

North Carolina

- **Concealed Handgun Permit Holder:** Eric Sinatra Gilbert

CONVICTED

Date: December 4, 2010

People Killed: 1

Circumstances: On December 4, 2010, concealed handgun permit holder Eric Sinatra Gilbert, 24, shot and killed Derek A-Shaheed Brathwaite in the parking lot of the Fuzion nightclub. According to news reports, Brathwaite shot Gilbert's friend Ernest Wright. Brathwaite then aimed his 45 caliber pistol at Gilbert, who shot and killed Brathwaite with a 40 caliber Glock pistol. According to a witness, Gilbert repeatedly kicked Brathwaite in the head, stating, "You got whapped. You had it coming for shooting my little brother in the face." Wright survived the gunshot wound from the round fired by Brathwaite. In September 2012, Gilbert pleaded guilty to involuntary manslaughter as part of a plea deal and was sentenced to 16 to 20 months, serving five months with credit for time served prior to sentencing. He was also required to serve 12 months of supervised probation followed by 36 months of unsupervised probation. Gilbert was also required to speak to youth groups about the dangers of guns and alcohol and pay for Brathwaite's funeral expenses of \$7,930. Remarking on the case, and a similar one that, as a press report noted "mirrored Gilbert's case in its mix of guns, alcohol, and testosterone," Judge Wayland Sermons stated, "Something must be done by our community leaders to get these guns off the street and out of the hands of our young."

Source: "Nightclub shooter pleads to lesser charge," *The Daily Reflector*, September 18, 2012.

North Carolina

- **Concealed Handgun Permit Holder:** Gale Lynn Frye

INCOMPETENT TO STAND TRIAL

Date: February 12, 2010

People Killed: 1

Circumstances: On February 12, 2010, concealed handgun permit holder Gale Lynn Frye, 67, called 911 and asked for help for his wife. When police arrived they found Bertha Frye, 76, in the bedroom dead from a single gunshot wound to the head from a 22 caliber rifle. Frye was arrested and charged with killing his wife. In November 2011, a Superior Court judge ruled that Frye, with an IQ of 73 and dementia, was incompetent to stand trial. The judge ordered Frye “to be remanded to appropriate treatment and care and—if found competent at a later date—to be...tried for the murder.” In a separate order, the judge directed the sheriff to seize and hold all of Frye’s firearms and revoke his concealed handgun permit. During the hearing, a forensic psychologist who spoke as an expert witness for the defense stated that Frye did not want to be found incompetent, because he was concerned about losing his right to bear arms, stating, “When talking to me, he was actually concerned with the right to keep his guns and keep his home to the exclusion of his case.”

Source: “Man Found Incompetent in Wife’s Death,” *The Pilot*, November 6, 2011; “Husband Held in Murder,” *The Pilot*, February 14, 2010.

North Carolina

Concealed Handgun Permit Holder: Lionel Loya

CONVICTED

Date: December 5, 2009

People Killed: 1

Circumstances: On December 5, 2009, friends Lionel Loya and Jonathan Clinton Rodriguez got into an argument while watching a broadcast of the Texas-Nebraska college football game. Loya was disappointed that his favorite team, the Florida Gators, had lost earlier in the day to the Alabama Crimson Tide—dropping the Gators out of contention for the BCS national championship game. A scuffle broke out between the two after the Texas Longhorns secured a spot in the BCS championship game at the Rose Bowl by beating the Nebraska Cornhuskers with a last-minute field goal. During the roughhousing, Loya produced a handgun, which discharged, killing Rodriguez. Loya had a concealed handgun permit. Both men were Marine corporals. Loya was turned over to military authorities and charged with involuntary manslaughter. Loya pleaded guilty to involuntary manslaughter and was sentenced to 13 to 16 months in prison.

Source: “Shooter gets 13 months for friend's death,” *New Bern Sun-Journal*, January 26, 2010; “Texas-Neb. game sparks shooting,” *Omaha World-Herald*, December 8, 2009.

North Carolina

- **Concealed Handgun Permit Holder:** William Maxwell

SUICIDE

Date: November 2, 2009

People Killed: 4 (including shooter)

Circumstances: On November 2, 2009, William Maxwell shot and killed his wife Kathryn and their teenage children Conner and Cameron before killing himself. Neighbors could not say what drove a local businessman and basketball coach at the religious school where his teenagers attended classes to murder his family. Friends described the Maxwells as active churchgoers and good neighbors. Earlier on the day of the shooting, friends and relatives had gathered at the family's home to "see if they could lift the normally happy dad from his funk." Maxwell obtained a concealed handgun permit in January 2008.

Source: "Friends tried to help NC man who killed family," *The Associated Press*, November 5, 2009; "Police: NC father killed wife, 2 children, self," *The Associated Press*, November 3, 2009.

North Carolina

- **Concealed Handgun Permit Holder:** William Littleton

CONVICTED

Date: December 15, 2008

People Killed: 1

Circumstances: On December 15, 2008, William Littleton allegedly killed his neighbor, 72-year-old Luther Kaemming, shooting him three times in the chest with a rifle. Kaemming was a prosecuting witness in a court case against Littleton on charges that Littleton had obstructed drainage ditches in front of his property causing water to back up into neighbors' yards. Littleton, who was issued a concealed handgun permit in 1998, was charged with murder.

UPDATE: In October 2010, William Littleton was found guilty of first degree murder. According to the Chief District Attorney, the way Littleton treated Kaemming's body after the murder proved he acted with malice: "He went over there and grabbed his body, grabbed the victim's body Mr. Kaemming's body, threw it in the mud....And then said, 'Now 'eff' with me you 'S-O-B'.'" Littleton faces a life sentence without the possibility of parole.

Source: "Deadly drainage ditch trial: GUILTY," *WCTI12.com*, October, 2010; "Sheriff's Dept.: Man accused of murder had previously threatened neighbor," *The Daily News* (Jacksonville, NC), December 16, 2008; "Mistrial preceded neighbors fatal dispute," *The Daily News* (Jacksonville, NC), January 14, 2009.

North Carolina

- **Concealed Handgun Permit Holder:** Bobby Ray Bordeaux Jr.

CONVICTED

Date: August 31, 2008

People Killed: 1

Circumstances: On August 31, 2008, Bobby Ray Bordeaux Jr. shot and killed Clifton Jackson and wounded John Warlick with a .22 pistol during an altercation at the Hogs Pen Pub. Bordeaux was at the bar to celebrate the birthdays of his younger brothers. As the brothers were leaving the bar, Eddie Bordeaux exchanged words with Jackson and “took a swing” at him. Jackson then knocked Eddie Bordeaux to the ground. Bobby Ray Bordeaux Jr. then shot Jackson in the back of the head. Because of his alcohol use, Bobby Ray Bordeaux Jr. said he could only remember pieces of that day and night. He said he remembered driving his brother’s dirt bike to the bar and collecting change for a game of pool, but the next thing he remembered was being handcuffed, presented before the magistrate, and charges being read against him. Bordeaux, who had a concealed handgun permit, was found guilty in September 2009 of assault with a deadly weapon inflicting serious injury in the shooting of Warlick. The trial on the first-degree murder charge ended with a deadlocked jury. A retrial on the murder charge in December 2009 ended with a conviction for first degree murder, and Bordeaux was sentenced to life in prison.

Source: “Jury convicts Bordeaux of first-degree murder,” Rocky Mount Telegram, December 10, 2009; “Bordeaux jury knotted; retrial Dec. 7,” *The Daily Southerner*, September 25, 2009; “Defendant doesn’t remember shooting,” *The Daily Southerner*, September 23, 2009.

North Carolina

- **Concealed Handgun Permit Holder:** John K. Gallaher III

CONVICTED

Date: July 15, 2008

People Killed: 2

Circumstances: At approximately midnight on July 15, 2008, John K. Gallaher III called 911 to report that he had shot and killed his friends Lori Fioravanti and Sean Gallagher. Although the motive for the shooting was unknown, friends speculated that heavy drinking and a dispute over a boating mishap may have led to the shootings. Gallaher, who had a concealed handgun permit, was charged with murder.

UPDATE: On October 25, 2010, Gallaher pleaded guilty to two counts of first-degree murder, and was sentenced to two consecutive terms of life in prison without the possibility of parole. Prosecutors had planned to pursue the death penalty against Gallaher, but the victims' families urged prosecutors to accept a plea agreement as they did not want to endure a trial.

Source: "Gallaher pleads guilty," *Winston-Salem Journal*, October 26, 2010; "How Does a Family Beset by Tragedy Face Yet Another?," *Winston-Salem Journal*, August 3, 2008; "Reason for shooting deaths still unclear," *Winston-Salem Journal*, July 17, 2008.

North Carolina

- **Concealed Handgun Permit Holder:** Jamez Mellion

CONVICTED

Date: August 21, 2007

People Killed: 1

Circumstances: On August 21, 2007, concealed handgun permit holder Jamez Mellion, 24, shot and killed Major Paul Burton Miner III, a 12-year military veteran who had served in Iraq and Afghanistan. According to news reports, Mellion entered the home he and his wife once shared early in the morning and found Miner and Mellion's estranged wife, Adrianna Mellion (who lived in the home with her five-year-old son) in bed together. Mellion shot Miner 10 times with two handguns in the head, stomach, and pelvis, killing him. Mellion turned himself into police an hour after the shooting and was charged with first-degree murder. In May 2010 he pleaded guilty to second-degree murder and faces up to 15 years and nine months in prison.

Source: "More Concealed Guns and Some Are in the Wrong Hands," *New York Times*, December 26, 2011; "Man pleads guilty to killing romantic rival," *wral.com*, May 6, 2010, "No answers yet why Army officer from Vero Beach killed in home of woman," *tcpalm.com*, September 1, 2007.