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Law Enforcement and Private Citizens Killed by Concealed Handgun Permit Holders

An Analysis of News Reports, May 2007 to April 2009

July 2009

The Violence Policy Center (VPC) is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policymakers, journalists, advocates, and the general public. This report was authored by Kristen Rand and Marty Langley. Research and editorial assistance was provided by Mandy Wimmer and Summer Miller-Walfish. The study was edited by Josh Sugarmann. The study was funded in part with the support of the David Bohnett Foundation, The Joyce Foundation, and the Public Welfare Foundation. Past studies released by the VPC include:

- *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents* (April 2009)
- *Iron River: Gun Violence and Illegal Firearms Trafficking on the U.S.-Mexico Border* (March 2009)
- *Youth Gang Violence and Guns: Data Collection in California* (February 2009)
- *Black Homicide Victimization in the United States: An Analysis of 2006 Homicide Data* (January 2009)
- *“Big Boomers”—Rifle Power Designed Into Handguns* (December 2008)
- *When Men Murder Women: An Analysis of 2006 Homicide Data* (September 2008)
- *American Roulette: Murder-Suicide in the United States* (April 2008)
- *Black Homicide Victimization in the United States: An Analysis of 2005 Homicide Data* (January 2008)
- *An Analysis of the Decline in Gun Dealers: 1994 to 2007* (August 2007)
- *Drive-By America* (July 2007)
- *A Shrinking Minority: The Continuing Decline of Gun Ownership in America* (April 2007)
- *Clear and Present Danger: National Security Experts Warn About the Danger of Unrestricted Sales of 50 Caliber Anti-Armor Sniper Rifles to Civilians* (July 2005)
- *The Threat Posed to Helicopters by 50 Caliber Anti-Armor Sniper Rifles* (August 2004)
- *United States of Assault Weapons: Gunmakers Evading the Federal Assault Weapons Ban* (July 2004)
- *Vest Buster: The .500 Smith & Wesson Magnum—The Gun Industry’s Latest Challenge to Law Enforcement Body Armor* (June 2004)
- *Really Big Guns: Even Bigger Lies* (March 2004)
- *Bullet Hoses—Semiautomatic Assault Weapons: What Are They? What’s So Bad About Them?* (May 2003)
- *“Officer Down”—Assault Weapons and the War on Law Enforcement* (May 2003)
- *Firearms Production in America 2002 Edition—A Listing of Firearm Manufacturers in America with Production Histories Broken Out by Firearm Type and Caliber* (March 2003)
- *“Just Like Bird Hunting”—The Threat to Civil Aviation from 50 Caliber Sniper Rifles* (January 2003)
- *Sitting Ducks—The Threat to the Chemical and Refinery Industry from 50 Caliber Sniper Rifles* (August 2002)
- *License to Kill IV: More Guns, More Crime* (June 2002)
- *The U.S. Gun Industry and Others Unknown—Evidence Debunking the Gun Industry’s Claim that Osama bin Laden Got His 50 Caliber Sniper Rifles from the U.S. Afghan-Aid Program* (February 2002)
- *“A .22 for Christmas”—How the Gun Industry Designs and Markets Firearms for Children and Youth* (December 2001)
- *Kids in the Line of Fire: Children, Handguns, and Homicide* (November 2001)
- *Unintended Consequences: Pro-Handgun Experts Prove That Handguns Are a Dangerous Choice For Self-Defense* (November 2001)
- *Voting from the Rooftops: How the Gun Industry Armed Osama bin Laden, Other Foreign and Domestic Terrorists, and Common Criminals with 50 Caliber Sniper Rifles* (October 2001)
- *Hispanics and Firearms Violence* (May 2001)
- *Where’d They Get Their Guns?—An Analysis of the Firearms Used in High-Profile Shootings, 1963 to 2001* (April 2001)
- *A Deadly Myth: Women, Handguns, and Self-Defense* (January 2001)
- *Handgun Licensing and Registration: What it Can and Cannot Do* (September 2000)
- *Pocket Rockets: The Gun Industry’s Sale of Increased Killing Power* (July 2000)
- *Guns For Felons: How the NRA Works to Rearm Criminals* (March 2000)
- *One Shot, One Kill: Civilian Sales of Military Sniper Rifles* (May 1999)
- *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence* (Revised, October 1997)

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Note: This study has been modified from the original released on July 20, 2009. Due to new information made available to the VPC, one of the incidents reported in the original study has been deleted. The statistics contained in the study have been recalculated to reflect this change. In addition, an update on killings committed by concealed handgun permit holders is available at <http://www.vpc.org/studies/ccw09update.pdf>.

Introduction

For more than two decades, the gun lobby's top priority has been establishing and expanding state laws that allow the carrying of concealed handguns by private citizens. These "shall issue" laws eliminate the discretion of local law enforcement and licensing agencies to determine eligibility for permits to carry concealed handguns (commonly known as CCW, concealed carry weapon, permits). Instead, in many states, the criteria for legally carrying a loaded, hidden handgun in public is virtually equal to the limited requirements that must be met to purchase a handgun.

Shall-issue concealed handgun laws were originally promoted by the gun lobby and gun industry to jumpstart sagging handgun sales by creating a new market for smaller, more powerful handguns. As then-National Rifle Association lobbying chief Tanya Metaksa told *The Wall Street Journal* in a September 1996 article headlined "Tinier, Deadlier Pocket Pistols Are in Vogue"—

The gun industry should send me a basket of fruit—our efforts have created a new market.

Yet in its public arguments the gun lobby neglected to mention its own financial interests, instead promising state legislators and the public that handgun carriers armed by the new law would have a beneficent penumbra effect: aiding police by stopping crimes and protecting the citizenry. And for those who questioned the wisdom of putting guns into these citizens' hands and then sending them off into the general public, the NRA's Metaksa had a ready answer. At an April 18, 1996 press conference in Dallas, Texas, Metaksa asserted:

As we get more information about right-to-carry, our point is made again and again....People who get permits in states which have fair right-to-carry laws are law-abiding, upstanding community leaders who merely seek to exercise their right to self-defense.

Since the first "shall issue" law was passed in Florida in 1987, similar measures have spread across the country: today 48 states have some form of concealed carry law. A parallel effort has produced a growing network of reciprocity in which states recognize the validity of CCW permits issued by other states. There is currently an effort in the U.S. Congress to federalize CCW reciprocity in a manner that would establish a *de facto* national concealed handgun system.

These proposals would override many state laws by mandating that those states allow the carrying of loaded, concealed firearms by anyone permitted to carry concealed weapons in another state. All states with any concealed carry system would be forced to allow a person to carry concealed firearms even if the person carrying is barred from possessing guns by the state in which they wish to carry. In essence, states with extremely weak concealed carry requirements, such as Idaho, would dictate the terms by which people in states with tough permitting requirements, such as California, could carry concealed firearms. The bill also sets no limits on the types of concealed firearms that people can carry. Which firearms could be carried would be determined by the state issuing the concealed carry license—even if the type of gun is banned in the state where the person chooses to carry the firearm. The result would be that states like Idaho could enable people to carry assault pistols in California, a state where all assault weapons are banned.

As the impact of lax CCW laws grows, the evidence is now overwhelming that these laws have completely failed to reduce crime or increase public or personal safety. On the contrary, these laws have armed individuals who have murdered law enforcement officers and innocent citizens.

Review of the devastating facts surrounding the 30 incidents detailed in this study alone should immediately halt any effort to create a national concealed carry system and, in addition, impel the repeal of state “shall issue” laws allowing the carrying of concealed handguns.

- **Over the two-year period May 2007 through April 2009, concealed handgun permit holders have slain seven law enforcement officers resulting in criminal charges or the suicide of the shooter.** All of the killings were committed with guns. An additional three law enforcement officers were injured in these incidents.
- **Over the two-year period May 2007 through April 2009, concealed handgun permit holders have slain at least 43 private citizens resulting in criminal charges or the suicide of the shooter.** All but one of the killings were committed with guns. An additional six private citizens were injured in these incidents.
- **In six of the 30 incidents (20 percent), the concealed handgun permit holder killed himself, bringing the total fatality count to 56.**

This study is divided into three sections.

Section One: Law Enforcement Officers Slain and Injured by Concealed Handgun Permit Holders Resulting in Criminal Charges, Convictions, or Suicide of the Permit Holder, May 2007 to April 2009 details law enforcement shootings incident involving concealed handgun permit holders broken out by state.

Section Two: Private Citizens Slain and Injured by Concealed Handgun Permit Holders Resulting in Criminal Charges, Convictions, or Suicide of the Permit Holder, May 2007 to April 2009 details private citizen shooting incidents involving concealed handgun permit holders broken out by state.

Section Three: A History of Violence offers summaries of prior research conducted by the Violence Policy Center (focusing primarily on Florida and Texas), news organizations, and the National Research Council of the National Academy of Sciences refuting the false promises made by the gun lobby in support of lax concealed handgun laws.

Section One: Law Enforcement Officers Slain and Injured by Concealed Handgun Permit Holders Resulting in Criminal Charges, Convictions, or Suicide of the Permit Holder, May 2007 to April 2009

In the two-year period May 2007 to April 2009, VPC research identified six concealed handgun permit holders reported to be involved in six incidents in which seven law enforcement officers were slain and an additional three were injured. Two private citizens were also killed. In addition, one of the concealed permit holders ended the incident by taking his own life. Because of the secretive nature of concealed handgun permit laws, the VPC relied primarily on news accounts. As a result, these incidents represent only a sample of police shootings involving concealed handgun permit holders. The total number is most likely higher. Details of incidents identified by the VPC and the most recently available public information on their status at the time this study was conducted are detailed below.

Florida

- **Concealed Handgun Permit Holder:** James Wonder

Date: August 5, 2008

Total Killed: 1

Law Enforcement Officers Killed: 1

Circumstances: On August 5, 2008, James Wonder allegedly shot and killed U.S. Customs and Border Protection Agent Donald Pettit after a road rage incident. After the two got into a shouting and finger-pointing match while driving, Wonder pulled into a post office parking lot, Pettit followed and was shot and killed. After the shooting, Wonder sped away to a kidney dialysis appointment where he told a nurse that whomever had killed the agent must have been a “professional.” He then went home, hid the gun, changed his hair color, and rented a car to reportedly hide his involvement in the shooting. Wonder, who had a concealed handgun permit, has been indicted on manslaughter charges.

Source: “Police: Suspect in agent’s killing told nurses of road rage argument: Police: Suspect in federal agent’s killing described a road rage fight,” *South Florida Sun-Sentinel*, August 21, 2008; “Man charged in agent’s road rage killing out on bail; A Broward retiree who was charged in the death of a customs agent paid bail and was released from jail on Friday,” *Miami Herald*, August 30, 2008.

Idaho

- **Concealed Handgun Permit Holder:** Jason Kenneth Hamilton

Date: May 19, 2007

Total Killed: 4 (including shooter)

Total Wounded: 3

Law Enforcement Officers Killed: 1

Circumstances: On May 19, 2007, Jason Kenneth Hamilton, a member of the white supremacist group Aryan Nation, shot and killed his wife, a police officer, and a church sexton, and wounded three others before turning the gun on himself in a shooting spree in Moscow, Idaho. Hamilton had a concealed handgun permit “despite a [previous] domestic violence conviction that should have barred him from owning guns.” He also possessed a federally registered fully-automatic AK-47 machine gun, one of the guns he used in the shooting spree.

Source: “Shooter Linked to Aryans; Killer also had federal license for automatic weapons,” *Spokesman Review*, May 23, 2007; “Authorities investigate Hamilton’s gun purchase; Mass killer apparently obtained the automatic weapon late in 2004 or early in 2005; Ambush aftermath,” *Lewiston Morning Tribune*, May 24, 2007.

Ohio

- **Concealed Handgun Permit Holder:** Ashford Thompson

Date: July 13, 2008

Total Killed: 1

Law Enforcement Officers Killed: 1

Circumstances: On July 13, 2008, Ashford Thompson shot a police officer four times in the head after he was pulled over for playing loud music. Thompson used a Kel-Tec P11 “pocket pistol” in the shooting. Thompson, who had a concealed handgun permit issued by Cuyahoga County and had received a certificate for completing a concealed-carry class, pled guilty to aggravated murder.

Source: “Man indicted in killing of Twinsburg officer,” *Plain Dealer*, July 22, 2008; “Ashford Thompon’s sentencing hearing set for Oct. 15 in police officer’s murder,” *Plain Dealer*, June 25, 2009; “Thompson Pleads Guilty In Miktarian Death,” *AkronNewsNow.com*, April 13, 2009.

- **Concealed Handgun Permit Holder:** Derrick Foster

Date: April 30, 2008

Total Killed: 0

Total Wounded: 2

Law Enforcement Officers Wounded: 2

Circumstances: On April 30, 2008, Derrick Foster, who was shooting dice inside a house when it was raided for drugs by a police tactical unit, shot through a barricaded door, wounding two police officers as they broke through it. Foster claimed he thought the house was being robbed. Foster’s lawyer claimed, “He didn’t know they were police officers. He responded, maybe not appropriately, but he responded.” Foster, who possessed a concealed handgun permit, pled guilty to two counts of felonious assault. He was sentenced to five years in prison.

Source: “Man feared raid was a robbery, police told; Pair denied bail in officers’ shooting,” *The Columbus Dispatch*, May 3, 2008; “Former OSU football player charged with shooting 2 Columbus police officers,” *The Columbus Dispatch*, May 1, 2008; “Former Ohio State player sentenced in police shooting,” *Associated Press* on *CantonRep.com*, January 9, 2009.

Pennsylvania

- **Concealed Handgun Permit Holder:** Christina Korbe

Date: November 19, 2008

Total Killed: 1

Law Enforcement Officers Killed: 1

Circumstances: On November 19, 2008, Christina Korbe allegedly shot and killed FBI Special Agent Samuel Hicks. Federal agents, led by Agent Hicks, had entered Korbe's home to serve an arrest warrant on her husband. The gun used by Korbe in the incident was a 38 caliber Taurus Ultra-Lite revolver. In addition to being charged with killing an FBI agent, Korbe, who had a concealed handgun permit, was charged in federal court with firearm offenses.

Source: "Korbe Remorseful for Shooting Death of FBI Agent," *Pittsburgh Post-Gazette*, December 10, 2008; Indictment of Christina Marie Korbe, U.S. District Court for the Western District of Pennsylvania, January 8, 2009; "More charges filed against accused killer of FBI agent," *Pittsburgh Post-Gazette*, March 19, 2009.

- **Concealed Handgun Permit Holder:** Richard Poplawski

Date: April 4, 2009

Total Killed: 3

Total Wounded: 1

Law Enforcement Officers Killed: 3

Law Enforcement Officers Wounded: 1

Circumstances: On April 4, 2009, white supremacist Richard Poplawski allegedly shot and killed police officers Stephen Mayhle, Paul Sciullo, and Eric Kelly while injuring another. Poplawski used an AK-47 assault rifle and a pistol in the attack. He had a concealed handgun permit despite a former girlfriend having obtained a protection-from-abuse order against him. Poplawski's mother told police that he had been "stockpiling guns and ammunition...because he believed that as a result of the economic collapse, the police were no longer able to protect society." She additionally stated that "her son 'only liked police when they were not curtailing his constitutional rights, which he was determined to protect.'"

Poplawski was charged with three counts of criminal homicide and one count of aggravated assault. He has pled not guilty. Prosecutors are seeking the death penalty.

Source: "Poplawski bought guns through shop in Wilksburg," *Pittsburgh Post-Gazette*, April 7, 2009; "Who is Richard Poplawski? Friends, Family Talk About Pittsburgh Suspect in Police Officers' Triple-Killing," *ThePittsburghChannel.com*, April 6, 2009; "Pittsburgh police shooting arraigned by computer," *Associated Press* at *philly.com*, June 1, 2009.

Section Two: Private Citizens Slain and Injured by Concealed Handgun Permit Holders Resulting in Criminal Charges, Convictions, or Suicide of the Permit Holder, May 2007 to April 2009

In the two-year period May 2007 to April 2009, in addition to the six incidents detailed in Section One, VPC research identified 24 concealed handgun permit holders reported to be involved in 24 incidents in which 41 private citizens were slain and an additional three were injured. Because of the secretive nature of concealed handgun permit laws, the VPC relied primarily on news accounts. As a result, these incidents represent only a sample of criminal shootings involving concealed handgun permit holders. The total number is most likely far higher. Details of incidents identified by the VPC and the most recently available public information on their status at the time this study was completed are detailed below.

Alabama

- **Concealed Handgun Permit Holder:** Michael McLendon

Date: March 10, 2009

People Killed: 11 (including shooter)

Circumstances: On March 10, 2009, Michael McLendon, a self-proclaimed survivalist, killed his mother at their family home, beginning a shooting rampage that stretched across 24 miles. By the time McLendon took his own life in the midst of a police shootout at a factory where he had previously worked, he had shot four more relatives, including his 74-year-old grandmother, and five strangers, including the wife and 18-month-old daughter of a local sheriff's deputy. McLendon had a concealed carry permit for two handguns. Police later found at the home he shared with his mother numerous how-to DVDs on committing acts of violence.

Source: "Officials: Alabama shooter depressed over failures," *Associated Press* at *philstar.com*, March 13, 2009.

Colorado

- **Concealed Handgun Permit Holder:** David Lee Noriega

Date: September 16, 2008

People Killed: 1

Circumstances: On September 16, 2008, David Lee Noriega allegedly shot and killed Clay Frank Eldred at 11:00 PM outside a scrap yard where Noriega was employed as a security guard. Noriega said he fired five shots from his AR-15 assault pistol to warn Eldred—who he claimed charged him with a baseball bat—and another unidentified man. Detectives stated, however, that there were no signs Eldred had tried to enter the scrap yard. According to an affidavit, after the shooting Noriega reportedly made comments to a fellow security guard that they needed to move Eldred’s body onto the scrap yard property and “make it look like the guy he shot had a weapon.” The fellow security guard eventually pled guilty to a misdemeanor count of prohibited use of a firearm. Felony charges of accessory to reckless manslaughter and tampering with physical evidence were dismissed as part of a plea agreement. The night of the shooting Noriega was also armed with a 454 caliber handgun and had loaned his fellow security guard a 40 caliber handgun. Noriega, who had a concealed handgun permit, was charged with reckless manslaughter and tampering with physical evidence.

Source: “Police arrest second guard as accessory: The man is held on suspicion of tampering with physical evidence in a fatal shooting at a scrap yard,” *The Pueblo Chieftain*, September 20, 2008; “Security guard pleads guilty to misdemeanor,” *The Pueblo Chieftain*, February 27, 2009.

Florida

- **Concealed Handgun Permit Holder:** Tony Villegas

Date: March 5, 2009

People Killed: 1

Circumstances: On March 5, 2009, Tony Villegas allegedly strangled Melissa Britt Lewis after a struggle ensued in her garage. Her body was found in a canal two days later. Lewis was the best friend of Villegas' estranged wife, and had been supportive of her efforts to end the abusive relationship with Villegas. Villegas had possessed a concealed handgun permit since 2000. Villegas was indicted on a charge of premeditated first-degree murder.

Source: "Arrest made in slaying of attorney; Suspect is estranged husband of the victim's best friend," *Sun-Sentinel*, March 16, 2008; "Lawyer: Suspect in Attorney's Killing Framed; Police Say Woman Strangled by Best Friend's Estranged Husband," *www.justnews.com*, March 17, 2008; "Suspect indicted in Ft. Lauderdale lawyer's murder," *Miami Herald*, March 26, 2008.

- **Concealed Handgun Permit Holder:** Andrew Sherman Conley

Date: October 24, 2008

People Killed: 1

Circumstances: On October 24, 2008, Andrew Sherman Conley was showing his girlfriend, assistant public defender Theresa Anderson, a .22 handgun when the weapon went off, the bullet striking her in the chest. She was treated by paramedics but died at the scene. Conley, who considered himself an "amateur gunsmith," had attended a firearms safety course in 2005 and had a concealed handgun permit. Conley told deputies his girlfriend had encouraged him to take the safety course after a previous incident in which he had accidentally fired into the bed in the master bedroom. Conley was charged with negligent manslaughter.

Source: "Seminole Deputies: It was her boyfriend's fault," *The Orlando Sentinel*, November 4, 2008; "Trial in manslaughter case set for Feb. 23," *The Orlando Sentinel*, December 5, 2008.

■ **Concealed Handgun Permit Holder:** William Garrido

Date: July 3, 2008

People Killed: 1

Circumstances: On July 3, 2008, William Garrido confessed to shooting and killing fellow cab driver Josue Reyes. Garrido allegedly shot Reyes in the parking lot of the Bass Museum of Art in Miami Beach following a confrontation. Reyes then tried to run away, but Garrido shot him a second time, in the back, causing him to collapse and die beside a parking meter. Garrido and Reyes had been arguing for the last three weeks. Garrido told police that in the lot, stepping out of his cab, he took out his six-shot revolver with the intention of killing Reyes. Garrido had a concealed handgun permit despite having pled no contest in 1997 to charges of aggravated assault with a weapon and being sentenced to two months in jail and a year of probation. Garrido was charged with second-degree murder in the shooting of Reyes.

Source: "Murder charge for cabbie; a Miami Beach cab driver was arrested and charged with first-degree murder in the death of another cab driver," *The Miami Herald*, July 5, 2008; "Blood Beach: The Murder Rate in Miami Beach Pushes a Record for This Decade," *www.miamisunpost.com*, September 18, 2008.

■ **Concealed Handgun Permit Holder:** Max Wesley Horn, Jr.

Date: March 29, 2008

People Killed: 1

Circumstances: On March 29, 2008, Max Wesley Horn, Jr. allegedly fired six shots at Joe Martell with a .45 pistol equipped with a laser sight outside the Hot Shotz bar during the Chasco Fiesta street festival, fatally wounding him. The two had "scuffled" prior to the shooting. While Horn claimed self-defense, a police detective stated that based on the forensic evidence, Martell "was either turning away, being pulled away or he was not in direct confrontation with the person with the gun." In the wake of the shooting, Martell's mother wrote to the court, "Even though he [Horn] had a concealed weapons permit he should not have had a gun at a family event like the Chasco Fiesta. He should have had more self-control than that. He shot to kill, not for protection." Horn, who had a concealed handgun permit, had a criminal record but had never been adjudicated guilty of any charge. Horn was charged with second-degree murder.

Source: "Shooter in Chasco fight to argue self-defense," *St. Petersburg Times*, May 30, 2008; "Fatal Chasco shooting case will go to trial," *St. Petersburg Times*, January 30, 2009; "Was shooter justified in '08 slaying? Jury to decide," *St. Petersburg Times*, February 1, 2009.

- **Concealed Handgun Permit Holder:** Arthur Burroughs

Date: March 8, 2008

People Killed: 3 (including shooter)

Circumstances: On March 8, 2008, Christine Burroughs, naked and covered with blood, ran to neighbor Alice and Lance Lather's house seeking refuge from her enraged husband, Arthur Burroughs. Burroughs followed his wife to the home, fatally shooting Lance Lather. Burroughs then barricaded himself in the neighbors' bathroom with his wife. A SWAT team and hostage negotiator were called to the house, but Burroughs shot and killed his wife and then himself. Christine Burroughs had previously told Alice Lather that her husband wanted to kill her because she wanted a divorce. Burroughs had been previously employed in loss prevention and security for T.J. Maxx and had possessed a concealed handgun permit since at least 1999.

Source: "Domestic Dispute Spurred Shooter," *Palm Beach Post*, March 10, 2008.

- **Concealed Handgun Permit Holder:** Charles Podany

Date: February 29, 2008

People Killed: 1

Circumstances: On February 29, 2008, Charles Podany allegedly killed Casey Landes following a dispute over a speeding pickup truck in which Landes was a passenger. The incident began when Podany, on a bicycle, approached the truck and asked the driver to slow down. Landes became upset, got out of the truck, and punched Podany in the face. Podany fell to the ground and Landes prepared to strike him again. Podany then pulled a .40 Glock pistol and fired two shots, hitting Landes once in the face. Detectives reported that Podany's injuries were abrasions and a cut to the left side of his lower lip, "which does not justify deadly force." Podany, who had a concealed handgun permit, was charged with manslaughter.

Source: "Man Shot After Speeding Confrontation," *The St. Petersburg Times*, March 2, 2008.

■ **Concealed Handgun Permit Holder:** Paul Kallenbach

Date: February 2008

People Killed: 1

Circumstances: In February 2008, Paul Kallenbach shot and killed Jon Teko Howard following an argument at a convenience store. After a verbal dispute, Kallenbach, who was armed with two pistols, pulled one of them on Howard who then began backing out of the store before lunging to try and disarm Kallenbach. A struggle ensued and Howard managed to wrestle one pistol away from Kallenbach. Howard was shot in the arm and back, and returned fire on Kallenbach, wounding him in the shoulder and leg. Howard was pronounced dead at the scene and Kallenbach was taken to the hospital for treatment. Kallenbach had a concealed weapon permit and told police he felt safer when he was carrying guns. Police had confiscated several firearms and hundreds of rounds of ammunition from Kallenbach six months prior to the shooting, but a judge returned the weapons in November 2007. Kallenbach pled guilty to second degree murder and was sentenced to 18 years in prison.

Source: "A sobering picture of crime; Homicides doubled last year and county is on track to match that in '08," *Sarasota Herald-Tribune*, April 15, 2008; "Fatal shootout brings 18-year term," *HeraldTribune.com*, December 12, 2008; "Death at a convenience store," *Sarasota Herald-Tribune*, December 13, 2008.

■ **Concealed Handgun Permit Holder:** Michael Leopold Phillips

Date: January 19, 2008

People Killed: 2 (including shooter)

Circumstances: On January 19, 2008, Michael Leopold Phillips shot and killed his wife, Josefina Boza, before turning the gun on himself. Both were shot in the head and a police investigation determined the shooting to be a murder-suicide. Phillips' arrest record showed three charges since 1988 of domestic battery or assault on a spouse. From 1988 through 1990, one of Phillips' ex-wives was granted injunctions for protection against domestic violence. Phillips obtained a concealed handgun permit in 1999 and renewed it in 2006.

Source: "Murder, Suicide Cited in Deaths," *Palm Beach Post*, January 21, 2008.

- **Concealed Handgun Permit Holder:** Adam Hill

Date: January 7, 2008

People Killed: 1

Circumstances: On January 7, 2008, Adam Hill allegedly shot and killed Clayton Patterson as Patterson sat on the couch in a friend's apartment. An eyewitness told police that Hill entered the apartment, pulled out a revolver, and pointed it. Hill then said, "Hey Clayton, you want to get shot?" Hill had a history of mental illness and owned several guns. Two years prior to his obtaining a concealed handgun permit, Hill was arrested for carrying a concealed weapon. He failed to show up for court, but the case was dismissed. Hill obtained a concealed handgun permit in 2007. Hill was charged with second degree murder.

Source: "Family Says Gun Laws are Flawed," *firstcoastnews.com*, May 21, 2009.

Kentucky

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

Date: August 25, 2008

People Killed: 1

Circumstances: On August 25, 2008, William Seidl allegedly shot and killed his wife, Dorene Seidl, in their home. Prior to the shooting, on August 8, 2008, an emergency protection order was issued until Dorene Seidl's petition for a protective order could be heard by a judge. Yet on August 20, 2008, a family court judge denied the order, saying there was not sufficient evidence that domestic violence had occurred. Five days later, Dorene Seidl was shot and died of multiple gunshot wounds. William Seidl, who had a concealed handgun permit, was charged with murder and arraigned on September 8, 2008.

Source: "Slain woman feared husband," *The Louisville Courier-Journal*, August 28, 2008; Media Release, Louisville Prosecutor's Office, September 8, 2008.

New York

- **Concealed Handgun Permit Holder:** Frank Garcia

Date: February 14, 2009

People Killed: 4

People Wounded: 1

Circumstances: On February 14, 2009, Frank Garcia allegedly opened fire with a .40 Glock pistol in the Lakeside Memorial Hospital parking lot in Brockport, NY. He had recently been fired by the hospital. He shot three people there, killing two, before killing a married couple at their home in Canandaigua. Garcia had been denied a permit to carry a pistol three times in the previous 15 years due to previous arrests for assault, harassment, and criminal possession of a weapon, before a judge granted him the ability to carry a concealed weapon in 2007. Garcia faces four charges of murder, and one charge of attempted murder with his trial scheduled to begin in August 2009.

Source: "After 3rd try, gun permit OK'd," *Rochester Democrat and Chronicle*, February 19, 2009; "Damelio will represent Garcia in Monroe Trial," *Rochester Democrat and Chronicle*, July 1, 2009.

North Carolina

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

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.

Source: "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.

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

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.

Source: "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.

Ohio

- **Concealed Handgun Permit Holder:** Anthony Rodecker

Date: October 3, 2008

People Killed: 2 (including shooter)

Circumstances: On October 3, 2008, police discovered the bodies of Anthony Rodecker and his ex-girlfriend Brenda Keeler. Both had been shot and a gun was found nearby in what police suspected was a murder-suicide. Rodecker had been banned from the café where Keeler bartended. Her relatives had urged her not to give in to his requests to see her when he threatened to kill himself if she refused. Rodecker had a concealed handgun permit that he obtained in Union County, Ohio.

Source: “2 shot dead on Far West Side; Authorities suspect murder-suicide in deaths of woman, former boyfriend,” *Columbus Dispatch*, October 4, 2008.

- **Concealed Handgun Permit Holder:** Geraldine Beasley

Date: August 6, 2007

People Killed: 1

Circumstances: On August 6, 2007, Geraldine Beasley shot Donald Francis, who was believed by police to be homeless. Beasley, who was panhandling on the same block as Francis, was angry because he was invading her “turf.” Beasley had a permit to carry a concealed weapon despite paying a fine for unlawfully transporting a firearm in 2003. In February 2008 Beasley pled guilty to voluntary manslaughter and was sentenced to nine years in prison.

Source: “Guilty plea entered in shooting death,” *The Cincinnati Enquirer*, February 28, 2008; “Woman accused of shooting panhandler had weapon permit,” *The Chronicle-Telegram*, August 11, 2007; “Woman Pleads Guilty in Spare-Change Shooting,” *wlwt.com*, February 28, 2008; “9-year term for woman who killed homeless man,” *The Cincinnati Enquirer*, April 5, 2008.

- **Concealed Handgun Permit Holder:** Terrance Hough Jr.

Date: July 4, 2007

People Killed: 3

People Wounded: 2

Circumstances: On July 4, 2007, firefighter Terrance Hough Jr. used a 40 caliber pistol to shoot and kill neighbor Jacob Feichtner as well as Bruce Anderson and Katherine Rosby as a result of a dispute over fireworks the three were setting off. Hough also shot and injured Donny Walsh and Katherine Nicholas. Police seized 12 firearms from Hough's home after his arrest. Hough's fellow firefighters described him as a "ticking time bomb that finally exploded," and one noted, "I hope I'm off the day Hough snaps." Hough, who had received his concealed handgun permit in 2004, was convicted of three counts of aggravated murder and two counts of attempted murder and was sentenced to life in prison with no parole.

Source: "Judge denies bail for man charged in July Fourth slayings," *Associated Press*, July 9, 2007; "Hough Guilty, Could Get Death Penalty," *Cleveland Plain Dealer*, May 16, 2008; "Firefighter gets life sentence in killings over fireworks," *Associated Press*, May 22, 2008; "Hough known for bursts of anger," *Cleveland Plain Dealer*, July 7, 2007; "Firefighter in fatal shootings may face death penalty," *Cleveland Plain Dealer*, August 8, 2007.

Oklahoma

- **Concealed Handgun Permit Holder:** Kenneth Gumm

Date: June 10, 2007

People Killed: 1

Circumstances: On June 10, 2007, Kenneth Gumm shot and killed Dale Turney in a road-rage incident. Gumm claimed that Turney tailgated him and followed him into a parking lot, blocking him in. Gumm had a permit to carry a concealed weapon as well as being CLEET (Council on Law Enforcement Education and Training) trained and a certified armed security guard. On May 29, 2008, Gumm pled guilty to first-degree manslaughter and was given a five-year suspended sentence.

Source: "Causes of road rage are many," *Tulsa World*, May 21, 2008; "Former security guard pleads guilty to manslaughter," *Tulsa World*, May 29, 2008; "Ex-security guard gets suspended sentence for fatal shooting," *Tulsa World*, July 15, 2008.

South Carolina

- **Concealed Handgun Permit Holder:** James Forrest Mobley

Date: May 10, 2007

People Killed: 3 (including shooter)

Circumstances: On May 10, 2007, James Forrest Mobley shot and killed two fellow workers at a Best Buy construction site before turning his handgun on himself. Mobley had overheard the two co-workers discussing him, including one who called him crazy. Mobley grabbed his handgun from his lunch pail and shot the two men 14 times before shooting himself in the head. During the incident he stopped to reload so that he could continue shooting. Mobley had been convicted of marijuana possession in 1975, had an animal complaint, and was subject to a breach of peace charge. Investigators confirmed that Mobley possessed a concealed handgun permit.

Source: "How Thursday's construction site shooting rampage unfolded," *Island Packet* (Hilton Head, SC), May 12, 2007; "Gunman killed 2 after being called 'crazy,'" *The Myrtle Beach Sun-News* (South Carolina), May 12, 2007.

Tennessee

- **Concealed Handgun Permit Holder:** Harry Raymond Coleman

Date: February 6, 2009

People Killed: 1

Circumstances: On February 6, 2009, Harry Raymond Coleman allegedly shot and killed Robert “Dutch” Schwerin during an argument over how close their SUVs were parked. The shooting occurred outside the Villa Castrioti restaurant where Schwerin and a woman identified as Coleman’s wife were arguing over how close his GMC Yukon Denali was parked to her Hummer. Coleman retrieved his gun from the Hummer and shot Schwerin in the chest. Coleman, who received a concealed handgun permit in June 2006, was charged with second-degree murder.

Source: “Attorney: Accused shooter in Cordova parking-lot killing regretful,” *Memphis Commercial Appeal*, February 9, 2009; “In Brief: Cordova shooter appears in court,” *Memphis Commercial Appeal*, February 24, 2009.

Utah

- **Concealed Handgun Permit Holder:** David Ragsdale

Date: January 6, 2008

People Killed: 1

Circumstances: On January 6, 2008, David Ragsdale shot his wife Kristy 12 times, killing her. In 2005, Ragsdale took a concealed-weapons permit class and received a concealed handgun permit. On November 26, 2008, Ragsdale pled guilty to aggravated murder. According to the terms of his plea agreement, he was to be sentenced to 20 years to life in prison. In an interview with the *Deseret News*, Ragsdale claimed that he would not have killed his wife if he did not have access to a gun. "I probably would have parked my car, sat there and regained my composure," he stated.

Source: "Ragsdale is bound over for trial in wife's slaying," *Deseret Morning News*, June 3, 2008; "David Ragsdale pleads guilty to killing his wife," *Daily Herald*, November 26, 2008; "Access to gun lead to shooting wife, Ragsdale says in exclusive interview," *Deseret News*, March 19, 2009.

- **Concealed Handgun Permit Holder:** Eugene C. Wright

Date: November 15, 2007

People Killed: 1

Circumstances: On November 15, 2007, Eugene C. Wright allegedly shot and killed Utah Valley State College hockey coach Kenneth Dolezsar outside of the Village Inn restaurant in Sandy, Utah. A witness claimed to see Wright and Dolezsar arguing in the parking lot, followed by Wright shooting Dolezsar. A Sandy Police detective testified that he found a shell casing from a 9mm Springfield Armory semiautomatic pistol during a search of Wright's condo. A ballistics test by the Bureau of Alcohol, Tobacco, Firearms and Explosives showed that the shell casing was fired from the same gun as five shell casings found at the scene of the murder. Wright had a concealed handgun permit according to the Sandy Police. Wright was charged with murder and aggravated robbery.

Source: "Arrest made in coach's shooting death," *The Salt Lake Tribune*, February 29, 2008; "Shooting suspect to stand trial," *Daily Herald*, April 25, 2008.

Virginia

- **Concealed Handgun Permit Holder:** Willie Donaldson

Date: December 8, 2008

People Killed: 1

Circumstances: On December 8, 2008, Willie Donaldson shot and killed Matthew Hicks following a planned sexual liaison. Hicks and his girlfriend went to Donaldson's house after Donaldson responded to an advertisement the couple had placed on Craigslist offering "erotic services." Donaldson, who was issued a concealed handgun permit in 2006, was initially charged with one count of second-degree murder and one count of using a firearm while committing murder. He eventually pled guilty to manslaughter without any jail time.

Source: "Craigslist Killing in Self-Defense, Accused Says," *Connection Newspapers*, February 3, 2009; "Guilty Plea, No Jail Time in Erotic Services Killing," *Washington Post*, July 16, 2009.

Section Three: A History of Violence

This study presents only the most recent evidence of the abject failure of concealed carry laws to improve public or personal safety. The history of the gun lobby's promotion of lax concealed carry laws is one of false promises disproved by a history of violence.

The Florida Experience

*Violence Policy Center Research*¹

The Violence Policy Center has conducted two in-depth analyses of Florida's concealed carry law. Florida's 1987 "shall-issue" concealed weapons law was hailed by organizations such as the National Rifle Association as the model to be followed by states across the nation.

The first Violence Policy Center study looking at the Florida law was issued in 1995. *Concealed Carry: The Criminal's Companion* was a first-of-its-kind, in-depth analysis of how Florida's shall-issue concealed weapons law actually functioned. The VPC study analyzed documents obtained from the Florida Division of Licensing regarding the issuance, renewal, and revocation of concealed weapons permits in Florida and arrived at an inescapable conclusion: Florida's concealed weapons law puts guns into the hands of criminals. The study found that since the inception of Florida's law, hundreds of permit holders had committed a wide variety of crimes—including assault with intent to murder, kidnapping/attempted kidnapping, and shooting with intent to wound—either before obtaining the Florida concealed weapons permit or after.

In 1996, the VPC issued a follow-up study, *Concealing the Risk: Real-World Effects of Lax Concealed Weapons Laws*, which analyzed permits revoked by the Florida Division of Licensing for the period May 31, 1995 to May 31, 1996. That analysis revealed:

- The rate at which Florida's concealed weapons law armed criminals had increased. In the year-long period surveyed, an additional 159 individuals had their permits revoked. Almost all (149 of 159, or 94 percent) of the revocations were crime-related, representing a one-year jump of nearly 30 percent over the previous seven-year total.
- More than half of the crime-related revocations (84 of 149, or 56 percent) were for crimes committed after the permit was issued. One permit holder was able to possess his concealed weapons permit for three years and three months after having committed a crime before it

¹ The VPC's research focused on Florida as well as Texas because both states had publicly available data. Generally, detailed data regarding crimes committed by concealed weapons permit holders is shielded from public scrutiny and, in fact, both Florida and Texas have shut off public access to the data since research by the VPC and the Florida *Sun-Sentinel* (cited on the next page) was published.

was revoked. Of those who committed a crime after having received their concealed weapons permit, one in five (17 of 84) committed their crime with a gun.

- The 17 revocations over the year-long period due to gun-related crimes committed after licensure represented a one-year jump of 35 percent over the previous seven-year tally.
- During the year-long period surveyed, 65 permit holders had their concealed weapons permits revoked for crimes they had committed before having received the permit. One illegitimate permit holder possessed his permit for two years and eight months before it was finally revoked.

Florida Sun-Sentinel Investigation Finds That Problems First Identified by the Violence Policy Center Continue Today

A more recent in-depth review conducted by the *Florida Sun-Sentinel* of Florida's concealed carry law found results similar to those in the earlier Violence Policy Center studies. In 2007, the *Sun-Sentinel* documented that the state's licensing system had granted concealed carry permits to: more than 1,400 people who had pleaded guilty or no contest to a felony; 216 people with outstanding warrants; 128 people with active domestic violence injunctions; and, six registered sex offenders.²

Some specific examples of individuals with criminal histories that the *Sun-Sentinel* identified as obtaining Florida concealed handgun permits include:

- Garth F. Bailey, of Pembroke Pines, pleaded no contest to manslaughter in 1988 for shooting his girlfriend in the head while she was cooking breakfast. Eight years later, the state gave him a concealed weapons permit.
- John P. Paxton, Jr., then a resident of Deerfield Beach, pleaded guilty to aggravated child abuse in 1993 for grabbing his four-year-old nephew by the neck, then choking and slapping him for flicking the lights on and off. Eight years later, he was issued a concealed weapons permit.
- John M. Corporal, of Lake Worth, pleaded guilty to aggravated assault in 1998 for putting a chrome revolver against his roommate's head during an argument. In 2002, he pleaded guilty to grand theft. In February 2006, he was issued a concealed weapons permit.

² "Investigation reveals criminal pasts of those toting guns," *Florida Sun-Sentinel*, January 28, 2007.

The Texas Experience

Violence Policy Center Research

Beginning in 1998, the VPC conducted four studies analyzing the operation of Texas' concealed carry law. The final VPC study, *License to Kill IV: More Guns, More Crime*, was completed in 2002 and incorporated the findings of the previous three studies. The study detailed 5,314 arrests of concealed handgun permit holders subsequent to licensure, as reported to the Texas Department of Public Safety (DPS). Incidents involving concealed handgun permit holders included: 41 arrests for murder or attempted murder; 14 arrests for kidnapping/false imprisonment; 79 arrests for rape/sexual assault; 279 arrests for alleged assault/aggravated assault with a deadly weapon; 1,315 arrests for driving while intoxicated; 60 arrests for indecency with children; 404 drug-related arrests; 134 individual arrests for sexual misconduct; 19 arrests for impersonating a police officer or public servant; and, eight arrests for arson.

The 2002 VPC analysis of the DPS information revealed that—

- Texas concealed handgun permit holders had been arrested for two and one-half crimes a day since the law went into effect.
- Texas concealed handgun permit holders had been arrested for more than two serious violent crimes per month since the law went into effect, including: murder/attempted murder; manslaughter/negligent homicide; kidnapping; rape; and, sexual assault.
- Texas concealed handgun permit holders had been arrested for more than two crimes against children per month since the law went into effect, including: sexual assault/aggravated sexual assault on a child; injury to a child; indecency with a child; abandon/endanger a child; solicitation of a minor; and, possession or promotion of child pornography.
- Texas concealed handgun permit holders had been arrested for more than four drunk driving offenses per week since the law went into effect.
- Texas concealed handgun permit holders had been arrested for more than one weapon-related offense every other day since the law went into effect.
- From 1996 to 2000, Texas concealed handgun permit holders were arrested for weapon-related offenses at a rate 81 percent higher than that of the general population of Texas, aged 21 and older. These weapon-related offenses included: 279 arrests for assault or aggravated assault with a deadly weapon; 671 arrests for unlawfully carrying a weapon; and, 172 arrests for deadly conduct/discharge firearm.

Conviction Data from Texas

Currently, Texas only releases gross numbers for convictions of persons with concealed weapons permits known to the Texas Department of Public Safety. Although it is unclear how comprehensive this data is, it nevertheless continues to paint a disturbing picture of individuals with concealed handgun permits who commit crimes. For example, for the years 2002 through 2007, a total of 395 permit holders were convicted for the crimes of: aggravated assault with a deadly weapon; aggravated sexual assault of a child; assault with bodily injury; assault with bodily injury involving family violence; indecency with child—sexual contact; sexual assault on a child; and, deadly conduct (recklessly engaging in conduct that puts another person in imminent danger of bodily harm).

Also during the 2002 through 2007 time period, nine concealed handgun permit holders were convicted of murder or murder under the influence of sudden passion. In 2007, a concealed handgun permit holder was one of nine people convicted state-wide of capital murder of multiple persons. These conviction numbers are striking given that each of these persons underwent a background check in order to obtain the permit and stand as evidence that the background check system is not effective at culling out all dangerous individuals.³

The Tennessee Experience

Tennessee CCW System Arms Violent Offenders

Research by the *Memphis Commercial Appeal* found that Tennessee's concealed handgun permitting system has armed dozens of people with violent criminal histories, including a man convicted of sexually assaulting his ex-girlfriend and abducting her armed with an assault rifle and a handgun. The newspaper identified 70 residents of Shelby County who were issued permits despite arrest histories that included robbery, assault, and domestic violence. The paper cited one case in which a permit holder had 25 arrests on his record when he obtained his CCW permit. He was later the subject of federal charges for a series of bank robberies.⁴

The newspaper's research also found that individuals with felony convictions were issued CCW permits because of administrative glitches within the state agencies that issued the permits.⁵

³ Conviction Rates for Concealed Handgun License Holders, Texas Department of Public Safety, Concealed Handgun Licensing Bureau, http://www.txdps.state.tx.us/administration/crime_records/chl/convrates.htm.

⁴ "Armed and dangerous: Dozens with violent histories received handgun carry permits," *commercialappeal.com*, March 12, 2009.

⁵ "Felons slip through cracks in system to carry firearms," *commercialappeal.com*, August 3, 2008.

National Research Council of the National Academy of Sciences Finds Assertions That Concealed Carry Laws Reduce Crime Are Not Supported by Research

An argument consistently offered in support of lax concealed carry laws is that they reduce overall crime rates. But such assertions are contradicted by the research cited previously which clearly shows that state concealed carry laws are not effective at weeding out individuals prone to criminal activity. Moreover, in 2004 the National Research Council's Committee on Law and Justice determined that studies—such as those conducted by researcher John Lott—indicating a relationship between concealed carry laws and overall crime rates were not reliable. Specifically, the Committee carefully examined Lott's data and research methods and concluded “that with the current evidence it is not possible to determine that there is a causal link between the passage of right-to-carry laws and crime rates.”⁶ More specifically, the committee found:

[A]lthough all of the studies use the same basic conceptual model and data, the empirical findings are contradictory and in the committee's view highly fragile. Some studies find that right-to-carry laws reduce violent crime, others find that the effects are negligible, and still others find that such laws increase violent crime. The committee concludes that it is not possible to reach any scientifically supported conclusion because of (a) the sensitivity of the empirical results to seemingly minor changes in model specification, (b) a lack of robustness of the results to the inclusion of more recent years of data (during which there were many more law changes than in the earlier period), and (c) the statistical imprecision of the results. The evidence to date does not adequately indicate either the sign or the magnitude of a causal link between the passage of right-to-carry laws and crime rates. Furthermore, this uncertainty is not likely to be resolved with the existing data and methods. If further headway is to be made, in the committee's judgment, new analytical approaches and data are needed. (One committee member has dissented from this view with respect to the effects of these laws on homicide rates).⁷

Conclusion

The conclusion is inescapable that state “shall issue” concealed handgun laws sanction the carrying of concealed handguns by many dangerous individuals. At worst, they have resulted in the expenditure of state funds to arm many individuals who have murdered numerous law enforcement agents and innocent private citizens. The evidence to date not only clearly stands in clear opposition to any effort to federalize CCW reciprocity in a manner that would establish a *de facto* national concealed handgun system, but also makes clear that such laws on the state level should be repealed.

⁶ *Firearms and Violence: A Critical Review*, Committee on Law and Justice, National Research Council (2004), http://books.nap.edu/openbook.php?record_id=10881&page=120, p. 150.

⁷ *Firearms and Violence: A Critical Review*, Committee on Law and Justice, National Research Council (2004), http://books.nap.edu/openbook.php?record_id=10881&page=120, p. 7.

