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8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11

12
 13 **WILLIAM WIESE, et al.,**

14 Plaintiff,

15 v.

16 **XAVIER BECERRA, et al.,**

17 Defendant.

2:17-cv-00903-WBS-KJN

**EXHIBITS 7 THROUGH 17 TO THE
 DECLARATION OF ALEXANDRA
 ROBERT GORDON IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 TEMPORARY RESTRAINING ORDER
 AND PRELIMINARY INJUNCTION**

Date: June 16, 2017

Time: 10:00 a.m.

Courtroom: 5

Judge: The Honorable William B. Shubb

Action Filed: April 28, 2017

Exhibit 7

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RE: OPPOSITION to the Proposed Emergency Regulations Regarding "Large-Capacity Magazines" and "Large-Capacity Magazine Conversion Kits"

To Whom It May Concern:

We write on behalf of our clients, the National Rifle Association of America ("NRA") and the California Rifle & Pistol Association, Incorporated ("CRPA"), as well as their respective members throughout California and the United States. We write in opposition to the California Department of Justice's ("DOJ") proposed emergency regulations relating to "large-capacity magazines"¹ (OAL File Nos. 2016-1223-02E Parts 1a and 1b and 2016-1223-02 Part 2).

For the following reasons, the Office of Administrative Law ("OAL") should reject the proposed regulations and require DOJ to follow the standard rulemaking process:

1. The laws covering "large-capacity magazines" ("LCMs"), affected by the proposed emergency regulations, have been on California's books for 17 years.
2. The laws restricting "large-capacity magazine conversion kits" ("Conversion Kits")

¹ These regulations also, briefly, address "large-capacity magazine conversion kits." Because these regulations predominantly cover "large-capacity magazines," and for the sake of brevity, we will refer to these regulations as covering "large-capacity magazines." But we will address the concerns relating to "large-capacity magazine conversion kits" as well.

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went into effect in 2014.

3. The new laws restricting the possession of LCMs do not go into effect until July 1, 2017. There is no change to the restrictions on conversion kits.
4. DOJ presented zero evidence that an emergency exists, and there is ample time to address the regulations using the standard rulemaking procedure.
5. There is no need to clarify the existing or the new laws. DOJ has let the California public and firearm industry dictate the definitions of key terms used in California law without clarification or guidance.
6. The regulations are not necessary to avoid serious harm to the public. More troubling is the fact that if these regulations go into effect, DOJ will create unwitting felons without adequate notice or giving the public reasonable opportunity to comment.

Both the content of DOJ's proposed regulations and the timing of their submission are suspect. Our clients are gravely concerned about DOJ's attempt to circumvent the notice and hearing requirements of the California Administrative Procedure Act ("APA") during a time that encompasses both a holiday and one of the busiest periods of the year for firearm dealers and manufacturers.

On December 23, 2016, DOJ submitted its proposed regulations to the OAL, seeking an emergency exception to the requirements of the APA. This submission occurred on the Friday before Christmas Eve (Saturday) and Christmas (Sunday). Monday, December 26, is the federally-observed holiday for Christmas this year and taken as a holiday by many other Californians due to its connection to the Christmas weekend. It is also one of the busiest shopping days of the year. The timing of DOJ's submission is dubious at best if not downright deceitful.

As explained below, no actual emergency exists to justify the application of the regulations here. Even if there is an emergency, DOJ's proposed regulations do not address it, as the regulations are not needed to implement or enforce the new ban on LCM possession. And the shortened notice and comment period that DOJ seeks, along with the consequences of certain proposed regulations, will lead to detriment and damages for thousands of Californians.

I. BACKGROUND

A. The Current Law for "Large-Capacity Magazines" and "Large-Capacity Magazine Conversion Kits" and How Permanently Altering a "Large-Capacity Magazine" Can Exempt a Device from the Definition and Restrictions for "Large-Capacity Magazines"

The current restrictions relating to LCMs were part of Senate Bill 23, which passed in 1999. They have been on the books for 17 years and were relatively unchanged for that entire period of time. Meanwhile, the laws defining and restricting "large-capacity magazine conversion kits" went into

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effect in 2014 and remained unchanged from their original versions.²

1. *Definition of “Large-Capacity Magazine”*

The definition of “large-capacity magazine” has also been relatively unchanged since 2000. Back then, “‘large-capacity magazine’ mean[t] any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any .22 caliber tube ammunition feeding device.”³

Today, the Penal Code defines “large-capacity magazine” as:

“‘[A]ny ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (a) *Feeding devices that have been permanently altered so that they cannot accommodate more than 10 rounds.*
- (b) A .22 caliber tube ammunition feeding device.
- (c) A tubular magazine that is contained in a lever-action firearm.”⁴

2. *Definition of “Large-Capacity Magazine Kit”*

A “large-capacity magazine conversion kit” “is a device or combination of parts of a fully functioning large-capacity magazine, including, but not limited to, the body, spring, follower, and floor plate or end plate, capable of converting an ammunition feeding device into a large-capacity magazine.”⁵

3. *Restrictions on “Large-Capacity Magazine”/“Large-Capacity Magazine Conversion Kit” Activities, Not Possession*

The original restrictions on LCMs stated that: “Commencing January 1, 2000, [any person who] manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes

² Compare Enacted Legislation Stats. 2013, c. 728 (A.B. 48) with Cal. Penal Code § 32311.

³ See, e.g., Cal. Penal Code § 12020, subd. (c)(25) (2000); see also Enacted Legislation Stats. 1999, c. 129 (S.B. 23). Former Penal Code section 12020 was broken up by the general renumbering of the “dangerous weapons” sections of the Penal Code in 2012.

⁴ Cal. Penal Code § 16740 (emphasis added). California law does not explain further what an LCM is. However, in its definition of “detachable magazine,” California states that an “ammunition feeding device” includes “any belted or linked ammunition” but not “clips, en bloc clips, or stripper clips that load cartridges into the magazine.” (Cal. Code Regs. tit. 11, § 5469, subd. (a).)

⁵ Cal. Penal Code § 32311.

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for sale, or who gives, or lends, any large-capacity magazine” will be punished by imprisonment.⁶ A violation of these restrictions is punishable as a misdemeanor or a felony.⁷ Of note, possession of “large-capacity magazines” was not restricted. So those in possession of “large-capacity magazines” before January 1, 2000 could continue to possess them under California law.

The current restrictions on LCMs state that LCMs are illegal to make, manufacture, import, sell, keep or expose for sale, give, buy, receive, or loan within California.⁸ The restrictions on buying and receiving LCMs were added to the code on 2014.⁹ Violation of any of these restrictions remains a misdemeanor or felony pursuant to the prosecutor or court’s discretion.¹⁰

Just like LCMs, the *possession* of conversion kits is not a restricted activity that violates the law. “Any person in [California] who knowingly manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, buys, or receives” a conversion kit violates California law.¹¹ Unlike the punishments for LCMs, a person may only be prosecuted for a misdemeanor for violating the restrictions relating to conversion kits.¹²

4. *Exceptions to the Restrictions*

Penal Code section 12020, the precursor to the current restrictions on LCMs, lumped LCMs with other weapons. Therefore, there were exceptions that applied to that entire group of weapons, including LCMs. Today, those exceptions are located under the exceptions for “generally prohibited weapons,” of which LCMs are included.¹³ In addition, LCMs were provided their own specific exceptions.¹⁴ Hence, there are two sets of exceptions that apply to LCMs: those for “generally prohibited weapons” and those specific to LCMs. All of the exceptions for LCMs also apply to conversion kits.¹⁵

⁶ Cal. Penal Code § 12020, subd. (a)(2) (2000).

⁷ *See* Cal. Penal Code § 12020, subd. (a) (2000).

⁸ Cal. Penal Code § 32310, subd. (a).

⁹ *See* Enacted Legislation Stats. 2013, c. 728 (A.B. 48) (adding “buys” and “receives” to the list of restricted activities in Penal Code section 32310, subdivision (a)).

¹⁰ *See* Cal. Penal Code § 32310, subd. (a).

¹¹ Cal. Penal Code § 32311, subd. (a).

¹² *See id.*

¹³ *See* Cal. Penal Code §§ 17700 *et seq.*

¹⁴ *See* Cal. Penal Code §§ 32400 *et seq.*

¹⁵ *See* Cal. Penal Code § 32311, subd. (a).

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a. *Interplay of the Exceptions and DOJ's "Large-capacity Magazine" Permit*

There are a number of exceptions to the restrictions for LCMs. However, these exceptions have an interesting interplay. For those who want to import LCMs or conversion kits into California, the law is clear that they have to first obtain an LCM Permit from DOJ for the importation.¹⁶ The law is also clear that the restrictions on LCMs and conversion kits “do not apply to the importation into this state of, or sale of, any large-capacity magazine by” such Permit holders, “when those activities are in accordance with the terms and conditions of that permit.”¹⁷ But once the LCMs and conversion kits are in California, however, another exception to the general restriction must be used (e.g., sell to law enforcement or the entertainment industry) in order to lawfully transfer the device(s).

b. *DOJ's Lack of Guidance and Clarification Resulting in (Heretofore Accepted) Industry and Public Modification of "Large-Capacity Magazines" Based on the "Permanent Alteration" Exception*

For 17 years, Californians knew that an ammunition feeding device holding more than 10 rounds would lose its LCM status if someone *permanently alters* it so that it can no longer accept more than 10 rounds.¹⁸ We know of no cases where DOJ and law enforcement ever questioned or challenged any of the many types of alterations people used to modify their LCMs to hold no more than 10 rounds.

When the original restrictions on LCMs passed in 2000, DOJ attempted to define “permanently altered” in the California Code of Regulations, but it then deleted the definition¹⁹ and never provided further regulations or guidance. Therefore, over the course of so many years, Californians naturally assumed that DOJ did not have its own definition of “permanently altered” and that common sense modifications to LCM would suffice.

For the last 17 years, Californian firearm owners, dealers, and manufacturers made or remade LCMs “California compliant” through “permanent alteration.” There are countless articles and videos online on how to modify LCMs to hold 10 rounds. And there are a number of different ways to restrict a magazine so that it cannot hold more than 10 rounds. Yet, to reiterate, there has *never* been a case to our knowledge where DOJ (or any law enforcement/prosecuting agency for that matter) has challenged

¹⁶ See Cal. Penal Code § 32315.

¹⁷ Cal. Penal Code § 32430.

¹⁸ See Cal. Penal Code § 16740, subd. (a).

¹⁹ See generally *Notice of Modification to Text of Proposed Regulations*, California Department of Justice, Office of the Attorney General, <http://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/regs/sb23rev.pdf> (last visited Dec. 20, 2016).

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an alteration of a magazine restricting its capacity to 10 rounds or less.

Thus, because of DOJ's silence on this issue, firearm dealers, manufacturers, and members of the public, have, for years, been "permanently altering" LCMs according to make them "California compliant." In its package of materials submitted to the OAL, DOJ does not state (much less cite to factual evidence showing) that this 17-year-old industry standard has in any way harmed public peace, health, safety, or welfare. DOJ's long-lasting silence and apparent support of these modifications support the lack of emergency for the pending regulations.

B. The New Ban on the Possession of "Large-Capacity Magazine" Introduced by Senate Bill 1446 and Proposition 63

Beginning on July 1, 2017, the possession of LCMs shall generally be illegal within California.²⁰ This is due to the passage of Senate Bill ("SB") 1446 on July 1, 2016 and the people's decision to pass Proposition 63 on November 8, 2016.

It is important to note:

1. There are no appreciable differences between the texts of SB 1446 and Proposition 63.
2. Aside from expanding the restrictions on LCMs to include possession and making minor changes to the exceptions to those restrictions, SB 1446 and Proposition 63 leave current law relatively unchanged.
3. The restriction on the possession of LCMs for both SB 1446 and Proposition 63 goes into effect on July 1, 2017.

SB 1446 generally prohibits the possession of LCMs in California, unless the possessor qualifies for an exception (e.g., being a certain kind of museum or historical society).²¹ Meanwhile, Proposition 63 is an initiative measure that also bans the possession of LCMs in California. It just eliminates some of the exceptions available under SB 1446 and presents a slightly different punishment²² – differences that have no bearing on how the possession ban itself is to be implemented or enforced by DOJ's proposed emergency regulations.

Significantly, both SB 1446 and Proposition 63 state that the new ban on LCM possession will not take effect until July 1, 2017, which is a full year after the passage of SB 1446 and more than half a

²⁰ Cal. Penal Code § 32310, subd. (b) (effective July 1, 2017). Certain local jurisdictions, such as Los Angeles and Sunnyvale, already have restrictions on LCMs.

²¹ *See generally* Stats. 2016, c. 58 (S.B.1446).

²² For instance, Proposition 63 states in its Findings and Declaration section that "[n]o one except trained law enforcement should be able to possess [LCMs]." (*See generally* 2016 Cal. Legis. Serv. Prop. 63 (Proposition 63) (West).)

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year after the passage of Proposition 63.²³ Under both SB 1446 and Proposition 63, firearm owners have until July 1, 2017 to (1) permanently alter or (2) dispose of their LCMs if the magazines are affected by the new law.²⁴ A person can lawfully dispose of an LCM by any of the following means:

- (1) Remove the LCM from the state;
- (2) Sell the LCM to a licensed firearms dealer;
- (3) Destroy the LCM; or
- (4) Surrender the LCM to a law enforcement agency for destruction.²⁵

Neither SB 1446 nor Proposition 63 changed any laws covering conversion kits. The changes in the laws only relate to the possession of LCMs, not conversion kits.

C. The Content at Issue in DOJ's Proposed Emergency Regulations

DOJ says that it is issuing emergency regulations in response to the new ban on LCM possession implemented by SB 1446 and Proposition 63. In its most relevant parts, DOJ's set of proposed emergency regulations:

- Require firearm dealers to get a separate LCM Permit for each licensed location;²⁶
- Require LCM Permit holders to keep records of the sales of LCMs and require this to be done within 24 hours of any sale;²⁷
- Expand the scope of violations constituting LCM Permit revocation;²⁸
- Provide guidance stating that a lawful possessor/owner of an LCM may take it apart and put it back together;²⁹

²³ See generally Cal. Penal Code § 32310, subd. (b) (effective July 1, 2017).

²⁴ See *id.*

²⁵ *Id.*

²⁶ Cal. Code Regs., tit. 11, § 5480, subd.(d) (proposed).

²⁷ See Cal. Code Regs., tit. 11, § 5483, subds. (b)-(f) (proposed).

²⁸ See Cal. Code Regs., tit. 11, § 5484, subds. (b)-(e) (proposed).

²⁹ See Cal. Code Regs., tit. 11, § 5490 (proposed).

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- Clarify that an owner of an LCM may modify the magazine and clarify the ways the LCM can be “permanently altered” for purposes of exempting it from the definition of “LCM”³⁰ (i.e., DOJ “has determined the acceptable minimum level of permanence”³¹);
- State how magazine capacity for shotguns ought to be measured (i.e., either based on shotgun shells that are 2.75 inches or the shotgun shell standard indicated on the firearm),³²
- Provide the circumstances under which magazines, each having a 10-round capacity or less, would be deemed “LCMs” when they are attached to each other (e.g., with tape or welded together);³³
- Designate certain shotguns to have LCMs if they are equipped with more than one magazine tube that can hold (collectively) more than 10 shells, and can either (1) fire all of the shells without the use of a magazine tube selector switch or (2) have a switch that allows the user to utilize the shells from both tubes;³⁴ and
- Clarify what constitutes a conversion kit and that a person may disassemble his or her lawfully-possessed LCM and reassemble it without violating Penal Code section 32311.³⁵

II. DOJ’S PROPOSED “EMERGENCY” REGULATIONS ARE NOT NECESSARY TO ADDRESS AN EMERGENCY

DOJ cannot utilize the APA’s emergency rulemaking process. DOJ had, and still has, time to act via the APA’s “standard” (i.e., non-emergency) rulemaking process, and it does not justify its failure (or refusal) to abide by the APA’s “standard” rulemaking process. Simply put, there is no emergency based on time frame. Further, there is also no emergency based on the level of harm that is threatening public peace, health, safety, or welfare. It is significant that **DOJ does not present any evidence suggesting an emergency exists.**

Not only is there no harm that needs to be addressed when it comes to the new ban on LCM possession, but there is also no uncertainty that needs to be addressed. Accordingly, DOJ’s proposed regulations do not address any unresolved issues arising from the new ban on LCM possession. In the

³⁰ See Cal. Code Regs., tit. 11, § 5491, subds. (a)-(b)(2) (proposed).

³¹ DOJ, *Finding of Emergency* (submitted with the proposed emergency regulations at issue), page 2 (2016).

³² Cal. Code Regs., tit. 11, § 5491, subd. (b)(3) (proposed).

³³ Cal. Code Regs., tit. 11, § 5491, subd. (b)(4) (proposed).

³⁴ Cal. Code Regs., tit. 11, § 5491, subd. (b)(5) (proposed).

³⁵ Cal. Code Regs., tit. 11, § 5492 (proposed).

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end, it appears as if DOJ is yoking the new ban to its proposed regulations as a means to poach a deadline, however artificial it may be, to further its attempt to circumvent the APA's "standard" rulemaking process.

A. The Law Governing the Shortened Notice/Comment Period for the APA's Emergency Rulemaking Process and the Requisite Finding of "Emergency"

1. *The Law re: Shortened Notice and Comment Period for Emergency Regulations, Contrasted with the APA's "Standard" Rulemaking Process*

Emergency regulations are not subject to the regular notice and comment procedures set forth in the APA. The emergency rulemaking process, rather, has specific requirements outlined in section 11346.1 of the Government Code. The section provides a brief notice period,³⁶ a short public comment period,³⁷ and limited time for the OAL to approve or deny the emergency regulations based on an adjudication of whether they are necessary to address an emergency.³⁸ If approved by the OAL, the emergency regulation will be effective upon filing with the Secretary of State and thrust upon the unsuspecting public. Thus, DOJ's "emergency" LCM regulations can become effective and fully applicable to all Californians in just 17 days or so without any further notice.

In contrast, the "standard" APA rulemaking process requires the state agency to: give the public a 45-day opportunity to comment on the proposed regulation (and hold a public hearing if any member of the public requests one within 15 days prior to the close of that 45-day written comment period); consider the public's comments as it decides whether to amend its proposed regulations; (if it does decide to make amendments,) make the amendments available for public comment for at least 15 or 45 days depending on the substantiality of the amendment; summarize and respond on the record to timely public comments that are directed to it; and then submit a rule-making action to the OAL, which then has 30 days to reach a decision on whether to approve or deny the proposed regulations.³⁹

Based on simple arithmetic—and even providing additional buffer room for time spent on consideration, research, and everyday delays—common sense dictates that the APA's "standard" rulemaking process can be completed in approximately 4 to 5 months. Moreover, a final regulation just has to be filed between March 1 and May 31, 2017 to become effective on July 1, 2017.⁴⁰

It bears repeating, then, that the laws covering LCMs have been around for *17 years* (including the "permanently altered" exception). And the restrictions for conversion kits were implemented in 2014. DOJ had ample time to implement regulations in a timely fashion, which would have allowed for

³⁶ Cal. Govt. Code, § 11346.1, subd. (a)(2).

³⁷ Cal. Code Regs., tit. 1, § 55, subd. (b).

³⁸ See Cal. Code Regs., tit. 1, § 56, subd. (a)(1).

³⁹ See *Guide to Public Participation in the Regulatory Process*, Office of Administrative Law, <http://www.oal.ca.gov/files/2016/10/How-2-Participate-102016.pdf> (last visited Dec. 20, 2016).

⁴⁰ See *id.* at page 18.

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public comment and criticism as intended by the APA. As discussed below, DOJ cannot justify its fabricated “emergency.”

Furthermore, the timing of its “emergency” regulations, over the holiday season, calls into serious question DOJ’s motives and willingness to provide Californians ample notice or opportunity to comply and/or comment on the pending laws.

2. *The Law re: The Requisite Finding of Emergency for the APA’s Emergency Rulemaking Process*

Presumably because there is such a marked difference between the notice and comment periods for the APA’s “standard” rulemaking process and that of its emergency rulemaking process, California has safeguards in place to ensure that the emergency rulemaking process is not abused and only used when it is truly needed. Hence, California only allows the APA’s emergency rulemaking process to be used when “the adoption of a regulation . . . is necessary to address an emergency[.]”⁴¹

According to state law, “[e]mergency” means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.”⁴² To establish a sufficient “emergency,” DOJ “must . . . *describ[e] specific facts supported by substantial evidence* that demonstrate the existence of an emergency and the need for immediate adoption of the proposed regulation,” unless the situation is expressly deemed an emergency by statute.⁴³

In addition, if the emergency existed and was known by the agency in sufficient time to have been addressed through non-emergency regulations, the finding of emergency shall include facts explaining the failure to address the situation through non-emergency regulations. *A finding of emergency based only upon expediency, convenience, best interest, general public need, or speculation, is not adequate to demonstrate the existence of an emergency.*⁴⁴

⁴¹ See Cal. Govt. Code, § 11346.1(b)(1).

⁴² Cal. Govt. Code, § 11342.545.

⁴³ *About the Emergency Rulemaking Process*, Office of Administrative Law, http://www.oal.ca.gov/regulations/emergency_regulations/emergency_regulation_process/ (last visited Dec. 20, 2016) (citing Cal. Govt. Code, § 11346.1, subd. (b)(2)) (emphasis added).

⁴⁴ *Id.* (emphasis added).

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B. DOJ's "Finding of Emergency" Does Not Sufficiently Demonstrate that the Proposed Regulations Are Necessary to Address an Emergency and to Avoid Serious Public Harm

1. Assuming Arguendo that the Proposed Emergency Regulations Are Even Needed to Implement/Enforce/Clarify the New Law, There Is No Emergency Based on Time Frame

DOJ turns a blind eye on the fact that it has had sufficient time to address its claimed "emergency" through non-emergency regulations. In the documents it submitted to the OAL, DOJ willfully overlooks the facts that: (1) the new ban on LCM possession does not go into effect until July 1, 2017, (2) DOJ knew as early as *July 1, 2016* that a ban on LCM possession would occur starting on July 1, 2017, and (3) therefore, DOJ has had ample time—and *still* has time—to issue the regulations it thinks it needs by going through the "standard" APA rulemaking process.

DOJ cannot claim that it was waiting for the November 8, 2016 vote on Proposition 63 to act because the Governor already signed the LCM restrictions in Proposition 63 into law on July 1, 2016 when he passed SB 1446. The differences between Proposition 63 and SB 1446 do not affect the substance of DOJ's proposed regulations (*see* Section I.B above).⁴⁵

What was DOJ doing since July 1, 2016 that prevented it from drafting its proposed regulations—a mere five pages—until just a couple of days ago?

And, more importantly, what is preventing DOJ from proceeding via the APA's "standard" rule making process now, given the facts that the process can be completed in 4 months *and DOJ has until May 31, 2017 to file final regulations for a July 1, 2017 deadline?*

DOJ failed to address these crucial concerns and, therefore, failed to show that an emergency exists to justify the utilization of the APA's emergency rulemaking process. Half-heartedly, DOJ attempts to argue on page 1 of its *Finding of Emergency* that "[t]hese regulations need to be established as soon as possible so [DOJ] has time to notify gun owners and gun owners have time to make the necessary changes to comply with the ban."⁴⁶

The logic of this argument fails on many levels. For one, as shown in Section II.B.3 below, DOJ's proposed emergency regulations are not needed to implement, clarify, or enforce the new law banning the possession of LCMs (i.e., the *only* law that DOJ identified in its *Finding of Emergency* that comes with a deadline). So there is no time pressure to notify gun owners about the proposed regulations if DOJ is truly worried about ensuring people's compliance with the new ban. And the

⁴⁵ DOJ states on page 1 of its *Finding of Emergency* that "the Legislature pre-amended Proposition 63 with the passage of Senate Bill 1446 . . . The clarifying amendments take effect on January 1, 2017." This is not only confusingly worded, but it also gives the wrong impression that a January 1, 2017 deadline somehow looms on the horizon for DOJ.

⁴⁶ DOJ, *Finding of Emergency* (submitted with the proposed emergency regulations at issue), page 1 (2016).

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proposed regulations relating to permit applications, record keeping, and revocation are certainly not needed in an “emergency” capacity (and DOJ makes absolutely no attempt to connect them with any deadline or temporal urgency).

Second, due to its longer periods for public comment, hearing, and feedback, the APA’s “standard” rulemaking process gives Californians more notice of a proposed regulation than the APA’s emergency rulemaking procedure. If DOJ is truly worried about lack of notice to gun owners and giving them more time to comply with the law, DOJ should have proceeded via the APA’s “standard” rulemaking process. At that point, Californians would have ample opportunity to review, understand, and make suggestions to DOJ’s regulations, and, indeed, DOJ would have the ability to not only correct errors and oversights in the current regulations, but also to make corrections so that the regulations are more workable for the public.

As a result, DOJ altogether fails to show why there is a time crunch necessitating the finding of an emergency and the issuance of emergency regulations.

2. *Assuming Arguendo that an Emergency Exists and DOJ Has Run Out of Time to Proceed via the APA’s “Standard” Rulemaking Process, DOJ Fails to Justify Its Failure to Meet the Non-Emergency Deadlines*

Because DOJ’s alleged “emergency” “existed and was known by [DOJ] in sufficient time to have been addressed through non-emergency regulations,” DOJ must meet its burden to justify its “failure to address the situation through non-emergency regulations[.]”⁴⁷ DOJ has failed to do so.

Essentially, all DOJ does is state in its *Explanation of Failure to Adopt Nonemergency Regulations* that it:

is unable to develop regulations in the standard manner because of the short timeframes [sic] provided in the legislation. The legislation was signed into law on July 1, 2016, and the ban commences on July 1, 2017.⁴⁸

It is not sufficient to state the (comfortable) length of time one has to act and then dismiss it with a short, unqualified, and incorrect statement that the length of time to enact non-emergency regulations is too short. As explained above in Section II.B.1, the time frame given to DOJ was not too short. Actually, DOJ could propose, hold public comment, modify, and submit for final approval a number of regulations back-to-back during this timeframe. DOJ does not seem to have any countering explanation as to why a year is too short.

⁴⁷ *Id.* at page 2.

⁴⁸ *Id.* at page 1.

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3. ***DOJ's Proposed Regulations Are Not Necessary to Implement/Enforce/Clarify the New "Large-Capacity Magazine" Possession Ban***

In its *Finding of Emergency*, DOJ disingenuously states that its proposed emergency regulations are

necessary to provide guidance to California's gun owners so that by July 1, 2017, they will be in compliance with the law. The proposed regulations provide options for disposal of large-capacity magazines, as well as instructions for reducing the capacity of a large-capacity magazine[.]⁴⁹

Any reasonable person reading the texts of SB 1446 and Proposition 63, and who understands just the general contours of California's LCM laws during the last 17 years and conversion kit laws over the last three, would know that DOJ's assertion rings false.

A reasonable review of the texts reveals that neither SB 1446 nor Proposition 63 introduce any new legal requirements *necessitating new*, clarifying regulations on how an LCM Permit holder should keep records, how "permanent alteration" should be defined, how magazine capacity for shotguns ought to be measured, how magazines attached to one another can be LCMs, how dual-tube shotguns can be LCMs, etc.

The issues addressed by DOJ's proposed emergency regulations arose long before California even contemplated SB 1446 and Proposition 63, and have been on the horizon for quite some time. Accordingly, Californians have asked DOJ numerous times to address these issues. DOJ has generally refused to do so. As a result of years of silence from DOJ, firearm manufacturers, dealers, and owners created their own compliance mechanisms independent of DOJ. All these years, DOJ failed to provide guidance, comment, and even challenges to these mechanisms.

So why do these issues only *now* need to be addressed over the holiday season? What possible part of SB 1446 and Proposition 63 changes the status quo and/or landscape of LCM law in a way to make the regulations so necessary? Why didn't DOJ identify such a provision or explain how the status quo was changed in the materials it submitted to the OAL?

DOJ's meaningful silence on this matter and the statutory language itself show that the proposed emergency regulations are not needed to implement, enforce, and/or clarify the new ban on LCM possession. Unlike the case with the new "assault weapon" laws taking effect on January 1, 2017,⁵⁰ there is no indication that California gun owners cannot comply with the new laws banning LCM possession in the absence of DOJ's regulations. There is no need for DOJ to be so paternalistic or officious when it comes to grown-up gun owners, saying that the regulations are *necessary* for compliance.

⁴⁹ *Id.* at page 5 (emphasis added).

⁵⁰ Cal. Penal Code §§ 30515, 30680, 30900 (effective January 1, 2017).

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4. *DOJ's Proposed Regulations Are Not Necessary to Avoid Serious Harm to the Public*

DOJ provides no “specific facts supported by substantial evidence” as to why its proposed regulations need to be *immediately* adopted now to address “a situation that calls for immediate action to *avoid serious harm* to the public peace, health, safety, or general welfare.”⁵¹ For instance, it is significant that DOJ fails to address the fact that Californians have known about the “permanently altered” exception to the LCM definition for 17 years now. Correspondingly, DOJ does not address how the public was harmed in the absence of such regulations during the past 17 years. If the public was not harmed, much less *seriously harmed*, in the absence of such regulations, then there is absolutely no need to issue the regulations now as an emergency measure.

The same argument applies to all the other proposed regulations as well. If the current LCM restrictions (i.e., restricting the manufacture, importation, sale, transfer, and loan of LCMs) that have been on the books for 17 years are not seriously harming the public without DOJ regulations, then how does a restriction banning the *possession* of LCMs seriously harm the public? At any rate, DOJ conspicuously makes no effort to show how the simple possession of an LCM is so much worse than, say, the willful manufacture, importation, sale, loan, purchase, or receipt of LCMs *in light of the regulations required to address it*.

Remember: the restrictions on selling, importing, and making LCMs to the majority of the California public took effect on January 1, 2000. The only way most Californians could currently be in lawful possession of LCMs now is to have possessed them prior to January 1, 2000. The same law-abiding owners of these magazines in January 1, 2000 are the same ones in possession of the magazines today. It is fatal that DOJ does not, and cannot, identify a provision from SB 1446 and Proposition 63 that changes the status quo so as to make emergency regulations somehow necessary now to prevent or alleviate a public harm.

In the end, DOJ’s failure to act in a timely manner neither is, nor creates, an emergency to bypass the usual notice and hearing/comment procedures set forth in the APA. “The term ‘emergency’ has been given a practical, commonsense meaning in the California case law:

“[E]mergency” has long been accepted in California as an *unforeseen situation calling for immediate action*. [Citations.] This is the meaning of the word that obtains in the mind of the lawyer as well as in the mind of the layman.⁵²

Any “emergency” DOJ speaks of is not unforeseen, but, rather, one of DOJ’s own making due to its procrastination, mismanagement of time, and/or misrepresentation of their need. Proof of such

⁵¹ Cal. Govt. Code, § 11342.545; *About the Emergency Rulemaking Process*, Office of Administrative Law, http://www.oal.ca.gov/regulations/emergency_regulations/emergency_regulation_process/ (last visited Dec. 20, 2016) (citing Cal. Govt. Code, § 11346.1, subd. (b)(2)) (emphasis added).

⁵² *Doe v. Wilson* (1997) 57 Cal.App.4th 296, 306 (quoting *Sonoma Cnty. Org. of Public/Private Employees, Local 707, SEIU, AFL-CIO v. County of Sonoma* (1991) 1 Cal.App.4th 267, 276-277) (double emphasis added.)

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procrastination is the fact that, as of the writing of this Opposition, DOJ has yet to issue the regulations that are sorely needed for the new “assault weapon” laws taking effect on January 1, 2017.⁵³ Instead, DOJ is wasting its time applying for a finding of “emergency” in regard to unneeded regulations for a ban on LCM possession that won’t even take effect until July 1, 2017.

Through present and past action, and the undeniable arithmetic underlying the timelines for DOJ’s actions, DOJ cannot show that an emergency exists to warrant emergency regulations. DOJ should have abided by the APA’s usual notice and hearing/comment procedures, as there was, and is, sufficient time to do so.

III. DOJ’S PROPOSED “EMERGENCY” REGULATIONS PRESENT SIGNIFICANT PROBLEMS FOR CALIFORNIA FIREARM DEALERS AND OWNERS

DOJ’s proposed emergency regulations should also be denied on the additional ground that they cause irreparable problems for many firearm dealers and owners.

A. California-Licensed Firearm Retailers and Dealers

Perhaps most greatly affected by the proposed “emergency” regulations are California-licensed firearm retailers (“FFLs”). For years, firearm manufacturers and dealers have been “permanently altering” LCMs to make them “California compliant.” Some of these alterations, for the last 17 years, do not comply with DOJ’s suggested modifications. Yet, these modifications have been allowed by DOJ, law enforcement, and prosecutors all this time. As a result, there are thousands of modified magazines sitting on FFLs’ shelves that are not currently considered LCMs (and that FFLs have no suspicion of being LCMs). But those magazines will *immediately* be considered LCMs the moment DOJ adopts its emergency regulations, changing a decades-long notion of what constitutes “permanent alteration.”

Because the notice period for emergency regulations is so abbreviated, unlike the case with the APA’s “standard” rulemaking process, there would be no time to notify these FFLs of DOJ’s new requirements for “permanent alterations.” Consequently, DOJ’s emergency regulations would cause thousands of unsuspecting FFLs to become overnight felons for unlawfully offering and exposing for sale LCMs. This is hardly fair, and it violates the spirit of Penal Code section 32310.

In a similar vein, many FFLs currently thinking that they have “California compliant” shotguns on the shelves will be horrified to discover that DOJ’s adoption of emergency regulations transformed those shotguns into firearms with internal LCMs (e.g., based on their dual tube configuration or how their magazine capacity is now measured by DOJ). They too would face jail time and the taint of a criminal record even though they had every intention of complying with the law.

Because DOJ’s “emergency” regulations would only give FFLs a handful of days to change industry practices that have been in place for close to two decades, DOJ is not giving FFLs sufficient

⁵³ Pending Penal Code section 30900(b)(5) requires DOJ to create regulations relating to the registration of firearms newly designated as “assault weapons.” The registration period, according to the statute, should open January 1, 2017 but require the regulations before the process can go into effect. (Cal. Penal Code § 30900, subd. (b)(1) (effective January 1, 2017).

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notice to lawfully modify magazines or dispose of firearms affected by its proposed regulations. Hence, DOJ will, alarmingly and unjustifiably, cause Californians to experience legal detriment if it is allowed to circumvent the APA's "standard" rulemaking procedures.

B. Individual Firearm Owners

Also seriously affected by DOJ's proposed emergency regulations are individual firearm owners. While DOJ's regulations engender criminal risk for FFLs, they engender the risk of bodily harm for individual firearm owners. Specifically, DOJ's proposed regulations will prompt firearm owners to have their LCMs "permanently altered" by inserting restrictors into their magazines and, for the most part, permanently sealing the magazines.⁵⁴

However, most of these methods of "permanent alteration" prevent the magazine from being taken apart. As a result, the magazine cannot be cleaned. And dirty magazines are dangerous to their owners and to bystanders because they cause the firearm to malfunction.

The very fact that DOJ included such regulations as part of its proposed emergency regulations suggests that DOJ cares more about its own convenience and advantage than it does about California firearm dealers and owners. DOJ could not even be bothered to analyze or research the ramifications that its regulations would have on the lives of firearm dealers and owners. This would not have been a problem had DOJ proceeded via the APA's "standard" rulemaking process because the public comments would have helped DOJ formulate improved regulations. But, in a flagrant display of delay, neglect, and gamesmanship, DOJ chose not to do so. We respectfully urge the OAL to see through DOJ's actions and to reject DOJ's proposed emergency regulations.

IV. CONCLUSION

The purpose of the APA is to ensure that the public has the opportunity to participate in the promulgation of regulatory measures, thereby promoting open government and keeping regulatory bodies accountable. Only in the most urgent circumstances should a government agency be permitted to circumvent the strict procedural requirements of the APA.

This is not one of those times.

DOJ was given almost a year to promulgate such regulations and *still* has time to do so via the APA's "standard" rulemaking process. Further, DOJ's delay and neglect are even more glaring when one realizes that DOJ is *actually* issuing the proposed regulations in response to restrictions against LCMs (that have already been in effect) for more than a decade. Any finding of "emergency" now would be laughable.

Additionally, as established above, DOJ failed to identify any real harm that will come to the general public should DOJ be allowed to follow the APA's non-emergency rulemaking process in adopting its proposed LCM regulations. The regulations DOJ has put forth are not necessary to protect

⁵⁴ See Cal. Code Regs., tit. 11, § 5491, subd. (b)(1), (b)(2) (proposed).

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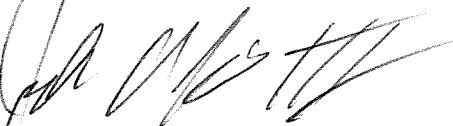
the public welfare. Instead, DOJ's finding of emergency is based solely on its own bare desire for expediency and convenience.

Lastly, the proposed "emergency" regulations are wrought with practical problems that harm California firearm dealers and owners. If DOJ had sought input from the public through proper rulemaking channels from the beginning, many of these problems could have been avoided or mitigated. Instead, DOJ seeks to adopt the regulations as an "emergency" measure, significantly reducing the time for public comment on these issues and shutting down the ability of the public to work *with* DOJ to create feasible regulations.

For the foregoing reasons, we respectfully request that the OAL reject DOJ's proposed emergency regulations and require DOJ to follow the "standard" APA rulemaking process. Should you have any questions or concerns regarding the content of this letter, please contact my office.

Sincerely,

Michel & Associates, P.C.



Joseph A. Silvos, III

Exhibit 8



MAJOR CITIES CHIEFS ASSOCIATION

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Cleveland, Ohio
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Detroit, Michigan
Edmonton, Alberta
El Paso, Texas
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Fort Worth, Texas
Fresno, California
Honolulu, Hawaii
Houston, Texas
Indianapolis, Indiana
Jacksonville, Florida
Kansas City, Missouri
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St. Louis, Missouri
Suffolk Co., New York
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Tulsa, Oklahoma
Vancouver, British Columbia
Virginia Beach, Virginia
Washington, DC
Winnipeg, Manitoba

December 28, 2012

The Vice resident
The White House
1600 Pennsylvania Avenue, .W.
Washington, D.C. 20500

Dear Mr. Vice President:

We are grateful for this opportunity to join in a vital national discussion to reform firearms policy. In response to your request, we are sending two documents to support your efforts.

First is a comprehensive discussion paper entitled, "Firearms Violence – Issues for Consideration." In our view, the policy issues described in this document should be considered as needed steps toward reform of our Nation's gun laws and policies.

Second is the current adopted policy statement of Major Cities Chiefs entitled, "Firearms Violence Policy" approved by a vote of our membership, the largest cities in the Nation.

We are committed to reform that will reduce the threat of gun violence in America and we look forward to working with the White House on a comprehensive national strategy.

Sincerely,

Commissioner Charles H. Ramsey
Philadelphia Police Department
President
Major Cities Chiefs Association



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Toronto, Ontario
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Tulsa, Oklahoma
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Virginia Beach, Virginia
Washington, DC
Winnipeg, Manitoba

Firearms Violence Policy Adopted by Membership Vote

The Major Cities Chiefs Association has been a strong advocate for sensible gun policy for many years and has taken positions on a wide range of issues.

Legislative Positions

- Reinstatement of the assault weapons ban and encourage stiffer penalties for illegal guns
- Ban high capacity magazines (10+ rounds)
- Ban internet ammo sales, require in-person transactions, records of sales and licensing of ammo vendors
- Oppose legislation that would require states to recognize any and all concealed carry permits
- Oppose legislation that further erodes ATF authority
- Prevent known terrorists from purchasing firearms
- Require unlicensed private dealers to do background checks at gun shows

Policy statements

- Encourage aggressive federal prosecution of violent offenders using guns. Conviction in Federal Court generally results in stronger sanctions, removes the offenders from the streets and serves as a deterrent.
- Encourage mandatory reporting of all purchases, transfers and stolen firearms. This measure would assist law enforcement agencies with identification, criminal investigations and recovery of stolen firearms.
- Establish harsher penalties and aggressively prosecute straw purchasers, who are responsible for putting a substantial number of guns used in criminal acts. More aggressive prosecution with strong penalties would hold them accountable and act as a deterrent.
- Strengthen the national criminal instant background check system. The background check system does not have complete data at the current time. Mental health information, for example, is incomplete. The system needs to be proved.



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**Firearms Violence
Issues or Consideration**

The Major Cities Chiefs Association has been a strong advocate for sensible gun policy for many years and has taken positions on a wide range of issues.

The use of Congress should consider these measures as elements of a comprehensive legislative reform of public policy on firearms and to prevent further gun violence in America. Long overdue, a National Crime Commission should be established with firearms policy as its top priority.

• **Assault Weapons and High Capacity Magazines**

Congress should reinstate the assault weapons ban and prohibit high capacity magazines (10+ rounds). Assault-type weapons have no sporting, recreation, or hunting purpose.

The legislation should:

- a) Ban the possession, sale, manufacture and importation of high capacity magazines;
- b) Ban both dealer and private sale, transfer, manufacture and importation of assault weapons; and
- c) Require owner background checks and registration for assault weapons acquired prior to the date of enactment.

• **Sale of Firearms and Ammunition**

Major Cities Chiefs call upon Federal, State and local officials to consider these reforms:

- a) Require registration of all firearms, and reporting of all transfers and lost or stolen firearms;
- b) Commence registration of all FFL and private firearms purchases and transfers;
- c) Strengthen the National Instant Background Check System (NICS) to require 100% background clearance:
 - ✓ Permit sales only when clearance is received by FFL
 - ✓ Require current and complete mental health information



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Vancouver, British Columbia
Virginia Beach, Virginia
Washington, DC
Winnipeg, Manitoba

- ✓ Prevent known terrorists from purchasing firearms
- ✓ Require unlicensed private persons and dealers to background checks through FFL for gun shows and individual sales transfers

- d) Ban internet sales of ammunition, require in-person transactions, records of ammunition sales and licensing of ammunition dealers;
- e) New and imported firearms should bear micro stamp identification as well as a visible serial number;
- f) Specialized ammunition not intended for target shooting or hunting, (such as armor piercing and coated rounds), should be available only to military and law enforcement, not to the public; and
- g) Straw purchasers should be aggressively prosecuted and harsher penalties should be imposed.

- **Firearms Safety**

Major Cities Chiefs propose that the White House bring together a coalition of public and private agencies to form a national gun safety and public awareness initiative. Firearms safety and training must become a nation-wide goal that includes more widespread safety instruction, mandatory secure storage of weapons and mandatory trigger locks. This national gun safety strategy should also call for:

- a) Proof of a safety course certification for all firearms purchases; and
- b) Measures to prevent access to firearms by persons who are mentally disturbed or pose a threat to public safety.

- **School Safety and Prevention of Violence**

The White House and Congress should work together to restore funding for school security and violence prevention programs at the U.S. Departments of Justice and Education to include the COPS Office School Resource Officer Program and the Safe and Drug Free Schools Program.

- **ATF Authority**

Major Cities Chiefs ask Congress to take these necessary remedial



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Tucson, Arizona
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actions:

- a) Reject any proposed legislation to further erode ATF authority;
- b) Require reports on large quantity sales of semi-automatic rifles and ammunition;
- c) Allow ATF to inspect sales records and permit more than one FFL inspection per year;
- d) Require annual inventories and security features at FFL points of sale; and
- e) Confirm an ATF Director to ensure clear policy and consistent enforcement of Federal firearms laws.

- **Concealed Weapons**

Major Cities Chiefs oppose Federal legislation that would require States to recognize any and all concealed carry permits. These permits should be subject to State law and local control. Moreover, a national database should be established for storage and sharing of permit information by law enforcement.

- **Gun Trafficking**

Congress should enact legislation to halt domestic and international gun trafficking and impose stiffer penalties for illegal guns. Congress must adopt a Federal Firearms Trafficking Statute to strengthen law enforcement efforts and curb trafficking of illegal guns.

Exhibit 9

Mother Jones

More Guns, More Mass Shootings—Coincidence?

The unthinkable massacre in Connecticut adds to what is now the worst year of mass shootings in modern US history.

By [Mark Follman](#) | Wed Sep. 26, 2012 6:00 AM EDT

In the fierce debate that always follows the latest mass shooting, it's an argument you hear frequently from gun rights promoters: If only more people were armed, there would be a better chance of stopping these terrible events. This has plausibility problems—what are the odds that, say, a moviegoer with a pack of Twizzlers in one pocket and a Glock in the other would be mentally prepared, properly positioned, and skilled enough to take out a body-armored assailant in a smoke- and panic-filled theater? But whether you believe that would happen is ultimately a matter of theory and speculation. Instead, let's look at some facts gathered in a five-month investigation by *Mother Jones*.

In the wake of the massacres this year at a Colorado movie theater, a Sikh temple in Wisconsin, and Sandy Hook Elementary School in Connecticut, we set out to track mass shootings in the United States over the last 30 years. [We identified and analyzed 62 of them](#) [1], and one striking pattern in the data is this: In not a single case was the killing stopped by a civilian using a gun. And in other recent (but less lethal) rampages in which armed civilians attempted to intervene, those civilians not only failed to stop the shooter but also were gravely wounded or killed. Moreover, we found that the rate of mass shootings has increased in recent years—at a time when America has been flooded with millions of additional firearms and a barrage of new laws has made it easier than ever to carry them in public places, including bars, parks, and schools.

America has long been heavily armed relative to other societies, and our arsenal keeps growing. A precise count isn't possible because most guns in the United States aren't registered and the government has scant ability to track them, thanks to a legislative landscape shaped by powerful pro-gun groups such as the National Rifle Association. But through a combination of national surveys and manufacturing and sales data, we know that the increase in firearms has far outpaced population growth. In 1995 there were an estimated 200 million guns in private hands. Today, there are around 300 million—about a 50 percent jump. The US population, now over 314 million, grew by about 20 percent in that period. At this rate, there will be a gun for every man, woman, and child before the decade ends.

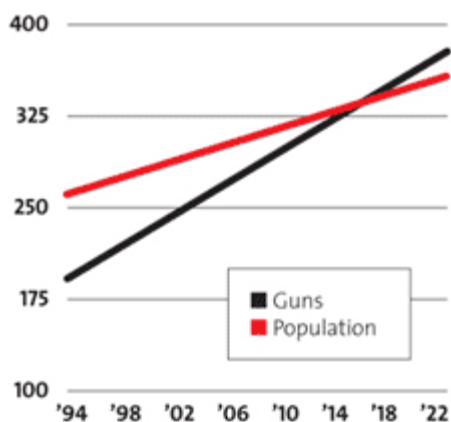


[1]

[MoJo's map, timeline, and analysis of 30 years of mass shootings in America.](#)

[1]

Number of civilian firearms vs. US population (millions)



Mother Jones

There is no evidence indicating that arming Americans further will help prevent mass shootings or reduce the carnage, says Dr. Stephen Hargarten, a leading expert on emergency medicine and gun violence at the Medical College of Wisconsin. To the contrary, there appears to be a relationship between the proliferation of firearms and a rise in mass shootings: By our count, there have been two per year on average since 1982. Yet, 25 of the 62 cases we examined have occurred since 2006. In 2012 alone [there have been seven mass shootings](#) [2], and a record number of casualties, with more than 140 people injured and killed.

Armed civilians attempting to intervene are actually more likely to increase the bloodshed, says Hargarten, "given that civilian shooters are less likely to hit their targets than police in these circumstances." A chaotic scene in August at the Empire State Building put this starkly into perspective when New York City police officers [trained in counterterrorism](#) [3] confronted a gunman and [wounded nine innocent bystanders in the process](#) [4].

Surveys suggest America's guns may be concentrated in fewer hands today: Approximately 40 percent of households had them in the past decade, versus about 50 percent in the 1980s. But far more relevant is a recent barrage of laws that have rolled back gun restrictions throughout the country. In the past four years, across 37 states, the NRA and its political allies have pushed through [99 laws making guns easier to own, carry, and conceal from the government](#) [5].

Among the more striking measures: Eight states now allow firearms in bars. Law-abiding Missourians can carry a gun while intoxicated and even fire it if "acting in self-defense." In Kansas, permit holders can carry concealed weapons inside K-12 schools, and Louisiana allows them in houses of worship. Virginia not only repealed a law requiring handgun vendors to submit sales records, but the state also ordered the destruction of all such previous records. More than two-thirds of these laws were passed by Republican-controlled statehouses, though often with bipartisan support.

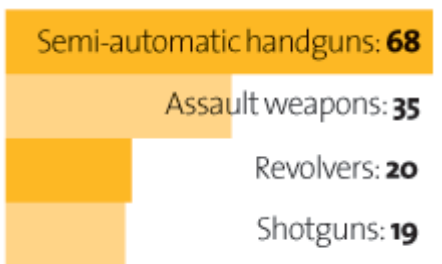


The laws have caused dramatic changes, including in the two states hit with the recent carnage. Colorado passed its concealed-carry measure in 2003, issuing 9,522 permits that year; by the end of last year the state had handed out a total of just under 120,000, according to data we obtained from the County Sheriffs of Colorado. In March of this year, the Colorado Supreme Court ruled that concealed weapons are legal on the state's college campuses. (It is now [the fifth state explicitly allowing them](#) [6].) If former neuroscience student James Holmes were still attending the University of Colorado today,

the movie theater in the student union. Wisconsin's concealed-carry law went into effect just nine months before the Sikh temple shooting in suburban Milwaukee this August. During that time, the state issued a whopping 122,506 permits, according to data from Wisconsin's Department of Justice. The new law authorizes guns on college campuses, as well as in bars, state parks, and some government buildings.

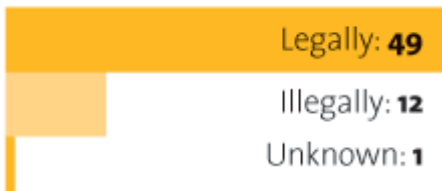
And we're on our way to a situation where the most lax state permitting rules—say, Virginia's, where an online course now qualifies for firearms safety training and has drawn [a flood of out-of-state applicants](#) [7]—are in effect national law. Eighty percent of states now recognize handgun permits from at least some other states. And gun rights activists are pushing hard for [a federal reciprocity bill](#) [8]—passed in the House late last year, with GOP vice presidential candidate Paul Ryan among its most ardent supporters—that would essentially make any state's permits valid

Guns possessed by mass shooters*



*Includes multiple weapons. Assault weapons include machine pistols.

How killers got their guns



nationwide.

Indeed, the country's vast arsenal of handguns—at least 118 million of them as of 2010—is increasingly mobile, with 69 of the 99 new state laws making them easier to carry. A decade ago, seven states and the District of Columbia still prohibited concealed handguns; today, it's down to just Illinois and DC. (And Illinois recently [passed an exception](#) [9] cracking the door open to carrying). In the 62 mass shootings we analyzed, 54 of the killers had handguns—including in all 15 of the mass shootings since the surge of pro-gun laws began in 2009.

In a certain sense the law was on their side: nearly 80 percent of the killers in our investigation obtained their weapons legally.

We used a conservative set of criteria to build a comprehensive rundown of high-profile attacks in public places—at schools, workplaces, government buildings, shopping malls—though they represent only a small fraction of the nation's

overall gun violence. The FBI [defines a mass murderer](#) [10] as someone who kills four or more people in a single incident, usually in one location. (As opposed to spree or serial killers, who strike multiple times.) We excluded cases involving armed robberies or gang violence; dropping the number of fatalities by just one, or including those motives, would add [many](#) [11], [many](#) [12] [more](#) [13] [cases](#) [14]. ([More about our criteria here](#) [15].)

There was one case in our data set in which an armed civilian played a role. Back in 1982, a man opened fire at a welding shop in Miami, killing eight and wounding three others before fleeing on a bicycle. A civilian who worked nearby pursued the assailant in a car, shooting and killing him a few blocks away (in addition to ramming him with the car). Florida authorities, led by then-state attorney Janet Reno, concluded that the vigilante had used force justifiably, and speculated that he may have prevented additional killings. But even if we were to count that case as a successful

armed intervention by a civilian, it would account for just 1.6 percent of the mass shootings in the last 30 years.

More broadly, attempts by armed civilians to stop shooting rampages are rare—and successful ones even rarer. There were two school shootings in the late 1990s, in Mississippi and Pennsylvania, in which bystanders with guns ultimately subdued the teen perpetrators, but in both cases it was after the shooting had subsided. Other cases led to tragic results. In 2005, as a rampage unfolded inside a shopping mall in Tacoma, Washington, a civilian named Brendan McKown confronted the assailant with a licensed handgun he was carrying. The assailant pumped several bullets into McKown and wounded six people before eventually surrendering to police after a hostage standoff. (A comatose McKown eventually recovered after weeks in the hospital.) In Tyler, Texas, that same year, a civilian named Mark Wilson fired his licensed handgun at a man on a rampage at the county courthouse. Wilson—who was a firearms instructor—was shot dead by the body-armored assailant, who wielded an AK-47. (None of these cases were included in our mass shootings data set because fewer than four victims died in each.)

Appeals to heroism on this subject abound. So does misleading information. Gun rights die-hards [frequently](#) [16] [credit](#) [17] the end of a rampage in 2002 at the Appalachian School of Law in Virginia to armed "students" who intervened—while failing to disclose that those students [were also current and former law enforcement officers](#) [18], and that the killer, according to police investigators, was out of bullets by the time they got to him. It's one of several cases commonly cited as examples of ordinary folks with guns stopping massacres [that do not stand up to scrutiny](#) [19].

How do law enforcement authorities view armed civilians getting involved? One week after the slaughter at the *Dark Knight* screening in July, the city of Houston—hardly a hotbed of gun control—released a new Department of Homeland Security-funded video [instructing the public on how to react to such events](#) [20]. The six-minute production foremost advises running away or otherwise hiding, and suggests fighting back only as a last resort. It makes no mention of civilians using firearms.

Law enforcement officials are the first to say that civilians should not be allowed to obtain particularly lethal weaponry, such as the AR-15 assault rifle and ultra-high-capacity, drum-style magazine used by Holmes to mow down Batman fans. The expiration of the Federal Assault Weapons Ban [under President George W. Bush in 2004](#) [22] has not helped that cause: Seven killers since then have [wielded assault weapons in mass shootings](#) [1].



Screen shot: City of Houston video on mass shooters. [21]

But while access to weapons is a crucial consideration for stemming the violence, stricter gun laws are no silver bullet. Another key factor is mental illness. A major [New York Times](#) [23] [investigation](#) [23] in 2000 examined 100 shooting

rampages and found that at least half of the killers showed signs of serious mental health problems. Our own data reveals that the majority of mass shootings are murder-suicides: In the 62 cases we analyzed, 36 of the shooters killed themselves. Others may have committed "suicide by cop"—seven died in police shootouts. Still others simply waited, as Holmes did in the movie theater parking lot, to be apprehended by authorities.



Drum-style magazine for assault rifles [Brownells.com](http://www.brownells.com) [24]

foremost experts to stop it.

Mental illness among the killers is no surprise, ranging from paranoid schizophrenia to suicidal depression. But while some states have improved their sharing of mental health records with federal authorities, millions of records reportedly are [still missing from the FBI's database for criminal background checks](#) [25].

Hargarten of the Medical College of Wisconsin argues that mass shootings need to be scrutinized as a public health emergency so that policy makers can better focus on controlling the epidemic of violence. It would be no different than if there were an outbreak of Ebola virus, he says—we'd be assembling the nation's

But real progress will require [transcending hardened politics](#) [26]. For decades gun rights promoters have framed measures aimed at public safety—background checks, waiting periods for purchases, tracking of firearms—as dire attacks on constitutional freedom. They've wielded the gun issue so successfully as a political weapon that [Democrats hardly dare to touch it](#) [27], while Republicans have gone to [new extremes in their party platform](#) [28] to enshrine gun rights. Political leaders have failed to advance the discussion "in a credible, thoughtful, evidence-driven way," says Hargarten.

In the meantime, the gun violence in malls and schools and [religious venues](#) [12] continues apace. As a superintendent told his community in suburban Cleveland this February, after a shooter at Chardon High School [snuffed out the lives of three students and injured three others](#) [29], "We're not just any old place, Chardon. This is every place. As you've seen in the past, this can happen anywhere."

Additional research contributed by Deanna Pan and Gavin Aronsen.

Source URL: <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>

Links:

- [1] <http://www.motherjones.com/politics/2012/07/mass-shootings-map>
- [2] <http://www.motherjones.com/politics/2012/07/mass-shootings-map?page=2>
- [3] <http://www.cnn.com/2012/08/27/us/new-york-empire-state-building-shooting/index.html>
- [4] <http://www.nytimes.com/2012/08/26/nyregion/bystanders-shooting-wounds-caused-by-the-police.html>
- [5] <http://www.motherjones.com/politics/2012/09/map-gun-laws-2009-2012>

- [6] <http://www.nytimes.com/2012/09/23/education/guns-on-campus-at-university-of-colorado-causes-unease.html?pagewanted=all>
- [7] <http://www.foxnews.com/us/2012/09/03/online-classes-make-it-easy-for-non-virginia-gun-owners-to-get-permits/>
- [8] <http://www.motherjones.com/politics/2011/11/concealed-guns-laws>
- [9] <http://smartgunlaws.org/recent-developments-in-state-law-2009-2010/>
- [10] <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-1#two>
- [11] <http://www.foxnews.com/story/0,2933,537004,00.html>
- [12] <http://www.motherjones.com/politics/2012/07/mass-shooting-survivor>
- [13] <http://www.nytimes.com/2010/01/21/us/21virginia.html>
- [14] <http://www.jsonline.com/news/crime/multiple-victims-shot-near-brookfield-square-le7a3b4-175147441.html>
- [15] <http://www.motherjones.com/mojo/2012/08/what-is-a-mass-shooting>
- [16] <http://johnlott.tripod.com/postsbyday/7-4-03.html>
- [17] <http://dailyanarchist.com/2012/07/31/auditing-shooting-rampage-statistics/>
- [18] <http://www.cse.unsw.edu.au/%7Elambert/guns/appalachian/nd/tackle/gun/use/index.html>
- [19] <http://www.motherjones.com/politics/2012/12/armed-civilians-do-not-stop-mass-shootings>
- [20] <http://www.tylerpaper.com/article/20120729/NEWS01/120729768/0/FEATURES09>
- [21] <http://www.youtube.com/watch?v=5VcSwejU2D0&feature=youtu.be>
- [22] http://www.usatoday.com/news/washington/2004-09-12-weapons-ban_x.htm
- [23] <http://www.nytimes.com/2000/04/09/us/they-threaten-seethe-and-unhinge-then-kill-in-quantity.html?pagewanted=all&src=pm>
- [24] <http://www.brownells.com/.aspx/pid=23282/Product/AR-15-M16-90-ROUNDER-reg-MAGAZINE>
- [25] <http://www.demandaplan.org/fatalgaps>
- [26] <http://www.ethanzuckerman.com/blog/2012/08/14/what-would-it-take-to-start-a-gun-control-debate-in-the-us/>
- [27] <http://www.cnn.com/2012/07/20/politics/gun-politics/index.html>
- [28] http://www.washingtonpost.com/politics/in-wake-of-mass-shootings-gop-platforms-calls-for-expanded-rights-for-gun-owners/2012/08/30/8a4881f0-f2ad-11e1-b74c-84ed55e0300b_story.html
- [29] <http://www.nytimes.com/2012/02/29/us/ohio-school-shooting-suspect-confesses-prosecutor-says.html?pagewanted=all>

Exhibit 10

Mother Jones

A Guide to Mass Shootings in America

There have been at least 86 in the last three-plus decades—and most of the killers got their guns legally.

By [Mark Follman](#), [Gavin Aronsen](#), and [Deanna Pan](#) | Fri Jul. 20, 2012 10:32 PM EDT

Editor's note: In July 2012, in the aftermath of the movie theater massacre in Aurora, Colorado, *Mother Jones* created the first [open-source database](#) [1] documenting mass shootings in the United States. Our research has focused on indiscriminate rampages in public places resulting in four or more victims killed by the attacker. We exclude shootings stemming from more conventional crimes such as armed robbery or gang violence. Other news outlets and researchers have published larger tallies that include a wide range of gun crimes in which four or more people have been either wounded or killed. While those larger datasets of multiple-victim shootings may be useful for studying the broader problem of gun violence, our investigation provides an in-depth look at the distinct phenomenon of mass shootings—from the [firearms used](#) [2] to [mental health factors](#) [3] and the [growing](#) [4] [copycat](#) [5] [problem](#) [6]. Tracking mass shootings is complex; we believe ours is the [most useful](#) [7] [approach](#) [8].

The interactive map below and our [downloadable database](#) [1] have been expanded with 24 additional cases from 2013-2017. Dating from 2005, the FBI and leading criminologists essentially defined a mass shooting as an attack in a public place in which four or more victims were killed. We adopted that baseline when we gathered data in 2012 on three decades worth of cases. (It bears noting that there have been many similar indiscriminate gun rampages with fewer fatalities that [would](#) [9] [otherwise](#) [10] [be included](#) [11] [in](#) [12] [our](#) [13] [dataset](#) [14].) In January 2013, [a mandate](#) [15] for federal investigation of mass shootings authorized by President Barack Obama lowered that baseline to three or more victims. Accordingly, we include attacks dating from January 2013 in which three or more victims died. Our original analysis, which covers cases with four or more victims killed from 1982-2012, follows below. The cases we have documented since then using the revised federal baseline reaffirm our major findings.

It is perhaps too easy to forget how many times this has happened.

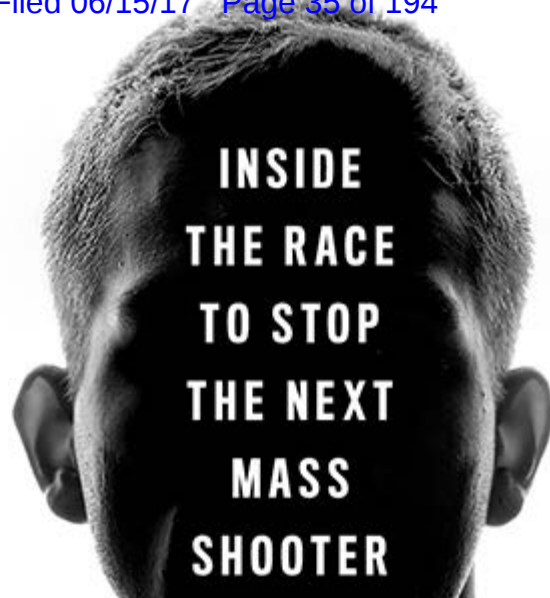
The horrific massacre [at a movie theater in Aurora, Colorado](#) [16],

in July 2012, [another at a Sikh temple in Wisconsin](#) [17] that

August, [another at a manufacturer in Minneapolis](#) [18] that

September—and then the unthinkable nightmare [at a Connecticut](#)

[elementary school](#) [19] that December—were some of the latest in an epidemic of such gun violence over the last three-plus decades. Since 1982, there have been at least 86 public mass shootings across the country, with the killings unfolding in 34 states from Massachusetts to Hawaii. Forty-nine of these mass shootings have occurred since 2006. Seven of them took place in 2012 alone, including Sandy Hook. A recent analysis of this database by researchers at Harvard University, further corroborated by a recent [FBI study](#) [20], determined that mass shootings [have been on the rise](#) [21].



[3]

[Can the next attack be prevented?](#) [3]

We've gathered detailed data on more than three decades of cases and mapped them below, including information on the attackers' profiles, the types of weapons they used, and the number of victims they injured and killed. The following analysis covers our original dataset comprised of 62 cases from 1982-2012.

Weapons: Of the 143 guns possessed by the killers, more than three quarters were obtained legally. The arsenal included dozens of assault weapons and semi-automatic handguns with [high-capacity magazines](#) [22]. (See charts below.) Just as a perpetrator used a .40-caliber Glock to slaughter students in Red Lake, Minnesota, in 2005, so too did the one in Aurora, along with an [AR-15 assault rifle](#) [23], when blasting away at his victims in a darkened movie theater. In Newtown, Connecticut, the attacker wielded a [.223 Bushmaster semi-automatic assault rifle](#) [24] as he massacred 20 school children and six adults.

The perpetrators: More than half of the cases involved school or workplace shootings (12 and 20, respectively); the other 30 cases took place in locations including shopping malls, restaurants, and religious and government buildings. Forty-four of the killers were white males. Only one was a woman. (See Goleta, Calif., in 2006.) The average age of the killers was 35, though the youngest among them was a mere 11 years old. (See Jonesboro, Ark., in 1998.) A majority were mentally troubled—[and many displayed signs of mental health problems before setting out to kill](#) [25]. Explore the map for further details—we do not consider it to be all-inclusive, but based on [the criteria we used](#), we believe that we've produced the most comprehensive rundown available on this particular type of violence. (Mass shootings represent only a sliver of America's overall gun violence.) For the stories of the 151 shooting rampage victims of 2012, [click here](#) [26], and for our groundbreaking investigation into the economic costs of the nation's gun violence, including

mass shootings, [click here](#) [27]
Case 2:17-cv-00903-WBS-KJN Document 35-2 Filed 06/15/17 Page 36 of 194

Click on the dots or use the search tool in the top-right corner of the map to go to a specific location. (Zoom in to find cases located geographically close together in Colorado, Texas, Wisconsin, and elsewhere.)

Map created by  [motherjones](#)

Our focus is on public mass shootings in which the motive appeared to be indiscriminate killing. We used the following criteria to identify cases:

- **The perpetrator took the lives of at least four people.** An [FBI crime classification report](#) [28] identifies an individual as a mass murderer—versus a [spree killer](#) [29] or a [serial killer](#) [30]—if he kills four or more people in a single incident (not including himself), typically in a single location.
- **The killings were carried out by a lone shooter.** (Except in the case of the Columbine massacre and the Westside Middle School killings, which involved two shooters.)
- **The shootings occurred in a public place.** (Except in the case of a party on private property in Crandon, Wisconsin, and another in Seattle, where crowds of strangers had gathered.) Crimes primarily related to gang activity, armed robbery, or domestic violence in homes are not included.

Perpetrators who died or were wounded

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during the attack are not included in the victim counts

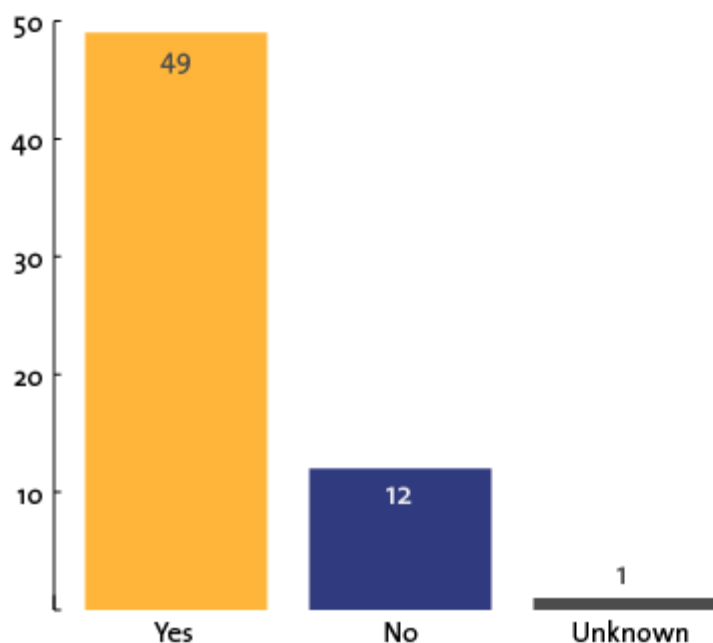
- We included a handful of cases also known as "spree killings"—cases in which the killings occurred in more than one location over a short period of time, that otherwise fit the above criteria.

For more on the thinking behind our criteria, see our [mass shootings explainer](#) [31]. Plus: more on [the crucial mental illness factor](#) [25], and on the recent barrage of [state laws rolling back gun restrictions across the US](#) [32]. And: Explore [the full data set behind our investigation](#) [1].

Here are two charts detailing the killers' weapons:

Killer Obtained Weapons Legally?

Mass shootings in US, 1982-2012



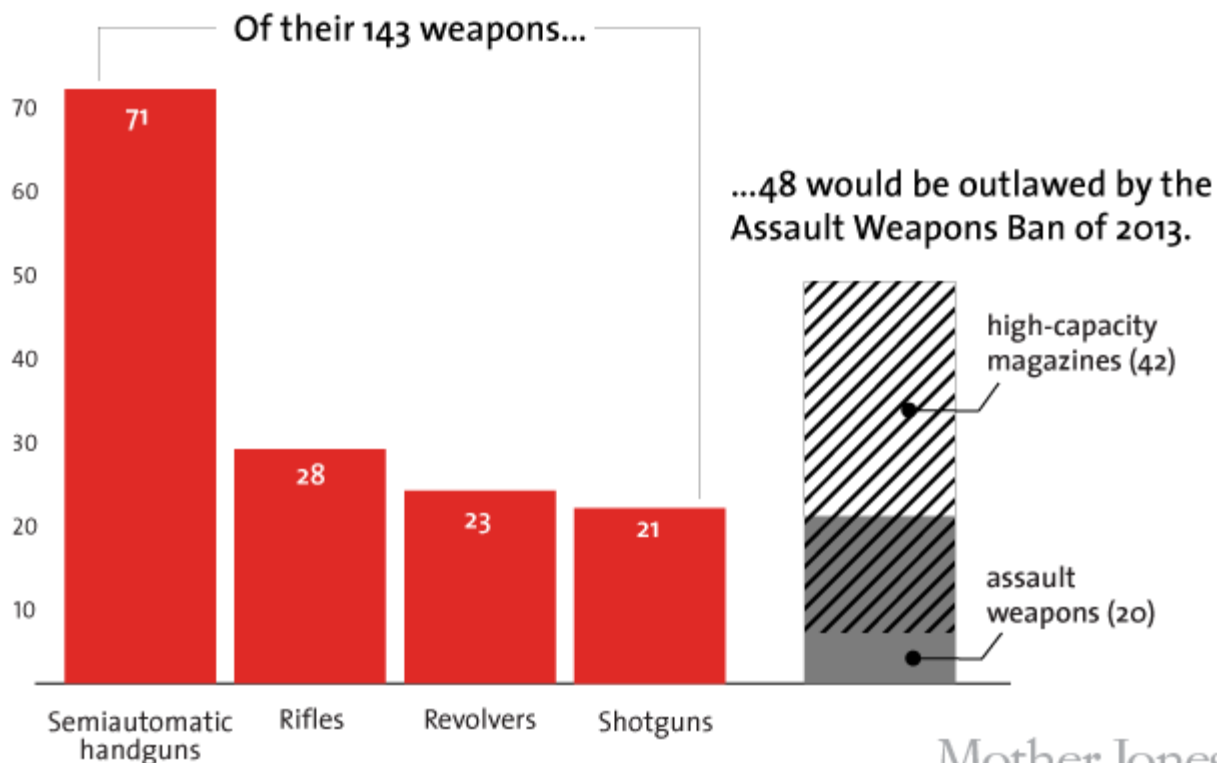
Mother Jones

This guide was first published on July 20, 2012. Since then, we've updated and expanded it multiple times with additional research and reporting. The analysis and

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Mass Shooters' Weapons, 1982-2012

More than half of all mass shooters possessed high-capacity magazines, assault weapons, or both.



charts above cover the data through 2012 (comprising 62 cases); additional data and analysis on the shooters'

weapons [are in this story](#). [2] Information on 24 additional mass shootings from 2013-2017 is included in [our full data set here](#) [1]. For much more of our reporting on mass shootings, gun violence, and gun laws, see our special investigations: [America Under the Gun](#) [33], [Newtown: One Year After](#) [34], and [The True Cost of Gun Violence](#) [27]. ([Return to intro.](#))

First published: Fri Jul. 20, 2012 7:32 PM PDT.

Interactive production by [Tasneem Raja](#) [35] and [Jaeah Lee](#) [36]

Source URL: <http://www.motherjones.com/politics/2012/07/mass-shootings-map>

Links:

- [1] <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>
- [2] <http://www.motherjones.com/politics/2013/02/assault-weapons-high-capacity-magazines-mass-shootings-feinstein>
- [3] <http://www.motherjones.com/politics/2015/09/mass-shootings-threat-assessment-shooter-fbi-columbine>
- [4] <http://www.motherjones.com/politics/2016/07/copycat-mass-shooters-rising-baton-rouge-munich>
- [5] <http://www.motherjones.com/politics/2015/10/columbine-effect-mass-shootings-copycat-data>
- [6] <http://www.motherjones.com/politics/2015/10/media-inspires-mass-shooters-copycats>
- [7] <http://www.motherjones.com/politics/2015/12/no-there-were-not-355-mass-shootings-this-year>
- [8] <http://www.nytimes.com/2015/12/04/opinion/how-many-mass-shootings-are-there-really.html>
- [9] <http://www.foxnews.com/story/2009/08/05/gunman-who-killed-3-himself-at-pittsburgh-gym-wrote-hatred-women.html>
- [10] http://en.wikipedia.org/wiki/Chardon_High_School_shooting
- [11] <http://www.usatoday.com/story/news/nation/2014/04/13/suburban-kansas-city-shooting/7674747/>

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- [12] http://www.nytimes.com/2015/07/25/us/lafayette-theater-shooting-john-houser.html?_r=0
- [13] <http://www.nbc15.com/home/headlines/Three-dead-one-arrested-after-shooting-in-Menasha-302371911.html>
- [14] <http://www.cnn.com/2016/09/30/us/south-carolina-elementary-school-shooting-victim/>
- [15] <https://www.congress.gov/112/plaws/publ265/PLAW-112publ265.pdf>
- [16] <http://www.motherjones.com/politics/2012/07/batman-theater-shooting-updates-dark-knight-rises>
- [17] <http://www.motherjones.com/politics/2012/08/what-we-know-about-sikh-temple-shooting-wisconsin-updates>
- [18] <http://www.startribune.com/local/171774461.html>
- [19] <http://www.motherjones.com/politics/2012/12/newtown-connecticut-school-shooting-explained>
- [20] <https://www.fbi.gov/about-us/office-of-partner-engagement/active-shooter-incidents/a-study-of-active-shooter-incidents-in-the-u.s.-2000-2013>
- [21] <http://www.motherjones.com/politics/2014/10/mass-shootings-rising-harvard>
- [22] <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>
- [23] <http://en.wikipedia.org/wiki/AR-15>
- [24] http://en.wikipedia.org/wiki/Bushmaster_Firearms_International
- [25] <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>
- [26] <http://www.motherjones.com/politics/2012/12/mass-shootings-victims-2012>
- [27] <http://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america>
- [28] <http://www.fbi.gov/stats-services/publications/serial-murder/serial-murder-1#two>
- [29] http://en.wikipedia.org/wiki/Spree_killer
- [30] http://en.wikipedia.org/wiki/Serial_killer
- [31] <http://www.motherjones.com/mojo/2012/08/what-is-a-mass-shooting>
- [32] <http://www.motherjones.com/politics/2012/09/map-gun-laws-2009-2012>
- [33] <http://www.motherjones.com/special-reports/2012/12/guns-in-america-mass-shootings>
- [34] <http://www.motherjones.com/special-reports/2013/12/newtown-shooting-one-year-later>
- [35] <http://www.motherjones.com/authors/tasneem-raja>
- [36] <http://www.motherjones.com/authors/jaeah-lee>

Exhibit 11

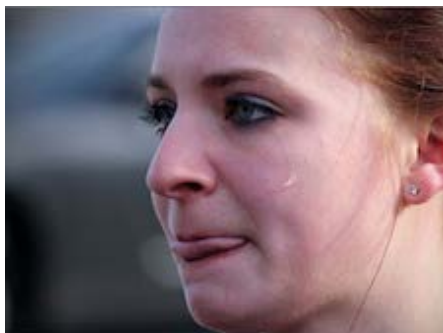
Mother Jones

"A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines

31 of 62 mass shooters we investigated used these powerful ammo feeding devices. Will Congress ban them?

By [Mark Follman](#) and [Gavin Aronsen](#) | Wed Jan. 30, 2013 7:01 AM EST

As lawmakers across the country and in the nation's capital debate possible restrictions on high-capacity magazines, one question emerges: Are these ammunition-feeding devices, which allow a shooter to fire many times without reloading, in fact commonly used by mass killers? We examined the data from *Mother Jones'* [continuing investigation into mass shootings](#) [1] and found that high-capacity magazines have been used in at least 31 of the 62 cases we analyzed. A half-dozen of these crimes occurred in the last two years alone. (With some of the cases we studied, it remains unclear whether high-capacity magazines were used. We included all those involving magazines with more than 10 rounds; in many of the cases their capacities were far greater. For more details, [jump to our data set below.](#))



Tragedy in Newtown

- [The NRA Myth of Arming the Good Guys](#) [2]
- [A Guide to Mass Shootings in America](#) [3]
- [More Guns, More Mass Shootings—Coincidence?](#) [4]
- [Do Armed Civilians Stop Mass Shooters? Actually, No.](#) [5]
- ["A Killing Machine": Half of All Mass Shooters Used High-Capacity Magazines](#) [6]
- [Mass Shootings: Maybe We Need a Better Mental-Health Policy](#) [7]
- [Why Mass Shootings Deserve Deeper Investigation](#) [8]
- [DATA: Explore our mass shootings research](#) [9]

[See our full special report](#) [1] on gun laws and the rise of mass shootings in America.

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In the shooting that injured Rep. Gabby Giffords in Tucson, Arizona, Jared Loughner emptied a 33-round magazine in 30 seconds, killing 6 and injuring 13. Inside a movie theater in Aurora, Colorado, James Holmes used 40- and 100-round magazines to injure and kill an unprecedented 70 victims. At Sandy Hook Elementary School in Newtown, Connecticut, Adam Lanza used high-capacity magazines to fire upwards of 150 bullets as he slaughtered 20 kids and 6 adults.

"It turns a killer into a killing machine," says David Chipman, who served for 25 years as a special agent in the Bureau of Alcohol, Tobacco, Firearms, and Explosives. Outlawing high-capacity magazines won't prevent gun crimes from happening, Chipman notes, but might well reduce the carnage: "Maybe 3 kids get killed instead of 20."

With Congress undertaking a highly charged debate over firearms restrictions, many observers are skeptical that Democratic Sen. Dianne Feinstein's [proposal](#) [10] to ban assault weapons will garner enough votes on Capitol Hill. But there may be momentum for mandating universal background checks on gun purchasers, and for outlawing the sale of magazines containing more than 10 rounds. A recent *NBC News/Wall Street Journal* [poll](#) [11] found that a majority of Americans support stricter regulation of firearms sales, and 59 percent believe that high-capacity magazines were significantly to blame in the recent spate of mass shootings.

The problem dates back to long before Newtown. In 1984, the assailant who massacred 21 at a McDonald's in San Ysidro, California, unleashed more than 200 rounds. School and workplace shootings in Stockton, California, and San Francisco in the late '80s and early '90s also involved large magazines, with an estimated 100 shots fired in each case. In 1997, a gunman in Orange, California, fired nearly 150 shots, wielding an AK-47 with a 30-round magazine three years after a federal law banned such assault weapons.

High-capacity magazines also play a role in the daily gun deaths plaguing US cities from LA to Chicago to Baltimore. "A lot of these folks who are driving in their cars and shooting out the window, they're shooting whatever is in their magazine," Chipman says. "So if it's only 10 rounds instead of 20, maybe the kid halfway down the block doesn't get hit with round 18."

The 1994 federal assault weapons ban limited magazines to 10 rounds, a threshold generally accepted by law enforcement officials and policy makers. Feinstein's bill aims to reinstate this limit, as does legislation introduced by Democratic Sen. Frank Lautenberg of New Jersey. Seven states have [some restrictions](#) [12] on high-capacity magazines; a new state law passed in New York limits magazines to no more than seven rounds.

Gun rights advocates argue that larger magazines, which can add convenience for gun owners who enjoy sport shooting, are simply "standard" for semi-automatic handguns and rifles. The debate turns semantic quickly, in the same [contentious vein](#) [13] as the one over [the definition of "assault weapon."](#) [14] Law enforcement officials, meanwhile,

tend to agree that no law-abiding citizen needs high-capacity magazines for self-defense

Case 2:17-cv-00903-WBS-RJN Document 35-2 Filed 06/15/17 Page 43 of 194

Gun rights advocates also commonly argue that mass shooters could kill just as easily by rapidly reloading smaller magazines, and that a ban would make no difference. But such capability requires extensive training under intense conditions, according to Chipman. "Anyone who's been a cop or in the military knows that that's not something you can do unpracticed," he says.

The Tucson mass shooting is telling here in another regard: It was only after Loughner had emptied his 33-round magazine and paused to reload that bystanders were able to tackle him and end the carnage.

[Click here for the full Google spreadsheet view](#) [15] of the data below. To explore the rest of our yearlong investigation into gun laws and mass shootings, [click here](#) [1].

Mother Jones' Investigation: High-Capacity Magazines Used in Mass Shootings, 1982-2012

[Cases](#) [Sources](#)

Published by [Google Sheets](#) – [Report Abuse](#) – Updated automatically every 5 minutes

Source URL: <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>

Links:

- [1] <http://www.motherjones.com/special-reports/2012/12/guns-in-america-mass-shootings>
- [2] <http://www.motherjones.com/politics/2012/12/nra-mass-shootings-myth>
- [3] <http://www.motherjones.com/politics/2012/07/mass-shootings-map>
- [4] <http://www.motherjones.com/politics/2012/09/mass-shootings-investigation>
- [5] <http://www.motherjones.com/politics/2012/12/armed-civilians-do-not-stop-mass-shootings>
- [6] <http://www.motherjones.com/politics/2013/01/high-capacity-magazines-mass-shootings>
- [7] <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>
- [8] <http://www.motherjones.com/politics/2013/01/mass-shootings-james-alan-fox>
- [9] <http://www.motherjones.com/politics/2012/12/mass-shootings-mother-jones-full-data>
- [10] <http://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=5dffbf07-d8e5-42aa-9f22-0743368dd754>
- [11] <http://tv.msnbc.com/2013/01/23/a-look-back-at-gun-control-history/>
- [12] <http://usatoday30.usatoday.com/news/nation/story/2012-07-31/gun-control-colorado-theater-shooting/56621536/1>
- [13] <http://p.washingtontimes.com/news/2013/jan/27/the-high-capacity-magazine-myth/>
- [14] http://www.nytimes.com/2013/01/17/us/even-defining-assault-weapons-is-complicated.html?hpw&_r=0&pagewanted=all
- [15] https://docs.google.com/spreadsheet/ccc?key=0Ah9Oqlm_qMOGdG1CRIZsaTY4TDI2QTJIWU5KYWNuQXc#gid=0

Exhibit 12

NewsRoom

8/11/11 Statesman J. (Salem, Or.) C1
2011 WLNR 15882434

Statesman Journal (Salem, OR)
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August 11, 2011

Section: Mid-Valley

Brush with tragedy spurs author

August 11, 2011

One of the more notorious crimes in Salem history remains fresh in the mind of a South Salem resident who easily could have been a victim.

On May 7, 1981, Lawrence Moore walked into the Oregon Museum Tavern on Front Street NE at 10:20 p.m. during ladies night, stood at the entrance, raised his 9mm semiautomatic pistol and calmly squeezed off two 13-round clips.

The shooting spree that left four people dead and 20 wounded ended shortly after when Moore tried to reload his pistol and was tackled by patrons.

Christie Kraemer, a published author, was 30 years old and a regular of the tavern. She left the bar with her friend 15 minutes before the shooting.

Thirty years later, Kraemer has written "Shattered Tomorrows," a fictional book loosely based on the facts of the shooting that will be released Monday by Rogue Phoenix Press.

"It was cathartic," Kraemer said.

Her brush with tragedy had lingered in her memory, and she said she never felt as though there was closure despite Moore being found guilty and sentenced to life in prison. She also said she wanted to write the book to answer the question "Why?"

"It's kind of been nagging me for a long time," she said.

According to Statesman Journal reports, when he testified at his October 1981 murder trial, Moore claimed that he was defending himself against the band of enemies who were plotting against him.

Spraying the tavern with gunfire was his last chance to defend himself, Moore said. "No place to run, no place to hide; I couldn't get away from them, I was going to die anyway."

A jury rejected his insanity defense and he remains at the Oregon State Penitentiary, where he is serving a life sentence.

"The facts are out there and everyone will take them to their own view; even with the facts, you are still left with 'no one knows why he did it and he's never going to say,'" she said.

For many of the victims and patrons who were at the tavern the night of the shooting, small decisions made the difference between life, death and an altered future.

In Kraemer's case, she said she was with her friend, who wanted to go to the tavern in hopes a man her friend was interested in would be there. They waited for a while, had a drink and when he didn't arrive, they decided to move on to the next bar. The decision took them out of harm's way.

Others were not as lucky.

She said she has received some criticism from people for not writing a true story, but using fiction allowed her to end the story the way she wanted to see it end.

"This isn't going to be sunshine and rainbows," she said.

She also said she hopes the book will do for others what it did for her — give some sort of closure and allow people to put it in the past.

esperez@StatesmanJournal.com or (503) 399-6740 or follow at Twitter.com/ElidaSPerezSJ

Book

"Shattered Tomorrows" will be released Monday by Rogue Phoenix Press.

The book is a fictional story loosely based on the shooting spree at the Oregon Museum Tavern on Front Street NE on May 7, 1981.

For information, go to roguephoenixpress.com or call (503) 302-5392.

---- **Index References** ----

News Subject: (Violent Crime (1VI27); Social Issues (1SO05); Murder & Manslaughter (1MU48); Crime (1CR87); Death Penalty (1DE04))

Industry: (Traditional Media (1TR30); Entertainment (1EN08); Bars & Nightclubs (1BA02); Book Publishing (1BO18); Publishing (1PU26); Books (1BO26))

Region: (U.S. West Region (1WE46); USA (1US73); North America (1NO39); Americas (1AM92); Oregon (1OR01))

Language: EN

Other Indexing: (ROGUE PHOENIX PRESS) (Christie Kraemer; Lawrence Moore)

Word Count: 547

NewsRoom

NewsRoom

6/11/05 Herald-Sun (Melbourne) W06
2005 WLNR 9230292

Herald Sun (Australia)
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June 11, 2005

Section: WEEKEND
Section: 1 - FIRST

CRIME TIME

Greg Thom

Times change, but the camera never lies. From ``Squizzly" Taylor's fatal shootout in a Carlton bedroom to the 1987 Queen St massacre, police photographers have recorded the bloody aftermath of these terrible crimes. Greg Thom delves into the files of forensic investigators to reveal these frozen moments in crime.

December 8, 1987

The spirit of Christmas was shattered on December 8, 1987 when a paranoid, psychotic and hate-filled Melbourne University drop-out named Frank Vitkovic walked into the Australia Post building at 191 Queen St and shot eight office workers dead. He stalked his innocent victims across three floors. The murderous rampage was brought to an end only when several would-be victims, one of them wounded, tackled the gunman as he reloaded his weapon. Survivors of the carnage placed the M1 carbine, which Vitkovic used with such devastating effect, in a fridge. Despite their efforts to stop him, Vitkovic managed to break free and jump to his death.

Gun Alley, December 30, 1921

This long-gone, nondescript lane off Little Collins St, known as Gun Alley, became synonymous with one of Melbourne's most shocking and sensational murders of the 20th century.

A policeman is photographed near the spot where the naked body of 12-year-old girl Alma Tirtschke was discovered on December 30, 1921.

Described as slightly built, 137cm tall, freckle-faced and with long, dark auburn hair, the bright Hawthorn West Primary School student was abducted, raped and murdered while on her way to deliver a parcel of meat to her aunt in Collins St.

Under intense public and media pressure to solve the crime, police soon charged Colin Campbell Ross, licensee of the Australian Wine Cafe situated not far from where Alma's body was found.

Crucial pieces of evidence in the police case against Ross were strands of hair found on blankets at his home. Scientific tests proved them to be similar to that of Tirtschke, the first time hair analysis had been used in Australian criminal history to secure a conviction.

Found guilty of murder and sentenced to death, Ross went to his grave protesting his innocence. DNA tests 75 years after the murder proved the hair did not come from the dead girl's scalp.

ANZ Bank car park, High St, Kew, November 28, 1975

Police hunt for clues at the scene of the robbery and murder of Spyropoulos Dimitriou. The 49-year-old father of two was ambushed, shot through the heart and left for dead by a pair of bandits who lay in wait in the car park behind the bank, as he arrived to deposit \$4000 in takings from his bakery business.

St Kilda, April 16, 1955

A heated discussion at the dinner table about football ended in the stabbing death of 59-year-old Thomas Butler. The St Kilda wharfie, whose shoes can be seen under the table, was stabbed through the heart and lung with a carving knife in his Inkerman St home, after he allegedly grabbed his wife, Mary, by the throat.

Butler had been to the football that day with a boarder of five years, James McEwan. Both men were said to have drunk heavily at the game and later at a St Kilda hotel.

McEwan, 34, was charged with murder despite telling police he was trying to break up a scuffle between the Butlers. He was found not guilty of murder and manslaughter.

Carlton, October 28, 1927

Notorious Melbourne gangster "Squizzy" Taylor's high-profile criminal career came to a sudden and bloody end in this dingy bedroom at a Carlton boarding house.

The diminutive crime lord and former jockey, with a taste for expensive clothes and cheap blondes, arrived at the Barkly St address determined to confront rival Sydney underworld identity John "Snowy" Cutmore.

A total of 28 shots -- several bullets can be seen embedded in the wall in this picture -- were fired during the gun battle, which subsequently removed both gangsters from the criminal equation.

West Footscray, December 8, 1977

Dragan Menicanin shot his wife, Angela, four times with a pistol, before calmly placing the weapon next to the family TV and turning himself in to police.

The 45-year-old fitter told detectives the shooting followed an argument in which he feared his wife was going to kill him.

In an unsworn statement from the dock during the murder trial, Menicanin said he didn't want to kill his wife.

"I didn't want her dead. I am missing her."

Menicanin was acquitted on the grounds of insanity.

continued page 8

from page 7

Break of Day, May, 1867

Aboriginal trackers point to the discovery of pistols used in the murder of banker Thomas Burke, near Rokewood in central Victoria.

Burke was ambushed by two men while returning to Ballarat to deliver a gold shipment from the Break of Day mining company.

This picture, along with two other photos depicting the tree from which the killers fired and the location of a hidden horse and buggy, are believed to be the first crime scene photographs taken in Victoria.

Hamilton, March 28, 1959

Victor Herbert Rissman laughed as his wife, Mabel, fetched a double-barrelled shotgun during a heated dinner-table argument that escalated in the kitchen of their Hamilton farm. The 54-year-old Rissman continued taunting her even after she pulled the trigger and the left barrel failed to fire. Mrs Rissman stopped the laughter with a blast from the remaining barrel. She was found guilty of manslaughter and sentenced to five years' jail.

Rye, May 18, 1979

Detectives unearth the bodies of murdered drug couriers Douglas and Isabel Wilson, discovered in a shallow grave at Rye on May 18, 1979. The pair were killed after betraying the notorious Mr Asia Drug Syndicate to authorities.

James Frederick Bazley, described in court as a "\$10,000-a-head murderer", was convicted of the Wilson killings as well as conspiring to murder Griffith anti-drugs campaigner Donald Mackay. He was allegedly hired by Mafia figure Robert Trimbole to kill the Wilsons and their dog, Taj. Bazley, a dog lover, is alleged to have said: "Why the dog? The dog didn't talk."

The pooch was later found unharmed wandering the streets of Brunswick.

Richmond, May 30, 1934

The scene confronting police entering this bedroom of a house in Bosisto St, Richmond, on May 30, 1934, shocked Melbourne.

Francis O'Brien, 50, unemployed and by his own admission going mad from an inability to sleep, slashed the throats of his sleeping family -- wife Rose, 39, son Owen, 3, daughter Joan, 2 and nine-month-old Marie -- before taking his own life.

After his death, it was revealed O'Brien had been found not guilty of murdering his previous wife a decade earlier in Mildura on the ground of insanity and had been admitted to Mont Park psychiatric hospital for more than three years.

He remarried within a year of his release in 1927 and reported regularly to authorities before dropping off the radar in 1930.

Fitzroy, November 3, 1946

Ill health prevented frail, middle-aged invalid pensioner Charles Barclay from often venturing outside his home in Brunswick St, Fitzroy.

With only his prized radio for company, 45-year-old Barclay snapped one afternoon when his brother-in-law, Arnold Hodgson, who he was living with, grabbed the radio after he refused to turn it off.

Police alleged Barclay hit Hodgson with an iron bar because he feared his brother-in-law would break the precious radio. Barclay was found not guilty of murder and an alternative count of manslaughter.

February 14, 1977

In October 1972, Edwin John Eastwood kidnapped six students and their teacher from Faraday Primary School near Castlemaine and demanded a \$1 million ransom from the State Government.

Nearly five years later -- on February 14, 1977 -- he escaped from jail and abducted a teacher and nine pupils at gun-point from their classroom at Wooreen Primary School in South Gippsland.

This time he demanded the release of 17 prisoners, \$7 million and 100kg in both heroin and cocaine, but Eastwood was caught and sentenced to 18 years' jail.

Numurkah, May 3, 1964

Constable Ray Denman's life ended at 2.50pm on May 3, 1964, after he responded to a frantic telephone call to intervene in a tragic tug-of-love at Numurkah.

A festering domestic dispute between the parents of local woman Aileen Wilkinson over her relationship with fiance Kim Dean Christian culminated in Christian arriving on her doorstep brandishing a loaded shotgun.

Locked out of the house by his girlfriend, Christian was surprised by Constable Denman, who ran up behind him, allegedly startling the surprised gunman into accidentally firing the shotgun. The death of the popular policeman and active member of the community stunned the town.

Christian was later acquitted of manslaughter.

---- **Index References** ----

Company: ANZ BANKING GROUP NEW ZEALAND LTD

News Subject: (Violent Crime (1VI27); Crime (1CR87); Property Crime (1PR85); Social Issues (1SO05))

Region: (Australasia (1AU56); Australia (1AU55); Oceania (1OC40))

Language: EN

Other Indexing: (ANZ BANK; ASIA DRUG SYNDICATE; AUSTRALIAN; AUSTRALIAN WINE CAFE; BARKLY ST; BRUNSWICK ST; CARLTON; CHRISTIAN; COLLINS ST; DNA; FARADAY PRIMARY SCHOOL; INKERMAN ST; KIM DEAN CHRISTIAN; MAFIA; MELBOURNE; MELBOURNE UNIVERSITY; NOTORIOUS MELBOURNE; QUEEN ST; ST; ST KILDA; TAYLOR; WEST PRIMARY SCHOOL; WOOREEN PRIMARY SCHOOL) (Aboriginal; Aileen Wilkinson; Alma; Alma Tirtschke; Angela; Arnold Hodgson; Barclay; Bazley; Burke; Butler; Butlers; Charles Barclay; Colin Campbell Ross; Constable Denman; Constable Ray Denman; CRIME TIME; Donald Mackay; Dragan Menicanin; Eastwood; Fitzroy; Francis; Frank Vitkovic; Greg Thom; Gun Alley; Hamilton; Hodgson; Ill; Isabel Wilson; James Frederick Bazley; James McEwan; Joan; John Eastwood; Mabel; Mary; McEwan; Menicanin; Numurkah; O'Brien; Owen; Rissman; Robert

Trimbole; Ross; Rye; Scientific; Taj; Thomas Burke; Thomas Butler; Tirtschke; Victor Herbert Rissman; Vitkovic; Wilson; Wilsons)

Word Count: 1713

End of Document

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NewsRoom

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5/11/87 Phila. Inquirer B05
1987 WLNR 546149

Philadelphia Inquirer (PA)
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May 11, 1987

Section: LOCAL

MAN SHOOTS WIFE, CAR, SAY POLICE IN BUCKS

David Lee Preston, Inquirer Staff Writer

A man opened fire at his wife yesterday from outside a front door and window of their son's house in Fairless Hills, Bucks County, then fired shots into her car and their own home before being subdued, Falls Township police said.

The woman, Marie Corey, 48, was treated and released at Delaware Valley Medical Center in Langhorne for gunshot wounds of her right arm.

Her husband, Raymond Corey, 49, was charged with attempted homicide, reckless endangerment, possession of instruments of crime, aggravated assault and terroristic threats. He was arraigned last night by Bristol Township District Justice Anna Huhn, and was being held at Bucks County Prison in Doylestown after failing to pay \$400,000 bail.

Raymond Corey had fired at least 10 shots from a 30-30 Winchester rifle, and was reloading the weapon when two police officers subdued him in the street in front of his home, Sgt. Charles Schaffner said.

On Saturday night, police had gone to the Coreys' home, in the 100 block of Blough Road, responding to reports of a domestic disturbance, and the woman then decided to stay temporarily at the home of their son, Ronald, across the street, Schaffner said.

Schaffner said all was quiet until Corey "just went nuts" while as many as 20 people looked on in the residential neighborhood near the Fairless Hills Golf Course.

---- Index References ----

Language: EN

Other Indexing: (BUCKS; DELAWARE VALLEY MEDICAL CENTER) (Anna Huhn; Charles Schaffner; Coreys; Falls Township; MAN SHOOTS; Marie Corey; Raymond Corey; Ronald; Schaffner)

Edition: FINAL

Word Count: 267

End of Document

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NewsRoom

NewsRoom

3/7/88 WashingtonPost.com (Pg. Unavail. Online)
1988 WLNR 2543740

WashingtonPost.com
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March 7, 1988

GUNMAN OPENS FIRE IN CHURCH; DEACON KILLED, 4 ARE INJURED

EMPORIA, KAN. -- A heavily armed man walked into a crowded church yesterday and opened fire, killing a church deacon and injuring four other persons before he was subdued by church members while reloading, authorities said. The gunman, identified as Cheunphon Ji, 29, of no known address, entered through the side door of the Calvary Baptist Church during services shortly after 11 a.m. and fired several rounds from a semiautomatic handgun at the 100 people inside, police Chief Larry Blomenkamp said. "He had no particular target. He just entered and started firing random shots," Blomenkamp said. The gunman was not a member of the church, and no motive was known, Blomenkamp said.

The man was taken to the Lyon County Jail to await charges. Thomas DeWeese, 47, was dead on arrival at Newman Hospital. One victim was in serious condition, one in good condition and two others, including a daughter of the slain deacon, were treated for gunshot wounds and released.

--- Index References ---

News Subject: (Religion (1RE60); Health & Family (1HE30); Christianity (1CH94); Fires (1FI90); Protestantism (1PR28); Accidents & Injuries (1AC02); Social Issues (1SO05))

Language: EN

Other Indexing: (Cheunphon Ji; Larry Blomenkamp; Thomas DeWeese)

Word Count: 159

End of Document

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NewsRoom

3/7/88 Hous. Chron. 12
1988 WLNR 2191554

Houston Chronicle
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March 7, 1988

Section: 1

Deacon slain as gunman fires randomly at church

EMPORIA, Kan.

EMPORIA, Kan. - A man opened fire with a semi-automatic pistol at a Baptist church during Sunday morning services, killing a deacon and wounding four other churchgoers before he was subdued while reloading.

The neatly dressed gunman, identified as Cheunphon Ji, 29, address unknown, walked into Calvary Baptist Church during morning services at 11:14 a.m. and began firing randomly without a word, Police Chief Larry Blomenkamp said.

He was subdued by churchgoers after wounding five people, including Thomas DeWeese, 47, a church deacon who was dead on arrival at Newman Hospital.

"You think of something like this happening in a large city and you hear reports in faraway places of someone trying to massacre others, but not here, not in Emporia," said the Rev. Donald Kusmaul, pastor of the church.

One victim was in serious condition at an Emporia hospital. Another was in good condition and two others - including a daughter of the slain deacon - were treated for gunshot wounds and released.

Neither the gunman, who police said will be formally charged on Monday, nor his victims were immediately identified.

"There was no particular target," Blomenkamp said. "The individual just began firing random shots."

Kusmaul said no one at the church recognized the gunman, who police said left California last week and arrived Sunday morning in Emporia, located off the Kansas Turnpike about 100 miles southwest of Kansas City.

His car, which had California license plates, was found in the church parking lot.

Kusmaul said he was leading the 100-member congregation in a hymn when the gunman, carrying a duffel bag, walked in through a side door.

"He had what I thought were earmuffs on and a shoulder bag and my first thought was perhaps he's a college student," the pastor said. "Then I heard the gun."

"When I hit the floor, it was just unbelievable what was happening, and I realized those weren't earmuffs; they were ear protectors."

Churchgoers screamed and crouched under pews and on the floor until one parishioner at the back charged at the gunman as he tried to place a new clip of ammunition into his gun, Kusmaul said.

The gunman tried to escape by fleeing out the side door, but several churchgoers tackled him outside and held him for police, said Kusmaul, 43, pastor at the church for 17 years.

The man was wearing a suit and tie, "dressed like someone planning to attend church," Blomenkamp said, but he said officers did not know why he picked the Baptist church in downtown Emporia.

Police found a bag containing several handguns and ammunition at the rear of the church but said the gunman used only one weapon, a semi-automatic pistol.

DeWeese and three other victims were taken to Newman Hospital. Sandy Mattox, 43, was hit in the left shoulder and was in serious but stable condition. Daniel Goza, 14, who was grazed by a bullet, and Beverly DeWeese, the daughter of the slain deacon who was shot in the left arm, were treated and released.

Robert Adamson, 14, was taken to St. Mary's Hospital, where he underwent surgery to remove a bullet lodged in his left thigh. He was reported in good condition.

---- **Index References** ----

News Subject: (Religion (1RE60); Christianity (1CH94); Social Issues (1SO05); Protestantism (1PR28))

Region: (Kansas (1KA13); USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (BAPTIST; CALVARY BAPTIST CHURCH; EMPORIA; NEWMAN HOSPITAL) (Beverly DeWeese; Blomenkamp; Daniel Goza; DeWeese; Donald Kusmaul; Ji; Kusmaul; Larry Blomenkamp; Robert Adamson; Sandy Mattox; Thomas DeWeese)

Edition: 2 STAR

Word Count: 640

End of Document

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NewsRoom

NewsRoom

9/21/89 St. Louis Post-Dispatch 7a
1989 WLNR 414332

St. Louis Post-Dispatch (MO)
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September 21, 1989

Section: NEWS

CO-WORKERS STOPPED KILLER AT MACOMB PLASTICS PLANT, POLICE SAY

The Associated Press

MACOMB, Ill. (AP)

A gunman who killed two workers at a plastics factory in western Illinois was reloading his revolver when four co-workers overpowered him, police said Wednesday.

The gunman escaped Tuesday after pulling a knife and threatening his captors, sparking a police search that continued Wednesday afternoon in a wooded area near Astoria, about 35 miles southeast of Macomb.

Macomb Police Chief Richard Clark said about two dozen police officers and a canine unit were searching for the suspect in the case, Fred Hopkins, 36, of Browning. Hopkins was charged Wednesday with two counts of first-degree murder in McDonough County Circuit Court.

Hopkins is accused of killing Pam Bucy, 29, of Table Grove, and factory foreman Jimmy Cobb, 31, of Bardolph, as they arrived for the start of the noon shift at Webster Industries Inc.'s plastic bag factory, Clark said.

Without the action of four employees, more people might have been killed, he said.

"He was trying to reload his weapon, and they tackled him and subdued him," Clark said. "They calmed him down and set him down" on a chair.

Hopkins then drew a knife and escaped before police arrived, Clark said, adding that 10 witnesses had identified Hopkins as the gunman.

Clark said that Bucy had dated Hopkins and that she apparently broke off the relationship recently.

---- Index References ----

Company: WEBSTER INDUSTRIES INC; WEBSTER PORTALLOY CHAINS INC

Language: EN

Other Indexing: (MCDONOUGH COUNTY CIRCUIT COURT; WEBSTER INDUSTRIES INC) (Bucy; Clark; Fred Hopkins; Hopkins; Illinois; Jimmy Cobb; Pam Bucy; Richard Clark)

Edition: FIVE STAR

Word Count: 269

End of Document

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5/1/93 Rocky Mtn. News 9A
1993 WLNR 506495

Denver Rocky Mountain News (CO)
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May 1, 1993

Section: LOCAL

BAYLIS CHARGED IN RAMPAGE THAT KILLED TWO IN SPRINGS

DICK FOSTER ROCKY MOUNTAIN NEWS SOUTHERN BUREAU

COLORADO SPRINGS

Eugene Baylis, 42, was charged Friday with four counts of murder and 16 counts of attempted murder in district court in connection with an April 17 shooting rampage at a Colorado Springs bar.

Baylis, who said he was feeling ill Friday, is scheduled to appear in El Paso District Court again Monday to acknowledge the charges against him.

Two victims died and eight others were wounded after Baylis entered Jim and I's Star Bar in north Colorado Springs and raked the bar with automatic rifle fire, police said. After he left the bar, he fired randomly around the neighborhood and at pursuers, police said.

Bar manager Paul Klein, 40, was struck by three bullets while attempting to wrestle the guns from Baylis, police said. He died the next morning at a local hospital. Stephen Fairfax, 33, was killed by three bullets in the chest as he pursued the gunman.

Baylis was shot in the head by police and subdued in the parking lot of the bar as he sat in his car reloading his AK-47 assault rifle. He was hospitalized for four days with pellet wounds from the shotgun blast but transferred to El Paso County Jail last week.

Assistant district attorney Jeanne Smith said Baylis was charged with two counts of murder for each victim under two separate provisions of state law.

"The first count charges him with premeditation, the second count is the extreme indifference section of the statute," Smith said.

The procedure would allow a jury two opportunities in each case to find Baylis guilty of first-degree murder and attempted first-degree murder, either by acting with premeditation or by acting with extreme and wanton indifference to human life that resulted in death and injury.

LIB3 LIB3

---- **Index References** ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Region: (USA (1US73); Americas (1AM92); Colorado (1CO26); North America (1NO39))

Language: EN

Other Indexing: (EL PASO COUNTY JAIL; EL PASO DISTRICT COURT; SPRINGS) (Baylis; BAYLIS CHARGED; Eugene Baylis; Jeanne Smith; Paul Klein; Smith; Stephen Fairfax)

Edition: REGIONAL

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NewsRoom

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February 2, 1993

Section: CONNECTICUT

ROCKY HILL GUNFIRE LEAVES QUESTIONS
ROCKY HILL GUNFIRE LEAVES MANY QUESTIONS

DAVE DRURY Courant Staff Writer

Courant Staff Writer

With a gun to his head and his life in disarray, Alfredo Fazio lay pinned to the pavement outside Club Mirage and begged to be put out of his misery.

"He was yelling, 'Shoot me. Shoot me. I don't want to live. I got nothing to live for. I have no job. I have no money'," said Walter Bartkiewicz, owner of Mirage, recalling the events of early Sunday. "I just said, 'Keep your hands still.' "

Bartkiewicz, who held the gun to Fazio's head, described how he and others, including two off-duty police officers, subdued Fazio, who, police say, had just blasted the front of the packed club with four rounds from a 12-gauge sawed-off shotgun.

Miraculously, no one was injured, even though police say as many as 10 rounds were fired back at Fazio from the club lobby by off-duty police. "There were five casings I counted personally in the lobby," acting Police Chief Philip R. Dunn said Monday.

Fazio, 32, of 188 Raymond Road, Rocky Hill, was held Sunday on \$250,000 bond on charges of unlawful discharge of a firearm, possession of a sawed-off shotgun and four counts of first-degree reckless endangerment. He was presented Monday morning in Superior Court in New Britain, where his bond was reduced to \$5,000 and his case was continued until Feb. 22. He was released later in the day from the Morgan Street jail after a relative posted the bond.

Police said Fazio returned to the club about 1:30 a.m. after he was thrown out earlier in the evening. He parked in front of the building, then approached the building and shot through a set of open entry doors, shattering a set of glass doors in the foyer.

Then, as hundreds of patrons hugged the dance floor above, two off-duty, out-of-town police officers who were in the club returned fire from the lobby. The officers and club employees then apprehended Fazio as he paused alongside his car to reload his weapon.

On Monday, town police were still trying to determine exactly how many rounds were fired and who fired them. A statement was taken from one of the officers involved, Meriden patrol officer Lue Sobieraj, who Dunn said fired once at the suspect. Dunn said Sobieraj acted appropriately.

"He reacted while off-duty and did an excellent job. We're sending a letter to his chief," Dunn said.

The other officer, who left the scene immediately afterward, has not yet been identified. Police said inquiries were made Monday to the internal affairs division of the Hartford Police Department.

Capt. Joseph Croughwell of the Hartford Police Department said he had no information that a Hartford policer officer may have been involved. "I do know it's an ongoing investigation conducted by the Rocky Hill Police Department, and if Hartford can assist in any way with the investigation, we will," he said.

Bartkiewicz, who was carrying a pistol, said neither he nor any employee at the club fired at Fazio. He said as many as four off-duty officers had been in the club at one point during the evening. Police officers usually identify themselves at the front door and indicate that they are carrying weapons, he said.

In talking with Fazio at the scene, and in a discussion later with his sister, Bartkiewicz said he learned that Fazio had been unemployed for nine months and did not even have enough money to put gas into his car, which had to be towed from the scene.

"The guy was deranged. He lost everything he had. He cracked up," Bartkiewicz said. He said he had recognized Fazio from earlier in the evening because he had gotten into a fight over a woman and was ejected from the club.

"He just decided to come back. His explanation to me was he wanted to come back to show us we didn't have the right to throw him out of the club," Bartkiewicz said.

For Rocky Hill police, the episode marked another busy night at the club, which, until last weekend, had operated a juice bar that had become a gathering point for 18 to 20-year-olds from across the state. Dunn said he is listing all the incidents police have responded to at the club in recent months and will refer the list to the state Department of Liquor Control.

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---- **Index References** ----

News Subject: (Government (IGO80))

Language: EN

Other Indexing: (HARTFORD; HARTFORD POLICE DEPARTMENT; ROCKY HILL POLICE DEPARTMENT; STATE DEPARTMENT; SUPERIOR COURT) (Alfredo Fazio; Bartkiewicz; Dunn; Fazio; Joseph Croughwell; Lue Sobieraj; Meriden; Miraculously; Philip R. Dunn; Rocky; Rocky Hill; ROCKY HILL GUNFIRE LEAVES QUESTIONS ROCKY HILL GUNFIRE LEAVES; Shoot; Sobieraj; Walter Bartkiewicz)

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February 27, 1994

Section: LOCAL STORIES

OREGON AND THE BRADY LAW

PHIL MANZANO and JOHN PAINTER JR. of The Oregonian staff

Summary: The milestone law begins Monday, but with Oregon's already tough standard, how will the law really affect Oregon citizens?

The federal Brady law, which becomes effective Monday, already has had the ironic and unintended effect of putting more guns into Oregon homes and businesses.

President Clinton signed the landmark gun control bill Nov. 30. In December, Oregonians rushed to buy nearly 7,500 handguns from dealers -- apparently in the mistaken belief that the law would severely restrict the sales of handguns or ban some guns altogether. It does neither.

It also will not do much to keep guns out of the hands of criminals.

The new federal law will have scant impact in Oregon because the state already has a stricter gun control law. Both laws, however, cover only a narrow area of gun sales.

But despite the limitations -- and despite complaints from law-abiding gun owners -- the Brady law may be the first wave of tighter federal controls on handguns.

"We believe we could pursue a comprehensive agenda and have it pass in Washington," Sandy Cooney of Handgun Control Inc. told a recent meeting of Oregonians Against Gun Violence. "We never said it was a panacea, but what it is, is a step."

Gun owners, however, already feel unfairly

"I don't believe the Brady will have any effect whatsoever for individuals who are criminally disposed and want to obtain a handgun," said Portland tax lawyer Thomas O. Moe, who owns handguns and long guns.

"I think the government is inadvertently disarming the innocent," Moe said. "Individuals who may necessarily buy handguns for self-protection, albeit it right or wrong, may be inhibited from doing so due to the waiting period."

Diane Witt, a firearms instructor who carries a .45-caliber semiautomatic pistol, says the Brady law accomplishes nothing.

“Because honest citizens abide by the laws, that means that they are not the element contributing to the wave of violence in the United States,” she said. “Secondly, under the terms of the Second Amendment, I do believe the right to keep and bear arms is guaranteed to me and any other law-abiding citizen, the same as any other right under the Constitution.

“We constantly in this country seem to believe that we can legislate morality and we are unable to do that. So the effect of the Brady bill on crime and violence is nothing because it will only be adhered to by the law-abiding citizen.”

LOOPHOLES AND THE LAW

The milestone Brady law requires a five-day waiting period and background checks on all handgun purchases. Oregon already requires a waiting period three times longer -- 15 days -- and a more rigorous background check.

But even so, guns get into the wrong hands. Why?

Oregon's law applies only to purchases from licensed dealers, and one federal survey showed just 7 percent of criminals obtain guns from legitimate dealers.

The law does not allow police to use their own judgment when a person's background raises concerns but does not fall into the specified categories.

Gun shows and other virtually unregulated selling provide easy access to firearms. And long guns -- shotguns and rifles -- are not covered by the regulations.

Multnomah County sheriff's Sgt. Kathy Ferrell believes there needs to be more room for discretion by law enforcement.

“There's still some scary people out there buying handguns,” said Ferrell, who runs the section that performs background checks on handgun purchases and applications for concealed weapon permits.

Oregon's law prohibits handgun sales to people under 18, to those with an outstanding felony warrant or to anyone guilty of a felony or misdemeanor convictions for fourth-degree assault, menacing, recklessly endangering another person, assaulting a public safety officer or second-degree intimidation.

In addition, no one involuntarily committed to a mental hospital or deemed by a judge to be too emotionally ill may purchase a handgun.

While that sounds impressive, there's lots more that the law doesn't do.

“We're not seeing the gun denials that we should,” Ferrell said. “Our ability to block a handgun sale is pretty bad.”

In contrast, a concealed weapons permit may be denied if there are “reasonable grounds” to believe someone could be a danger to himself or the community “as demonstrated by past pattern of behavior.”

A landmark 1990 study of retail gun sales in Oregon found that 17.6 percent of 81,222 rifles and handguns sold that year through dealers were purchased by individuals with Computerized Criminal History files. But the way the law is written, only 1.1 percent could be disqualified.

Ferrell cringes at the thought that she has allowed sales to people who appear to have drinking problems or a history of domestic violence. For instance, multiple drunken-driving convictions will not prevent a handgun sale. A string of arrests, but no convictions, for domestic violence -- a charge that is dropped almost all the time -- also would not disqualify a buyer.

Officials also see gun shows as one of the significant holes in efforts to get a handle on firearms.

"The law is only going to be as effective as its weakest link," said Clackamas County sheriff's Capt. F. Sherwood Stillman, "and right now its weakest link is that it allows gun sales at gun shows."

While there are laws that prohibit sales to certain people, such as felons, no law requires sellers at gun shows to check. "They're not going to look any further than the guy's checkbook," Stillman said.

Just how many firearms move from gun shows to felons is impossible to track because the transactions do not require paper work.

Bureau of Alcohol, Tobacco and Firearms agents in Portland say they have traced guns connected with crimes to such shows, but one bureau survey out of Washington, D.C., showed only 6 percent of criminals got their guns at unregulated shows or flea markets.

It's too expensive for one thing, said Portland homicide Detective Tom Nelson. Most criminals will buy stolen weapons from an underground source at a deep discount, or they know someone who has a weapon they can borrow or buy.

Ernest N. Lotches -- who went on an Aug. 22, 1992, rampage through downtown Portland -- used a gun bought for him, Nelson said. Lotches shot and killed a security guard with a 9 mm handgun as the two traded shots while the guard was trying to protect a 9-year-old boy.

According to Nelson, Lotches got the gun from his girlfriend, a drug and alcohol counselor he met while incarcerated in the Columbia River Correctional Institution.

More than 70 percent of criminals acquire their weapons on the black market or get them from a partner in crime, the federal survey showed.

In addition, Oregon law has absolutely no checks or waiting periods on someone buying a shotgun or rifle.

Portland homicide Detective Sue Hill feels that Oregon's gun control law must also include long guns.

"You can do a lot more damage with a shotgun than a handgun," Hill said. "You don't stand a prayer with what Kevin Lust fired at Bridgette Nelson."

On March 2, 1993, Lust walked into the Red Lion Inn/Columbia River carrying a flower box used to hold long-stemmed roses. His box carried a message of hate, not love -- a shotgun he bought Feb. 10, 1993, at a Wal-Mart in McMinnville.

With no waiting period, he handed over a \$842.37 check -- that later bounced -- and walked out with a 12-gauge Weatherby shotgun and 50 high-power shotgun shells. With no background check, no one discovered he had been convicted in Lane County of a second-degree assault that began as an attempted murder case.

A friend told police that Lust's favorite scene in "Terminator 2" was where Arnold Schwarzenegger pulls a shotgun out of a long flower box.

When Lust found Nelson at the Red Lion Inn/Columbia River he re-enacted that scene, firing two shots into her, reloading and hitting her with two more shots. A security guard tackled him as he reloaded for a third time.

"It was just too easy" for Lust to buy the gun, Hill said. "You could have Charlie Manson walk in and buy a hunting rifle (in Oregon)," Hill said. "There's nothing to prevent him from walking into whatever and buying an over and under shotgun."

But law enforcement does appreciate what effect the laws have.

State police Capt. Tom M. Dixon said Oregon's law has had a deterrent effect -- felons are not going to retail outlets to buy handguns, it appears.

In 1990, police denied handgun sales to three people with murder convictions, two people with attempted murder convictions, three convicted of rape, two convicted of robbery and seven people convicted of assault, and 20 sales were denied because the buyers were convicted of burglary. Those numbers drop over the next few years.

Portland Police Chief Charles Moose said the Brady law at least sets a minimum standard for all states and prevents someone from going to an adjacent state that may not have a background check or waiting period to buy a gun.

THE HISTORY

On Jan. 17, 1989, drifter Patrick Purdy used an assault rifle purchased at the Sandy Trading Post in Sandy to lethally spray a Stockton, Calif., schoolyard. Five children died, and 30 persons were injured.

The incident sparked Oregon's new gun law, the Comprehensive Firearms Act.

The "Oregon law surpasses the Brady bill in almost every regard," said John W. McMahon, Bureau of Alcohol, Tobacco and Firearms agent in charge in Portland. "It's one of the few states around the country doing an excellent job in surpassing the Brady bill."

But the law, does nothing to regulate the type of gun used in Purdy's rampage, did loosen the requirements for those wanting a permit to carry a concealed weapon.

Today, there are more than 40,000 concealed weapon permits in Oregon. In its first year, 1990, slightly more than 13,000 permits were issued.

Only about 1 percent of the licenses have been revoked.

The increase in licenses mirrors a surge in gun purchases.

In 1990 -- the year Oregon's gun law took effect -- the Oregon State Police counted 30,278 people who had bought a handgun from a federally licensed dealer. By the end of 1993, the count was nearly 51,000.

In December 1992, state police counted 4,202 purchases, a record then.

In December 1993, after President Clinton signed the Brady bill into law, nearly 7,500 handgun purchases were counted by the state police -- well above the monthly average for the rest of the year. And there's no sign the buying surge has slowed in 1994.

Those figures do not include the thousands of handguns exchanged between private gun owners, at gun shows or through the want ads, nor do they account for the larger numbers of rifle and shotgun purchases.

What's going on? The theories vary.

Bernie Giusto, a lieutenant with the Oregon State Police, believes people are increasingly afraid of crime.

"It is a direct reflection of how our society feels about their safety," he said.

The federal government estimates more than 200 million firearms, including 67 million handguns, are in circulation in the United States. Arms manufacturers in the United States produced 1.5 million handguns in 1991, and licensed dealers sold 7.5 million guns that year.

Who's buying all the guns?

With few exceptions, most are responsible gun owners, hunters or collectors.

The National Rifle Association cites U.S. Department of Justice statistics that say approximately 80 percent of the violent crime in the nation is committed by just 7 percent of "repeat, violent offenders" and says that the vast majority of gun owners are honest, law-abiding citizens. Local statistics seem to bear that out.

But that doesn't change the fact that some of the guns will be used in crimes or accidents.

Moose, the Portland police chief, is a gun control advocate in part because his uncle was shot to death and a family friend was accidentally shot while playing with his dad's gun.

"Sadly enough, everyone is beginning to become touched by gun violence," Sarah Brady said in an interview with The Oregonian. "Very few families haven't been touched in one way or another. Even children are carrying weapons. There are no safe havens."

The bill was named for her husband, press secretary James Brady, who was shot in the head and permanently disabled in the attack that wounded President Reagan.

In the assassination attempt, John W. Hinckley Jr. also wounded a capital policeman and a Secret Service agent with a .22-caliber handgun he bought for \$29 at a Dallas, Texas, pawn shop.

Sarah Brady waged a decade-long legislative battle that culminated Nov. 30 at the White House, where Clinton signed the bill into law.

Despite her efforts and a possible shift in public attitudes, a fundamental rule remains in Oregon.

"It's not very difficult to get a gun," said Giusto, the state police lieutenant. "Anybody can get a gun."

---- Index References ----

Company: WAL MART STORES INC

News Subject: (Violent Crime (1VI27); Crime (1CR87); Property Crime (1PR85); Social Issues (1SO05); Economics & Trade (1EC26))

Region: (USA (1US73); Americas (1AM92); North America (1NO39); Oregon (1OR01))

Language: EN

Other Indexing: (BUREAU OF ALCOHOL; COMPREHENSIVE FIREARMS ACT; FIREARMS; HANDGUN CONTROL INC; LOOPHOLES; NATIONAL RIFLE ASSOCIATION; OREGON STATE POLICE; OREGONIANS AGAINST GUN; POLICE; RED LION INN; SANDY TRADING POST; STATE POLICE; TOBACCO; US DEPARTMENT OF JUSTICE; WAL MART; WHITE HOUSE) (Bernie Giusto; Bridgette Nelson; Charles Moose; Clinton; Criminal History; Detective; Detective Tom Nelson; Diane Witt; Ernest N. Lotches; F. Sherwood Stillman; Ferrell; Giusto; Hill; James Brady; John W. Hinckley Jr.; John W. McMahon; Kathy Ferrell; Kevin Lust; Local; Lotches; Lust; Moe; Moose; Nelson; Oregon; Patrick Purdy; Purdy; Sadly; Sandy; Sandy Cooney; Sarah Brady; Stillman; Thomas O. Moe; Today; Tom M. Dixson)

Keywords: WEAPONS VIOLATION MURDER

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November 6, 1994

Section: METRO

MAN JAILED IN TROOPER SHOOTOUT

The Associated Press

WAVELAND, MISS.

An Alabama man was in custody Saturday after a shootout with Mississippi Highway Patrol troopers at a restaurant on Interstate 10 about six miles north of Waveland.

Patrol Capt. Randy Sibley said about 20 people were in the restaurant when the man, armed with a 12-gauge shotgun, walked in and threatened a 16-year-old girl who had been riding in his car.

Sibley said state troopers were conducting a DWI roadblock on Mississippi 603 about a mile from the restaurant when the call about a man with a shotgun came in Saturday about 1:40 a.m.

When troopers arrived at the Waffles restaurant, the man walked in, apparently fired one shot and ran out the back of the building.

Sibley said the man had left his car a short distance down the highway and walked back carrying the shotgun. He said witnesses told officers that the man shouted at the girl before troopers drove up.

Sibley said the man shot at Trooper Scott Carnegie, who returned fire. The man ducked behind the building and was reloading the shotgun when he was subdued by two other troopers.

Sibley said no restaurant patrons or troopers were injured.

"We're very fortunate. The people inside the restaurant are very fortunate that we happened to have officers that were that close. He apparently was interested in harming some people, especially that girl," Sibley said.

Sibley said the man, identified as Russell Chappelle, 19, of Wilmer, Ala., was being held in the Hancock County Jail. Charges are pending.

The girl, Sibley said, was identified as a runaway who had been reported missing by her parents in Alabama. He said her parents picked the girl up. Law officers would not identify the girl or where she was from.

Sibley said no charges would be filed against her.

Sibley said Chappelle was treated at a hospital for two buckshot wounds in the right arm and released to officers.

Col. Jay Clark, chief of the Highway Patrol, said the troopers saved many lives.

"Their training paid off. They handled the situation in a very professional manner," Clark said. "We are very thankful there was a law enforcement presence that close to the scene."

Sibley said the restaurant and a motel behind it were hit by the shotgun blast. He said troopers recovered slugs from inside the restaurant.

---- **Index References** ----

Region: (USA (1US73); Americas (1AM92); Alabama (1AL90); North America (1NO39); Mississippi (1MI74))

Language: EN

Other Indexing: (DWI; TROOPER; TROOPER SCOTT CARNEGIE; WAFFLES; WAVELAND) (Chappelle; Clark; Jay Clark; MAN JAILED; Patrol Capt; Randy Sibley; Sibley)

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January 29, 1995

Section: NEWS

SUSPECT IN RAMPAGE HAD HISTORY OF MENTAL PROBLEMS, FAMILY SAYS

1995, Reuters News Service

CHAPEL HILL, N.C.

A law student accused of going on a shooting rampage that left two people dead had a history of mental problems and once claimed to be telepathic, say family members and acquaintances.

The suspect, Wendell Williamson, 26, is under guard and in good condition at University of North Carolina Hospital, a hospital spokeswoman said. He was wounded in the legs and underwent surgery.

On Friday, he was formally charged with two counts of first-degree murder.

On Thursday, Williamson parked his father's car at an apartment complex and walked toward the center of town carrying an M-1 rifle and dozens of clips of ammunition in a green knapsack. Police said he fatally shot one man on his front porch, and a college student who was riding on his bicycle. A former Marine tackled the gunman to the ground.

Williamson, a former National Merit Scholar, had been hospitalized at one time for psychiatric problems, and had been seeing a psychiatrist at the university, his mother said Friday.

His classmates said his mental problems became apparent during his first year at law school, where he was prone to delusions and outbursts of anger.

Police had to restrain Williamson during an incident in a parking lot two years ago, and last spring he stood up in class and announced that he was exempt from an assignment because he was telepathic and already knew the answer, classmates said.

University law professor Daniel Pollitt said it was unusual that a student would break under pressure in his final semester. Traditionally, the first year of law school is the hardest, and the third the easiest.

Pollitt speculated that Williamson could have been feeling pressure about finding a job when he passed the bar. "Some people are trying to decide which job to take, but other people don't have any interviews," the professor said. "People who've been honor students since the first grade feel they've worked hard and done well and that they deserve better. They get angry."

PHOTO

Photo by AP - Bill Leone sits in his living room with his dog, Sasha, on Friday as he discusses tackling the man charged with killing two people Thursday afternoon in Chapel Hill, N.C. Leone was shot in the shoulder as he tackled the gunman, who was trying to reload his rifle.<

---- Index References ----

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Crime (1CR87))

Industry: (Healthcare Practice Specialties (1HE49); Healthcare Services (1HE13); Healthcare (1HE06); Psychiatric Services (1PS61))

Region: (North America (1NO39); Americas (1AM92); North Carolina (1NO26); USA (1US73))

Language: EN

Other Indexing: (AP BILL LEONE; MARINE; NATIONAL MERIT SCHOLAR; PHOTO; SUSPECT) (Daniel Pollitt; Photo; Police; Pollitt; Sasha; Traditionally; Wendell Williamson; Williamson)

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June 29, 1995

White House gunman sentenced to 40 years in prison.

Robert Kearns

WASHINGTON, June 29 (Reuter) - A judge sentenced Francisco Duran to 40 years in prison on Thursday for shooting at the White House with an automatic weapon last October in an attempt to kill President Bill Clinton.

Judge Charles Richey rejected prosecution requests that Duran, a Colorado hotel worker convicted on April 3, be locked up for life as a deterrent to other would-be assassins. Richey did deny Duran the possibility of parole, but prosecutor Eric Dubelier said there was a chance he could be out in about 35 years with time off for good behaviour.

Richey, who also imposed a fine of \$3,200 to cover repairs to the White House, said the shooting "cannot be countenanced in a free society known as the United States of America."

Duran, 27, from Security, Colorado, pulled a Chinese-made semi-automatic assault rifle from under his rain coat last October 29 and sprayed the White House and its grounds with some 30 bullets from the sidewalk along Pennsylvania Avenue.

No one was hurt.

Duran, dressed in a blue prison uniform, told the court before being sentenced: "My actions on October 29 were inexcusable. I very much wanted to die that day. I am sorry I not only ruined my future but that of my wife and son." He has a six-year-old son named Alex.

After he spoke, Dubelier told Richey drily, "I guess he's been remarkably cured of paranoia. He spoke rationally." Duran had attempted a defence of insanity.

Dubelier asked Richey to impose a life sentence, noting that Duran was trying to reload his weapon when he was tackled by a tourist. He said Duran had personality disorders, was a drunk and bore a deep grudge against the government.

Richey sentenced Duran to 360 months for trying to kill the president and another 10 years for firearms offences.

U.S. Attorney Eric Holder said "we are very satisfied" with the sentence and told reporters he hoped it would "serve as a reminder to people who contemplate these acts."

During his 10-day trial, Duran's lawyers portrayed him as a madman who was having hallucinations that an evil "mist", linked to the White House by an umbilical cord, controlled him. They said he went to the White House to kill the mist.

But the jury accepted prosecution arguments that Duran, influenced by right-wing radio talk shows and anti-government literature criticising Clinton, opened fire when he saw a man resembling the president walk from the White House.

The prosecutors said Duran loathed the government because he had been discharged from the Army after serving time for running over a woman outside a Honolulu bar.

In the White House shooting, Duran was subdued by two bystanders as he tried to reload. The prosecution used videotapes taken by tourists.

The shooting, plus the April 19 Oklahoma City bombing, has led to tighter security at the White House. Pennsylvania Avenue in front of the mansion has been closed to vehicles.

A month before Duran's attack, a pilot crashed a small plane on the White House grounds, and there have been a number of fence-jumpers, one of whom was shot and wounded by White House guards last month.

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---- **Index References** ----

Company: WHITEHOUSE

News Subject: (Legal (1LE33); Judicial (1JU36))

Region: (U.S. Mid-Atlantic Region (1MI18); North America (1NO39); Colorado (1CO26); U.S. Southwest Region (1SO89); Oklahoma (1OK58); U.S. West Region (1WE46); Americas (1AM92); USA (1US73); Pennsylvania (1PE71))

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Other Indexing: (ARMY; WHITE HOUSE) (Bill Clinton; Charles Richey; Clinton; Dubelier; Duran; Eric Dubelier; Eric Holder; Francisco Duran; Pennsylvania Avenue; Richey)

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May 12, 1996

Section: METRO

TWO RESTAURANT PATRONS SHOT IN DRIVE-BY; TWO MEN ARRESTED;
TWO OTHER SUSPECTS ARE BELIEVED TO BE INVOLVED IN THE ATTACK.

The Fresno Bee

A gun battle broke out early Saturday morning at Lorena's Taco and Seafood Restaurant in southwest Fresno, sending two patrons to the hospital as well as one of the alleged gunmen, who was shot in the foot by security guards returning fire.

Fresno police said all three were in stable condition with non-life-threatening wounds. Detectives said they had not determined a motive for the shooting, which occurred about 2:30 a.m. Saturday.

About 50 people were at the restaurant -- a taco truck and picnic tables on a fenced-off asphalt lot in the 400 block of West Belmont Avenue.

Police said a white Oldsmobile 88 with three men inside and a black Nissan Altima with a male driver stopped while heading east on Belmont. The occupants opened fire on the crowd using various weapons, including 7.62 mm assault rifles with 30-round magazines.

Jose Arroya, 49, of Parlier was hit three times in the torso and Gilbert Castellanos, believed to be in his 20s, was hit twice in the chest and abdomen. Security guards returned fire; one round hit a suspected gunman in the foot, police said.

Several cars parked nearby were hit with bullets and sustained "extensive damage," police said. The driver of the Oldsmobile fled in the Nissan. Security guards apprehended two other suspects as they attempted to reload their weapons.

Police recovered six guns at the scene. They arrested Pedro Duarte, 48, and Robert Caldera, 34, who was taken to Valley Medical Center for a gunshot wound in his right foot. They were charged with attempted murder.

---- Index References ----

Company: GENERAL MOTORS CORP

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Language: EN

Other Indexing: (OLDSMOBILE; VALLEY MEDICAL CENTER) (Detectives; Gilbert Castellanos; Jose Arroya; Pedro Duarte; RESTAURANT PATRONS SHOT; Robert Caldera)

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Lincoln Journal Star

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October 7, 1998

Section: B

Ohio man's trial delayed for shooting at hospital

MADISON (AP) -- The trial for an Ohio man charged in the shooting death of a doctor at a Norfolk mental hospital has been postponed for a second time.

John Keylor, 70, is charged with first-degree murder in the killing of Dr. George Bartholow. The doctor, who had treated Keylor, was shot to death in October 1996 while in his office at the Norfolk Regional Center.

Keylor pleaded innocent by reason of insanity. His trial was to start Oct. 19.

At a pre-trial conference Tuesday, Keylor's attorney, Madison County Public Defender Harry Moore, asked District Judge Robert Ensz for a delay in order for psychiatrists at the Lincoln Regional Center to continue evaluations to determine if Keylor is competent to stand trial. Ensz agreed to the continuance and has set Keylor's trial date for Dec. 8.

Earlier this year, doctors told Ensz that Keylor was fit to stand trial. He originally was set to stand trial June 8, but prosecutors agreed to delay the proceeding so he can be examined further by psychiatrists.

Keylor of Toronto, Ohio, is accused of entering the mental hospital with two .38 caliber revolvers and a duffle bag filled with 200 rounds of ammunition. He allegedly wounded one employee and shot Bartholow. Keylor was tackled by hospital workers as he stopped to reload.

Bartholow lived in Omaha and spent four days a week in Norfolk.

Keylor is being held without bond.

---- Index References ----

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Crime (1CR87); Murder & Manslaughter (1MU48))

Region: (U.S. Midwest Region (1MI19); North America (1NO39); Ohio (1OH35); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (LINCOLN REGIONAL CENTER; MADISON COUNTY PUBLIC DEFENDER HARRY MOORE; NORFOLK REGIONAL CENTER) (Bartholow; Ensz; George Bartholow; John Keylor; Keylor; Ohio; Robert Ensz)

Edition: City

Word Count: 232

End of Document

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NewsRoom

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9/18/96 N.Y. Times 7
1996 WLNR 4354032

New York Times (NY)
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September 18, 1996

Penn State Shooting Is Fatal to Student; Woman Is Arressted

AP

Jillian Robbins, 19-year-old woman, opens fire with rifle in middle of Pennsylvania State University campus, killing one student and wounding another before she is tackled while trying to reload (S)

UNIVERSITY PARK, Pa., Sept. 17

A 19-year-old woman opened fire with a rifle in the middle of the Pennsylvania State University campus today, killing one student and wounding another before she was tackled while trying to reload.

The woman, Jillian Robbins, lives in State College, which surrounds University Park, but is not a student at the university. Acquaintances said Ms. Robbins had a history of mental problems.

No immediate charges were filed against Ms. Robbins. The police said that they knew of no motive for the shooting and that Ms. Robbins did not know her victims.

Officials said she fired at least five shots from her rifle, a Mauser with a telescopic sight, around 9:30 A.M., from in front of the Hetzel Union Building, one of the campus's busiest areas, where she had spread a tarp on the lawn. The shots sent hundreds of students and teachers scattering.

One student, Melanie Spalla, 19, of Altoona, Pa., was killed, and another, Nicholas Mensah, 27, of Philadelphia, was wound once in the abdomen. He was in stable condition. Another student escaped injury when a book in his backpack stopped a bullet.

An aerospace engineering student, Brendon Malovrh, tackled Ms. Robbins as she was putting in a second ammunition clip, the police said. As the two struggled, she tried to stab Mr. Malovrh with a knife, stabbing herself in the leg instead. Mr. Malovrh used his belt as a tourniquet on Ms. Robbins. She was hospitalized in serious condition.

In the only other slaying on the campus, a female graduate student was stabbed with an icicle in a library in 1969. Her killer was never found.

---- Index References ----

Region: (Pennsylvania (1PE71); USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (PENN; PENNSYLVANIA STATE UNIVERSITY; STATE COLLEGE; STATE SHOOTING; UNIVERSITY) (Acquaintances; Brendon Malovrh; Jillian Robbins; Malovrh; Melanie Spalla; Nicholas Mensah; Robbins)

Company Terms: PENNSYLVANIA STATE UNIVERSITY

Edition: Late Edition - Final

Word Count: 359

End of Document

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NewsRoom

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2/20/97 Dallas Morning News 3A
1997 WLNR 6638685

Dallas Morning News
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February 20, 1997

Section: NEWS

Alaska teenager kills principal, students at school

BETHEL, Alaska

BETHEL, Alaska - A teenager carrying a shotgun and a paper bag full of shells chased fellow teens through high school hallways Wednesday, killed his principal and wounded three fellow students.

The 16-year-old junior also exchanged shots with police before officers tackled him as he reloaded, said Ken Waugh, a state police spokesman. He said the motive for the shooting was not known.

Principal Ron Edwards died at a nearby hospital. Josh Palacios, a junior at Bethel Regional High School, was flown to a hospital in Anchorage, about 400 miles to the east. He was in critical condition.

The other students were less seriously hurt, witnesses said.

Police would not release the arrested teenager's name because he's a juvenile, but many witnesses in the town of 4,700 identified him as Evan Ramsey, foster son of the school superintendent and son of a locally notorious ex-convict

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---- Index References ----

News Subject: (Parents & Parenting (1PA25); Health & Family (1HE30); Teenagers (1TE59))

Region: (Alaska (1AL32); USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (ALASKA; BETHEL REGIONAL HIGH SCHOOL) (Evan Ramsey; Josh Palacios; Ken Waugh; Ron Edwards)

Edition: HOME FINAL

Word Count: 188

End of Document

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NewsRoom

NewsRoom

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1997 WLNR 6645161

Dallas Morning News
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March 14, 1997

Section: NEWS

Jordan soldier kills 7 Israeli schoolgirls 6 hurt; attack increases already high tensions

Drusilla MenakerSpecial Contributor to The Dallas Morning News

Special Contributor to The Dallas Morning News

BET SHEMESH, Israel

BET SHEMESH, Israel - A Jordanian soldier opened fire Thursday on Israeli schoolgirls taking a field trip along the border, killing seven of the teenagers, wounding six and sending the two nations into shock

The gunman's motive was not known, but even as an isolated insanity, the attack took on regional political significance.

Israeli Foreign Minister David Levy suggested a link between the shooting and Jordanian King Hussein's unusually angry condemnation of Israeli policies toward Palestinians and the peace process in a letter this week to Prime Minister Benjamin Netanyahu.

Mr. Netanyahu called on Jordan to take swift action against the assailant. "This was a violent, criminal attack," Mr. Netanyahu said. "Young girls were murdered. We expect the Jordanian government to act vigorously to bring the perpetrators to justice. " King Hussein canceled a trip to the United States and returned to Jordan from Spain, where he had been on a stopover. Crown Prince Hassan promised a full investigation and prosecution of the soldier and called Thursday "a black day in the history of our country. " The Jordanian soldier, identified as Lance Cpl. Ahmed Yousef Mustafa, shot at the girls from above them on a grassy slope and chased them as they fled. He stopped firing only when ammunition for his automatic rifle ran out. As he tried to reload, he was tackled by other Jordanian soldiers.

The tragedy came during a flare-up in tension between Israel and its Arab neighbors over Israeli plans to build new Jewish housing in East Jerusalem and other issues. On Sunday, King Hussein wrote to Mr. Netanyahu that his actions were pushing the region toward "an abyss of bloodshed and disaster. " Mr. Levy, the Israeli foreign minister, told the Jordanian prime minister, Abdul-Karim Kabariti, that "recent declarations created a psychological atmosphere that could lead to such tragic acts. " Israeli Defense Minister Yitzak Mordechai cautioned, however, that "what we need now is for everybody to be careful with everything that they are saying, doing and maybe planning for the future. " In Washington, President Clinton also appealed for calm, noting that "there is no evidence at this moment that this terrible incident is related to tensions in the area. " The victims were among 80 students from the working-class town of Bet Shemesh, just west of Jerusalem, on a three-day excursion to the north of the country, along the usually tranquil border between Israel and Jordan. They were visiting the island of Naharayim in the Jordan River, where a sign proclaims "The Island of Peace" and visitors have a sweeping view of Syria, Israel and Jordan.

The area was taken by Israel in the 1948 Middle East War but returned to Jordan's control under the countries' 1994 peace treaty, although Israelis still farm and visit there freely.

Voice of Israel Radio reported that the Israeli security brigade that regularly accompanies school groups had turned in its weapons on entering the Jordanian-patrolled area.

"I heard shooting and saw my classmates rolling down the hill," said Natalie Boliti, a 13-year-old who witnessed the killings from 10 feet away on the school bus.

"At first I thought it was a joke, or a drill, but then I understood it was for real, and we started yelling and screaming and getting on the floor," she said Thursday night, her eyes ringed in red from sobbing and her anxious parents rubbing her shoulders.

The students described jumping into the bushes trying to hide, screaming for their teachers to help them and watching their desperate principal try to push his charges to safety down the hillside. Finally, the girls said, they saw bodies on the ground.

"I saw one with a bullet in her heart and one with a bullet in her hand," said Ashrat Abudbol, 14.

Some of the surviving 7th- and 8th-graders were in tears, others numb with shock as they piled out of the returning buses and into the arms of their families outside the Feirst School, a public junior and senior high school for Orthodox Jewish students.

"She's dead!" one screamed to a waiting friend. "Hush, hush, it is OK, I am here," said a father comforting his daughter.

Psychologists were at the school to counsel the children, and memorials with seven burning prayer candles were set up in a hallway and on the sidewalk outside.

The massacre turned a much-anticipated annual ritual of Israeli school life into a shocking nightmare.

"Our driver turned on the radio, and first we heard Bet Shemesh mentioned and were happy," said Hila Cohen, a 7th-grader whose class was in a different bus. "Then we realized it was a terrorist attack and we all started to cry. These girls were my friends. " One parent, Motti Cohen, recalled the agonizing wait for word that his daughter was OK. "I said, 'Please, just tell me if she is dead or alive. '" Even when he learned she was safe, he wondered how witnessing her friends' deaths would change her.

"I have been through wars, so it doesn't hurt me so much," Mr. Cohen said. "But I worry about her, how it will affect her in the future. " Yet such tragedy is all too familiar to Israelis, he said. "We are used to terrorist attacks. Everything that happens in the country hurts us. " Several parents complained that they did not know that their children's itinerary included going to a Jordanian area.

Some witnesses said the Jordanian soldiers did not try to stop their comrade as he was shooting, and Crown Prince Hassan said there would be an investigation into a possible "breakdown of management. " The wounded were taken to hospitals in Israel and in Jordan, where Jordanians lined up to donate blood.

King Hussein, visibly sorrowful, said he felt the attack as if it was "aimed at me, at my children. " "When I warned a couple of days ago of . . . the possibility of violence, I never thought that it would take the form it did today," he said.

"I can assure one and all I will do everything I can as long as I live to leave behind a legacy of peace. " Drusilla Menaker covers the Middle East and Africa from Cairo, Egypt. She is a regular contributor to The Dallas Morning News

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---- Index References ----

News Subject: (International Terrorism (1IN37); International Issues (1IN59); Government (1GO80); Political Parties (1PO73))

Region: (Middle East (1MI23); Jordan (1JO78); Arab States (1AR46); Israel (1IS16); Mediterranean (1ME20))

Language: EN

Other Indexing: (BET SHEMESH; FEIRST SCHOOL; ISRAELI DEFENSE; ISRAELI FOREIGN; ORTHODOX JEWISH) (Abdul-Karim Kabariti; Ahmed Yousef Mustafa; Ashrat Abudbol; Benjamin Netanyahu; Clinton; Cohen; Crown Prince; David Levy; Drusilla Menaker; Hassan; Hila Cohen; Hush; Hussein; Levy; Motti Cohen; Natalie Boliti; Netanyahu; Voice; Yitzak Mordechai)

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Word Count: 1236

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1997 WLNR 3049433

USA Today (USA)
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October 2, 1997

Section: NEWS

3 slain in Miss. teen's rampage

Scott Hildebrand

A 16-year-old Mississippi high school student, apparently distraught over his breakup with a girlfriend, stabbed his mother to death and then shot nine students at a crowded high school, killing two of them, police said.

Luke Woodham, a sophomore, was described as a quiet teen, who had few friends. He faces charges of murder and aggravated assault when he appears in court today. Bond hasn't been set.

Pearl, Miss., police say Woodham stabbed his mother, Mary, 50, to death with a butcher knife in the bedroom of their brick home about 5 a.m. Wednesday.

Neighbors saw him leave the house in his mother's car, hitting a tree and crossing a neighbor's yard as he drove away. His mother usually drove him to school.

About 8:10 a.m., police say Woodham walked into the commons area just inside the front door at Pearl High School and shot his ex-girlfriend Christina Menefee, 16, as she tried to run away. Next he killed Lydia Kaye Dew, 17, who had been standing next to Menefee.

Then, police say, Woodham began shooting at random as screaming students tried to take cover.

Three boys and four girls, including one who is pregnant, were hit. Three were hospitalized, one in serious condition.

Tenth-grader Monica Tanner said the rifle ``was pretty long. . . . He was just shooting. I heard seven to eight shots. It took me a while to get out of the building because everyone was running out at the same time and screaming."

``It appeared to have to do with the ex-girlfriend," Pearl Police Chief Bill Slade said. ``He was angry. He felt like people didn't care for him."

Witnesses said a student tackled Woodham as he was about to reload his rifle, but Woodham escaped.

Police arrested him in his mother's compact car just outside the school.

Police, classmates and neighbors described Woodham as a quiet youth who had no history of violent behavior.

``He's always been quiet, never really had a lot of friends," neighbor Tracy Thompson said. ``Nobody believed anything like that could happen." She said Woodham and his mother ``never seemed like they were on bad terms."

Woodham lived with his mother, who worked as a receptionist for Cal-Maine Foods, an egg producer. His parents apparently were divorced. He has an older brother who attends the University of Mississippi, Thompson said.

Michael Stanley, who took art classes with Woodham, said he was a talented artist. ``He's not psycho. He's smart."

The killings shocked residents in the community 3 miles east of Jackson. At one point in the day, Slade choked back tears as he talked about the rampage.

``Naturally, when we're talking about our kids and our school, it's a sad and tragic day," Jimmy Foster, mayor of the town of 22,000, said.

After the shootings, weeping students gathered in small groups outside the school where the flag was lowered to half-staff. Others held hands and prayed.

Classes were canceled until Monday, but students were told to report Friday for counseling.

Contributing: Andy Kanengiser and Jill Farrell King of The Clarion-Ledger in Jackson, Miss.

PHOTO,color,Greg Jenson,The Clarion-Ledger\ PHOTO,b/w,AP

NOTES: THE NATION

---- **Index References** ----

Region: (USA (1US73); Americas (1AM92); North America (1NO39); Mississippi (1MI74))

Language: EN

Other Indexing: (AP; CLARION LEDGER; FOODS; MISSISSIPPI; PEARL; PEARL HIGH SCHOOL; PHOTO; UNIVERSITY OF MISSISSIPPI) (Bill Slade; Bond; Christina Menefee; Contributing; Greg Jenson; Jill Farrell; Jimmy Foster; Luke Woodham; Lydia Kaye Dew; Mary; Menefee; Michael Stanley; Monica Tanner; Naturally; Slade; Tenth; Thompson; Tracy Thompson; Woodham)

Edition: FINAL

Word Count: 627

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3/27/97 Plain Dealer (Clev.) 5B
1997 WLNR 6341996

Cleveland Plain Dealer

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March 27, 1997

Section: OHIO

WOMAN SENTENCED FOR SHOOTING DEMOLITION MAN

ASSOCIATED PRESS

DAYTON

A 72-year-old woman convicted of shooting a worker who had come to demolish her condemned house has been sentenced to prison.

Bessie Hardin was given two terms of 5 to 25 years this week by Judge John Petzold of Montgomery County Common Pleas Court.

Hardin pleaded guilty to two counts of attempted murder earlier this month for shooting demolition worker Bill Flitton with a .22-caliber handgun in 1994. Fellow demolition worker Dennis Sovonick was injured when he tackled Hardin as she was reloading the gun.

Police said Hardin was angered by the city's efforts to demolish her house, which had been declared a nuisance.

In a pending civil lawsuit, Flitton and Sovonick allege that contractor Steve R. Rauch and his companies, Steve R. Rauch Inc. and American Environmental Control, knowingly sent them into an unsafe situation and failed to warn them about a previous threat from Hardin.

But Rauch denied responsibility for the attack, the men's injuries and claims made in the lawsuit.

"I'm sad about the situation. They have to do what they feel is correct or incorrect," Rauch said.

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---- **Index References** ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Language: EN

Other Indexing: (AMERICAN ENVIRONMENTAL CONTROL; DAYTON; MONTGOMERY COUNTY COMMON PLEAS COURT) (Bessie Hardin; Bill Flitton; Dennis Sovonick; Flitton; Hardin; John Petzold; Police; Rauch; Sovonick; Steve R. Rauch; WOMAN SENTENCED)

Edition: FINAL / ALL

Word Count: 237

End of Document

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NewsRoom

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9/26/04 Fort Wayne J. Gazette (IN) 1
2004 WLNR 15076228

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September 26, 2004

A high-stakes business With human lives on the line, SWAT units play fragile game
[Final Edition]

Harada, Masaaki

See 'Crisis response' box at end of story.

Police cars and an ambulance approached a Bluffton Road motel without lights and sirens and slipped into a parking lot in front of a room to which they were called.

An intoxicated man with a knife had barricaded himself in the room at the Fair Oak Motel the night of July 25. Uniformed officers blocked Bluffton Road a few hundreds yards away on each side of the motel, directing traffic and curious onlookers.

While the Fort Wayne Police Department's Emergency Services Team, better known as the SWAT team, surrounded the building, a team of hostage negotiators who make up the police department's Crisis Response Team continued a painstaking conversation with the man inside.

The 32-year-old Fort Wayne man was threatening over the phone to kill himself, said Sgt. Paul Shrawder who leads the hostage negotiators. The man wanted to talk with his girlfriend who he said was leaving him.

"He's been drinking a lot. A lot of times, just time can settle a person down. Then you can make him start thinking of the situation he is in and how he can get out or work it out," Shrawder said.

This standoff, the fourth of five handled by Fort Wayne police this year, is typical of what hostage negotiators go through.

Eight officers of the Crisis Response Team are trained to talk a barricaded person out of a building and are on call 24 hours a day. They try to resolve such situations without using the Emergency Services Team, which includes sharpshooters and may have to use force.

The case on Bluffton Road ended 90 minutes after officers got the call. Negotiators persuaded the man to come out with promises to let him talk to his girlfriend and smoke a cigarette. The man walked out of the motel room and surrendered, and the woman called to the scene was allowed to talk to him later.

The man was given a mental evaluation and later arrested, but not because of the standoff. A warrant charging him with failure to appear in court had been filed in Kane County, Ill.

Power of negotiation

Onlookers at any standoff likely see a large white truck labeled "Tactical Operation Center."

During a brief meeting after arriving, the team decides who will be the primary negotiator.

The primary negotiator, chosen case by case, is accompanied by a second negotiator, often called a coach, who listens to the conversation and advises the primary negotiator. The other negotiators are in charge of record keeping, gathering information from police records and interviewing relatives and friends.

Communication with a person inside needs to be established as soon as possible. Police also want as much information as possible about that person.

The division of labor enables police to accomplish what might seem like contradicting goals to some people, Shrawder said.

"We want to let them know even though they may see all the police with guns surrounding them, there are people who are trying to give them a way to settle it peacefully," he said. "From a negotiator's point of view, you want to talk to them, give them options and let time go by while we talk so that, eventually, they will calm down."

Opening a channel of communication with the person inside is critical. The Crisis Response Team has "throw phones" that can be connected with a 1,000-foot line and loudspeakers.

"Just actively talking to somebody makes you think," Shrawder said. "We try to make them calm down and go back to thinking mode and hopefully reason with them, showing them that the situation they are in is a bad situation. But they have options that we can settle this."

If a barricaded person is demanding certain conditions, that can be a good sign. No demands indicate the person has no interest in dealing with the outside, Shrawder said.

Police might comply with the demands if they are reasonable, Shrawder said.

Police won't let barricaded people have alcohol, illegal drugs or weapons and/or talk to certain family members or friends.

"A lot of times, you really don't know why he is there," Shrawder said. "It could be because of the mother. You don't know what the mom or the friend is going to say. They could make the situation worse."

Use of force

When a cloistered person has nothing to demand and just won't come out, police have to find something they can negotiate.

A person who barricaded himself in a Riverhaven home told negotiators he just wanted to sleep.

"We made noise so he could not go to sleep," said Allen County SWAT Team Commander Lt. Kenneth C. Fries. "He agreed to put all the guns outside if we just stop making all the noise."

The county SWAT team also dealt with an Albion man holed up in a pickup truck with rifles near the Allen-Whitley county line in January. Randall Katz was on the run from Noble County police on warrants.

Police got Katz's cell phone number from a relative, but he refused to talk. An armored vehicle drove up to his pickup truck and police talked to him by loudspeaker.

"He was not communicating at all so we had no idea what his thought process was," Fries said. "We have little idea what his next move might be."

A decision to force Katz out was made when he fired a shot into the truck's roof that made police believe he was threatening to kill himself. Police fired beanbag rounds at the pickup to distract Katz. The SWAT team broke the glass and pulled him out.

"People often think the SWAT team is a bunch of thugs just busting doors and shooting people," Fries said. "That's not our function. We are there to save lives."

SWAT teams are armed with diversionary devices and weapons like flash bangs - tear gas or stinger grenades that explode, emitting hundreds of rubber balls - as well as lethal weapons. Sometimes, however, officers choose "silent entry" tactics.

The "silent entry" was used in a hostage rescue at a Bob Evans restaurant on Valentine's Day in 1998.

Michigan robbery suspect Jody L. Sinclair took refuge at the restaurant on East Dupont Road after a car chase that began in DeKalb County. While he drove south on Interstate 69 at high speed, Sinclair fired at DeKalb County sheriff and Waterloo police squad cars that were tailing him. When his car was disabled by stop sticks near the Allen-DeKalb county line, he abandoned the car, commandeered a van at a rest stop and continued to flee. He ran over stop sticks a second time and got off the interstate at Dupont Road.

There were 36 to 40 people in the restaurant when Sinclair rushed in, Fries said. He took four hostages - two employees and two patrons - in the back room. The rest fled, but the husbands of the two customers stayed in the dining area, refusing to leave without their wives.

"I anticipated the best we can hope for at the end of the day might be the hostage taker would be dead," Fries said.

Sinclair talked with a dispatcher, demanding drugs during the 2 1/2 -hour hostage situation. SWAT members entered the building after a gunshot was heard from inside.

"We did not know where he was in the restaurant. Yet, you could smell the gunpowder that gave us a way to locate him," Fries said. "He was reloading the gun when we came around the corner and he was tackled by two of our guys."

The SWAT team did not fire a single shot or use any diversionary device. "He did not even know we were in the restaurant," Fries said.

On the edge

The Fort Wayne Emergency Service Team's only fatal standoff occurred in 1992 when 26-year-old Leroy Ross-Church was shot after lunging at officers with a knife.

Ross-Church had barricaded himself in a closet in an apartment, threatening to commit suicide. Three negotiators went into the room, trying to talk.

With negotiations failed and Ross-Church's suicide threat imminent, police used tear gas to force him to come out.

The tactic worked to force him out, but Ross-Church came toward officers brandishing a knife instead of surrendering. He refused to drop the knife and officers shot him to death.

An Allen County grand jury cleared police of any wrongdoing in the death. A federal investigation found Ross-Church's civil rights were not violated in the shooting.

Ross-Church's death spurred arguments about how police handle people with possible mental problems.

The answer was the creation of yet another team - the Crisis Intervention Team consisting of officers trained by mental health professionals. The team includes patrol officers who are spread out in three working shifts. As first responders, they try to prevent people with mental illnesses from creating situations that might require the hostage negotiators and SWAT team.

Studies show more than 16 percent of adults and 75 percent of juveniles incarcerated in the United States have mental illnesses, said Teresa Hatten, vice president of the Fort Wayne affiliate of the National Alliance for Mentally Ill.

"People with mental illness deserve treatment, not a jail," said Park Center CEO Paul Wilson, who advises officers who undergo Crisis Intervention Team training. "If somebody is truly psychotic and cannot make a rational choice, committed a petty crime or whatever, it makes much more sense to get them appropriate treatment than giving them jail time."

The Crisis Intervention Team program, started in August 2001, has had success and was expanded to other police departments, including the Allen County Sheriff's Department, New Haven and Bluffton, Wilson said.

Six people were arrested in 955 cases Crisis Intervention Team officers responded to from Aug. 1, 2003, to July 31, according to police records. In 52 of those cases, a person was armed. Without the Crisis Intervention Team, some of those cases could have been worse, Wilson said.

The number of cases involving barricaded people declined to three in 2002, a year after the Crisis Intervention Team program was launched, but that number shot up to nine cases - two above the 12- year average of seven cases - the next year.

Shrawder couldn't explain the fluctuation, but believes in the long run the program may reduce the number of standoffs or hostage situations.

"Officers who recognize how and why those things happen to people," he said, "can effectively intervene with a lot of people and prevent situations from developing into a serious crisis."

Crisis response

Calls for service by the Fort Wayne police Crisis Response Team

2004 through September---5

2003---9

2002---3

2001---9

2000---4

1999---14

1998---12

1997---8

1996---3

1995---2

1994---7

1993---7

1992---4

ILLUSTRATION

Caption: Dean Musser Jr./ The Journal Gazette: A member of the Allen County Sheriff's Department's SWAT Team participates in a regular training session earlier this month. Photo 2: Officers with the Allen County Sheriff's Department's SWAT team engage in a monthly training exercise. Shrawder headshot

--- Index References ---

News Subject: (Legal (1LE33); Health & Family (1HE30); Government (1GO80); Government Litigation (1GO18); Health & Safety (1HE24))

Industry: (Critical & Intensive Care (1CR27); Healthcare (1HE06); Psychology (1PS96); Psychiatric Services (1PS61); Healthcare Services (1HE13); Healthcare Practice Specialties (1HE49))

Region: (USA (1US73); Americas (1AM92); Indiana (1IN12); North America (1NO39))

Language: EN

Other Indexing: (ALLEN; ALLEN WHITLEY; ALLEN COUNTY; ALLEN COUNTY SHERIFF; ALLEN COUNTY SHERIFFS DEPARTMENT; ALLEN COUNTY SWAT; CRISIS INTERVENTION TEAM; CRISIS RESPONSE TEAM; DEPARTMENT; EMERGENCY SERVICES TEAM; FAIR OAK MOTEL; FORT WAYNE; FORT WAYNE EMERGENCY SERVICE TEAM; FORT WAYNE POLICE DEPARTMENT; ILLUSTRATION; JOURNAL GAZETTE; LEROY ROSS; NATIONAL ALLIANCE FOR MENTALLY ILL; PARK CENTER; ROSS CHURCH; SWAT; SWAT TEAM; VALENTINE) (Bob Evans; Caption: Dean Musser Jr.; Fries; Jody L. Sinclair; Katz; Kenneth C. Fries; Michigan; Opening; Paul Shrawder; Paul Wilson; Photo; Randall Katz; Shrawder; Sinclair; Studies; Teresa Hatten; Wilson)

Company Terms: ROSS CHURCHS

Word Count: 2166

NewsRoom

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1999 WLNR 1663786

Akron Beacon Journal (Ohio) (KRT)
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November 5, 1999

Section: WORLD

BRAZILIAN OPENS FIRE IN THEATER, KILLING 3

Associated Press

SAO PAULO, BRAZIL:

The gun was American, and the violent movie was, too.

A 24-year-old medical student stood up in a theater during a screening of the Hollywood film Fight Club Wednesday night and opened fire with a U.S.-made 9 mm submachine gun, killing three people and wounding five.

"We're shocked," said Police Lt. Col. Fernando Franco de Paulo. "We're used to seeing this in the United States, but not here."

About 30 people were in the audience when Mateus da Costa Meira, son of a well-to-do family, went into the bathroom of Cinema 5 in the Morumbi shopping mall and fired a few shots at the mirror, police inspector Miguel Pinheiro said. Apparently, no one noticed.

"Then he walked back into the theater and started firing at random," Pinheiro said.

After emptying the Cobray M-11's 40-round clip, he paused to reload and was tackled by audience members, Pinheiro said.

Meira was arrested and charged with first-degree murder. Authorities said Meira had psychiatric problems and apparently was addicted to cocaine.

---- Index References ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Industry: (Entertainment (1EN08))

Region: (Brazil (1BR84); Americas (1AM92); South America (1SO03); Latin America (1LA15))

Language: EN

Other Indexing: (FIGHT CLUB; HOLLYWOOD; MATEUS; MORUMBI) (BRAZILIAN; Costa Meira; Fernando Franco; Meira; Miguel Pinheiro; OPENS FIRE; Pinheiro)

Edition: 1 STAR

Word Count: 207

End of Document

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NewsRoom

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7/1/99 Atlanta J. - Const. C6
1999 WLNR 3447590

Atlanta Journal and Constitution (GA)
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July 1, 1999

Section: Local News

MALL MERCHANT WAS SHOT OVER A BURGER, POLICE SAY

Peter Scott; Staff

An argument over a hamburger apparently led to the shooting of an Avondale Mall food court store manager and the arrest of one of his customers, police said Wednesday.

Stanley Lewis Barge, 34, of Lithonia is in the DeKalb County Jail charged with two counts of aggravated assault.

Food merchant Meherhad Panahiofai, 43, is in fair condition following emergency surgery at a local hospital. The shooting occurred about 6:40 p.m. Tuesday, police said.

Earlier Tuesday, Barge had gone to his former place of employment, G&P Trucking in Conley, where he was "very threatening toward us, but we couldn't figure out why," said Steve Farris, a dispatcher who knew Barge.

He characterized the former trucker, who left the company in 1995, as a good worker.

"I've known him for years and he has never been a liability or a problem," said Farris. "I tried to talk to him and he told us to get out of his face and left. . . . We had to call police, but he left before they got here."

The shooting at the mall took place four hours later.

"He (Barge) had beat on several counters in the mall's food court demanding a hamburger," said Lt. Winston Harper of the Safety Network security force that monitors the mall at the intersection of Memorial Drive and Columbia Drive in central DeKalb.

Witnesses told police that Barge got into an argument with Panahiofai, a manager at the Shake and Burger in the food court, over an order he had placed.

Panahiofai jumped over the counter to confront Barge, police said.

Barge pulled out a revolver, shot Panahiofai twice in the hip and exchanged gunfire with security guard Shaheed Bay, according to police. Barge was apprehended by mall security officers and police as he tried to reload, authorities said.

On Wednesday, merchants and shoppers were "trying to get back to normal" at the 350,000-square-foot mall, said Tom Wheeler, president of Wheeler Cobb Management Co., which operates the mall. "We are committed to a high security profile. In every case at the mall, our security has been right there on top of it."

Early indications were that while security weighed on the minds of some shoppers, others were taking the incident in stride.

"This can happen anywhere," said Brenda Eatmon. "I plan to be back."

Metro version is longer. 7/2/99, Page A/2: Mehrdad Panahiofai: In Local News Wednesday and Thursday, the name of the victim in Tuesday's shooting at Avondale Mall was misspelled. His name is Mehrdad Panahiofai.

---- Index References ----

Language: EN

Other Indexing: (AVONDALE MALL; SHAKE AND BURGER; WHEELER COBB MANAGEMENT CO) (Barge; Brenda Eatmon; Earlier Tuesday; Farris; G Trucking; Lithonia; MALL MERCHANT; Meherhad Panahiofai; Metro; Panahiofai; Stanley Lewis Barge; Steve Farris; Tom Wheeler; Winston Harper)

Edition: Home

Word Count: 500

End of Document

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1/17/99 St. Louis Post-Dispatch B1
1999 WLNR 964432

St. Louis Post-Dispatch (MO)
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January 17, 1999

Section: NEWS ANALYSIS

SHOOTING DOESN'T MINIMIZE MAN'S LOVE FOR HIS SON

Gregory Freeman

Unwavering love

Stan Greer still feels the pain from being shot in the back.

Even worse is the pain of knowing that his wife is dead and that his then-15-year-old son shot them both.

But Greer continues fighting back - against the pain and for his son.

It was a morning in November 1997 when Vince Greer ambushed his father with a .22-caliber rifle and shot him in the back in his basement bedroom. He then marched upstairs and shot his mother at close range. He was reloading his gun when Stan Greer broke through a locked door and tackled him before he could finish reloading.

Slowly but surely, Stan Greer has been trying to rebuild his life. Part of that rebuilding has included efforts to get help for his son, who a court-ordered psychiatrist has concluded is schizophrenic.

In his evaluation, Dr. John Rabun said Vince was schizophrenic and was following the orders of "voices" when he killed his mother, Donna Greer, and shot his father.

Stan says signs of his son's schizophrenia developed for about nine months before the shooting, but that the family was in denial. A bright, popular student, Vince began to change. He started skipping school, lying habitually and his grades dropped. Friends said he'd begun hallucinating and hearing voices. Teachers had noticed the problem and had urged his parents to get help for him. But they kept denying that anything was wrong.

Stan regrets that now. "I think Vince was battling the problem for a while and it simply blew up," he said.

Stan still hopes to get help for his son, who is now in St. Louis County jail awaiting trial. Last week his attorney, Ron Rothman, filed an appeal to get Vince decertified as an adult. Stan would like to see his son moved back into the juvenile system and treated for his disease. County prosecutors, who claim that Vince did not suffer from a mental disease when he shot his parents, continue to push for trial.

Vince's family remains supportive of him. Last month, two days before Christmas, about 40 people, many of them family and friends, held a candlelight vigil for him outside the county jail. "We hope he doesn't have to spend another Christmas behind bars in an adult facility without the care he needs for mental illness," Stan said.

Stan still suffers from physical pain caused by nerve damage from the shooting, and he takes medication for it. Meanwhile, he's raising his daughters, Jenny, 9, and Lindsey, 14. "On the surface, at least, the girls seem to be holding up pretty well," he said.

The family continued to live in their St. Ann home for several months after the incident. "We didn't move out right away," he said. "We didn't want to run away from our problems." Ultimately, though, the family moved to a new home in Bridgeton.

Of great satisfaction to Stan is that he remarried in August, and his new wife, Kelly, has been very supportive. "It wasn't an easy situation for her to walk into something like this," he said. "But she's wonderful. She does so much for the girls, and she and Vince have a good relationship. Vince loved his mom and is still grieving for her, and he feels that Kelly is there for him as a mother figure."

Stan visits his son once a week. "He likes to draw, and he's gotten very good," Stan said. "He draws Betty Boop and Tweety Bird. He's hanging in there."

Considering the damage that Vince has done to his family, it might seem unusual that Stan remains so supportive of his son. Not at all, Stan says.

"My son suffers from a disease, like cancer or heart disease," he said. "Who would abandon their kid because he had a disease? He's a good kid and a loving kid with a disease."

---- **Index References** ----

Language: EN

Other Indexing: (Betty Boop; Donna Greer; Greer; Jenny; John Rabun; Kelly; Lindsey; Ron Rothman; SHOOTING DOESN; Slowly; Stan; Stan Greer; Teachers; Tweety Bird; Ultimately; Unwavering; Vince)

Edition: FIVE STAR LIFT

Word Count: 730

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11/3/01 Chi. Sun-Times 12
2001 WLNR 13138085

Chicago Sun Times (IL)
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November 3, 2001

Section: NEWS

Witnesses describe bar killings
'It was like a war zone,' bartender says of Elgin spree

Dan Rozek

Don Michella Gallaher recognized the man as soon as he stormed in to the Elgin nightclub that night last April carrying two shotguns and two pistols.

It was Luther "Luke" Casteel, who had crudely propositioned her and several of her friends earlier that evening, before bouncers threw him out of JB's Pub.

When the gunman opened fire in the bar, people dived under tables. They ran, screaming, for the door.

But Gallaher couldn't move.

"I looked into his eyes. I just froze. I sat there," the 31-year-old, married mother of three testified Friday in a voice so low it could hardly be heard in the St. Charles courtroom where Casteel went on trial for murder, accused of killing two people and wounding 16 more in a drunken shooting spree last April 14.

In an instant, someone knocked her off her bar stool to the floor, and she and her girlfriends escaped unhurt and crawled out a back door of the popular club.

But the man who got her out of the line of fire did not.

Bar manager Jeff "Whitey" Weides, 38, was killed in the rampage, along with Richard Bartlett, 48, of Elgin, a bar patron who was gunned down as he sat near the front entrance.

Casteel, 43, of Elgin, a construction worker who has served two prison terms for armed robbery, faces a possible death sentence if convicted.

Kane County State's Attorney Meg Gorecki told jurors that testimony would show Casteel came back to JB's looking for payback an hour after he was ejected for harassing women.

Gorecki said witnesses will testify that when he returned, Casteel walked across the dance floor, firing at anyone who moved, and shouting lines from movies. "I'm a natural-born killer," Casteel screamed as he shot, Gorecki said, quoting witnesses. "I'm the king of the world."

Casteel, firing all four weapons, was tackled by bar employees and customers when he stopped to reload, she said.

Several witnesses who testified Friday described a chaotic scene as the gunman started shooting inside the crowded nightclub.

"It was like a war zone," said Dale Koehring, a bartender who worked with Weides. "The shots were 'pop, pop, pop.' Just rapid-fire."

Earlier that night, Casteel had gone home and changed from the sport coat and white dress shirt he'd worn earlier at the bar into military fatigues, shaved his head, leaving clumps of hair sticking up, slung a gas mask around his neck, and strapped on holsters and ammunition belts, Gorecki said testimony would show.

The gunman pulled in to JB's parking lot, leaving his car running and his door open, and fired two shotgun blasts at cars pulling in, then stepped inside and fired as people ran, Gorecki said.

"People were screaming. Everybody was yelling, 'Get down, get down!'" Gallaher testified.

Koehring was heading to the men's room when the shooting began. He said he ducked out a back door, then hesitated, worried about co-workers, including his friend Weides.

"Once I got out, all I wanted to do was get back in," said Koehring, who testified he never saw the gunman in the commotion.

Inside, he said he saw Weides on the floor and grabbed a towel to try to stanch the bleeding.

Kane County Public Defender David Kliment said he would show Casteel wasn't legally responsible for his actions, that he was under stress and had been drinking all day, and that an anti-depressant medication he was taking worsened the effects of the alcohol, leaving him unable to control his own actions.

"What happened that night was not something done by the Luke Casteel that everybody knew," Kliment told jurors, describing Casteel as "a normal guy, living a normal life."

---- **Index References** ----

Company: SHANGHAI JIABAO INDUSTRY AND COMMERCE (GROUP) CO LTD

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Top World News (1WO62); Crime (1CR87))

Industry: (Entertainment (1EN08); Bars & Nightclubs (1BA02))

Language: EN

Other Indexing: (ELGIN; JB; KANE COUNTY PUBLIC; KANE COUNTY STATES) (Casteel; Dale Koehring; David Kliment; Gallaher; Gorecki; Kliment; Koehring; Meg Gorecki; Michella Gallaher; Richard Bartlett)

Keywords: Elgin murder trial (CRIME LEGAL SUBURBS); (NEWS)

Word Count: 618

End of Document

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2001 WLNR 10866670

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April 21, 2001

Section: A SECTION

VICTIMS OF SCHOOL ATTACK REMEMBERED
A SERVICE PAID TRIBUTE TO THE 12 STUDENTS AND
ONE TEACHER WHO WERE KILLED IN LITTLETON, COLO.

Compiled From Wire Reports

LITTLETON, Colo. -- Holding hands and wiping away tears, about 350 people marked the second anniversary Friday of the Columbine High tragedy by listening as the names of the 13 people gunned down by two students were read aloud.

During the brief service at a park near Columbine, school officials asked the crowd to remember that the attack does not define the school or its students. Relatives, friends, survivors and students walked past 13 6-foot wooden crosses temporarily erected in a parking lot in honor of the victims.

"It's just a time to remember," Chris Bernall said, pausing at a cross bearing the name of his sister, Cassie. "I've moved on. I've had a sense of peace about it, knowing where Cassie is. She's up in heaven."

It was lunchtime on April 20, 1999, when students Eric Harris and Dylan Klebold opened fire. They killed 12 classmates and a teacher and wounded 26 others before committing suicide in the school's library.

There were scattered reports of threats at schools elsewhere in the country Friday.

Two schools in the Mattituck-Cutchogue district on New York's Long Island were closed Friday because of threatening e-mail. The content of the e-mail was not disclosed.

And in Monroe, La., a 14-year-old student at a disciplinary school drew a semiautomatic handgun and fired five shots that missed a principal and other school workers. The shooting at the Monroe City Alternative Center happened before classes as about 20 students lined up to be routinely scanned for weapons. All had been expelled from other schools.

Police said the boy drew a .38-caliber semiautomatic pistol out of a zippered binder notebook, pointed it toward a group of faculty members and pulled the trigger. But it either misfired or there was no round in the chamber.

Students and school workers ran into the auditorium and teachers held the door closed. The youth tried to open the door, then fired several times through a window in the door. He eventually re-entered the school and fired another shot, but students and school workers escaped. The youth was subdued by police as he reloaded.

As Friday's service began, low clouds settled in and light rain sprinkled the crowd. The sun broke through moments later. "When the sun came out, I knew that was Dave warming us up," said Cindy Thirouin, whose father, teacher Dave Sanders, was killed in the attack.

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---- **Index References** ----

Region: (USA (1US73); Americas (1AM92); Colorado (1CO26); North America (1NO39); New York (1NE72))

Language: EN

Other Indexing: (LITTLETON; MATTITUCK CUTCHOGUE; TEACHER) (Cassie; Chris Bernall; Cindy Thirouin; Dave Sanders; Dylan Klebold; Eric Harris)

Edition: METRO

Word Count: 480

End of Document

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NewsRoom

NewsRoom

3/27/02 Evening Standard (London, UK) 14
2002 WLNR 3024584

Evening Standard (London, UK)
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March 27, 2002

MASSACRE IN A TOWN HALL

PATRICK SAWER; TOBY ROSE

AT LEAST eight people are dead and many others critically injured after a crazed gunman today opened fire on a Paris town hall meeting with a machinegun and an automatic pistol.

In what the French prime minister described as a moment of "raging madness" the man took careful aim at his victims after sitting through a meeting.

As council members rose to put on their coats he stood up in the public gallery and calmly opened fire with a submachinegun and a Magnum 357 automatic pistol.

He said nothing throughout the bloodbath and even methodically recharged his weapons. One man was seriously injured trying to tackle the gunman as he reloaded.

Survivors bravely grappled the gunman to the ground and held him until he was arrested.

The 33-year-old man knew the Green Party officials he shot in the western Paris suburb of Nanterre, but the party denied reports that he was a member of their organisation. There was pandemonium as dozens of police vehicles and more than 100 rescue officials flooded the town hall. A helicopter took some of the injured to hospital while firemen checked the large modern complex for other victims.

At least 14 of the 30 wounded were in a serious condition, some critical.

"This is murderous madness," said premier Lionel Jospin at the scene this morning. "It's unimaginable drama, I'm horrified. These are inhuman acts. It is a horrifying tragedy that harms democracy - a city council meeting in action. Many officials reacted with great courage to overpower the lunatic."

President Jacques Chirac expressed his "very great emotion" at the news.

Fire chief Captain Laurent Vibert said. "This was like a scene of a terrorist attack. It was a battlefield." A witness told France Info radio: "He had two or three guns and started shooting with a gun under each arm. He was shooting at anything that moved, but he was completely calm."

The witness said the gunman shot Green representatives before opening fire indiscriminately on the rest of the room.

The reasons for his terrifying actions remain a mystery.

"He comes to all the council meetings and had no motive to do this," she said.

Samuel Rijik, a municipal official at the meeting, said: "I thought it was a joke at first.

Some people thought it was firecrackers. I crawled under my table and a bullet went through my jacket. I thought I was hit."

Weeping relatives of the victims arrived to identify the bodies, which remained in the council hall hours after the shooting.

The massacre has stunned France, already reeling from a series of bloody gun crimes and undergoing an intense debate about rising violent crime. This is one of the worst shootings in the country's history.

The gunman opened fire about 1.15am local time as the meeting in the middleclass neighbourhood drew to a close.

A rescue official, Laurent Vibert, confirmed the man used at least two automatic pistols. Some 50 empty shells lay scattered at the scene following the shooting.

Nanterre mayor Jacqueline Fraysse-Casalis, who was presiding, said: "I ended the session. A man got up. He had been sitting in the public area. He shot straight in front of him, and then he moved to where the council members were sitting.

He said nothing. It was long. It lasted many minutes."

With M Jospin at her side she continued: "I can't bear the sight of the bodies of my fellow councillors lying there. Many of them have families and young children."

Mme Fraysse-Casalis, who said she did not know the man, added that there had not been any unusually heated debate.

The injured are being treated at hospitals in Paris alongside 22 people suffering from shock.

"An emergency plan has been put into action and teams of surgeons specialising in gunshot wounds are in place. Most of the injured are suffering from chest wounds," said Yves Bot, the public prosecutor.

Rising crime has climbed to the top of France's political agenda in the run-up to the presidential elections this spring. Both President Chirac and M Jospin, who is waging a bitter campaign against his arch-rival, have promised a crackdown on crime.

Thousands of police officers held nationwide strikes in December, demanding more pay and better equipment because their jobs have become increasingly risky. The protests started after two officers were shot and killed during an armed robbery in a Paris suburb in October.

In the central French city of Tours, a masked gunman killed four people, also in October.

In an attack similar to today's, in Switzerland last September, a 57-year-old man opened fire with an assault rifle at a state legislature meeting, killing 14 people before shooting himself.

Terrorism expert Mike Yardley said gun controls in both France and Switzerland were far less strict than in Britain.

END

---- **Index References** ----

Company: MAGNUM AG

News Subject: (Accidents & Injuries (1AC02); Fires (1FI90); International Terrorism (1IN37); Crime (1CR87); Social Issues (1SO05); Violent Crime (1VI27); Top World News (1WO62); Health & Family (1HE30))

Region: (Central Europe (1CE50); France (1FR23); Europe (1EU83); Mediterranean (1ME20); Eurozone Countries (1EU86); Western Europe (1WE41); Switzerland (1SW77))

Language: EN

Other Indexing: (Jacqueline Fraysse-Casalis; Mike Yardley; Samuel Rijik; Lionel Jospin; Laurent Vibert; Yves Bot; Jacques Chirac)

Edition: A MERGE

Word Count: 799

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5/28/02 Times-Picayune 1
2002 WLNR 1382822

New Orleans Times Picayune
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May 28, 2002

Section: METRO

Woman shot at airport dies Pensacola man now charged with murder

Manuel Torres Staff writer

A California woman shot last week at Louis Armstrong International Airport died Monday morning, prompting authorities to upgrade charges against the man accused of shooting her.

The Jefferson Parish Sheriff Office said it now will book Patrick Gott of Pensacola, Fla., with first-degree murder in the death of the 45-year-old woman, whose name was not released. Police and the hospital said her relatives asked that she not be identified.

The woman, an employee of the Defense Department, was hit in the stomach Wednesday when Gott, 43, fired a 12-gauge shotgun inside the airport's terminal. Gott, who also hit an Southwest Airlines employee in the hand, faces an additional count of attempted murder and a count of illegally carrying of a weapon. Bystanders tackled him after he fired once, preventing him from reloading the shotgun.

The California woman had undergone surgery at Kenner Regional Medical Center on Wednesday, where she had been in critical condition in intensive care late last week. A hospital spokesman said the woman died Monday at 9:25 a.m.

Gott told authorities last week that he was a Muslim and that he opened fire because people made fun of his turban, though officials have said it is unclear when the taunting occurred. He remains in the Jefferson Parish Correctional Center with bail set at \$1 million.

Officials said Gott acted alone, and the shooting does not appear to be terrorism. But it is the most serious in a string of recent incidents that have raised questions about security at the airport.

Airport officials issued a statement offering their condolences to the victim's family. But Aviation Director Roy Williams did not indicate what actions, if any, the airport might consider to prevent similar incidents in the future. Authorities and Williams have said such incidents could be hard to prevent.

The airport, Williams said, "will continue to work closely with our colleagues at the responsible law enforcement agencies to do all that is possible to assure the safety of passengers, airport and airline personnel."

The Federal Aviation Administration is investigating the case.

---- Index References ----

Company: SOUTHWEST AIRLINES CO

News Subject: (Violent Crime (1VI27); Crime (1CR87); Judicial (1JU36); Legal (1LE33); Social Issues (1SO05); Criminal Law (1CR79); Police (1PO98))

Industry: (Transportation (1TR48); Air Transportation (1AI53); Airports (1AI61); Passenger Transportation (1PA35))

Region: (USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (CALIFORNIA; DEFENSE DEPARTMENT; FEDERAL AVIATION ADMINISTRATION; JEFFERSON PARISH CORRECTIONAL CENTER; JEFFERSON PARISH SHERIFF OFFICE; KENNER REGIONAL MEDICAL CENTER; SOUTHWEST AIRLINES; WOMAN) (Bystanders; Gott; Patrick Gott; Roy Williams; Williams)

Word Count: 423

End of Document

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NewsRoom

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5/27/02 Pitt. Post-Gazette B5
2002 WLNR 4251855

Pittsburgh Post-Gazette (PA)
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May 27, 2002

Section: LOCAL

OFFICER SHOT, SAVED BY BULLETPROOF VEST ASSAILANT IS WOUNDED BY MT. LEBANON POLICE

CINDI LASH AND JOHNNA A. PRO, POST-GAZETTE STAFF WRITERS

A Mt. Lebanon police officer was shot in the chest last night after responding to a domestic dispute, but escaped serious injury because he was wearing body armor.

Mt. Lebanon Officers Dan Rieg and Jeff Kite responded to a report of a domestic dispute at the home of Edward and Susan Constant on Piper Drive at about 10:40 p.m. The officers saw a man inside push a woman to the floor, then he came to the door and began firing at them.

Mt. Lebanon Deputy Police Chief Henry Egal said Edward Constant, 57, fired with a handgun, striking Rieg. Police returned fire, striking Constant in the hip and buttocks. Kite was not injured. Constant and the officers continued firing as the officers backed up across the yard and Constant followed them out of the house. Rieg emptied his gun and was reloading when police subdued Constant.

Egal said the bullet struck Rieg in the chest but was deflected by his bulletproof vest and slid sideways. "It was like he got a good, solid punch to the chest. If he hadn't been wearing the vest, he'd be dead, no question. He's going to be sore, but he'll be all right."

A nursing supervisor at Mercy Hospital, where both men were taken, concurred. "The police officer is going to be OK. He had his vest on. He would have been dead without it," she said. Rieg, 36, of Mt. Lebanon was being kept overnight for observation.

The supervisor said that Constant's injuries are not life-threatening.

Susan Constant has been taken into custody and will face charges, but Egal said police have not determined what they will be.

Police have recovered the handgun used in the shooting, he said.

Egal said he was not sure what provoked the call to the house or if police had been there before. But neighbors said the house has been the scene of frequent domestic disputes and screaming arguments that have been heard by homeowners a block away.

Janet Bodnar, who lives nearby on Oakwood, said her husband, Bill, had taken the dog out for a walk shortly before 10:40.

Right after he left, "I heard a loud boom boom! I thought it was fireworks. Then I heard a succession of four or five more booms, real fast. Then I heard loud noises, like men hollering."

Police said Rieg was conscious and, while being transported by ambulance to Mercy Hospital, used a police radio to broadcast his thanks to officers who rushed to the scene.

Allegheny County Police have been called to conduct an independent investigation of the incident, Egal said. County officers were on the scene early this morning.

Egal said the Mt. Lebanon Police Department has a policy requiring officers to wear bulletproof vests when they are on the road.

Staff writer Laura Pace contributed to this article.

---- Index References ----

Region: (Middle East (1MI23); Lebanon (1LE68); Arab States (1AR46))

Language: EN

Other Indexing: (ALLEGHENY COUNTY POLICE; CONSTANT; COUNTY; EDWARD AND SUSAN CONSTANT; EDWARD CONSTANT; LEBANON POLICE DEPARTMENT; MERCY HOSPITAL; MT; MT LEBANON; MT LEBANON DEPUTY POLICE; MT LEBANON OFFICERS DAN RIEG; PIPER; RIEG; SAVED; SUSAN CONSTANT) (Bill; BULLETPROOF VEST ASSAILANT; Egal; Henry Egal; Janet Bodnar; Jeff Kite; Kite; Laura Pace; Staff)

Edition: SOONER

Word Count: 542

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NewsRoom

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9/12/03 Australian (Newspaper) 3
2003 WLNR 7649508

AUSTRALIAN
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September 12, 2003

Section: LOCAL

Monash accused 'out to kill all WWs'

Gosia Kaszubska

A MAN accused of gunning down two people in a shooting rampage at Monash University was a paranoid loner who believed it was his destiny to kill a fellow student and anyone like him, a court heard yesterday.

Huan Yun Xiang, 37, developed a fixation on classmate William Wu, who died after being shot in the neck in the attack last October, and believed people at the university were trying to kill him, the Melbourne Magistrates Court heard.

A note found stuck on Mr Xiang's wardrobe door detailed his paranoid hatred for Mr Wu, 26, who lived opposite the flat Mr Xiang shared with his mother in Clayton, in Melbourne's southeast.

The court was told that the note read in part: "Just pick up a gun, kill all those WWs, until there is no WW in the world any more! ... To kill WWs is the responsibility defined in my destiny".

Student Steven Chan, 26, also died and five others were wounded in the shooting last October, which led to a national handgun buyback scheme.

A preliminary hearing was told that Mr Xiang yelled "you never understand me" after opening fire in a tutorial room about 11.15am on October 21.

Crown prosecutor Sue Pullen said Mr Xiang had four other pistols and two ammunition magazines strapped to his body but was tackled and pinned down by lecturer Lee Gordon-Brown, who had been wounded, and fellow econometrics student Alastair Boast as he tried to reload his weapon.

As Dr Gordon-Brown kept hold of his legs and Mr Boast pinned his arms to a desk, Mr Xiang kept repeating: "It was all I could do."

The court heard Mr Xiang, an excellent student who was due to give an oral presentation to the class on the day of the shooting, had a thick accent and often struggled to make himself understood.

He allegedly told a forensic medical officer a teacher had made "horrible eyes" at him and other students did not include him in their assignments. "I could see from their attitude that they wanted me to die," he allegedly said.

The court heard Mr Xiang had called his classmates "animals" and accused them of talking about him behind his back in an email to Dr Gordon-Brown, who dismissed it as "a hiccup due to the stress of work".

Lecturer Brett Inder said Mr Xiang's supervisor, Gail Martin, had told him she was worried about Mr Xiang's behaviour and thought he was the type of person to do something "drastic".

Dr Martin denied making such comments but said she expressed concerns about Mr Xiang when, 10 days before the shooting, he told her that if he looked his fellow students in the eyes during a presentation, they would kill him.

Mr Xiang is charged with two counts of murder and five of attempted murder. He has not yet been required to enter a plea. The committal hearing continues.

---- Index References ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Language: EN

Other Indexing: (LECTURER BRETT INDER; MELBOURNE; MELBOURNE MAGISTRATES COURT; MONASH UNIVERSITY; WW) (Alastair Boast; Boast; Brown; Crown; Gail Martin; Huan Yun Xiang; Lee Gordon-Brown; Martin; Monash; Steven Chan; Sue Pullen; William Wu; Wu; Xiang)

Edition: 1 - ALL-

Word Count: 544

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2/23/04 S.F. Chron. A1
2004 WLNR 7624326

San Francisco Chronicle (CA)
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February 23, 2004

Section: NEWS

SIKH MEN SLAIN IN SAN JOSE PARK GUNMAN KILLED AFTER DEADLY RAMPAGE ON CARD PLAYERS

Demian Bulwa, Delfin Vigil, Simone Sebastian, Chronicle Staff Writers

A leisurely afternoon at a San Jose park turned violent Sunday, when a gunman opened fire on a group of mostly elderly Sikh men who were playing cards, striking six of them -- three fatally -- before the group turned on the attacker.

The assailant, a 43-year-old San Jose man whose name was not released, died at the scene after several witnesses wrestled him to the ground when his gun jammed or ran out of ammunition, San Jose police said.

Sarwan Singh Gill, 47, of San Jose witnessed the attack.

He said he was among about 15 friends who were playing cards at Overfelt Gardens in east San Jose when a man who was unfamiliar to them walked up to four of them, said something abusive in Punjabi, then started firing a semiautomatic weapon -- first at the four, then at the others.

Gill escaped the danger by hiding behind a tree. He said the shooter was reloading his weapon and began firing again when somebody tackled him from behind.

"I lost my friends, and I'm feeling very bad," Gill said in Punjabi at his home Sunday night, surrounded by family members.

Police responding to the 2:47 p.m. call about shooting at the usually tranquil park found a chaotic scene.

"This is very much unusual," said San Jose police spokesman Steve Dixon.

"These fellows play cards at this park regularly, and on typical Sunday afternoons we have never had any trouble before."

Two men died at the scene, and one died at San Jose Medical Center. They were 46, 65 and 70 years old, police said. Three others, ages 80, 78 and 62, were sent to Regional Medical Center in San Jose with non-life threatening injuries, according to Dixon.

The suspect was dead when police arrived, probably because he was beaten to death, Dixon said, though the cause of death will be determined by an autopsy by the Santa Clara County coroner.

Sunday evening, relatives, friends and associates of the shooting victims tried to make sense of the devastation and questioned why anyone would have wanted to kill them. The men -- most of whom attended Sikh Gurdwara temple in San Jose and who were between the ages of 46 and 80 years old -- were longtime friends who gathered almost daily at the park for card games.

Relatives identified the 46-year-old man who was killed as Kulwant Singh, a technician at Wintec Industries in Fremont, who came to the United States from India in 1999, leaving behind a small farm. He lived in San Jose with his wife and three daughters.

"He was a hard worker who was honest, loyal, committed, and family oriented," said Kulwant Singh's brother-in-law, Kirpal Singh Atwal.

Kulwant Singh's wife, Baljeet Kaur was walking in the park when she heard the gunshots, her brother said. It wasn't until three hours later that police told her that her husband was among the dead.

Sunday night, she was surrounded by friends and family at her San Jose apartment. Twenty friends packed onto the floor of Kaur's and Kulwant's bedroom, passing around pictures of the couple and grieving his loss.

At the Sikh Gurdwara temple on Quimby Road, where about 1,000 Sikhs worship, people gathered Sunday evening awaiting news of the victims' identities.

"Many families are calling, and they are very scared," said the vice president of the temple, Bob Dhillon, who spent several hours answering phone calls from concerned members. "This has scared the heck out of our community.

It is especially disturbing that this happened in a public place."

Temple secretary Jaswant Singh Hothi said the shooting brought back tension felt within the community following Sept. 11, 2001, when Sikhs were mistakenly targeted as followers of Osama bin Laden. Sikh men's traditional garb -- with long, thick beards and turbans -- cause them to resemble the widely publicized photographs of the Muslim terrorist.

Sikhs are not Muslims, though their traditional appearance causes confusion. Many are Punjabi natives, a tiny minority in their Indian homeland.

The 500-year-old Sikh Dharma monotheistic religion was founded in India, based in philosophies of social equality and truth.

"I'm feeling very scared," Hothi said.

"Those people just sit (at the park) every day. They don't have any problems," Hothi said. "We're just confused. Right now, we are nowhere."

The uncertainty about who the shooter was and what his motives were increased tension in the temple.

"Who has done these things? Why?" asked Billy Singh, 30, who searched the park Sunday evening for his father, Swarn Singh, who often joined in the card games.

"I haven't seen him. I've been looking for him everywhere," Billy Singh said, not knowing if his father was among the victims. He later learned his father was OK.

Swarn Singh said the group of friends had gathered at the park for years to play cards, joke around, and just talk.

PHOTO

A police officer checks over the homicide scene in Overfelt Gardens in east San Jose, where three Sikh men were shot and killed.
Kat Wade
The Chronicle

E-mail the writers at dbulwa@sfnchronicle.com, davigil@sfnchronicle.com, and sisebastian@sfnchronicle.com.<

---- **Index References** ----

Company: WINTEC INDUSTRIES INC

Region: (India (1IN24); USA (1US73); Americas (1AM92); Indian Subcontinent (1IN32); Southern Asia (1SO52); North America (1NO39); Asia (1AS61); California (1CA98))

Language: EN

Other Indexing: (KAUR; PHOTO; SIKH; SIKH DHARMA; SIKH GURDWARA; WINTEC INDUSTRIES) (Baljeet; Billy Singh; Bob Dhillon; Dixon; Gill; Hothi; Jaswant Singh; Kat Wade; Kirpal Singh Atwal; Kulwant; Kulwant Singh; Sarwan Singh Gill; SIKH MEN SLAIN; Steve Dixon; Swarn Singh; Twenty)

Edition: FINAL

Word Count: 1004

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NewsRoom

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6/22/04 AP Alert - TX 23:08:28

AP Alert - Texas

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June 22, 2004

Man charged in courthouse shooting

CORPUS CHRISTI, Texas_An 81-year-old Woodsboro man was charged Tuesday with opening fire on a federal courthouse.

Walter Edwin Kloesel, 81, is accused of firing the shots early Monday afternoon. Investigators say he used a single-shot gun he had just purchased at a pawn shop.

Police say no one was injured, but Kloesel may have damaged the courthouse's brick wall.

Witnesses reported seeing Kloesel standing next to a truck in a restricted area in front of the federal courthouse. A witness said Kloesel turned away from him, fired toward the bay, then reloaded to shoot at the courthouse.

An officer tackled Kloesel as he was reloading the gun and Kloesel was arrested. He has been charged with assault with a dangerous weapon.

A federal magistrate ordered Kloesel detained until a detention hearing scheduled for Thursday at 1:30 p.m.

---- Index References ----

Region: (USA (1US73); Americas (1AM92); North America (1NO39); Texas (1TE14))

Language: EN

Other Indexing: (WOODSBORO) (Kloesel; Police; Walter Edwin Kloesel)

Word Count: 166

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NewsRoom

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8/5/05 AP Worldstream 10:56:48

AP Worldstream

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August 5, 2005

Mourners gather to grieve as police gird for possible rioting over deadly attack on Israeli Arabs

By KRISTEN STEVENS

Associated Press Writer

SHFARAM, Israel_ Mourners heaped flowers and lit candles Friday on a makeshift altar fashioned from window frames ripped from the bus where a Jewish soldier opposed to Israel's impending Gaza Strip pullout gunned down four Israeli Arabs.

The soldier, 19-year-old Eden Natan-Zada, opened fire on the bus in this northern Arab town on Thursday, killing the driver and three passengers, and wounding 13. An enraged mob beat him to death, and prevented police from removing his body from the bus for hours.

Thousands of police fanned out across northern Israel and Jerusalem on Friday to prevent possible rioting as a grieving and angry Arab community prepared to bury the four victims later in the day.

Natan-Zada's body was being held in a morgue after the military, his hometown of Rishon Lezion and the extremist settlement where he recently moved refused to bury him.

In Shfaram, townspeople lit hundreds of candles and placed hundreds of flowers on the impromptu altar. Melted candle wax seeped onto high-heeled shoes, flip-flops, door handles, seat frames and other objects taken from the bus.

A fire burning in a small drum stood at the head of the altar. Behind it, children and adults held up banners in Hebrew and Arabic reading, "We are fed up with racism," "Search me, I'm an Arab," and "Bring those who allow racism to justice."

For months, Israeli security has been warning that extremists might try to sabotage the mid-August pullout from Gaza and four small northern West Bank settlements by attacking Arabs and diverting forces.

Natan-Zada's father said his son deserted his army unit after he was ordered to help prepare for the pullout, and moved to the West Bank settlement of Tapuah.

Wearing the skullcap, beard and sidelocks of an ultra-Orthodox Jew, Natan-Zada boarded the bus bound for Shfaram, a city of 35,000 Muslims, Christians and Druze, in a nearby northern town.

When the bus entered a Shfaram neighborhood, he opened fire on the driver, killing him instantly, witnesses said.

The bus rolled on for 50 meters (yards), until it hit a parked car and ground to a halt in front of a grocery store. Natan-Zada continued shooting inside the bus, emptying a magazine. When he tried reloading, he was tackled and disarmed.

Several people were involved in stopping the attack, including Husam Elian, a former soldier from Shfaram who was driving in a car directly behind the bus.

"I was driving when I heard rapid gunfire," Elian said. "I pulled out my gun, because I am a security guard, and went toward the bus. Someone told me there was a man, an Israeli soldier, with a gun, and then I saw him, and he started shooting at me and my neighbors. I saw some friends, and they ran with me onto the bus. And just as he was changing magazines, that's when we grabbed him."

Elian said his friend shouted at Natan-Zada, "Do you know Israeli soldiers could be on this bus?" And Natan-Zada replied, "There are Arabs on this bus."

Elian said he and his friends tried to shield Natan-Zada, but there weren't enough police officers to keep hordes from boarding the bus.

"Getting him out was impossible," he said.

The gunman's body lay on the bus floor, his head covered with a black plastic bag, for hours Thursday night until the crowd was subdued. His shirtless upper torso was heavily bruised and bloodied.

The windows of the bus were shattered by bullets and by rocks the mob threw at him. Blood stained bus seats, and rocks covered the vehicle's floor.

Police commissioner Moshe Karadi said forces in the north _ where many Israeli Arabs live _ had been short-handed because many had been diverted to deal with an anti-pullout demonstration in Israel's south this week.

Karadi cautioned that the attack could trigger additional violence. Forces were sent north, and in Jerusalem, ahead of Muslim Sabbath prayers on Friday, police raised their alert to the highest level and assigned SWAT teams and cavalry to the Old City, in anticipation of possible rioting.

Military chief Lt. Gen. Dan Halutz said he was "definitely worried that people on the fringes are going too far."

"There is no doubt that the unfolding reality, the comments, and the internal debates causes fringe elements to migrate even more toward the fringes," Halutz told Israel Radio.

Three juveniles from Tapuah, aged 15 to 17, were arrested in connection with the deadly attack, Channel 2 TV reported. The settlement is dominated by followers of U.S.-born Rabbi Meir Kahane, who advocated expelling Arabs from Israel and the West Bank. Kahane was assassinated in New York in 1990.

Prime Minister Ariel Sharon issued a statement condemning the attack as "a despicable act by a bloodthirsty terrorist."

Yitzhak Natan-Zada, 49, the soldier's father, said Thursday that he had asked the army to find his son, who fled from his unit after refusing to participate in the Gaza pullout. Natan-Zada said he was concerned his son's weapons would fall into the hands of fanatics in Tapuah.

"I wasn't afraid that he would do something. I was afraid of the others," Natan-Zada told The Associated Press in a telephone interview. He said he had no indication his son would carry out such an act.

It was the bloodiest such incident in Israel since 1990, when an Israeli opened fire at a bus stop where Palestinians gathered for job placements, killing seven.

In 1994, Baruch Goldstein, an American-born Jewish settler, entered a holy site in the West Bank city of Hebron and opened fire on Muslim worshippers, killing 29 _ the bloodiest attack by a Jewish extremist against Palestinians.

Palestinian leader Mahmoud Abbas called on Israel to prevent Jewish settlers from carrying weapons, "because they (the settlers) are dangerous to the security and peace between the two people." Many Jewish settlers have army-issue guns to protect them from Palestinians.

Israeli Arabs make up about 20 percent of Israel's population of 6.9 million. Though they are full citizens, they have suffered from discrimination by Jewish-dominated governments. Many of their towns and villages lack basic infrastructure, and Arab localities usually top of Israel's unemployment lists.

(at/sg)

---- **Index References** ----

Company: ASSOCIATED PRESS GMBH (THE)

News Subject: (Race Relations (1RA49); Minority & Ethnic Groups (1MI43); Top World News (1WO62); International Terrorism (1IN37); Social Issues (1SO05))

Industry: (Busing (1BU35); Energy & Fuel (1EN13); Land Transportation (1LA43); Automotive Fuels (1AU95); Transportation (1TR48); Automotive Environmental Initiatives (1AU68); Oil & Gas (1OI76); Automotive Alternative Fuels (1AU34); Passenger Transportation (1PA35))

Region: (Mediterranean (1ME20); Palestine (1PA37); Middle East (1MI23); Israel (1IS16))

Language: EN

Other Indexing: (Husam Elian; Meir Kahane; Baruch Goldstein; Ariel Sharon; Eden Natan-Zada; Dan Halutz; Tapuah; Mahmoud Abbas; Yitzhak Natan-Zada; Moshe Karadi) (Israel; ISR; MiddleEast; Asia; West Bank; PSE; United States; USA; NorthAmerica)

Keywords: (i); (WorldInternational); (Law)

Word Count: 1036

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5/29/06 Augusta Chron. B03
2006 WLNR 9333107

Augusta Chronicle, The (GA) (KRT)
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May 29, 2006

Section: METRO

ACROSS THE AREA

Forecast holds little rainfall

Homeowners whose lawns are turning brown, take heed. The rain situation might only be getting worse.

The next chance of rain for the Augusta area isn't until Thursday. Meanwhile, the forecast has temperatures in the low 90s Monday and Tuesday, dropping into the upper 80s on Wednesday and the mid-80s on Thursday, according to the National Weather Service in West Columbia, S.C.

The last rainfall recorded was 0.01 inch Saturday at Daniel Field, and only trace amounts Friday at Daniel and Bush Field, meteorologist Tina Morrison said.

The area isn't in a drought, she said. Not yet.

"Not officially, but it's looking like that, yes," she said.

Augusta is expected to have lower than normal rainfall throughout the summer, Ms. Morrison said.

Pain medication is stolen from pharmacy

An undetermined quantity of Percocet, a pain medication, was stolen Sunday morning from Brynwood Pharmacy in the 3000 block of Walton Way Extension.

According to a Richmond County sheriff's report, a witness saw a truck parked behind the pharmacy and two men standing beside the store's back door.

The truck was gone when deputies arrived. They found the back door damaged.

The truck is described as a small, red, square-body pickup with a white stripe on its side and white reflective tape on its tailgate.

Shots fired outside club; man subdued

Gunshots were fired outside Gunther's nightclub Sunday morning in the 2000 block of Milledgeville Road.

Maurice Jones told Richmond County sheriff's deputies he saw a man waving a silver .38-caliber revolver in the air. He said he heard two gunshots, and everyone in front of the club ran to the side.

According to the report, the man tried to reload his gun, but two men subdued him. One of the men threw the gun by a trash can in the parking lot, where a woman picked it up.

The shooting suspect was taken to Medical College of Georgia Hospital to be treated for injuries he got when the two men subdued him.

He had not been charged late Sunday.

Cash, checks, credit card taken from truck

Cash, checks and a credit card were stolen Friday night from a truck parked outside Travelodge on Washington Road.

According to a Richmond County sheriff's report, Richard Rodriguez told deputies that \$2,100, a Visa debit card, a book of checks and a brown briefcase valued at \$200 were stolen from his unlocked 2006 Chevrolet Silverado.

Mr. Rodriguez said he has canceled the debit card and checks.

Fife and Drum Corps plans performances

In addition to their participation in ceremonies commemorating the 225th anniversary of the Battle of Augusta, the U.S. Army's 3rd Infantry 'Old Guard' Fife and Drum Corps also will perform at Fort Gordon.

A 14-member unit of the group will perform at Fort Gordon's Freedom Park on Rice Road on Friday at 12:30 p.m. If it rains, the performance will be in Alexander Hall.

The 'Old Guard' Fife and Drum Corps will also perform at the following events: Friday at 7:30 p.m. at Augusta Common, 836 Reynolds St.; Saturday at noon during the "Under the Crown" event at the Living History Park, 299 W. Spring Grove Ave., off Georgia Avenue in North Augusta; and June 3 from 3 to 4 p.m. during the official ceremony and re-enactment marking the 225th anniversary of the Battle of Augusta in the vicinity of Sixth and Reynolds streets.

Thieves take money from supermarket

Thieves stole \$250 from a cash register and damaged an ATM Saturday night at Augusta Supermarket in the 2000 block of Martin Luther King Boulevard, according to a Richmond County sheriff's report.

Deputies searched outside the store and found a large hole on the north side of the building, the report says.

Butler plans meeting on education reform

Butler High School will hold a meeting for parents at 6 p.m. Thursday to answer questions about its educational reform pilot program.

The program, which will begin in the fall, will add 15 minutes to the school day and attempt to use time during the day more efficiently. Rather than disciplining students for small infractions by suspending them or sending them to in-school suspension, the program will keep them in class and isolate them during lunch.

For more information on the meeting, call (706) 796-4959.

Fort Gordon will hold day camp for students

Fort Gordon's Regimental Noncommissioned Officers Academy will hold Camp Semaphore - a day camp for area high school students enrolled in the Junior Reserve Officer Training Corps program - Tuesday through Friday.

About 150 students are expected to attend the camp, which begins at 6:30 a.m. each day and ends at 4:30 p.m.

The training includes instruction on land navigation, first aid, running an obstacle course and water safety.

For more information, call (706) 791-4993.

Washington Road lanes will be closed

Lanes heading east on Washington Road at Warren Road will be closed this week to construct a sewer manhole, according to the Augusta Engineering Department.

Two-way traffic will be maintained. Drivers should use River Watch Parkway, Wheeler Road, Walton Way or Woodland Road as detours.

Work will close one lane of Walton Way

The southbound lane of Walton Way at Heard Avenue will be closed Tuesday for tree removal, according to the Augusta Engineering Department.

The closure will be from 9 a.m. to 1 p.m. Two-way traffic will be maintained. Drivers can avoid the area by using Hickman Road, Highland Avenue or Baker Avenue.

Also, the westbound left turn lane of 12th Street near Greene Street will be closed from 9 a.m. to 4 p.m. Tuesday. Drivers wanting to go south toward Telfair Street should use 11th or 13th streets.

All other lanes will remain open.

First Steps panel schedules meeting

The Aiken County First Steps executive committee will meet Tuesday at the Aiken County First Steps office, 208-D The Alley.

Call Marcia Nash at (803) 643-3845 for further information.

- Edited from staff reports

---- **Index References** ----

Company: VISA INTERNATIONAL SERVICE ASSOCIATION

News Subject: (Weather & Climate (1WE93))

Industry: (Science & Engineering (1SC33); Meteorology (1ME62); Earth Science (1EA85); Science (1SC89))

Region: (United Kingdom (1UN38); Scotland (1SC90); Europe (1EU83); England (1EN10); Western Europe (1WE41))

Language: EN

Other Indexing: (3RD INFANTRY OLD GUARD; ARMY; ATM; AUGUSTA ENGINEERING DEPARTMENT; BAKER AVENUE; BRYNWOOD PHARMACY; BUTLER HIGH SCHOOL; DANIEL; DRUM CORPS; GEORGIA AVENUE; GEORGIA HOSPITAL; GUARD; HEARD AVENUE; HIGHLAND AVENUE; JUNIOR RESERVE; LIVING HISTORY PARK; MARTIN LUTHER; MEDICAL COLLEGE; NATIONAL WEATHER SERVICE; REGIMENTAL NONCOMMISSIONED OFFICERS ACADEMY; SPRING GROVE AVE; VISA) (Augusta; Augusta Common; Augusta Supermarket; Boulevard; Bush Field; Butler; Drivers; Fife; Homeowners; Marcia Nash; Maurice Jones; Morrison; Reynolds; Richard Rodriguez; Rodriguez; Shots; Thieves; Tina Morrison; Training Corps; Walton; Work) (AREA BRIEFS)

Edition: GEORGIA

Word Count: 1184

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NewsRoom

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7/9/07 AP Alert - CA 15:32:59

AP Alert - California

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July 9, 2007

Accused gunman in Las Vegas casino shooting due Tuesday in court

LAS VEGAS_A man accused of opening fire with a handgun inside a Las Vegas Strip casino was scheduled to make his first appearance before a judge on Tuesday.

Steven Zegrean, 51, of Las Vegas, remained jailed without bail on suicide watch at the Clark County jail Monday after his arrest early Friday at the New York-New York casino.

Four people were wounded in the shooting and a fifth person was hurt in a crush of people fleeing the casino, after authorities say Zegrean fired 16 shots from an indoor balcony at gamblers below. None of the injuries was reported to be life-threatening, and no one remained overnight in the hospital.

Zegrean was apprehended after he paused to reload his semiautomatic pistol and was tackled by off-duty military reservists and restrained with the help of two Florida state police agents, police said. A gun was confiscated, and police said Zegrean had more ammunition in his tan trench coat when he was arrested.

He is expected to face felony charges including attempted murder, battery with a deadly weapon, and discharging a firearm in an occupied structure, police said.

Family members described Zegrean as an unemployed house painter, a Hungarian immigrant who has been divorced for several years and estranged from most of his family since his ex-wife remarried.

Police characterized Zegrean as "greatly emotionally distressed." They said he walked the Las Vegas Strip for a day and a half before the shooting, after police and paramedics responded to a report that he attempted suicide July 4.

---- Index References ----

News Subject: (Violent Crime (1VI27); Legal (1LE33); Social Issues (1SO05); Crime (1CR87); Criminal Law (1CR79))

Industry: (Entertainment (1EN08); Casinos (1CA80); Travel & Tourism (1TR07); Gaming Industry (1GA25))

Region: (Americas (1AM92); North America (1NO39); USA (1US73); New York (1NE72); Nevada (1NE81))

Language: EN

Other Indexing: (Steven Zegrean; Zegrean) (Hungary; HUN; Europe; United States; USA; NorthAmerica)

Keywords: (n); (Crime); (Travel); (Defense); (Labor); (Gambling); (Legal); (Law)

Word Count: 305

End of Document

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8/8/08 Kan. City Star (Pg. Unavail. Online)
2008 WLNR 14809264

Kansas City Star (MO)
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August 8, 2008

Three shot at Kansas City bar

A gunman opened fire in a Kansas City tavern tonight, wounding three people before being disarmed by a bystander.

Police said the gunman opened fire at The Tool Shed at U.S. 40 and Phelps Road around 8:40 p.m.

Two of the victims were taken to a hospital, Kansas City police Capt. Mike Perne said. One suffered life-threatening wounds, and the other was in critical but stable condition. A third person suffered minor injuries and was treated at the scene.

Debbie Henry, who lives at the Hyline Inn next door to The Tool Shed, said the gunman began firing inside the bar, then went outside and continued to fire. When he stopped to reload his weapon, he was tackled by another man and disarmed. Patrons of the bar had the gunman pinned to the ground when police arrived.

Henry said she heard the gunshots and came out to see what happened. She said one of the victims was shot in the back.

She added that the shooter, who appeared to be extremely intoxicated, had two more guns in his truck.

The Tool Shed is in extreme eastern Kansas City, just south of the border with Independence.

---- Index References ----

Region: (North America (1NO39); Kansas (1KA13); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (HYLINE INN; TOOL SHED) (Debbie Henry; Henry; Mike Perne) (Kansas City) (Kansas City) (Kansas City)
(us; usa; na; us.mo; us.mo.kcity; us.mo.kancty)

Keywords: (CT/clj.crm); (CT/clj); (NT/Law+Crime); (SU/breaking.news)

Edition: 1

Word Count: 215

NewsRoom

NewsRoom

8/18/08 Ann Arbor News (Ann Arbor, MI) A5
2008 WLNR 15712292

Ann Arbor News (Ann Arbor, MI)
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August 18, 2008

POLICE BEAT

Woman injured in I-94 crash

A woman was taken to the University of Michigan Hospital after her car veered off I-94 and hit a tree early this morning.

Ann Arbor firefighters used extrication tools to free the woman, who suffered unknown injuries. The crash occurred at about 2:15 a.m. on the westbound side of the freeway near Jackson Avenue, said Ann Arbor Fire Battalion Chief Robert Vogel.

Fight results in neighbor's injuries

A 25-year-old Ypsilanti Township man was arrested when a fight in an apartment escalated, injuring a neighbor.

Several people inside an apartment in the 50 block of Riley Court in Ypsilanti Township began arguing late Sunday night. A chair and beer bottle were thrown through a neighbor's window. The neighbor, a 26-year-old woman, was cut on the leg, said Washtenaw County Sheriff's Department Cmdr. Dave Egeler.

Deputies are seeking a charge of felonious assault against the man, said Egeler.

Weapon fired outside hotel

A 19-year-old man reportedly fired an assault-style weapon in the parking lot of a hotel in the 3700 block of Washtenaw Avenue early Sunday morning.

Police received a call shortly after midnight about party-goers who would not leave and were hanging around the hotel's parking lot. At some point, the man fired several shots, which were heard by three patrol officers who found people fleeing the parking lot as they arrived.

Police received a description of the man and recovered several shell casings and live rounds in the parking lot. No one was injured.

Man charged with sex assault on child

A 48-year-old Sumpter Township man is in the Wayne County Jail, charged with two counts of first-degree criminal sexual conduct for alleged assaults on an 8-year-old relative.

Sumpter Police Detective Michael Czinski said Gary P. Hopkins was arrested after the girl's mother told police the girl reported the assaults occurred while Hopkins was baby-sitting. Police arrested Hopkins at his Rawsonville Woods mobile home.

He faces a maximum sentence of life in prison if convicted of either charge, and was held on \$150,000 bond.

Hopkins served about four years in prison on a 15- to 30-year sentence for similar charges relating to his former girlfriend's daughter before Washtenaw Circuit Judge Archie Brown overturned the conviction on the basis of ineffective counsel at trial. He ordered a new trial.

County prosecutors appealed, according to state records, but the Court of Appeals and Supreme Court upheld Brown's order for a new trial.

County prosecutors elected in 2005 not to reinstate the charges, and Hopkins was released.

Man arrested for attempted murder

Livingston County Sheriff's deputies arrested a 40-year-old Howell-area resident, whom they said killed a neighbor's dog, threatened to kill the neighbor and her children and pointed a gun at his brother, who was trying to disarm him.

Deputies said they were called to Clearview Drive near Pingree Road in Marion Township at 11:50 p.m. Sunday.

They said they had been told the man had killed the neighbor's dog.

As they headed toward the area, they took another call about additional shots being fired by a man who was using a rifle to try to settle a property-line dispute.

They said the man's brother rushed the suspect as he tried to reload the rifle, and took the rifle and subdued the suspect.

The man was held on attempted murder and other felony charges pending arraignment.

Compiled by Dave Gershman and Susan Oppat, News staff reporters.

---- Index References ----

Language: EN

Other Indexing: (COUNTY; COURT OF APPEALS; HOPKINS; LIVINGSTON COUNTY SHERIFF; RAWSONVILLE WOODS; RILEY COURT; SUMPTER; SUMPTER TOWNSHIP; SUPREME COURT; UNIVERSITY OF MICHIGAN HOSPITAL; WASHTENAW; WASHTENAW COUNTY SHERIFFS DEPARTMENT; YPSILANTI TOWNSHIP) (Ann Arbor; Archie Brown; Brown; Dave Egeler; Dave Gershman; Egeler; Gary P. Hopkins; Hopkins; Michael Czinski; POLICE BEAT; Robert Vogel; Susan Oppat)

Word Count: 687

NewsRoom

NewsRoom

7/28/08 South Florida Sun-Sentinel 3A
2008 WLNR 14042385

South Florida Sun-Sentinel
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July 28, 2008

Section: News

SHOOTER KILLS 2 IN KNOXVILLE CHURCH CONGREGANTS SUBDUED MAN AS HE TRIED TO RELOAD SHOTGUN

A man armed with a shotgun entered a church in Knoxville, Tenn., on Sunday and opened fire as congregants were watching a youth performance, killing two people and leaving at least eight others wounded before he was subdued by church members, witnesses and police officials said.

Five people remained in hospitals last night, all in critical or serious condition.

Police officials said they had charged Jim Adkisson, 58, of Powell, Tenn., with first-degree murder.

Amira Parkey, 16, had just uttered her first lines as Miss Hannigan in Annie Jr., an adaptation of the musical, when the performance at Tennessee Valley Unitarian Universalist Church was interrupted by a loud pop, witnesses said.

"We were just, 'Oh my God, that's not part of the play,' " Parkey said, adding that she saw a man standing near the door of the sanctuary and firing into the room.

Sheila Bowen, 70, a church member, said, "The music director realized what was going on and she yelled, 'Get the hell out of here, everybody.' "

Parents dove under the pews with their children, and the cast of young actors, some of them as young as 6, was quickly herded out.

None of the victims were children.

Members of the church tackled the gunman and wrested his weapon, a 12 gauge, from him.

The police dispatcher received a call to the church at 10:18 a.m., and they took the gunman into custody four minutes later.

Chief Sterling Owen of the Knoxville Police Department said that investigators had not determined the motive but that they thought the gunman had acted alone.

Two of the wounded were treated at the hospital and discharged, Owen said.

The FBI is helping in the investigation, and Owen said all videotapes of the service had been collected and were under review.

There were about 200 people in the church when the gunman opened fire, according to church members.

Witnesses said that the gunman, carrying a guitar case, had first tried to enter the area where the children were preparing for the play, saying he was there to play music.

But he was told to use the public entrance to the sanctuary instead.

Bowen said that the gunman was a stranger to the church and that she had seen him in the entry hall fiddling with the guitar case.

She said she did not see him again until the shooting started.

It was when the man paused to reload that several congregants ran to stop him.

The police chief said John Bohstedt, a history professor at the University of Tennessee in Knoxville, was among them.

"He moved very quickly and he assessed the situation very quickly," Bowen said.

"He's sitting on this guy. He had a package with him, wrapped in brown paper and tied with string, and John was afraid that that might be a bomb, so John was screaming at everyone to get out."

The man slain was identified as Greg McKendry, 60, a longtime church member and usher. Linda Kreager, 61, died at the University of Tennessee Medical Center a few hours after the shooting, Knoxville city spokesman Randall Kenner said.

Information from The Associated Press was used in this report.

---- **Index References** ----

Company: UNIVERSITY OF TENNESSEE

Region: (North America (1NO39); Tennessee (1TE37); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (FBI; KILLS; KNOXVILLE; KNOXVILLE POLICE DEPARTMENT; MEDICAL CENTER; SHOTGUN; TENNESSEE VALLEY UNITARIAN UNIVERSALIST CHURCH; UNIVERSITY OF TENNESSEE) (Amira Parkey; Bowen; Greg McKendry; Information; Jim Adkisson; John; John Bohstedt; Linda Kreager; Owen; Parents; Parkey; Randall Kenner; Sheila Bowen; Sterling Owen)

Edition: Broward Metro

Word Count: 605

NewsRoom

NewsRoom

1/3/10 Chi. Sun-Times A3
2010 WLNR 137103

Chicago Sun Times (IL)
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January 3, 2010

Section: News Crime

'It replays in my mind over and over'
Family elated to welcome home Fort Hood massacre survivor

Amy Lee

The massacre at Fort Hood in Texas in November replays in his mind over and over.

A gunman shouts in Arabic. Shots ring out. Then intense pain -- bullets tore through his left knee and other parts of his body -- and loud screams.

"It was surreal, just mass chaos," Army Pvt. 1st Class Najee Hull recalled last week. "Pain and people screaming. It replays in my mind over and over. I remember everything. . . . It's starting to mess with me."

For the first time since the shooting, Hull was able to return to his home in Homewood two weeks ago -- to spend Christmas with his family.

But he can't stop thinking about the events Nov. 5 at Darnall Army Medical Center, which is a part of Fort Hood -- where Hull, 20, was stationed.

Military authorities say a U.S. Army psychiatrist, Maj. Nidal Malik Hasan, walked into the center, shouted "Allahu Akbar" or "God is greatest," then targeted uniformed soldiers by firing more than 100 times with a semiautomatic pistol and a revolver. He allegedly killed 13 people and wounded 30.

Hasan was tackled as he paused to reload. Hasan, who remains hospitalized, is charged with 13 counts of premeditated murder and 32 counts of attempted murder.

Hull was prepping for a medical review ahead of his planned deployment to Afghanistan when the shooting began. The medical center was teeming with soldiers and civilians, including a group of nearly 600 gathered for an afternoon graduation ceremony. Hull was the first person hit in the massacre.

"He said some terrorist things, some Allah things, then just started shooting," Hull said.

"I do ask myself sometimes, 'Why me?' Of all the places to be that day, I had to be there."

While Hull said he's thrilled to be surrounded by doting friends and family members in Homewood, he struggles to accept that a member of the military turned on his comrades -- on a U.S. base -- and opened fire.

"It's like being betrayed by a family member, like someone in my family shot me," Hull said. "We die for the same cause, live by the same creed. I'm still kind of angry about it, but I try not to be angry because I'm here and a lot of people aren't. I know I'm lucky."

Hull, a 2007 graduate of Homewood-Flossmoor High School, has undergone three surgeries. One bullet destroyed his spleen, which was removed, but fragments of bullets remain lodged in his chest and knee.

"At Christmas, the whole time I kept thinking, I might have missed this. If that bullet would hit two inches higher or two inches lower, I might never have seen my family again, and I love my family," Hull said.

Hull lives with his mother, Yvonne, who works for the U.S. Postal Service, and sisters Nanette Hull, 34, and Nala Pearson, 13. He also has an older brother, Nathaniel Hull, 31.

The family was elated to finally welcome Najee home after he spent more than a month recovering at the base, Yvonne, a single mom, said.

"Christmas was truly Christmas, a celebration. We may have a sparse tree and sparse gifts, but you know we got our gift early, and we're at peace," Yvonne said. "Words cannot describe how thankful we are."

Hull, a mechanic, is part of the 36th Engineer Brigade, which will deploy this month to Afghanistan -- but without him. He'll return to Fort Hood on Friday.

"I love the Army. I love my buddies. I feel bad I won't be with them," said Hull, struggling to remain composed. "I have a lot of soul-searching to do. I really don't know what's next for me."

---- **Index References** ----

Company: US POSTAL SERVICE; UNITED STATES POSTAL SERVICE

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Crime (1CR87))

Region: (North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (1ST CLASS NAJEE HULL; 36TH ENGINEER BRIGADE; ARMY; ARMY PVT; DARNALL ARMY MEDICAL CENTER; HULL; NAJEE; NANETTE HULL; NATHANIEL HULL; US ARMY; US POSTAL SERVICE) (Hasan; Nala Pearson; Nidal Malik Hasan; Pain; Yvonne)

Edition: Final

Word Count: 682

NewsRoom

NewsRoom

10/10/10 San Diego Union-Trib. A1
2010 WLNR 20372882

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October 10, 2010

Section: Main News

WORKMEN BEING HAILED AS HEROES

Trio subdued man who opened fire at school Friday; suspect described as angry loner

J. HARRY JONES, U-T

Neighbors of the Oceanside man accused of shooting two schoolchildren with a .357 Magnum revolver Friday described him as an angry loner who screamed racial insults and obscenities at all hours of the night from inside his apartment.

Brendan Liam O'Rourke, 41, remained in jail a day after three construction workers chased him down and subdued him near Kelly Elementary School in Carlsbad as he tried to reload his weapon.

Two second-grade girls, ages 6 and 7, were each shot in one arm. On Saturday afternoon, Carlsbad police Lt. Kelly Cain said he believed the youngsters were in good condition.

Meanwhile, the public took to websites to hail the construction workers — Mario Contreras, Stephen Kane and Carlos Partida — as heroes. The men were given a standing ovation at the Carlsbad Police Department on Friday afternoon. They appeared the next morning on the TV program "Good Morning America."

Saturday afternoon in Chula Vista, Contreras recounted how he and his two colleagues from Randall Construction disarmed the gunman. Contreras' left hand was swollen, the result of pounding O'Rourke in the face repeatedly as the suspect tried to escape.

Contreras said he, Kane and Partida were pouring concrete as part of a school cafeteria remodel when they heard gunshots. Contreras looked over a fence and saw O'Rourke standing perhaps a dozen feet away from some children and firing a gun. Kids were screaming and crying. Contreras said it looked like O'Rourke wasn't experienced with the gun because his arm kept jerking back and forth.

He and Kane (of Jamul) ran around some buildings toward O'Rourke, who saw them coming and fled, dropping bullets along the way.

O'Rourke jumped a fence and kept running until Partida jumped in his pickup, followed O'Rourke for about 400 feet and then rammed him with the vehicle, knocking him to the ground.

All three construction workers started hitting and kicking O'Rourke, who fought back. Partida said he took the revolver out of O'Rourke's hand.

"When we got control of the guy, we started looking through his jacket pockets. He had a bunch of bullets, a couple of extra (speed-loaders) for the gun and a flashlight," said Partida, who lives in the same apartment complex as Contreras.

Police showed up minutes later and took over. O'Rourke was arrested and is expected to be charged with six counts of attempted murder — one for each bullet he fired.

Contreras said he wasn't thinking about his own safety during the chase. "I think anybody would do that for the kids," he said.

When he got home late Friday night, his wife, Clara, had heard nothing about this day. She saw his swollen hand and Contreras told her he had been in a fight.

"She was mad and thought I might have been fired," he said. "Then I told her what happened and she started to cry and said I had done a good thing."

Clara Contreras said she thought her husband might have acted as he did because they have two children of their own. "They could have been one of ours," she said.

O'Rourke gave rambling statements after being arrested, nothing that explained a motive for his shooting, Cain said.

He also had spray-painted the walls of his apartment "with nonsensical writings," Cain added. Some of the material indicated that "he was mad at State Farm and AIG," two insurance companies. One wall had the word "Christian" emblazoned on it, while another had the word "destroy."

The apartment was relatively clean otherwise, Cain said. Investigators seized a few items from the second-floor unit, including a laptop computer.

"He was a loner as best as we can make out," Cain said. "Records show he had applied for a security guard license, but we didn't find any employer."

O'Rourke has lived in the Canyon Creek Apartments on Garrison Street near the intersection of Mesa Drive since March 2009. He was served with an eviction notice last month and told he would have to leave by December, neighbors said Saturday.

They described him as an odd man who often sat alone for hours at a picnic table sandwiched between two apartment buildings late at night, doing nothing but looking around.

They called police numerous times during the past 18 months because he would make tremendous amounts of noise in his apartment — as if he were hitting things with a baseball bat, one tenant said. Whenever officers showed up, they said, O'Rourke quieted down and wouldn't let them inside.

Vickie Rowe-Mitchell, who lives directly beneath O'Rourke's unit, said the stomping and banging would be so strong at times that her ceiling fan would shake and small parts of her ceiling would fall onto her bed. She also said O'Rourke would scream the "N" word over and over and yell obscenities for long periods of time.

"I just saw him yesterday morning," said Ashley Johnson, who lives directly across the hall from O'Rourke. "I was opening my door and he was just leaving. He closed his door really fast and there was this weird chemical smell."

Authorities said a propane tank was found next to O'Rourke's newer Crown Victoria parked near the school and that he had taken a small gas can onto the school grounds.

None of the neighbors knew what O'Rourke did for a living. Rowe-Mitchell said when he first moved in, he told her he was unemployed. A few months later, he apparently found a job and settled into a routine where he would leave the apartment early in the morning and return about 4 p.m. He stopped going to work this past week, the neighbors said.

Tenant Alex Sanchez said he was somewhat friendly with O'Rourke after they had a discussion about how O'Rourke had "hit on" his wife, not knowing she was married. He also said that a few months ago, O'Rourke got into a shouting match with some people who lived in the next building over.

"I guess he was trying to hit on a girl and some dudes got mad," Sanchez recalled. "Then I remember I spoke to him once and he said, 'I'm going to kill those guys.'"

On Friday, investigators stayed at the school until about 11 p.m. to collect evidence. They found four or five .357 rounds in the playground, the field, and possibly shattered against a piece of playground equipment. The authorities returned Saturday, combing the playground again and taking evidence photographs. They wrapped up at the school about 4 p.m.

Cain said investigators discovered no other weapons, no explosives other than a gas can and propane tank located Friday, no evidence of accomplices and no affiliation between O'Rourke and Kelly Elementary.

"We have no knowledge of any type of prior relationship with the school, its employees, parents, kids or teachers," Cain said. "Rumors circulated regarding the coincidence of this crime and the 'cancer cluster' issues at the site, but those have been unfounded."

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--- Index References ---

Company: STATE FARM MUTUAL AUTOMOBILE INSURANCE CO; MAGNUM LTD; AMERICAN INTERNATIONAL GROUP INC

News Subject: (Fires (1FI90); Accidents & Injuries (1AC02); Crime (1CR87); Health & Family (1HE30); Burglary & Theft (1BU41); Violent Crime (1VI27); Social Issues (1SO05); Assault & Battery (1AS33))

Language: EN

Other Indexing: (Kelly Cain; Mario Contreras; Carlos Partida; Stephen Kane; Brendan Liam O'Rourke; Vickie Rowe-Mitchell; Ashley Johnson; Alex Sanchez; Clara Contreras)

Keywords: ARRESTS; ATTEMPT; CHILDREN; KILLINGS; SAN DIEGO; SCHOOLS (Mario Contreras)

Edition: First Edition

Word Count: 1159

End of Document

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NewsRoom

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November 11, 2011

Section: DTW

School shooter gets max term of 18 months Bruco Eastwood, ruled legally insane in the Deer Creek attack, has already served his sentence.

Jessica Fender The Denver Post

Deer Creek Middle School shooter Bruco Eastwood got the maximum 18-month prison sentence Thursday for bringing a weapon onto school grounds, the single charge for which he was convicted after he shot two students in 2010.

He won't serve any time in prison, however. The 626 days Eastwood has already been held at the state mental hospital counts against the felony sentence.

Jefferson County District Judge Christopher Munch acknowledged his sentencing decision was largely "academic" but said it was important to send a message and to recognize the heroics of adults on campus Feb. 23, 2010, who prevented additional tragedy.

Eastwood, who will undergo treatment until doctors deem it safe to release him, spoke for the first time to a courtroom full of his victims' family members, his relatives and members of the school community.

"I'd like to say mea culpa," he said in rapid cadence. "Words can't express how sorry I am for my reaction to my mental illness. I'm really sorry for what's happened."

Jurors last month decided Eastwood was legally insane when he opened fire on students with his father's hunting rifle as school got out that day.

Thursday's sentencing brought some closure to the mothers of victims Matthew Thieu and Reagan Weber, if not satisfaction.

Patricia Nelson and Deborah Weber said Eastwood should spend time in prison. Nelson said her son Matthew occasionally has trouble breathing but that the toll the shooting has taken on his personality is more troubling.

"Matthew doesn't want to talk about it. He's got a lot of anger," Nelson said. "I'm just afraid that one day, he'll take it out in the wrong way."

Weber vowed to work to change state laws to allow criminals judged insane to spend time in prison once they're successfully treated.

Deer Creek math teacher David Benke, who tackled Eastwood as he reloaded the rifle, expressed some concern.

"I heard 'lifelong illness' and 'medication that doesn't always work,'" Benke said, referencing the defense's arguments. "I think those are all reasons why he should never get out. Who's going to follow him and makes sure he takes (his medications)?"

---- Index References ----

News Subject: (Criminal Law (1CR79); Judicial (1JU36); Crime (1CR87); Prisons (1PR87); Gun Rights & Regulations (1GU97); Violent Crime (1VI27); Death Penalty (1DE04); Social Issues (1SO05); Legal (1LE33); Murder & Manslaughter (1MU48))

Language: EN

Other Indexing: (Reagan Weber; Patricia Nelson; Matthew Thieu; Bruco Eastwood; David Benke; Deborah Weber; Christopher Munch)

Edition: FRI FINAL

Word Count: 352

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NewsRoom

NewsRoom

1/23/10 AP Alert - TX 12:30:47

AP Alert - Texas

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January 23, 2010

Here is the latest Texas news from The Associated Press

AUSTIN, Texas_Bond is set at \$250,000 for a man who fired several shots outside the Texas Capitol. Court records show Fausto Cardenas was trying to reload his weapon when police confronted him and tackled him to the ground. He remained in Travis County's jail yesterday.

DALLAS (AP)_ Albert Reyes is the first non-Anglo president in Dallas-based Buckner International's 131-year history. Reyes will manage the social service agency's nearly \$100 million annual budget. The organization provides adoption and foster care, operates group homes, residential homes, community centers and retirement homes in Texas and internationally.

FORT WORTH, Texas (AP)_ Fort Worth-based American Airlines says the company will furlough up to 175 pilots _ about 2 percent of its 7,800 pilots _ in the first half of the year. American announced yesterday it sent notices to 80 pilots that they'll lose their jobs at the end of February.

AUSTIN, Texas (AP)_ A University of Texas library and museum has acquired 50 letters written by Jacqueline Kennedy Onassis to a colleague in the book publishing business. The letters, dated from 1978 to 1992, were written when Ray Roberts worked with the former first lady at Doubleday & Co. in New York, and when he was with Little, Brown and Company in Boston.

---- Index References ----

Company: AMERICAN AIRLINES; AMERICAN AIRLINES INC

Region: (Texas (1TE14); North America (1NO39); Americas (1AM92); USA (1US73))

Language: EN

Other Indexing: (AMERICAN AIRLINES; BUCKNER INTL; DOUBLEDAY CO; JACQUELINE KENNEDY ONASSIS) (Albert Reyes; Brown; Fausto Cardenas; Reyes) (StateDistribution)

Keywords: (j)

Word Count: 256

End of Document

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NewsRoom

NewsRoom

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2013 WLNR 28778618

New York Times (NY)
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November 15, 2013

Section: A

'I Was Just Sure They Just Wanted To Kill This Group of Persians'

J. DAVID GOODMAN and VIVIAN YEE

The first sound -- a muffled pop -- caused little alarm. It had come from somewhere on the third floor of a home in East Williamsburg, Brooklyn, shared by musicians from Iran.

The men had been unwinding with a routine video game of Internet pool, each comfortably ensconced in his own room, lazily playing before bed. The next sound came from one of the men, Arash Farazmand, who wondered aloud, "What's that?"

Two more blasts, now well inside the home, had the unmistakable thunder of weaponry. And then there was the sound of someone dying.

It was soon clear that a gunman was methodically moving through the house.

"He was stepping so fast," Pooya Hosseini recalled on Thursday, describing the deadly scene that unfolded just after midnight on Monday inside 318 Maujer Street and his confrontation with the gunman -- a fellow Iranian musician -- that enabled him to survive.

Three of his friends did not: two brothers who were members of the Yellow Dogs, a rock group of political refugees, and another musician.

When Mr. Hosseini, 28, began hearing the rampage unfold, he recalled, he feared that a man who had recently been renting a room in the house -- and who had spoken of his time in the Iraq war -- had gone crazy. He had no idea the gunman was Ali Akbar Mohammadi Rafie, a former member of Mr. Hosseini's band, the Free Keys.

All Mr. Hosseini knew, as he crouched in a corner of his third-floor room sheltered only by a laden coat rack, was that the gunman was now slowly climbing upstairs. He wanted to call the police but could only recall the 1-1-0 number for the police in Tehran.

"That was the worst moment in my life," he said. "I was just sure they just wanted to kill this group of Persians."

Mr. Hosseini listened to the gunfire. Then his door crashed open.

First all he saw was the gun, and then he focused on Mr. Rafie's face, wild-eyed, not with anger but with a strange beatific purpose, an almost happy demeanor.

" 'You think my bullets are not going to go through those coats and your body and the wall?' " Mr. Hosseini recalled, using English to recount Mr. Rafie's words, which had been spoken in Persian. "I said, 'Definitely, sure, but don't kill me. Just let me talk to you.' "

For the next several minutes, they spoke, Mr. Rafie, pointing the end of a .308 caliber, Spanish-made assault rifle at Mr. Hosseini, still crouched on the floor.

"He asked me, 'What happened to us?' " Mr. Hosseini recalled.

The two had been friends in Iran, playing music together and accompanying each other on mountain bike rides in the hills north of their Tehran homes. They came to the United States together, hoping to find musical freedom in Brooklyn.

But almost from the moment the men arrived together at Kennedy Airport in December 2011, relations were fraying. Mr. Rafie made little money as a bicycle messenger and began to steal things. He would hop turnstiles, frightening Mr. Hosseini and others who were seeking asylum and trying to assiduously follow the rules.

After about five months, the men kicked Mr. Rafie out of the band and stopped living with him. Mr. Hosseini said that, apart from a text message a few months ago, the two men had not spoken.

Amir Khosravani, 26, who was part of the same musical underground in Tehran, said he had spoken with Mr. Rafie recently. Though the others would complain that Mr. Rafie owed them money, Mr. Rafie always maintained he did not. "He told me, 'O.K., I have a job, and I have everything -- they don't have anything, I have a new job and I have a girlfriend,' " Mr. Khosravani recalled.

Recently things got worse.

Mr. Rafie began making extremely paranoid statements, Mr. Khosravani said, and described working for the Freemasons. Mr. Rafie said he was being prepared for a secret mission to blow up a government building in New York.

In the last few weeks, however, Mr. Khosravani thought Mr. Rafie was getting better; he did not call as he usually had when he was feeling despondent. When Mr. Rafie posted a photo of a rifle on Facebook and seemed to threaten Anthony Azar, the bassist who had replaced him in the Free Keys, Mr. Khosravani did not alert the others, assuming it was a joke.

It was not. Mr. Rafie walked across adjacent rooftops Monday night to get to the house on Maujer Street. Through a third-floor balcony window, he shot and killed Ali Eskandarian, 35. Then he marched through the home, killing Arash Farazmand, 28, on the third floor, and his brother Soroush Farazmand, 27, on the second floor, before returning upstairs.

Gripping the gun in Mr. Hosseini's room, Mr. Rafie rattled off personal grievances and a bizarre conspiracy theory. "He said, 'You had a plan to bring me here and put me in a band, but you did it just to bring me here and fix me with a group of Freemasonry,' " Mr. Hosseini recalled the gunman saying.

As Mr. Rafie's eyes settled on a spot just above Mr. Hosseini, he announced, "I need to kill you and then I need to kill myself. This is what I have to do. This is what I have to do."

Mr. Hosseini began speaking rapidly, certain that if he stopped, he would be killed. "I said, 'Don't kill me! Don't kill me! Let me talk and then do it,' " he said. After a minute, Mr. Rafie ordered him to "come out and stand up."

Chest to chest, only the gun between them, the men spoke for three or four more minutes, Mr. Hosseini said. "I was just saying whatever came to my mind. To just make the time pass because I heard the cops," he said.

Mr. Rafie heard the sirens, too. When Mr. Rafie turned his head, Mr. Hosseini grabbed the barrel of the gun and, as they wrestled over the weapon for several moments, bullets sprayed into the ceiling and the floor. "He was turning the gun everywhere," he said. Then the clip was empty and there was blood on both men. Mr. Hosseini knew he had not been hit but decided to seize the moment.

"I just screamed so bad in his face -- 'You shot me in my stomach!' -- and he got shocked," he said. Mr. Hosseini then tackled Mr. Rafie, knocking him onto a bed, and pressed his knee on his arm, preventing him from reloading. An extra magazine fell to the floor.

The men rose and Mr. Rafie, carrying additional ammunition, headed for the roof, trying unsuccessfully to drag Mr. Hosseini with him. But Mr. Rafie heard the police outside and instead ran alone through the roof door, which Mr. Hosseini rushed up to lock.

Mr. Hosseini then descended to the first floor where he encountered the police. A few moments later a single gunshot could be heard from the roof.

Mr. Rafie was dead.

"I really wish he didn't kill himself," Mr. Hosseini said. "When somebody kills himself, he makes it easy for himself. I didn't want it to be easy. I wish he was in jail for all of his life."

PHOTOS: Pooya Hosseini, who fought off a former bandmate who had already killed three men, speaking with the police after the shootings on Monday. (PHOTOGRAPH BY ELLEN MOYNIHAN); Ali Akbar Mohammadi Rafie

---- **Index References** ----

News Subject: (Crime (1CR87); Murder & Manslaughter (1MU48); Social Issues (1SO05); Violent Crime (1VI27))

Industry: (Entertainment (1EN08); Music (1MU57))

Region: (Americas (1AM92); Asia (1AS61); Gulf States (1GU47); Iran (1IR40); Middle East (1MI23); New York (1NE72); North America (1NO39); U.S. Mid-Atlantic Region (1MI18); USA (1US73); Western Asia (1WE54))

Language: EN

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Word Count: 1241

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NewsRoom

Exhibit 13

Woman Wrestled Fresh Ammo Clip From Tucson Shooter as He Tried to Reload

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By KEVIN DOLAK and JUSTIN WEAVER

TUCSON, Ariz. Jan. 9, 2011



Ad 1 of 1

Video starts in:19

COMING UP | Team of Heroes Takes Down

Patricia Maisch looks like a gran today for helping to stop alleged away a fresh magazine of bullet

Coming Up: Team of Heroes Takes Down Arizona Gunman

Gordon Declaration 00504

Maisch, 61, effectively disarmed the shooter as several men pounced on him and threw him to ground. As they struggled to hold him down, Maisch joined the scrum on the ground, clinging to the gunman's ankles.

Maisch and her fellow heroes -- identified as Bill Badger, Roger Sulzgeber and Joseph Zamudio -- stopped the carnage after 20 people were shot, including Rep. Gabrielle Giffords. Six people died.

"[I] knew right away it was a gun... I heard a continuation of shots," Maisch told a news conference today.

Maisch, who has a crown of snow-white hair, was standing towards the back of the line to greet and snap a photo with Giffords at the "Congress in Your Corner" event at a Safeway grocery store.

Speaking to the press today, Maisch recalled how she stopped Loughner as he tried to reload his Glock 9 mm weapon.

"I could see him coming. [He] shot the lady next to me," Maisch said.

As he was shooting, she said, she was expecting to be hit and she wondered what it would feel like.

There was "lots of blood and confusion," she said.

She considered trying to run away, she said, but thought that would make her more of a target, so she laid down on the ground. But then something unexpected happened.

"Then he was next to me on the ground," she said. "The gentleman knocked him down.

"I kneeled over him. He was pulling a magazine [to reload] and I grabbed the magazine and secured that. I think the men got the gun, and I was able to get the magazine," she said.

Maisch said Badger and Sulzgeber both sat on the gunman while she held his ankles down. Police said that Zimudie helped by hanging on to Loughner's legs.

Sulzgeber was reportedly standing with his wife, third in line to meet with Giffords, while Zimudie was in the nearby Walgreens and came running out once he heard the shooting.

Case 2:17-cv-00903-WBS-KJN Document 39-2 Filed 06/15/17 Page 157 of 194
"I thought I would be shot. I am thankful for those two brave men," Maisch said.
"I am not a hero. The other guys are. I just assisted getting the clip."

Badger, a 74-year-old retired army colonel living in Tucson, [told Pottsville, Pa.'s Republican-Herald](#) how he helped capture Loughner, and that he was grazed in the back of the head by a bullet.

The Heroes of the Tucson Shooting

"I heard the shots but I thought they were fireworks at first," Badger told the newspaper. "I wasn't sure they were shots until I actually saw the shooter, and I was sure he was really shooting bullets when I felt the sting on the back of my head."

According to Badger, who the [Republican-Herald](#) confirmed was treated for an injury at a hospital, he was the first person standing next to a row of chairs leading to Giffords when the first shots rang out.

Badger told the paper, "I turned and saw him running down the line of people on the chairs. He ran between me and the store. Someone hit him with a chair and he flinched a little. That's when I grabbed his left arm. Someone grabbed his right arm and we got him to the ground.

"The other guy put his knee into the back of his neck and I grabbed him around the throat. We held him until police got there. While we had him on the ground I saw blood running and it wasn't until then I realized it was coming from the back of my head," Badger said.

Speaking outside her home this evening, Maisch said that when she noticed that one of the men was bleeding from the head, she ran into the Safeway to get paper towels.

"I put a compress on the man's head while he was securing the shooter," she said.

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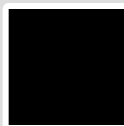
Rep. Giffords Still in Critical Condition Following Shooting

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By [DEVIN DWYER](#), [EMILY FRIEDMAN](#) and [JESSICA HOPPER](#)

Jan. 9, 2011



ABCNEWS.com

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Rep. Gabrielle Giffords is responding to simple commands and is in **critical condition** after suffering a gunshot wound to the head yesterday, according to her doctors.

"She is able to communicate through simple commands," said Dr. Michael Lemole, a surgeon at the University Medical Center in Tucson, Ariz., who treated Giffords. "And we're very encouraged by that."

"But she's still in critical condition and brain swelling can occur at any point, but I'm cautiously optimistic," he added. "We don't know what her deficits will be in the future."

Giffords, 40, was shot in the back of her head, the bullet crossing the left side of her brain and exiting just above her left eye, said Dr. Peter Rhee, the director of Trauma and Critical Care at the University Medical Center. She is breathing with the help of a ventilator.

Fourteen other people were wounded and six killed during the assassination attempt on Giffords at a **political event** outside a Tucson grocery store Saturday morning.

The alleged gunman, 22-year-old Jared Loughner, is in the custody of the Pima County Sheriff's Office.

A second man whom authorities had been searching for as a person of interest in the case turned himself today in and has been released. Pima County
Gordon Declaration 00508

driver who had driven Loughner to the grocery store. He was caught on camera when he entered the grocery store after there was an issue with Loughner paying for the ride.

Some of the terror of that moment was evident in the 911 calls that were released today.

"Oh my god," exclaims a 911 operator who got the first report of the carnage.

A man who identified himself as Manuel Hernandez told the operator, "There was a shooting at Safeway...Where Gabrielle Giffords was...and I do believe Gabrielle Giffords was hit."

"She's hit. And I do believe she's breathing," he said. "She is breathing. She still has a pulse."

"He went in and just started firing and then he ran," said Hernandez, prompting the operator's exclamation.

A woman named Sally Badger frantically called seeking information about her husband.

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

Her husband Bill Badger, a retired Army colonel, was grazed on the back of his head. He is cited by some as one of the heros who tackled Loughner to stop the slaughter.

Alleged Gunman 'Mentally Unstable'

A criminal complaint filed in federal court this afternoon charges Loughner with one count of attempted assassination of a member of Congress, two counts of killing an employee of the United States and two counts of intent to kill employees of the United States.

During a search of Loughner's home, authorities found an envelope with handwriting that read "I planned ahead," and "My assassination" and the name "Giffords," as well as Loughner's signature.

Loughner is scheduled to appear in court on Monday.

"Right now she's in a very good situation, and hopefully it will stay that way," he said.

Giffords is unable to open her eyes and cannot speak because of the ventilator, according to Rhee, but she is able to respond when asked to squeeze her hand or hold up her fingers.

"We take those simple commands for granted but they demonstrate high functioning in the brain," said Rhee.

Rep. Giffords was there for a "Congress on Your Corner" event, one of several events she had planned in her Arizona Congressional district to meet with her constituents.

The dead have been identified as the 63-year-old Roll, 30-year-old Gabriel Zimmerman (Giffords' director of community outreach), 76-year-old Dorthy Morris, 76-year-old Dorwin Stoddard, 79-year-old Phyllis Scheck, and 9-year-old Christina Green, according to the Pima County Sheriff's Department.

Loughner legally purchased a Glock 19- 9mm gun at Sportsman's Warehouse in Tucson on Nov. 30, law enforcement officials said. It's unclear if he bought the extended clips used with the gun during the mass shooting. An extended clip holds 30 rounds, officials said.

Pima County Sheriff Clarence Dupnik described the alleged shooter as "mentally unstable."

Dupnik lauded three individuals -- at least one of whom was shot herself -- for tackling Loughner to the ground before he was able to load another magazine into his gun.

Authorities released a photo of the other person of interest -- a white male between 40 and 50 years old with dark hair -- and said he was last seen at the event and may have a connection to Loughner.

The congresswoman was the clear focus of the gunman's assault, Dupnik said.

"He ran through the crowd and when he got to [Giffords] he just started shooting," the sheriff said.

"The anger, the hatred, the bigotry that goes on in this country is getting to be outrageous. And unfortunately Arizona I think is the capital. We are the Mecca for prejudice... for prejudice and bigotry," Dupnik said.

"When I looked up, he was shooting at Congresswoman Giffords," Steven Rayle, an eyewitness, said. "He didn't stop shooting, he just continued shooting rapidly. It was close quarters so people had nowhere to get away from."

"He didn't seem agitated, he seemed determined and just let loose with a barrage of bullets," Rayle said of the gunman.

Rayle told ABC News that "another man went running off" after the shooting, but wasn't sure if the other man was involved. Rayle said the gunman approached Giffords and shot her before turning his gun on other people randomly.

"The whole thing unfolded in about 12 or 15 seconds. As he came around it I laid down on the ground and acted as if I was shot."

Tucson Gunman: 'Defensive, Tense, Struggling'

After Giffords was shot in the head, staffers rushed to her aid, Rayle said.

"She was conscious, one of her staffers had a coat held to her face," Rayle said.

After ducking under a concrete pillar, pretending to be wounded, Rayle helped tackle the gunman. He grabbed the suspect's feet.

"He didn't really say anything except like, 'you're hurting my arm.' He was defensive, tense and struggling," Rayle said.

Giffords Had Been Target of Vandals

Giffords, a representative for Arizona's 8th District who just won reelection to a third term, has been the target of conservative political opponents in recent months.

Last March, Giffords' office was [vandalized](#) just after she voted in favor of the health care reform law. The intruders destroyed a glass door and a window at her Tucson Congressional offices.

At the time, Giffords' press secretary C.J. Karamargin said the office had received many [phone calls](#) with "nasty and rude and hateful comments" from opponents of the health care bill.

Recently Giffords, who supports gun rights, has received angry letters from

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Case 2:17-cv-00909-WBS-KUN Document 352 Filed 09/15/17 Page 163 of 194
anonymous source ranting about the supposed national gun registry and border control.

One letter received on Dec. 15 addressed to "giffords, obama, mccain and sen. Jon kyl" got personal on the topic of U.S. Border Patrol Agent Brian A. Terry, who was killed in a late night shootout at the U.S.-Mexican border.

"Brian a Terry's blood is on your hands! How many more legal residents of the USA have to die before the border is CLOSED??? Obama I call you out! CLOSE THE DAMN BORDER NOW! Quit pandering to illegals!," the letter read.

Giffords has a reputation as a political rebel. Though though she supported her party's effort to pass a landmark health reform law, she voted with the Democratic Party only about 40 percent of the time, according to Congressional Quarterly,.

She was also one of a handful of Democrats who did not vote for Nancy Pelosi for speaker of the house, during the recent Democratic leadership elections after Democrats lost their majority in the House last November.

ABC News' Rich Esposito, Pierre Thomas, Jack Date, Jason Ryan, Gina Sunseri, Ross Eichenholz, Toni Wilson, Desiree Adib, Kevin Dolka, Dean Schabner, Sherisse Pham, Amy Walter, Leezel Tanglao and the Associated Press contributed to this report.

Comments

Hours of new body-camera footage from Orlando nightclub shooting released

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By [BRIAN ROSS](#), [JOSH MARGOLIN](#) and [MEGAN CHRISTIE](#)

May 31, 2017, 5:01 PM ET



WATCH | New body cam footage shows officers entering Pulse nightclub



The Orlando police released 11 hours of new body camera footage on Wednesday from inside the Pulse nightclub on the night of the worst mass shooting in modern American history almost one year ago.

The footage contains dramatic scenes of chaos and carnage as first responders tried to save the wounded and hunt down the shooter who killed 49 people in the name of the Islamic State.

In a series of interviews ahead of the release of the footage to be broadcast tonight on *World News Tonight with David Muir* and *Nightline*, first responders and survivors told ABC News that the memories of that night, and the emotions stirred by them, are still raw.

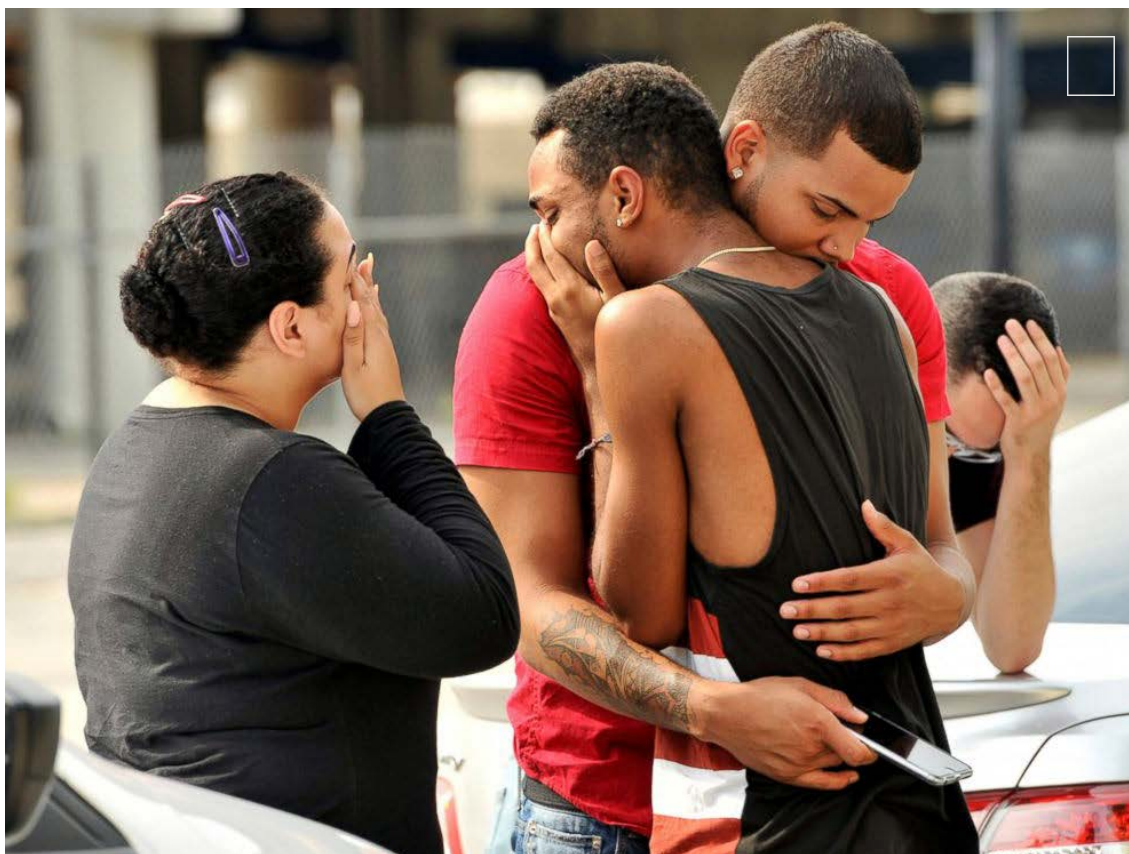
“Several of us commented that this was gonna change the city forever,” said Roger Brennan, the police department’s commander on the scene, “and probably change what we do forever.”

By early morning on June 12, it had already been a violent weekend in Orlando. Little more than 24 hours earlier, a young singer named Christina Grimmie was shot and killed while signing autographs for fans following her performance at the nearby Plaza.

On Saturday, Pulse, a popular spot in the city’s gay community, was packed with patrons, many of them young revelers eager to forget the previous night’s tragedy.

Gordon Declaration 00513

“We were all having a great time, dancing and just having a good time with our friends at the club with friends. “We were in the club dancing. It was like one of the best nights I had, that turned into the worst day of my life.”



SLIDESHOW: Mass Shooting at Pulse Nightclub

Just after 2:00 a.m., a man named [Omar Mateen](#), the 29-year-old American-born son of Afghan immigrants, entered the club, armed with a military-style assault rifle, and opened fire. Mateen, a security guard from Port St. Lucie, was an angry and troubled man with a history of violence and failure.

An off-duty police detective working security at Pulse radioed in, and less than a minute and a half later, backup units began to arrive. One officer, Graham Cage, heard the call and jumped on his bicycle. He ran into the club while everyone else was running out.

“I had a helmet, but a bicycle helmet,” Cage said. “It’s not gonna do a whole lot with that.”

As patrons rushed for the exits, the shooter rapidly fired shots from inside the club. The bullets missed Jahqui Sevilla but hit the two friends she was standing with, one fatally.

“He had a gunshot wound to his chest,” Sevilla said. “That’s when I saw that he was injured. He was non responsive.”

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The first responding officers returned fire, forcing the shooter to retreat further into the club. As those officers followed in pursuit, they passed bodies, dead and wounded, everywhere.

Police training calls for officers to head straight to the active shooter, even if it means ignoring the victims.

“A person reached up and asked for help, but at that point we didn’t know where the shooter was, if he was detained, if he was deceased, or what was going on,” said Kyle Medvetz, one of the police officers who responded. “So as much as I wanted to help, I could not help him until we know for sure the shooter was detained, contained or deceased.”

The shooter had barricaded himself in the bathroom with several hostages, which according to Major Mark Canty, who led the Orlando SWAT team, required the police to change their strategy.

“This went quickly, very, very quickly from an active shooter to what we call a barricaded gunman to a hostage situation,” Canty said.

The shooter was still inside, cornered and dangerous, but rather than immediately storm the building, Canty decided to wait. It was a decision that would later be criticized by some, as it would take three more hours for police to gain full control and get all the wounded in the back to safety.

Chief John Mina, in the command post, however, says it was the right call.

“During that whole three hours, we were in there saving people from the dance floor, from dressing rooms, from the other bathroom,” Mina said. “We took 22 people out of the front bathroom. Once we were inside that club, there were no more gunshots until the final assault.”

A half an hour after he first opened fire, the shooter called the Orlando police department dispatch center.

“I want to let you know I’m in Orlando, and I did the shooting,” Mateen said. “I pledge my allegiance to Baghdadi on behalf of the Islamic State.”

Sergeant Andy Brennan, a trained hostage negotiator, was working an off-duty detail at a bar downtown that night when he responded the radio call from Pulse and headed to the dispatch center. He engaged the shooter over multiple phone calls, listening to his rants about [ISIS](#) and Syria.

“You need to stop the U.S. air strikes,” Mateen said. “They need to stop the

Meanwhile, officers used the time to get as many victims out as possible despite concerns that the shooter might attempt to hide among the victims.

Officer James Hyland arrived in his personal pick-up truck, which a partner quickly turned into a makeshift ambulance.

"We didn't have any ambulances or anything there. He just started loading people up," Hyland said. "And he was just going back and forth, doing one run after another, after another, after another."

Other trapped victims who could not be reached used their cell phones to call loved ones, who then called 911 to plead for help on their behalf.

"My girlfriend's in the bathroom," said one caller. "There are now four dead in the bathroom and two more are bleeding out. If somebody doesn't get there soon they're going to die."

"Yes, my son is shot in the club in the Pulse in Orlando, and he's still in the bathroom where he's bleeding," said a sobbing mother. "He got shot, and nobody's going in for him."

The rescue operation continued until Brennan, the negotiator, heard words from the shooter that quickly changed the dynamic for everyone inside the nightclub.

"By the way, there is some vehicles outside that have some bombs, just to let you know," Mateen said. "Your people are going to get it, and I'm going to ignite it if they try to do anything stupid."

He escalated the threat, telling the negotiator that he had "a vest," before abruptly hanging up.

"When you start talking about explosives," said Roger Brennan, the scene commander, "now you have to pull your resources back."

The information circulated among the officers on scene, but not a single officer pulled back to safety.

"We were in it to win it, you know?" Medvetz said. "And we didn't want to leave."

Instead, the police prepared to move in. With victims still trapped inside the nightclub, and the suspect threatening to set off explosives, hostage negotiator

Brennan knew he was running out of time. In his fourth and final phone call with Mateen, Brennan tried again to convince him to come out of the nightclub without his weapons, but after making his demands, Mateen hung up.

It was after that fourth phone call that Chief John Mina decided his officers would have to storm the back bathrooms of the nightclub.

“I wasn’t going to sit here in this command post and hear that explosion, knowing that he was going to blow up everyone, all those hostages inside that club, because there were many hostages left inside,” he said.

After getting Mina’s go-order, the SWAT team moved towards the back bathrooms where they knew hostages were hiding.

“They said, ‘Hey, we’re going to push the air conditioning unit in, but before we do, you guys have to catch it because if you let it drop or make any noise, the killer is going to know where you’re at, and he might shoot through the walls and kill you,’” said Canty.

Canty said the hostages reached up to grab the air conditioning unit when it was pushed in and were able to set it down without making a sound. Eight hostages were able to escape from the nightclub through that opening, police said.

“I think the first person that came out was the person that was injured,” Canty said. “They were able to get out by themselves.”

Inside a different area of the nightclub, Jahqui Sevilla also made her escape, carrying her friend who had been shot in the chest. He would later die from his injuries. Jahqui’s father, Benigno Sevilla, an Orlando firefighter, was waiting outside for her.

“I give her a quick once-over, make sure she has all her body parts,” Beningo Sevilla said. “I knew she was one of those who could be killed or injured.”

“It wasn’t until he was there and I knew that I could kind of just like collapse in his arms and I would be okay,” Jahqui added.

After the air conditioning unit was out, police decided to move forward with their final assault. Officer Rob Woodyard drove an armored vehicle called a Bearcat towards the nightclub and tore open holes in the wall to create an escape route. SWAT team members following the Bearcat and then pulling hostages to safety as they ran out.

“Every person we got out was a victory for us,” Woodyard said. “At that point, we know that we need to get these people out this building. So one by one, they’re coming out of these holes, and it’s a great feeling, seeing them come out.”

Even with the Bearcat, officers said they were still being cautious because the suspect had told them there were explosives. Canty said there was also a concern that the suspect would start firing on the hostages as they ran out, and they knew people were still trapped in that back bathroom.

“You’re trying to save as many people as you can,” Canty said. “There’s 13 people in that bathroom, you want to save them, there’s five with him.”

But the plan worked. Once the Bearcat came through the wall, police said Mateen stepped out into the open and started firing on the officers and the Bearcat.

“It was just like a wall of freedom,” said Michael Ragsdale, another officer who responded. “There was 30 seconds of just the most awesome sound you could hear, because it was us returning fire towards him.”

During the shootout with Mateen, Mina said a bullet struck Officer Napolitano’s helmet. If it had been an inch lower, Mina said, Napolitano “would have been dead.” But instead, Mina said, the officer “went down to the ground still returning fire, and the other officers returned fire, killing the suspect,” Mina said.

When the call went out over the police radios that the suspect was dead, Brennan said a “giant cheer went up” inside the command center.

“We all hollered, ‘Yay!’” added Bill Hammer, a dispatcher. “It was a big uproar.”

After hours of fighting, the massacre was finally over, but the officers involved felt like there was little to celebrate. Mina said he and many of the officers were heartbroken by what had happened.

“I was very proud of the police response, but still, you know, this person went in and killed 49 of our community members,” he said. “And so as a community we were devastated.”

Editor’s note: [Jahqui Sevilla was killed early Monday in a car crash.](#)

ABC News’ Pete Madden, Lauren Effron, Randy Kreider and Cho Park contributed to this report.

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Exhibit 14

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Connecticut

Sandy Hook Shooter's Pause May Have Aided Students' Escape

By **EDMUND H. MAHONY, DAVE ALTIMARI and JON LENDER, daltimar@courant.com**

The Hartford Courant

DECEMBER 23, 2012, 3:02 PM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He then drove to the school, getting there about 9:30 a.m. He walked up to the front entrance and fired at least a half dozen rounds into the glass doors. The thunderous sound of Lanza blowing an opening big enough to walk through the locked school door caused Principal Dawn Hochsprung and school psychologist Mary Scherlach to bolt from a nearby meeting room to investigate.

He shot and killed them both as they ran toward him. Two other staff workers in a meeting with Hocksprung and Scherlach were injured in the hail of bullets but made it back inside the conference room where one called 911 from under a table.

Lanza then turned toward the first classroom on his left, that of teacher Kaitlin Roig. By then, authorities said, Roig had hidden with her students in a closet in her classroom. Before securing the closet door, which opened inward, authorities said she concealed the door behind a movable bookcase.

Lanza then walked past Soto's classroom into the third one, where Lauren Rousseau was teaching. He shot and killed Rousseau, special education teacher Rachel D'Avino and 14 students.

One member of the class was not killed, although it is not clear if the child escaped the shooting or was not in the room.

"I think the community is very much respecting their privacy," Newtown schools Superintendent Janet Robinson said of the student's family. "I think that everyone is very sensitive to what a horrific experience this 6-year-old ... has been through."

Lanza then backtracked to Soto's classroom.

Much later, after police had found Lanza's body and were searching for survivors, an officer had to slide a badge beneath the closet door before Roig could be persuaded to open it.

*Courant staff writer **Matthew Sturdevant** contributed to this story.*

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Exhibit 15



LAPD Chief Backs Ban on Some Ammo Magazines

"There is no reason that a peaceful society based on rule of law needs its citizenry armed with 30-round magazines"



LOS ANGELES, CA - JANUARY 6: Los Angeles Police Chief Charlie Beck announces the 2009 crime statistics for Los Angeles on January 6, 2010 in Los Angeles, California. The city is reporting its lowest crime rate in about 50 years with a violent crimes falling 10.8 percent and property crimes down 8 percent compared to 2008. (Photo by David McNew/Getty Images)

LA's police chief said Wednesday he supports a proposed federal ban on the sale of high-capacity ammunition magazines.

If passed, the ban would prohibit the sale or transfer of any magazine that holds more than 10 rounds, though possession of magazines legally purchased before the ban's start date would be allowed.

"There is no reason that a peaceful society based on rule of law needs its citizenry armed with 30-round magazines," [Police Chief Charlie Beck](#) said at a news conference, adding that the clips transform a gun "into a weapon of mass death rather than a home-protection-type device."

[Jared Loughner](#), the suspect in the shooting that wounded [U.S. Rep. Gabrielle Giffords](#) and killed six people in Arizona, legally bought the 9 mm handgun he's accused of using at a Tucson grocery store. Authorities say he was carrying extended magazines that hold 30 rounds of ammunition.

The federal bill was authored by [Rep. Carolyn McCarthy, D-N.Y.](#), whose husband was killed and son seriously wounded in a 1993 shooting. The sale of high-capacity magazines is already banned in California.

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Several law enforcement officials have endorsed the proposed ban, but Beck, who heads the nation's third-largest police force after New York and Chicago, has the highest profile.

The National Rifle Association would do everything in its power to stop the law, the group's spokesman [Andrew Arulanandam](#) said. Members of the public should be allowed access to the ammunition clips to protect themselves from attacks by armed mobs, he said.

"When someone is being attacked by multiple people, it is only reasonable that they are given as much opportunity to defend themselves as they need," Arulanandam said.

High-capacity magazines were banned in 1994, but Congress refused to renew the law and it expired in 2004.

Since then, large-capacity magazines have been used in several mass shootings, including the Virginia Tech slayings in 2007 that left 33 dead, and the 2009 attack at Fort Hood, Texas, that killed 13.

McCarthy's bill, which was introduced Jan. 18, currently has 90 co-sponsors.

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Robert Sanchez

The police can't even protect themselves, leave alone us law abiding citizens.

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Robert Sanchez

Chief, Git a life.

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Exhibit 16

CORRECTION TO THIS ARTICLE

An earlier version of this story incorrectly reported the limit on the capacity of gun magazines in Maryland. The limit is 20. This version has been corrected.

Va. data show drop in criminal firepower during assault gun ban

By David S. Fallis and James V. Grimaldi
Washington Post Staff Writers
Sunday, January 23, 2011; 9:17 AM

The number of guns with high-capacity magazines seized by Virginia police dropped during a decade-long federal prohibition on assault weapons, but the rate has rebounded sharply since the ban was lifted in late 2004, [according to a Washington Post analysis](#).

More than 15,000 guns equipped with high-capacity magazines - defined under the lapsed federal law as holding 11 or more bullets - have been seized by Virginia police in a wide range of investigations since 1993, the data show.

The role of high-capacity magazines in gun crime was thrust into the national spotlight two weeks ago when 22-year-old [Jared Lee Loughner allegedly opened fire](#) with a semiautomatic handgun outside a Tucson grocery store, killing six and wounding 13, including Rep. Gabrielle Giffords (D-Ariz.). Authorities say Loughner used a legally purchased 9mm Glock 19 handgun with a 31-round clip and was tackled while changing magazines.

Of the seized Virginia weapons, 2,000 had magazines with a capacity of 30 or more bullets. Some states still limit magazine capacity. California, for example, limits them to 10 and Maryland to 20.

Last year in Virginia, guns with high-capacity magazines amounted to 22 percent of the weapons recovered and reported by police. In 2004, when the ban expired, the rate had reached a low of 10 percent. In each year since then, the rate has gone up.

"Maybe the federal ban was finally starting to make a dent in the market by the time it ended," said Christopher Koper, head of research at the Police Executive Research Forum, who [studied the assault weapons ban](#) for the National Institute of Justice, the research arm of the Justice Department.

Congress is considering legislation to reinstitute the assault weapon ban's prohibition on high-capacity magazines, a measure strongly opposed by gun rights advocates.

The analysis of the [Virginia records, obtained under the state's public information](#) law, provides a rare window into the firepower of guns used in crimes. The Bureau of Alcohol, Tobacco, Firearms and Explosives, which traces guns for local police agencies and regulates the firearms industry, does not track magazine sizes. Academic researchers said they were unaware of any other comprehensive study of firearms magazines.

The pattern in Virginia "may be a pivotal piece of evidence" that the assault weapons ban eventually had an impact on the proliferation of high-capacity magazines on the streets, said Garen Wintemute, [head of the Violence Prevention Research Program](#) at the University of California at Davis.

"Many people, me included, were skeptical about the chances that the magazine ban would make a difference back in 1994," Wintemute said. "But what I am seeing here is that after a few years' lag time the prevalence of high-capacity magazines was declining. The increase since the ban's repeal is quite striking."

Guns with high-capacity magazines have appeared in Virginia crimes ranging from the mundane to the murderous. The Post found that 200 guns with high-capacity magazines figured in Virginia homicides, including these incidents:

- In Richmond in 2003, Michael Antoine Wilson, 21, used his semiautomatic rifle with its 30-round magazine to shoot his 17-year-old girlfriend to death in front of children and relatives. Then he went to a nearby convenience

store, killed two workers and stole a van before turning the gun on himself.

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- In Roanoke in 2004, Marcus Jerome Nance, 22, used his legally purchased 9mm Glock 17 handgun with a high-capacity magazine to spray 33 bullets into a crowd that had gathered outside a Roanoke gas station after a nightclub closing, killing one and wounding two.
- In Newport News last year, Antonio Johnson, 34, began shooting at police during a traffic stop with a 9mm semiautomatic handgun outfitted with a 15-round magazine. "Subject shot police officer and then killed himself with weapon," state records say.

In the Arizona shootings, Loughner allegedly used a Glock 19 that he had legally purchased at a Tucson sporting goods store in November. The gun's capacity allowed Loughner to squeeze off more than 30 shots without reloading, authorities said.

The federal assault weapons ban from late 1994 through late 2004 prohibited the manufacturing of magazines capable of holding more than 10 rounds. But the act permitted the sale of magazines manufactured before the ban.

The federal prohibition was spurred by a mass killing in 1989 in Stockton, Calif., where Patrick Edward Purdy, 24, a mentally unbalanced drug addict, fired 110 shots from an AK-47 into a schoolyard, killing five children and wounding 29 others and a teacher. He used a 75-round rotary clip and a 35-round banana clip, one of four he was carrying.

New legislative interest

Rep. Carolyn McCarthy (N.Y.) and 57 other Democrats proposed legislation last week to ban the sale or transfer of high-capacity magazines, no matter when they were manufactured. McCarthy's husband and five others were killed in 1993 on the Long Island Rail Road by a gunman armed with a semiautomatic pistol and four 15-round magazines. He fired 30 shots before being subdued while changing magazines.

The bill's [prospects are considered slim](#) in the Republican-controlled House. In the Senate, the National Rifle Association says it has a solid [50-senator pro-gun block](#) that could delay any legislation.

The NRA has announced its opposition to proposals that limit magazine capacity.

"These magazines are standard equipment for self-defense handguns and other firearms owned by tens of millions of Americans," according to a statement on its politics Web page, and in a letter circulating to members of Congress. "Law-abiding private citizens choose them for many reasons, including the same reason police officers do: to improve their odds in defensive situations."

The firearms industry also opposes the proposal. "The tragedy in Tucson was not about firearms, ammunition or magazine capacity," said Ted Novin, a spokesman for the National Shooting Sports Foundation, a gun industry group. "It was about the actions of a madman. Period."

The analysis by The Post is possible because of a little-known database of guns seized in Virginia. The database, called the Criminal Firearms Clearinghouse, has information on more than 100,000 firearms recovered by more than 200 local police departments since 1993. A federal [law in 2003, known as the Tiahrt Amendment](#) after the congressman who sponsored it, banned the release of federal data on guns recovered in crimes.

[Last year, The Post mined the database](#) to pierce the secrecy imposed by Congress on federal gun-tracing records. The analysis found that a fraction of licensed dealers in Virginia sell most of guns later seized by police. The vast majority of the guns in the database were confiscated because of illegal-possession charges. But thousands were swept up in the wake of assaults, robberies and shootings.

Two months before the ban expired in September 2004, Marcus Nance bought an extended magazine and a 9mm Glock 17 handgun at [a Roanoke gun store](#). Three nights later, down the street from the store, Nance opened fire on a crowded parking lot after arguing and fighting with people in the crowd.

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A police officer called to investigate a disturbance heard shots and saw a man holding a handgun of legal length and firing "randomly into the mass of people" before shooting several rounds into the air.

A police car's dashboard camera recorded the jackhammer sound of gunfire. In a car parked nearby, police found a Glock gun box and two boxes of ammunition, one of them partially empty.

Police went to the gun shop and confirmed that Nance had bought the handgun (\$555), a laser sight (\$380) and two extended magazines (\$135), paying cash in an entirely legal transaction. Police noted: "The magazines in question were manufactured before 1994 and not considered prohibited."

Nance, who said he had been attacked by members of the crowd and shot in self-defense, was convicted of second-degree murder and is in prison.

The 2004 study

Koper's 108-page 2004 study for the National Institute of Justice found the ban on assault weapons had mixed results.

"Assault weapons were rarely used in gun crimes even before the ban," he said in the report. But he also concluded that the prohibition on high-capacity magazines might have affected public safety, because such magazines allow shooters to inflict more damage.

"Tentatively I was able to show that guns associated with large-capacity magazines tended to be associated with more serious crimes, more serious outcomes," he said.

Some gun rights activists argue that a ban on high-capacity magazines would violate the Second Amendment right to bear arms. One prominent gun rights activist who takes a less absolute position is Robert A. Levy, chairman of the Cato Institute. He is also the [lawyer who brought the case](#) that overturned D.C.'s handgun ban.

But Levy said the government would need to prove that such a ban was effective.

"The burden is on the government, not on the individual to show that the regulation isn't unduly intrusive," Levy said.

Colin Goddard, a lobbyist for the Brady Campaign to Prevent Gun Violence and a victim of the [2007 Virginia Tech shootings](#), said the high-capacity ban could save lives. The Virginia Tech shooter, Seung Hui Cho, used several 15-round magazines to fire 174 shots and kill 32 people in the worst gun-related mass murder by an individual in U.S. history.

"When you double and triple the amount of the clip size, you don't double or triple the number of deer you kill, you double and triple the amount of innocent people who are killed in shootings like this," said Goddard, 25, who was shot four times by Cho.

Bradley A. Buckles, ATF director from 1999 to 2004, said bureau officials advised Congress to focus on high-capacity magazines, which were "completely unregulated" and had almost no sporting purpose.

"The whole thing with magazine capacity came out of ATF," Buckles said. "It wasn't so much guns, but it was firepower. What made them more deadly than a hunting rifle was the fact that you could have a 20-round, 30-round clip, when most hunting rifles wouldn't have more than five rounds."

Buckles said lawmakers should have extended the ban on high-capacity magazines in 2004. Banning them now, he said, just puts everyone back at square one.

"There are so many millions of them out there, it probably wouldn't make any immediate difference over the course of 20 years," Buckles said. "It is not a short-term solution to anything."

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Exhibit 17

Investigations

Data indicate drop in high-capacity magazines during federal gun ban

By **David S. Fallis** January 10, 2013

During the 10-year federal ban on assault weapons, the percentage of firearms equipped with high-capacity magazines seized by police agencies in Virginia dropped, only to rise sharply once the restrictions were lifted in 2004, according to an analysis by The Washington Post.

The White House is leading a push to reinstate a national ban on large-capacity magazines and assault weapons after a gunman armed with an AR-15 and 30-round magazines killed 20 children and seven adults in Connecticut. Vice President Biden has been holding advisory meetings to hammer out a course of action that will address the issue of the larger magazines, which under the lapsed federal ban were those that held 11 or more rounds of ammunition.

In Virginia, The Post found that the rate at which police recovered firearms with high-capacity magazines — mostly handguns and, to a smaller extent, rifles — began to drop around 1998, four years into the ban. It hit a low of 9 percent of the total number of guns recovered the year the ban expired, 2004.

The next year, the rate began to climb and continued to rise in subsequent years, reaching 20 percent in 2010, according to the analysis of a little-known Virginia database of guns recovered by police. In the period The Post studied, police in Virginia recovered more than 100,000 firearms, more than 14,000 of which had high-capacity magazines.

Researchers see impact

To some researchers, the snapshot in Virginia suggests that the federal ban may have started to curb the widespread availability of the larger magazines.

“I was skeptical that the ban would be effective, and I was wrong,” said Garen Wintemute, head of the Violence Prevention Research Program at the University of California at Davis School of Medicine. The database analysis offers “about as clear an
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example as we could ask for of evidence that the ban was working.”

The analysis is based on an examination of the Criminal Firearms Clearinghouse, a database obtained from state police under Virginia’s public information law. The data, which were first studied by The Post in 2011, offer a rare glimpse into the size of the magazines of guns seized during criminal investigations. The Bureau of Alcohol, Tobacco, Firearms and Explosives, which traces guns and regulates the industry, tracks details about the guns seized after crimes but not the magazine size.

The initial Post analysis was prompted by a mass shooting in Tucson. Jared Lee Loughner — armed with a legally purchased 9mm semiautomatic handgun and a 33-round magazine — opened fire outside a grocery store, killing six people and wounding 13, including Rep. Gabrielle Giffords (D-Ariz.).

In the following two years, a succession of mass shootings has occurred, including several in which the gunmen reportedly had high-capacity magazines.

At the Dec. 14 shooting in Newtown, Conn., the gunman was reported to have been armed with two handguns, an AR-15 rifle and numerous 30-round magazines. He killed himself at the scene. The guns were legally purchased by his mother.

The federal ban that expired in 2004 prohibited the manufacture of magazines capable of holding more than 10 rounds. But the law permitted the sale of magazines manufactured before the ban. By some estimates, 25 million of the large-capacity magazines were still on the market in 1995.

Many semiautomatic rifles and semiautomatic handguns accept magazines of various sizes. Larger magazines increase a gun’s firepower, enabling more shots before reloading.

The Virginia database analyzed by The Post lists about three-quarters of guns recovered by police, missing the rest because some agencies failed to report their recoveries to the state. The database contains details about more than 100,000 guns recovered by 200 police departments in a wide range of investigations from 1993 through August 2010, when The Post last obtained it.

In recent weeks, The Post conducted additional analysis into the type of guns confiscated with large-capacity magazines. The guns included Glock and TEC-9 handguns and Bushmaster rifles. Most had magazines ranging from 11 to 30 rounds.

Of 14,478 guns equipped with large-capacity magazines that were confiscated by police, more than 87 percent — 12,664 — were classified as semiautomatic pistols. The remainder were mostly semiautomatic rifles.

The Post also identified and excluded from the counts more than 1,000 .22-caliber rifles with large-capacity tubular magazines, which were not subject to the ban.

In Virginia, handguns outfitted with large-capacity magazines saw the biggest fluctuation during and after the ban.

In 1997, three years into the ban, police across the state reported seizing 944 handguns with large-capacity magazines. In 2004, the year the ban ended, they confiscated 452. In 2009, the last full year for which data were available, the number had rebounded to 986 handguns, analysis showed.

Of these, the single biggest group were handguns equipped with 15-round magazines, accounting overall for 4,270 firearms over the 18 years.

Effect hard to measure

Nationwide, researchers who studied the federal ban had difficulty determining its effect, in part because weapons and magazines manufactured before the ban could still be sold and in part because most criminals do not use assault weapons.

Christopher Koper, who studied the ban's effect for the National Institute of Justice, the research arm of the Justice Department, noted in a [2004 report](#) that the "success in reducing criminal use of the banned guns and magazines has been mixed."

He found that gun crimes involving assault weapons declined between 17 and 72 percent in the six cities covered in the study — Anchorage, Baltimore, Boston, Miami, Milwaukee and St. Louis. But he said he found no decline in crimes committed with other guns with large-capacity magazines, most likely "due to the immense stock of exempted pre-ban magazines."

Koper's study tracked guns through 2003. He said that The Post's findings, which looked at magazine capacity of guns recovered in Virginia before and after 2003, suggests that "maybe the federal ban was finally starting to make a dent in the market by the time it ended."

Koper, now an associate professor of criminology at George Mason University, also noted the ban on high-capacity magazines might improve public safety because larger magazines enable shooters to inflict more damage.

The use of high-capacity magazines is a contentious point in the gun debate.

"Anyone who's thought seriously about armed self-defense knows why honest Americans — private citizens and police alike — choose magazines that hold more than 10 rounds. Quite simply, they improve good people's odds in defensive situations," Chris W. Cox, the executive director of the National Rifle Association's legislative institute wrote in a [piece posted online](#). He called the ban a "dismal failure."

The federal prohibition on high-capacity magazines and assault weapons was spurred in part by the 1989 mass killing in Stockton, Calif. Patrick Edward Purdy, a mentally unbalanced drug addict, fired 110 rounds from an AK-47 into a schoolyard, killing five children and wounding 29 others and a teacher. Purdy used a 75-round drum magazine and a 35-round banana clip, one of four he carried.

Some states still limit magazine size. Maryland limits the size to 20 rounds; California limits it to 10. Connecticut, the location
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of Sandy Hook Elementary School, does not.

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After Giffords's shooting, Rep. Carolyn McCarthy (N.Y.) and other Democrats proposed legislation to ban the sale or transfer of high-capacity magazines. McCarthy's husband and five others were killed in 1993 on the Long Island Rail Road by a gunman armed with a semiautomatic pistol and four 15-round magazines. He fired 30 shots before being subdued as he swapped magazines.

In the wake of the Newtown shooting, President Obama and lawmakers urged that a ban on assault weapons and high-capacity magazines be made permanent.

The NRA and the National Shooting Sports Foundation, a gun industry group, have historically opposed any restrictions on magazine capacity. The NRA did not respond to requests for comment, and the sports foundation declined to comment.

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