guns,' which are illegal to possess, were also recovered.
- **AMMO DETAILS:** The shooter was carrying a duffel bag containing approximately 1,300 rounds of ammunition. He was armed with approximately forty 30-round .223 magazines, which are illegal to purchase, sell, or transfer in the state of California.
- **GUN ACQUIRED:** The assault rifle, high-capacity magazines, and several components to modify the firearms may have been shipped from outside California. The firearms were not registered to the shooter or to his family members.
- **PROHIBITING CRITERIA:** The shooter had a history of mental health issues and had previously been held for a short-term psychiatric evaluation, which would have prohibited him from accessing or possessing a firearm for five years, but the prohibition expired in 2011. The shooter had attempted to buy a firearm in 2011, but a letter from the Department of Justice discovered in his bedroom after the shooting indicated that he had not been eligible to purchase it at that time, likely because of this hospitalization.



Analysis of Recent MASS SHOOTINGS

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Fernley, NV, 05/13/2013: On May 10th, the shooter killed a couple in their home and stole \$3,500 in cash and jewelry. Three days later, he killed two more people and stole a firearm and their vehicle, and then shot and killed another person later that day.

- **SHOOTER NAME:** Jeremiah Bean, 25
- **GUN DETAILS:** NEF Co. Model R92 .22 caliber handgun. The shooter also stole a Smith & Wesson from one of his victims.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The shooter had been previously convicted for felony charges of burglary and grand larceny, and finished his parole in December 2012. This criminal record likely prohibited him from possessing firearms.

Waynesville, IN, 5/11/13: The alleged shooter killed four people in a home where methamphetamine was subsequently discovered, leading police to believe the crime was drug-related.

- **SHOOTER NAME:** Samuel Earl Sallee, 55
- **GUN DETAILS:** A Ruger 10/22 .22 caliber rifle was recovered.
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The alleged shooter, who had been at the location of the homicides just hours before the bodies were discovered, was taken into custody two days after the shooting. He was prohibited from possessing firearms due to several prior felony convictions including for intimidation, drunk driving (on multiple occasions), receipt of stolen property, and battery. Although authorities delayed in charging the shooter with a crime while they tried to determine a motive for the homicides, they charged him with illegal firearm possession.

Ottawa, KS, 04/28/2013: The shooter raped and killed a woman, as well as killing her 18-month old daughter and two men who were with her at a farm in eastern Kansas.

- **SHOOTER NAME:** Kyle Flack, 27
- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** In 2005 the shooter was convicted of attempted murder in the 2nd degree, having shot a man five times with a pistol, but he only served two years of a five-year sentence and was paroled in July 2009. He was required to register as a violent offender until 2024 and was prohibited from buying guns. His mother also sought mental health treatment on his behalf; her concerns were dismissed, but Flack ultimately submitted to a mental health evaluation.

Manchester, IL, 4/24/13: The shooter broke into a home and killed the grandmother of his child and four of her family members including two young children, apparently related to a cus-



tody dispute over his 3-year-old daughter. The shooter was subsequently killed in a gunfight with law enforcement.

- **SHOOTER NAME:** Rick Odell Smith, 43
- **GUN DETAILS:** All of the victims were killed with a Winchester 20-gauge pump-action shotgun. A .270 Bolt Action Winchester rifle and Ruger carbine rifle were also recovered.
- **PROHIBITING CRITERIA:** The shooter had been previously convicted for felony reckless homicide, which would likely have prohibited from possessing guns, along with drug possession and writing bad checks.

Federal Way, WA, 4/21/13: The shooter killed his girlfriend inside the apartment they shared and then fatally shot two men in a nearby parking lot. When a neighbor called 911, the shooter broke down the man's door with a shotgun and killed him. He was subsequently shot and killed by police.

- **SHOOTER NAME:** Dennis Clark III, 27
- **GUN DETAILS:** .40 caliber semi-automatic handgun and a pistol grip Mossberg 500 pump shotgun. Federal Way Police report that Clark had a permit to carry a concealed weapon and was the registered owner of at least two firearms, including the handgun he used in the shooting.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Clark had no criminal convictions but in 2002 had used a BB gun to shoot a girl in the buttocks and back after she broke up with him, resulting in a fourth-degree assault charge that was dismissed. He was charged with misdemeanor criminal trespass in 2003. And in March 2009 he was charged with harming a police dog but the case was dismissed.

Akron, OH, 4/18/13: The shooters killed four people inside a townhouse; the initial motive for the crime was reportedly robbery.

- **SHOOTER NAME:** Derrick Brantley, 21 and Deshanon Haywood, 21
- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** One shooter, Brantley, was free on bond awaiting trial on felony charges of heroin trafficking. The other, Haywood, was paroled from prison in February 2012 after serving part of a two-year sentence for cocaine trafficking and heroin possession. He immediately violated his parole and was sentenced to 45 days of house arrest. Both were likely prohibited from possessing firearms by their criminal histories.

Herkimer, NY, 04/13/2013: The shooter killed two people and critically wounded one at John's Barber Shop and then killed two more people at Gaffey's Fast Lube, a car care facility. He was killed by responding officers.



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- **SHOOTER NAME:** Kurt Myers, 64
- **GUN DETAILS:** According to the police superintendent, Myers used a shotgun. Additional guns and ammunition were found by emergency crews after Myers set fire to the apartment.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no reason to believe Myers was prohibited from possessing a gun. He was arrested in 1973 for drunk driving
- **NOT A GUN-FREE ZONE:** Gaffey's Fast Lube does not have a specific policy prohibiting guns and allows permit holders to carry concealed weapons on the premises. John's Barbershop did not reopen following the shooting but the owner of a neighboring business did not recall the barbershop having any explicit firearm policy or ban, which would have been required to prohibit customers from carrying guns on the premises.

Albuquerque, NM, 1/19/13: The shooter killed his parents and three siblings in their home. He then loaded a van with guns and ammunition with the intent to kill his girlfriend's family and die in a shootout at Wal-Mart, according to court documents. Instead, he spent the next day with his girlfriend and her family and went to a church he regularly attended, where he was arrested for murder after speaking with the pastor.

- **SHOOTER NAME:** Nehemiah Griego, 15
- **GUN DETAILS:** AR-15 assault rifle, .22 rifle, and two shotguns
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** The guns had been legally purchased by his parents.
- **PROHIBITING CRITERIA:** As a juvenile, the shooter was prohibited from purchasing firearms, but it was lawful for him to possess long guns like those used in the incident.

Tulsa, OK, 1/7/13: During a robbery the shooters bound the hands of four women in an apartment at the Fairmont Terrace complex and shot each one in the head. The 3-year-old son of one of the victims was in the apartment at the time of the incident but was unharmed.

- **SHOOTER NAME:** Cedric Dwayne Poore, 39 and James Stanford Poore, 32
- **GUN DETAILS:** .40 caliber pistol
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Both shooters had extensive criminal histories: Cedric Poore received a 35-year prison sentences in 1995 for armed robbery and James Poore received a 12-year sentence in 2000 for armed robbery with a firearm. Both were released in 2011, but likely remained prohibited from possessing firearms.

Newtown, CT (Sandy Hook Elementary School), 12/14/12: The shooter killed his



mother in her home and then traveled to a nearby elementary school where he shot twenty-eight people, killing twenty-six of them, including twenty children, before killing himself.

- **SHOOTER NAME:** Adam Peter Lanza, 20
- **GUN DETAILS:** A Bushmaster .223 assault-style rifle was used in the attack at the elementary school. A 10mm Glock handgun, a 9mm SIG Sauer handgun, and a shotgun were also recovered at the crime scene.
- **AMMO DETAILS:** Lanza was carrying multiple high-capacity clips, reportedly enough ammunition to kill nearly every student at school.
- **GUN ACQUIRED:** The guns were legally registered to Lanza's mother, who he shot and killed earlier in the day and with whom he lived.
- **PROHIBITING CRITERIA:** Under Connecticut law, Lanza would have been prohibited from possessing handguns because he had not reached the legal age, 21. However, he would not have been prohibited from possessing a long gun like the Bushmaster rifle used in the shooting. Lanza's mental health was also scrutinized after the shooting, and while his social isolation had been noted, we did not find evidence that concerns had been brought to the attention of a public authority.

Tule River Reservation, CA, 12/8/2012: The shooter killed his mother and two uncles in the travel trailer where they lived and injured his young son; he then shot his two daughters, one fatally, while fleeing with them from the police. The gunman died after a shootout with police in which he also shot himself in the head.

- **SHOOTER NAME:** Hector Celaya, 31
- **GUN DETAILS:** .38 caliber revolver
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Celaya had been imprisoned in 2008 for an assault and battery charge and was prohibited from having weapons as a condition of three years' probation. It is likely that this criminal record prohibited him from possessing firearms. He was subsequently arrested multiple times for driving while intoxicated, and was due in court in January 2013 to face a misdemeanor drug possession charge.

Detroit, MI, 12/4/2012: Three adults and one minor were shot to death in a house on the east side of the city before a fire broke out, apparently set by the shooter. There are no reports of arrests or suspects.

- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The assailants are unknown.

Northridge, CA, 12/02/2012: The shooter arrived at an unlicensed boarding house on Devonshire street, reportedly in search of his girlfriend, and after a dispute shot and killed four people



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outside.

- SHOOTER NAME: Ka Pasasouk, 31
- GUN DETAILS: semiautomatic handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter was prohibited from possessing guns, having been convicted for car theft and felony robbery. While on probation in September 2012, he was arrested again for possession of methamphetamine. According to the district attorney, a prosecutor then released him on probation over the objection of probation officials, who believed he posed a threat to the safety of the community.
- NOT A GUN-FREE ZONE: Permit holders were not prohibited from carrying guns in this area.

New Town, ND, 11/18/2012: The shooter murdered a woman and her three grandchildren in their home on Fort Berthold Indian Reservation. When confronted by police he stabbed himself in the neck and died of his injuries.

- SHOOTER NAME: Kalcie Eagle, 21
- GUN DETAILS: .25-06 hunting rifle
- AMMO DETAILS: Unknown
- GUN ACQUIRED: The rifle did not belong to the shooter; police speculated that it may have belonged to a family member.
- PROHIBITING CRITERIA: In March 2012, Eagle was arrested in a stolen pickup truck after a high-speed chase with police. He pled guilty to felony unauthorized use of a vehicle, and was sentenced to a year in jail, with more than three years of supervised probation and more than \$45,000 in fines and restitution. Because of this offense, he was likely prohibited from possessing a firearm.

Minneapolis, MN, 9/27/12: The shooter killed six people and injured two at a signage business, from which he was fired earlier in the day, before killing himself.

- SHOOTER NAME: Andrew John Engeldinger, 36
- GUN DETAILS: Glock 9mm semiautomatic handgun
- AMMO DETAILS: Engeldinger fired at least 46 bullets during the shooting. At his home, police recovered packaging for 10,000 rounds of ammunition.
- GUN ACQUIRED: Engeldinger purchased the gun used in the shooting one year before at KGS Guns and Ammo in Minneapolis after passing a background check and obtaining a permit-to-purchase. Around the same time, Engeldinger purchased another, similar handgun that police recovered when searching his home.
- PROHIBITING CRITERIA: Engeldinger had a concealed carry permit and was not prohibited from possessing a gun. But his family suspected he had paranoid schizophrenia and two years before the shooting they reached out on his behalf to the National Alliance on Mental Illness. Engeldinger did not pursue treatment.
- ONLINE CONNECTION: According to Minneapolis Police, Engeldinger may have purchased some or all of his stockpiled ammunition online from out-of-state dealers.



Oak Creek, WI, 8/5/12: The shooter killed six people at a Sikh temple and injured three others, including a responding police officer, before killing himself.

- **SHOOTER NAME:** Wade Michael Page, 40
- **GUN DETAILS:** 9mm semiautomatic handgun
- **AMMO DETAILS:** Page reportedly bought three 19-round magazines when he purchased the gun.
- **GUN ACQUIRED:** Page acquired the gun at a local gun shop a week before the shooting.
- **PROHIBITING CRITERIA:** Page was involved with the white supremacist movement but he does not appear to have been prohibited from purchasing a gun. He received a discharge from the army "under other than honorable conditions" and was demoted from sergeant to specialist, but this did not affect his access to firearms. Federal officials investigated Page's ties to supremacist groups more than once prior to the shooting, but did not collect enough evidence to open an investigation.
- **NOT A GUN-FREE ZONE:** Nothing restricted the possession of a firearm on the property. Wisconsin state law permits people to carry their guns in temples and other places of worship unless there is a sign or they have been personally notified that carrying firearms is prohibited by the property owner or occupant. Amardeep Kaleka, whose father founded the temple and was killed during the attack, confirmed that there was no such sign on the property.

Aurora, Co, 7/20/12: The shooter killed twelve and wounded fifty-eight in an attack on a suburban movie theater during a midnight screening of Batman.

- **SHOOTER NAME:** James Holmes, 24
- **GUN DETAILS:** Smith & Wesson AR-15 assault-style rifle, Remington 870 12-gauge shotgun, and two Glock .40 caliber handguns.
- **AMMO DETAILS:** Holmes had a 100-round drum magazine for the AR-15 and reportedly only ceased firing with it when it jammed.
- **GUN ACQUIRED:** Holmes acquired the guns at local gun shops.
- **PROHIBITING CRITERIA:** While a student at the University of Colorado, Holmes was treated by the school psychiatrist, who expressed concern about his behavior and referred him to the university Behavioral Evaluation and Threat Assessment (BETA) team. They took no further action and he was never adjudicated mentally ill.
- **ONLINE CONNECTION:** Holmes purchased over 6,000 rounds of ammunition online.

Newton Falls, OH, 7/6/12: The shooter killed his girlfriend, another couple, and their son in two separate shootings, before being cornered by the police and killing himself.

- **SHOOTER NAME:** Robert Brazzon, 55
- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Brazzon had previously pled guilty to felony drug trafficking after police seized 47 guns from his home in 1999 (the guns were later returned to Brazzon's brother and son following a



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court petition). But due to Ohio laws that provide for the restoration of felons' firearm rights, it is unclear whether Brazzon was prohibited from possessing firearms at the time of the shooting.

Tempe, AZ, 6/2/2012: The shooter killed his wife and three children inside of their home, then drove the bodies to a location in the Vekol Valley desert, where he lit the car on fire and shot himself. His wife had filed for a divorce earlier in the year but he had not vacated their shared residence. He was also reportedly undergoing treatment for a brain tumor.

- **SHOOTER NAME:** James Butwin, 47
 - **GUN DETAILS:** Two guns were recovered in the vehicle, and the caliber of the shells for one matched those found in the house where the murders took place.
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Unknown
 - **PROHIBITING CRITERIA:** There is no evidence that Butwin was prohibited from owning a gun.
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Seattle, WA, 5/20/12: The shooter killed five people in a string of neighborhood shootings that began in a coffee shop, and later killed himself.

- **SHOOTER NAME:** Ian Lee Stawicki, 40
 - **GUN DETAILS:** At least one Para-Ordnance .45 caliber handgun - some reports say he carried two.
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Stawicki legally purchased the weapon used in the shooting in addition to two others.
 - **PROHIBITING CRITERIA:** The shooter was a concealed carry permit holder but had a history of mental illness and arrests. He was twice charged with misdemeanor assault but both cases were dismissed when the victims — his girlfriend and brother — refused to testify. Before the shooting, Stawicki's family attempted to have his concealed carry permit revoked. Stawicki's family had become concerned that his mental health had worsened. However, his family was rebuffed by authorities, who said they had no legal basis to revoke Stawicki's permit on claims about Stawicki's behavior alone.
-

Leivasy, WV, 5/19/2012: The shooter killed a man after a dispute over a debt for drugs, as well as his girlfriend and their two children.

- **SHOOTER NAME:** James Roy Belknap, 27
- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** In 2007, Belknap pled guilty on charges of conspiracy to deliver cocaine and was sentenced to 5 years in prison. In exchange, prosecutors dismissed a grand jury indictment charging him with murder. He was therefore prohibited from possessing a gun.



Port St. John, FL, 5/15/12: The shooter attacked her four children — ages 12 to 17 — in her home, killing them before shooting and killing herself. An autopsy indicated that she had a blood alcohol level of .16 at the time of the shooting — twice the legal limit.

- **SHOOTER NAME:** Tonya Thomas, 33
- **GUN DETAILS:** Taurus .38 caliber revolver
- **AMMO DETAILS:** She fired 18-hollow-point rounds during the incident, reloading the gun three times.
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence she was prohibited from possessing a gun. The shooter was charged with misdemeanor battery in 2002 for striking the father of her children but it was later dropped.

Gilbert, AZ, 5/2/12: The shooter, formerly a member of the U.S. Marine Corps and a founder and leader of a border militia group, shot and killed four people including his girlfriend, before killing himself. At the time of the incident he was running for the office of Pinal County Sheriff.

- **SHOOTER NAME:** Jason Todd ("J.T.") Ready, 39
- **GUN DETAILS:** At least two handguns and a shotgun were recovered from the scene. Six-armor piercing grenades, which may not legally be possessed by civilians, were also recovered.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence that the shooter was prohibited from owning guns, even though he had a record of dangerous behavior. In 1992, he was arrested for damage to property and aggravated assault with a weapon and pled guilty to simple assault, a misdemeanor. He was court-martialed twice during his military service, the second resulting in a bad conduct discharge in 1996. In 2009, a woman filed an order of protection against him, but it was not active at the time of the shooting. Officers had also responded to multiple domestic violence calls from Ready's home. Indeed, his girlfriend went to police headquarters on February 28, 2012 to make a complaint and report two domestic violence incidents, but she did not go to court to file for an order of protection.

Oakland, CA (Oikos University), 4/2/12: The shooter killed seven people at a Korean Christian college, where he had formerly been a student.

- **SHOOTER NAME:** One L. Goh, 43
- **GUN DETAILS:** .45 caliber handgun
- **AMMO DETAILS:** Goh was armed with four magazines of ammunition, holding 10 rounds each.
- **GUN ACQUIRED:** The gun was purchased legally in California two months before the shooting.
- **PROHIBITING CRITERIA:** None apparent, though Goh was expelled from the school for disciplinary problems.

Norcross, GA, 2/20/12: The shooter returned to a Korean spa from which he'd been kicked out after an altercation, where he shot and killed two of his sisters and their husbands before commit-



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ting suicide.

- **SHOOTER NAME:** Jeong Soo Paek, 59
- **GUN DETAILS:** .45 caliber handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Police reported that he acquired the gun legally.
- **PROHIBITING CRITERIA:** Paek does not appear to have been prohibited, although he had allegedly served two months in jail for assaulting his sister six years earlier. In 2006 she applied for a temporary protection order and described his intention to harm himself or others with guns.
- **NOT A GUN-FREE ZONE:** We could find no indication that the property owner forbade possession of a firearm on their property.

Villa Park, IL, 1/17/2012: The shooter killed his girlfriend, her two sons, and her niece while they slept. After leaving the scene of the crime he shot himself and died of his injuries.

- **SHOOTER NAME:** Cedric Anderson, 42
- **GUN DETAILS:** .357 Magnum handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Anderson has several drug-related offenses dating back to 1990, and in 2008 received probation for possessing a firearm without the required license. On December 29, 2011 was convicted of felony heroin possession, and was awaiting sentencing at the time of the massacre. He was therefore prohibited from possessing a gun.

Grapevine, TX, 12/25/11: The shooter killed his estranged wife, two children, and three other family members as they opened their Christmas presents, before killing himself. The shooter's wife had filed for bankruptcy in August 2010 and reportedly separated from him during the proceedings, moving to the apartment complex where the shooting took place.

- **SHOOTER NAME:** Aziz Yazdanpanah, 56
- **GUN DETAILS:** 9mm and .40 caliber handguns
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** The 9mm was purchased in 1996 and registered to the shooter.
- **PROHIBITING CRITERIA:** In 1996, the shooter pled guilty to one count of subscribing to a false income tax return, and was fined \$1000 and placed on three years' probation. But police said the 9mm was legally registered to the shooter and there is no evidence that he was otherwise prohibited from purchasing a gun.

Emington, IL, 12/16/2011: The shooter killed her boyfriend and her three children before taking her own life in the backyard of their home.

- **SHOOTER NAME:** Sara McMeen, 30



- GUN DETAILS: Semi-automatic pistol
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from owning a gun. But she reportedly suffered from bipolar disorder and postpartum depression, and did not take any medication. She also had a family history of mental illness and violence. In 1971, McMeen's father shot and killed his wife with a 12-gauge shotgun. He was found not guilty by reason of insanity, and diagnosed with schizophrenia with suicidal and homicidal tendencies.

Gargatha, VA, 12/15/11: The shooter killed two of his children, their mother, and the man she was living with before killing himself. The shooter was reportedly involved in a custody dispute with the woman at the time of her death.

- SHOOTER NAME: Esteban Quintero-Gonzales, 37
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Bay City, TX, 11/30/11: The shooter and his wife argued in their mobile home, and when she exited he shot her three times in the front yard, injuring her, before killing his four children aged 2 to 5 and then killing himself.

- SHOOTER NAME: Jose Avila-Alva, 24
- GUN DETAILS: .22 caliber revolver
- AMMO DETAILS: Unknown
- GUN ACQUIRED: The handgun was reported stolen in 2010.
- PROHIBITING CRITERIA: The shooter was not a legal resident of the U.S., and had been deported to Mexico in 2006 for unlawful entry, which would have prohibited him from purchasing a gun. One week earlier, on November 22, 2011, the shooter's wife filed an assault report against him and was taken to a crisis center by police, but she did not press charges.

Greensboro, NC, 11/20/2011: The shooter shot and injured a married man she had been having an affair with since 2008, injuring him. At some point that morning she also shot four children in her house, including her older son, a niece, a nephew, and a friend, and they all died of their injuries. She then picked up her son from a sleepover, shot and killed him, and turned the gun on herself.

- SHOOTER NAME: Mary Ann Holder
- GUN DETAILS: .38 caliber handgun

- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun. The wife of the man the shooter was having an affair with sought a restraining order against her earlier in 2011; the shooter responded by requesting a restraining order against the man and his wife. Both orders had expired.

Liberty, SC, 10/14/11: The shooter killed her ex-husband, two sons, and their step-grandmother. When investigators arrived, she told them one of her sons had committed the homicides and then killed himself, but this story was inconsistent with forensic evidence. Nine days after the shooting she was taken into custody and charged with four counts of homicide. She had reportedly taken out a \$700,000 life insurance policy for her family members with herself named as the beneficiary.

- SHOOTER NAME: Susan Diane Hendricks, 48
- GUN DETAILS: .380 caliber handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: In April 2006, Susan Hendricks shot and killed Doyle "O'Brian" Teague in her home after he had allegedly entered uninvited and threatened her. No charges were filed against Hendricks at the time, and the case was never closed. There is no evidence that she was prohibited from possessing a gun in 2011.

Seal Beach, CA, 10/12/11: The shooter injured one and killed eight at a hair salon, including his ex-wife, before being taken into police custody.

- SHOOTER NAME: Scott Evans Dekraai, 41
- GUN DETAILS: Dekraai carried 3 handguns – a 9 mm Springfield, a Heckler & Koch .45, and a Smith & Wesson .44 Magnum – and used at least two in the shooting.
- AMMO DETAILS: News articles say Dekraai was carrying "extra ammunition" when the shooting began.
- GUN ACQUIRED: All three guns were purchased legally and registered in accordance with California law.
- PROHIBITING CRITERIA: Dekraai was subject to a restraining order that specifically prohibited him from possessing guns, but the order expired in 2008. Dekraai had been diagnosed with Post Traumatic Stress Disorder, and during a custody suit his ex-wife had filed court papers claiming that he was mentally unstable and had threatened to kill himself or someone else at least once.

Laurel, IN, 9/26/11: The shooter killed a man, the man's estranged wife, their two children, and a neighbor. The male victim reportedly had sold the addictive pain-reliever Oxycontin to the shooter, and on the day of the murders they had argued over the price.

- SHOOTER NAME: David E. Ison, 46



- **GUN DETAILS:** A .380 caliber handgun was used in the slayings. Another stolen .380 handgun and an AK-47 were recovered during the investigation.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The shooter had a lengthy criminal record, including a conviction for armed robbery, which would have prohibited him from possessing a gun, and at the time of the murders was on probation for 10 counts of burglary.

Monongalia County, WV, 9/6/2011: The shooter killed five people and injured one before fleeing from the police and then killing himself.

- **SHOOTER NAME:** Shayne Riggleman, 22
- **GUN DETAILS:** A .30-.30 rifle was used. A second rifle and a .22 caliber pistol were also recovered.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** In 2008, Riggleman was sentenced to 14 months in prison for armed robbery, an offense that would prohibit him from possessing firearms, though it is possible his rights were restored under West Virginia law. He had also been diagnosed with bipolar disorder and schizophrenia at Chestnut Ridge Hospital and his family had him committed on several occasions.

Carson City, NV (IHOP Shooting), 9/6/2011: The shooter killed four people at an IHOP restaurant, including three National Guard members, before killing himself.

- **SHOOTER NAME:** Eduardo Sencion, 32
- **GUN DETAILS:** A Norinco Mak 90 assault rifle that had been illegally modified into a fully automatic machine gun. A Romarm/Cugir AK-47 type assault rifle and a Glock 26 semiautomatic handgun were also recovered.
- **AMMO DETAILS:** Police recovered 450 rounds of AK-47 ammunition from Sencion's van and "box upon box" of additional ammunition at his home.
- **GUN ACQUIRED:** Five years earlier, the gun had been sold by a private party in California to an unknown buyer.
- **PROHIBITING CRITERIA:** Sencion was taken into protective custody during a mental health commitment in April 2000 but no court order was involved and it remains unclear if a record of the incident was reported to the NICS database.
- **NOT A GUN-FREE ZONE:** IHOP allows individual franchises to determine their own firearm policies, and this franchise allows concealed carrying of firearms on the premises.

Marion County, FL, 8/5/11: The shooter killed the mother of his child in her mother's home, his own 6-year-old sister, and two other acquaintances before setting the building on fire. Court records indicated he had smoked synthetic marijuana laced with cocaine prior to the murders. The gun was not immediately recovered.



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- **SHOOTER NAME:** James Edward Bannister, 31
- **GUN DETAILS:** Believed to be a .38 caliber revolver
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence that he had a prohibiting criminal record.

Wheatland, WY, 7/30/11: The shooter killed his three sons and his brother and shot and injured his wife before surrendering to police. His wife later reported he had become upset because he wanted to keep the curtains of their home drawn to prevent the neighbors from looking inside.

- **SHOOTER NAME:** Everett E. Conant III
- **GUN DETAILS:** Two semiautomatic handguns were used in the shooting. A shotgun and a rifle were also recovered.
- **AMMO DETAILS:** Police testified that about 50 rounds were fired during the incident.
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The police reported that the shooter did not have a criminal record. There is no evidence to indicate he was prohibited from possessing a gun.

Wagener, SC, 7/3/2011: The shooter apparently went on a murder-suicide rampage, killing his wife, her twin sister, his mother-in-law, and his ex-girlfriend in two different residences before he was confronted by law enforcement and shot himself.

- **SHOOTER NAME:** Kenneth Myers, 47
- **GUN DETAILS:** A 20-gauge shotgun was used in the massacre. Myers owned numerous weapons including an SKS, AK-47, two 9 mm handguns, a .22 caliber revolver, and a .38 caliber snub-nose pistol.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence that the shooter was prohibited from owning a gun. However, he reportedly had a history of violence, having threatened his mother-in-law with a rifle. In a suicide note, he blamed his wife's family for contributing to her drug problem.

Grand Prairie, TX, 6/23/11: The shooter killed his wife and four of her family members at his daughter's birthday party before killing himself.

- **SHOOTER NAME:** Tan Do, 35
- **GUN DETAILS:** Reported to be a handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Tan Do had a history of domestic violence. His wife had obtained a protective order against him but had withdrawn it earlier that year against the advice of a prosecutor.



Medford, NY, 6/9/11: The shooter killed four people at a pharmacy, Haven Drugs, and stole thousands of hydrocodone pills before fleeing in a vehicle. During the trial he acknowledged that he and his wife were addicted to prescription medication.

- **SHOOTER NAME:** David Laffer
- **GUN DETAILS:** A .45 caliber handgun was used in the shooting. Several other legally registered guns were also recovered from the shooter's home.
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The gun was legally registered to the shooter, and there is no evidence he was prohibited from possessing a gun. But five months before the shooting, Suffolk County Detective Kenneth Ripp investigated an identity theft claim made by the shooter's mother, who said the shooter had stolen her debit card. After questioning the shooter and his mother, Ripp advised the Suffolk County Pistol License Bureau that the shooter was dangerous and that his guns should be confiscated. Despite Ripp's report, the guns were not removed.
- **GUN-FREE ZONE:** We could find no evidence that Haven Drugs posted a sign or had a policy prohibiting the carrying of firearms. Current employees declined to comment.

Yuma, AZ, 6/2/11: In a series of separate shootings over a five-hour period, a gunman shot and killed his ex-wife, three of her friends, and her attorney, before killing himself.

- **SHOOTER NAME:** Carey H. Dyess, 73
- **GUN DETAILS:** Handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** Dyess's ex-wife alleged there had been domestic abuse and a judge had issued an order of protection against him in 2006, but there is no evidence that he was prohibited from possessing firearms at the time of the shooting.

Ammon, ID, 5/11/11: The shooter killed his two infant children, their mother, and her sister before setting fire to the house and shooting himself. He had separated from the victim several months before the incident, and in the week before the shooting he had sent her harassing text messages.

- **SHOOTER NAME:** Gaylin Leirmoe
- **GUN DETAILS:** .45 caliber handgun
- **AMMO DETAILS:** Eight shots were fired during the shooting.
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** In October 2009, the shooter was charged with misdemeanor battery for domestic violence with no traumatic injury after hitting his girlfriend — the woman he would ultimately kill — at her birthday celebration. The charges were later dismissed. There is no evidence that he was prohibited from possessing a gun.



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Oak Harbor, Ohio, 4/16/11: The shooter killed his wife and three children, age 1 to 4, before killing himself.

- SHOOTER NAME: Alan Atwater
- GUN DETAILS: .22 caliber rifle, shotgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter and his wife separately reported to friends that in the past he had held her against a wall and choked her. But there is no evidence he was prohibited from possessing a gun.

Willowbrook, CA, 2/11/11: Two brothers, their uncle, and their cousin were shot and killed by an unknown assailant on the patio of their home.

- SHOOTER NAME: Unknown
- GUN DETAILS: Unknown
- AMMO DETAILS: Witnesses reported that the shooting was loud and continuous. Police believe a semiautomatic weapon was used.
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The assailant is unknown.

Minot, ND 1/28/11: The shooter, a Somali national, killed the mother of his child at her home — and then her brother, her mother, and her mother's boyfriend at a nearby home. The murder weapon was never recovered.

- SHOOTER NAME: Omar Mohamed Kalmio, 28
- GUN DETAILS: Believed to be a handgun.
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: In 2006, Kalmio was convicted of second-degree assault with a dangerous weapon and sentenced to a year in prison, which offense prohibited him from legally possessing a firearm.

Tucson, AZ, 1/8/11: The shooter attacked a constituent event hosted by Congresswoman Gabrielle Giffords, killing six and wounding fourteen, including Giffords, before he was subdued.

- SHOOTER NAME: Jared Loughner, 22
- GUN DETAILS: 9mm Glock 19 semiautomatic handgun
- AMMO DETAILS: 33-round magazine
- GUN ACQUIRED: Loughner passed a background check and purchased the Glock handgun at Sportsman's Warehouse in Tucson two months before the attack. Loughner also purchased a Harrington & Richardson shotgun in 2009; this gun was not used in the attack.



- **PROHIBITING CRITERIA:** Loughner had a history of mental illness and drug use. He was rejected from Army enlistment in 2008 after failing a drug test and admitting to drug use on his U.S. Army medical history application form, which should have prohibited Loughner from buying a gun for at least one year. However, Loughner successfully purchased a Harrington & Richardson shotgun in 2009, within a year of his Army rejection. Loughner's purchase of the Glock 19 handgun in 2010 violated the plain intent of federal law, which prohibits someone considered an/to be "unlawful user of or addicted to any controlled substance" from purchasing a gun, but the purchase was still allowed under current enforcement practices. Loughner was also suspended from Pima Community College in 2010 for erratic behavior, and exhibited other signs of mental instability in posts to websites.
- **NOT A GUN-FREE ZONE:** It was lawful to carry a firearm in the area of the shooting. An armed bystander, Joe Zamudio, mistook someone else as the shooter and prepared to fire on him before he was stopped by other bystanders.

Boston, MA, 09/28/10: The shooter killed four and wounded one during a drug-related robbery.

- **SHOOTER NAME:** Edward Washington, 33, and Dwayne Moore, 35, were both charged in the killings. Washington was acquitted. In Moore's first trial, the jury deadlocked 11-1 in favor of his guilt, but he was later convicted in a retrial.
- **GUN DETAILS:** .40 caliber Iberia handgun and 9mm Cobray semiautomatic. The Cobray has not been recovered, but the weapon was identified based on recovered bullets and shell casings.
- **AMMO DETAILS:** 14 rounds fired
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence the shooters were prohibited from possessing guns.
- **NOT A GUN-FREE ZONE:** Any person holding the appropriate license could lawfully carry a firearm in this area. As of 2012 there were an estimated 250,000 concealed weapons permit holders in Massachusetts, and neither state or local law prohibits them from carrying in the city of Boston.

Riviera Beach, FL 9/27/10: The shooter killed his estranged wife and four of his stepchildren in their home, injured one other, and then shot and killed himself.

- **SHOOTER NAME:** Patrick Dell, 41
- **GUN DETAILS:** Handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** In May 2010, the shooter's wife obtained a restraining order, which was active at the time of the shooting and would have prohibited him from owning a gun. In December 2009, Dell has also been arrested on felony aggravated assault, and had been convicted of misdemeanor improper exhibition of a dangerous firearm. Police had responded to 34 calls from the household in the four years preceding the shooting. In April 2008, the shooter's wife had taken out another restraining order against Dell for abusive behavior.

Jackson, KY, 9/10/10: The shooter, reportedly enraged at how his wife prepared his eggs, fatally



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shot her, his stepdaughter, and three neighbors. He killed himself when the police arrived.

- SHOOTER NAME: Stanley Neace, 47
- GUN DETAILS: Shotgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Chicago, IL, 9/2/10: The shooter murdered four individuals execution-style in a garage on South Kildare Avenue. Officials believe he was part of a drug-trafficking crew that had been involved in at least 10 other killings.

- SHOOTER NAME: Raul Segura-Rodriguez, 36
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: While the shooter was reportedly an experienced criminal, there is no evidence of convictions that would have prohibited him from possessing a gun.

Lake Havasu City, AZ, 8/29/10: The shooter killed his ex-girlfriend, her boyfriend, and three others while they were celebrating her boyfriend's birthday and took his own life later that night.

- SHOOTER NAME: Brian Diez, 26
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The gunman's girlfriend had taken out a restraining order against him earlier that year, which would likely prohibit him from purchasing or possessing a gun.

Buffalo, NY, 8/14/10: The shooter opened fire on a group of people outside a bar, killing four and wounding four others.

- SHOOTER NAME: Riccardo McCray, 24
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: McCray had been arrested earlier that year on felony drug charges and the previous year for having a loaded rifle in his car. If he was found guilty of either crime, he would have been prohibited from possessing firearms.
- NOT A GUN-FREE ZONE: We could find no indication that it was unlawful to carry a firearm in the area.



There are an estimated 100,000 concealed weapon permit holders in New York and other than limiting a person's ability to carry when he is under the influence of drugs or alcohol, Buffalo does not add any additional requirements to state law.

Lanham, MD, 8/6/10: The shooter killed two children, their mother, and their paternal aunt in the home where they resided. Police said the shooter was involved in drug trafficking and the victims owed him money.

- SHOOTER NAME: Darrell Lynn Bellard
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence that he was prohibited from possessing a gun.

Manchester, CT, 8/3/10: The shooter killed eight coworkers at a beer distributor and wounded two others before killing himself.

- SHOOTER NAME: Omar Thornton, 34
- GUN DETAILS: Two Ruger SR9 9mm handguns
- AMMO DETAILS: The shooter allegedly carried two extra magazines and two extra boxes of ammunition with him to the attack.
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no indication that he was prohibited from possessing firearms and the guns he used were registered to him.

Hialeah, FL, 6/6/10: The shooter killed four women, including his wife — who had just separated from him. He injured three others before shooting and killing himself. The shooting occurred in Yoyito-Cafe Restaurant, where the shooter's wife was employed as a waitress, and in the parking lot immediately outside.

- SHOOTER NAME: Gerardo Regalado, 38
- GUN DETAILS: .45 caliber handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: The shooter had a concealed weapons permit.
- PROHIBITING CRITERIA: There is no evidence that the shooter was prohibited from owning a gun. However, relatives said the shooter had abused and terrorized women in the past, and had been imprisoned in Cuba for a particularly violent incident, but he did not have a criminal record in the United States.
- NOT A GUN-FREE ZONE: We could find no indication that guns were prohibited in this area. Guns are prohibited in Florida restaurants only in areas primarily devoted to the serving of alcohol.



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Chicago, IL, 4/14/10: The shooter who had converted to Islam in prison killed his family for not going along with his conversion, fatally shooting his mother, pregnant wife, infant son, and two nieces, and injuring one other.

- SHOOTER NAME: James A. Larry, 33
- GUN DETAILS: Shotgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: Larry was almost certainly prohibited from purchasing a gun, having recently served a prison term for a weapons charge. He had also recently pled no contest to misdemeanor battery against his wife.

Los Angeles, CA, 4/3/10: The shooter killed four and injured two at a San Fernando Valley restaurant after a dispute with other patrons. He was indicted in a separate investigation for engaging in the business of dealing firearms without a license and possession of a firearm with an obliterated serial number, having sold firearms to an informant working for federal agents the previous year.

- SHOOTER NAME: Nerses Arthur Galstyan, 28
- GUN DETAILS: Unspecified handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Washington, DC, 03/30/10: Three gunmen killed four and wounded five in retaliation for another murder.

- SHOOTER NAME: Nathaniel D. Simms, 26; Orlando Carter, 20, and unnamed 14-year-old juvenile.
- GUN DETAILS: An AK-47 assault rifle and 9mm and .45-caliber handguns
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The adults were reported to have lengthy criminal histories, which prohibited them from purchasing guns, and the 14-year-old was too young to purchase or own a gun.

New Orleans, LA, 3/26/10: The shooter killed his ex-girlfriend, her sister, and two children.

- SHOOTER NAME: Damian Jordan, 22
- GUN DETAILS: Handgun
- AMMO DETAILS: Unknown



- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: Jordan was likely prohibited from possessing a gun due to a lengthy history of domestic abuse, though he had repeatedly pled down the crimes to simple battery.

Appomattox, VA, 1/19/10: The shooter killed eight family-members and acquaintances and fired at responding police officers – even forcing a helicopter to make an emergency landing – before surrendering. He wore a bulletproof vest during the attack.

- SHOOTER NAME: Christopher Speight, 39
- GUN DETAILS: High-powered rifle
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter was a concealed carry permit holder and was not prohibited from possessing a gun.

Bellville, TX, 1/16/10: The shooter, angered after a household argument, fatally shot his mother, stepfather, sister, brother and niece.

- SHOOTER NAME: Maron Thomas, 20
- GUN DETAILS: Handgun and shotgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Madison, WI, 12/3/2009: The shooter killed two women with whom he was involved in paternity cases, along with their daughters, before shooting himself in his car.

- SHOOTER NAME: Tyrone Adair, 38
- GUN DETAILS: Two handguns were found inside the vehicle where Adair died, one of which matched the caliber of the ammunition used in the murders.
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Police report that Adair bought a 9mm gun that was advertised on Craigslist. This gun was likely transferred in a private sale.
- PROHIBITING CRITERIA: The shooter was prohibiting from possessing firearms due to an active restraining order involving a third woman. He had also been arrested in March 2009 after a domestic incident, but charges were not filed in that case.

Lakewood, WA, 11/29/09: The shooter killed four police officers in a Tacoma Coffee shop, eluding police for two days before being killed as he fled.



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- **SHOOTER NAME:** Maurice Clemmons, 37
 - **GUN DETAILS:** When he was killed, he was in possession of the handgun of one of the officers he had killed.
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Unknown
 - **PROHIBITING CRITERIA:** The shooter was prohibited from purchasing a firearm, having been charged with at least 13 felonies across two states. He had posted bail for raping a child just six days before the attack.
 - **NOT A GUN-FREE ZONE:** The police officers were armed at the time of the shooting.
-

Osage, KS, 11/28/09: The shooter killed his estranged wife, her grandmother, and his two daughters in their home.

- **SHOOTER NAME:** James Kahler, 46
 - **GUN DETAILS:** Assault rifle
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Unknown
 - **PROHIBITING CRITERIA:** Kahler was charged with a misdemeanor domestic violence assault in March 2009. If convicted, he would have been prohibited from purchasing a firearm.
-

Jupiter, FL, 11/26/09: The shooter killed his two twin sisters, his aunt, and his cousin's daughter, and injured two other family members, during a Thanksgiving celebration. He eluded capture for over a month before authorities apprehended him.

- **SHOOTER NAME:** Paul Merhige, 40
 - **GUN DETAILS:** He used at least two handguns during the shooting.
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Purchased at least six guns (including a .22 caliber handgun and a .40 caliber semi-automatic handgun), a high-powered rifle with a scope, and ammunition from two gun stores in South Florida.
 - **PROHIBITING CRITERIA:** The shooter was involuntarily committed to mental health facilities at least three times in the decade before the killing, which prohibited him under federal law from possessing guns. But his records were not submitted to the NICS database. His parents reportedly knew he had ceased taking prescribed psychotropic medication in the weeks leading up the shooting. In addition, his sister Carla Merhige had requested a restraining order against him in 2006, but later withdrew the request. The shooter was able to obtain a concealed weapons permit.
-

Pearcy, AR, 11/12/09: Three shooters killed five people in their mobile homes and stole wheel rims, televisions, a handgun, and a vehicle. One of the shooters injured a police officer while he was being apprehended several days later.

- **SHOOTER NAME:** Samuel Conway, Marvin Lamar Stringer, and Jeremy Pickney
- **GUN DETAILS:** .22 and .25 caliber handguns



- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence that the shooters were prohibited from possessing guns.

Oklahoma City, OK, 11/9/2009: The shooter or shooters killed four people in a house before setting the building on fire. Two of the victims were pregnant. The crime was premeditated by two conspirators, and related to drugs they sold for one of the victims. It is unclear whether just one or both of the conspirators were present for the shooting, but both were charged with six counts of murder. Tyner surrendered to authorities a week after the killings. Phillips was arrested in Tulsa in April 2010 after allegedly attempting to sell two guns stolen from a police sergeant's home.

- SHOOTERS: David Allen Tyner (pled guilty), 31 and Denny Edward Phillips (pled not guilty), 34
- GUN DETAILS: Handgun
- AMMO DETAILS: Two types of bullet cases were recovered at the crime scene.
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: Phillips was prohibited due to a lengthy criminal history including multiple felony convictions. Phillips was convicted in 1996 for assault with a deadly weapon; and other crimes including a jail escape. He was also convicted in 2010 for possession of a firearm by a felon. He was also convicted of aggravated assault and battery. There is no indication that Tyner was prohibited, though he was reportedly a member of a prison gang.

Fort Hood, TX, 11/5/09: The shooter killed thirteen and wounded thirty soldiers during an attack at the Fort Hood army base.

- SHOOTER NAME: Nidal Malik Hasan, 39
- GUN DETAILS: A FN Five-seven handgun was used in the attack. A Smith and Wesson .357 revolver also recovered.
- AMMO DETAILS: Hasan fired at least 220 rounds of ammunition and had 200 rounds in his pocket when he was detained.
- GUN ACQUIRED: Purchased legally at a local gun shop, Guns Galore.
- PROHIBITING CRITERIA: The shooter had links with terrorist organizations, but being placed on a terror watch list does not prohibit purchase or possession of firearms under current law.

Mount Airy, NC, 11/01/09: The shooter killed four people outside a television store before eventually surrendering to the police.

- SHOOTER NAME: Marcos Chavez Gonzalez, 29
- GUN DETAILS: Assault rifle.
- AMMO DETAILS: Unknown

- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter was a prohibited purchaser, having been convicted of kidnapping a minor in 2002.
- NOT A GUN-FREE ZONE: It was lawful to carry a firearm in the area of the shooting.

Lawrenceville, GA, 08/27/09: The shooter killed his girlfriend, his daughter, and two others in a domestic dispute.

- SHOOTER NAME: Richard Ringold, 44
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Kansas City, KS, 6/22/09: The shooter killed a woman with whom he had been romantically linked and three others at the house where she was staying. He had argued with the woman and followed her to the house.

- SHOOTER NAME: Adrian Burks
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter was prohibited from possessing firearms. He had served 10 years in Kansas prisons for robbery, aggravated assault, and burglary. He also fatally shot a man in March 2009, but he was not charged in the incident, which his cousin later described as "self defense." In April 2009, he was charged with battery and a criminal threat against the sister of the man he killed and was ordered not to possess firearms.

Middletown, MD, 04/19/09: The shooter killed his wife and three children in their home before committing suicide.

- SHOOTER NAME: Christopher Alan Wood, 34
- GUN DETAILS: .25-caliber handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.
- GREEN HILL, AL, 4/7/2009: The shooter killed his estranged wife, their teenage daughter, and two other relatives one day before his divorce proceedings were scheduled to take place. He then lit the house on fire and shot himself.
- SHOOTER NAME: Kevin Garner, 45



- GUN DETAILS: handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from owning a gun. In divorce documents, however, his wife cited physical and emotional abuse.

Graham, WA, 4/4/2009: After a dispute with his wife in which she told him she was ending their relationship, the shooter returned home and killed his five children. Police believe he then made an unsuccessful attempt to find his wife again and then killed himself in his car.

- SHOOTER NAME: James Harrison
- GUN DETAILS: Unspecified rifle
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence Harrison was prohibited from possessing a gun. Since 2001 the state had received five complaints about the shooter, including one for abuse in 2007 that stemmed from a slapping incident with one of his children. None of the complaints resulted in a domestic violence conviction. After the shooting, his wife said that she and her children had sustained years of abuse.

Binghamton, NY, 4/3/09: The shooter killed fourteen and wounded four at the American Civic Association where he had been taking English classes before killing himself. He wore a bullet-proof vest during the attack.

- SHOOTER NAME: Jiverly A. Wong, 42
- GUN DETAILS: 9mm and .45 caliber Beretta handguns.
- AMMO DETAILS: Allegedly fired 98 rounds during the attack. At least one magazine with a 30-round capacity was recovered at the scene.
- GUN ACQUIRED: The guns were registered to his New York State pistol license.
- PROHIBITING CRITERIA: Wong was not prohibited from possessing a gun, and had a New York State concealed carry permit. People who knew Wong said he exhibited no outward signs of mental instability, although a letter he wrote that was delivered to a newspaper after the shooting indicated he was paranoid and suffering from mental illness.

Carthage, NC, 3/29/09: The shooter opened fire at a nursing home where his estranged wife worked, killing eight and injuring three before he was shot and arrested by a police officer.

- SHOOTER NAME: Robert Stewart, 45
- GUN DETAILS: .357 Magnum handgun and Winchester 1300 shotgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: The guns were acquired legally from a local sporting good store.



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- **PROHIBITING CRITERIA:** There is no indication the Stewart was prohibited from possessing a gun.
-

Santa Clara, CA, 3/29/09: The gunman killed five family members and wounded two in an apparent murder-suicide.

- **SHOOTER NAME:** Devan Kalathat, 45
 - **GUN DETAILS:** Two .45 caliber pistols
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Purchased legally weeks before the incident.
 - **PROHIBITING CRITERIA:** There is no indication that Kalathat was prohibited from possessing a gun.
-

East Oakland, CA, 3/21/09: The shooter used a semiautomatic handgun to kill two police officers after they stopped his car and then fled on foot to an apartment where he killed two SWAT officers with an assault weapon and injured a third before being killed by police.

- **SHOOTER NAME:** Lovelle Mixon
 - **GUN DETAILS:** 9mm semiautomatic handgun and SKS assault-style rifle
 - **AMMO DETAILS:** Police said the assault weapon had a high-capacity magazine.
 - **GUN ACQUIRED:** The shooter took part in a home invasion robbery in Modesto, CA, on February 21 2009 in which a rifle was reported stolen. Police did not comment on whether the stolen rifle was the one used in the shooting.
 - **PROHIBITING CRITERIA:** The shooter had a lengthy criminal history, including a conviction for armed battery, which would have prohibited him from possessing a gun, and he was on parole for assault with a deadly weapon at the time of the shootings.
 - **GUN-FREE ZONE:** Two of the victims were shot on a public roadway — the 7400 block of Macarthur Boulevard in East Oakland — where no state law would have prohibited a citizen with the appropriate permit to carry a gun. All of the police officers killed in the incident were armed.
-

Raytown, MO, 3/16/09: The gunman shot and stabbed his former girlfriend, her boyfriend, and her two nephews, killing all four.

- **SHOOTER NAME:** Gevante Anderson, 26
 - **GUN DETAILS:** Unknown
 - **AMMO DETAILS:** Unknown
 - **GUN ACQUIRED:** Unknown
 - **PROHIBITING CRITERIA:** There is no evidence the shooter was prohibited from possessing a gun.
-

Miami, FL, 3/15/09: At a birthday party, the shooter killed his estranged wife, her daughter, her daughter's boyfriend, and the boyfriend's grandmother. He then returned to his house where he set the building on fire and shot and killed himself.



- SHOOTER NAME: Guillermo Lopez, 48
- GUN DETAILS: Semi-automatic handgun
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Catawba, NC, 3/12/09: The gunman shot and stabbed a woman and her three children in their home. He later killed himself and his girlfriend after a police chase in Utah.

- SHOOTER NAME: Chiew Chan Saevang, 38
- GUN DETAILS: Unknown
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: There is no evidence the shooter was prohibited from possessing a gun.

Geneva County, AL, 3/10/09: The shooter killed ten, including four members of his family, before killing himself.

- SHOOTER NAME: Michael Kenneth McLendon, 28
- GUN DETAILS: Bushmaster AR-15, SKS rifle, shotgun, and .38 pistol
- AMMO DETAILS: Police recovered additional ammunition from his vehicle after the shooting.
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: The shooter had no criminal record and there is no indication he was prohibited from possessing a gun.
- NOT A GUN-FREE ZONE: It was lawful to carry a firearm in the public intersection and gas station where two of the individuals were shot.

Cleveland, OH, 3/05/09: The shooter killed his new wife and four of her relatives before committing suicide.

- SHOOTER NAME: Davon Crawford, 33
- GUN DETAILS: At least one semiautomatic handgun.
- AMMO DETAILS: Unknown
- GUN ACQUIRED: Unknown
- PROHIBITING CRITERIA: Crawford was likely prohibited from possessing a gun. He was convicted of manslaughter in 1995 and pled guilty to felonious assault with a firearm in 2005, though Ohio enables felons to restore their gun rights so it is possible he was no longer prohibited.

Brockport, NY, 02/14/2009: The shooter killed a nurse in the Lakeside Memorial Hospital



parking lot and a motorist who intervened, and wounded the motorist's girlfriend. The shooter had been fired from the hospital after the nurse filed a sexual harassment complaint against him. He then drove 50 miles and killed another nurse — who had filed a similar complaint against the shooter — and her husband in their home.

- **SHOOTER NAME:** Frank Garcia, 34
- **GUN DETAILS:** .40 caliber Glock handgun
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** There is no evidence that the shooter was prohibited from owning a gun. However, he had applied for concealed carry permits and been denied three times. In his 1995 application, he omitted information about his criminal record — including arrests for criminal possession of a weapon, assault, and harassment. In 2001 and 2006 he made further omissions, and was evaluated as lacking moral character. But in 2007 a judge reversed the denial and granted Garcia a concealed weapon permit.
- **GUN FREE ZONE:** We found no indication that permit holders were prohibited from carrying guns in this area at the time of the incident.

Wilmington, CA, 1/27/09: The shooter killed his wife and their five children before killing himself.

- **SHOOTER NAME:** Ervin Lupoe, 40
- **GUN DETAILS:** Unknown
- **AMMO DETAILS:** Unknown
- **GUN ACQUIRED:** Unknown
- **PROHIBITING CRITERIA:** The shooter did not have a criminal record and there is no indication he was prohibited from possessing a gun.