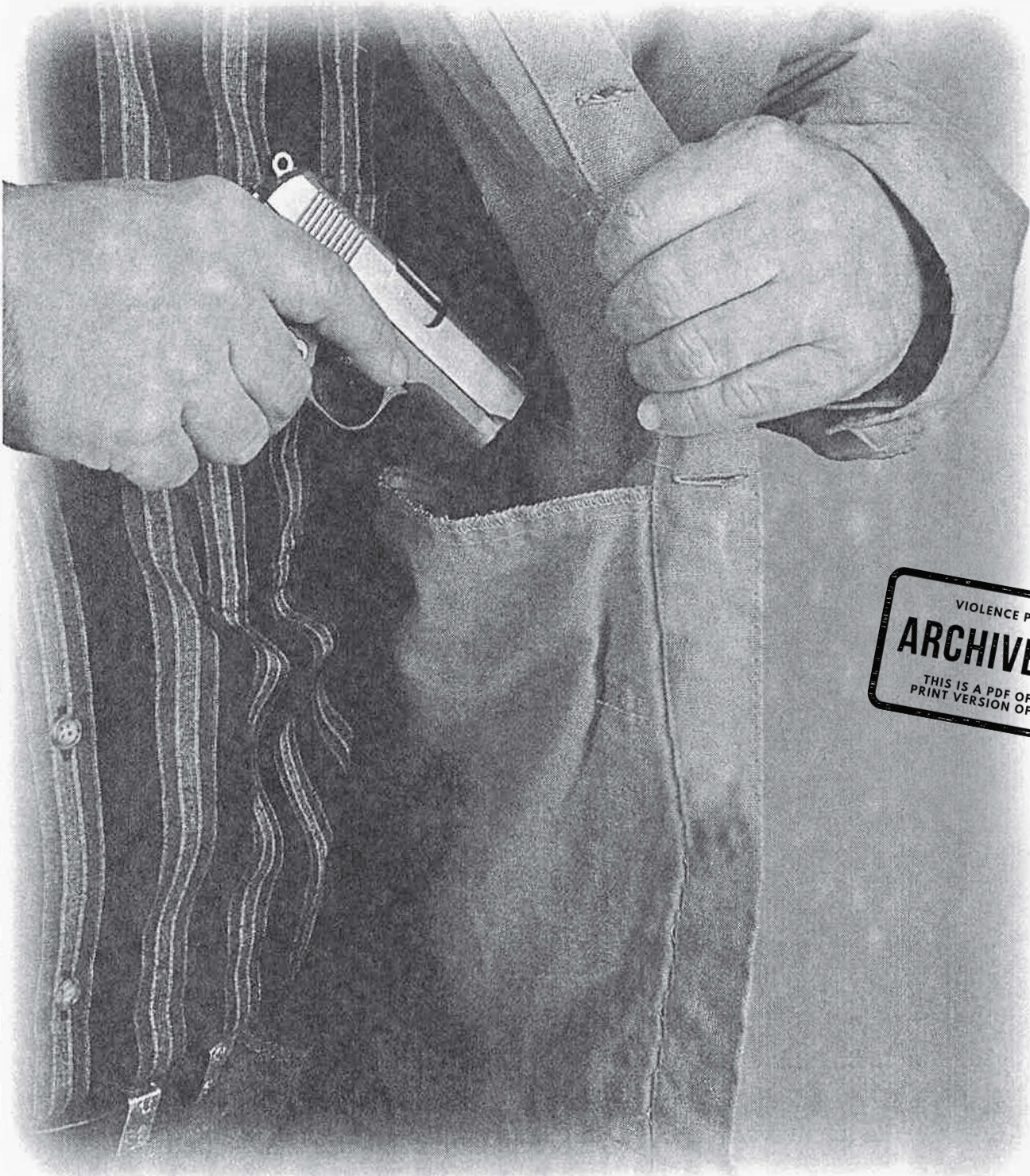


Concealing the Risk

Real-World Effects of Lax Concealed Weapons Laws



VIOLENCE POLICY CENTER
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**Violence Policy Center
Illinois Council Against Handgun Violence**

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The Violence Policy Center is a national non-profit educational foundation that conducts research on violence in America and works to develop violence-reduction policies and proposals. The Center examines the role of firearms in America, conducts research on firearms violence, and explores new ways to decrease firearm-related death and injury.

The Illinois Council Against Handgun Violence is the oldest statewide organization in the country working to reduce firearms violence. The Council is a 501(c)(3) non-profit organization dedicated to reducing death and injury caused by firearms violence.

This study was written by Violence Policy Center Health Policy Analyst Susan Glick, MHS. Research Assistance was provided by Anne-Marie Carstens, Tammy Oseid, and Stephanie Weiss. The study was edited by Josh Sugarmann.

Past studies released by the Violence Policy Center include: July 1996's *Gun Shows In America: Tupperware® Parties for Criminals*; June 1996's *NRA Family Values: The Extremism, Racism, Sexism, Legal Woes, and Gun Industry Ties of the National Rifle Association's Board of Directors*; April 1996's *The NRA After Oklahoma: A Year Older, Not Wiser*; March 1996's *Lawyers, Guns, and Money: The Impact of Tort Restrictions on Firearms Safety and Gun Control*; December 1995's *Firearms Production in America*; November 1995's *Concealed Carry: The Criminal's Companion*; December 1994's *Use the Schools: How Federal Tax Dollars are Spent to Market Guns to Kids and Female Persuasion: A Study of How the Firearms Industry Markets to Women and the Reality of Women and Guns*; February 1994's *Cease Fire: A Comprehensive Strategy to Reduce Firearms Violence*; and, December 1992's *More Gun Dealers Than Gas Stations: A Study of Federally Licensed Firearms Dealers in America*.

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Introduction

In state legislatures across the country pitched battles are being waged to relax laws regarding the carrying of concealed handguns. In these battles, Florida's 1987 "shall-issue"¹ carrying concealed weapons (CCW) law has been hailed by organizations such as the National Rifle Association of America (NRA) as *the* model to be followed.² When faced with police and public opposition, proponents of relaxed concealed weapons laws often rely on the citation of select crime statistics or research that all too often fails to take into account the complexities of crime and violence. As James T. Moore, commissioner of the Florida Department of Law Enforcement and head of the state's licensing program, has acknowledged, "No formula exists which is capable of establishing a link between the existence of Florida's Concealed Weapons Program to any increases or decreases in crime in the state." Although an ardent defender of Florida's law, his reticence to credit it with any effect on Florida's crime rate is understandable. Many factors affect crime. To argue that licensing a tiny fraction of any state's population³ to legally carry handguns would outweigh all other factors is questionable. Yet the battle of dueling statistics continues, obscuring a basic question: What are the real-world effects of such laws?

In November 1995 the Violence Policy Center (VPC) began to answer this question with the release of *Concealed Carry: The Criminal's Companion*. The study was a first-of-its-kind, in-depth analysis of how Florida's shall-issue concealed weapons law actually functions. The VPC study analyzed documents obtained from the Florida Division of Licensing regarding the issuance, renewal, and revocation of concealed weapons licenses 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 license 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 license or after

¹ Prior to 1987, Florida, like most states, had a discretionary system for issuing concealed weapons licenses, commonly referred to as "may-issue" licensing. Under such systems, legal authorities such as a county sheriff, judge, or local police official may grant licenses to citizens who may or may not need to show a compelling need. In 1987, as the result of a campaign by the National Rifle Association and its Florida affiliate, the Unified Sportsmen of Florida, the Florida legislature enacted legislation creating a non-discretionary system under which state authorities *must* provide a concealed weapons license to any applicant who meets specific criteria. Such systems are commonly known as "shall-issue" licensing. With the removal of local discretion to deny licenses, a shall-issue system inevitably increases the number of persons with licenses to carry a weapon, almost always a firearm.

² In 1995 10 states passed relaxed CCW laws, including: Texas, Virginia, and Utah. Currently, 31 states have shall-issue concealed weapons laws.

³ On average, one to three percent.

licensure.

This study builds upon the previous VPC study by analyzing licenses revoked by the Florida Division of Licensing for the period May 31, 1995 to May 31, 1996. The analysis reveals that:

- o The rate at which Florida's concealed weapons law is arming criminals is increasing. In the year-long period surveyed, an additional 159 individuals had their licenses revoked. Almost all (149 of 159, or 94 percent) were for crimes committed either before or after their concealed weapons license was issued.⁴ *This represents a one-year jump of nearly 30 percent over the previous seven-year total.*
- o More than half of the crime-related revocations (84 of 149, or 56 percent) were for crimes committed after licensure. One license holder was able to possess his concealed weapons license for three years and three months after having committed a crime before it was revoked. Of those who committed a crime after having received their concealed weapons license, *one in five (17 of 84) committed their crime with a gun.*
- o The 17 revocations over the year-long period due to gun-related crimes committed after licensure *represents a one-year jump of 35 percent over the previous seven-year tally.*
- o During the year-long period surveyed, 65 license holders had their concealed weapons licenses revoked for crimes they had committed *before* having received the license. One illegitimate license holder possessed his license for two years and eight months before it was finally revoked.

Surprisingly, the Florida Division of Licensing offers little information on the crimes committed by its license holders. For this study, however, the Violence Policy Center was able to obtain detailed records in the 43 instances where license holders challenged their revocation at a public hearing. Examples of firearm crimes committed by license holders after licensure include:

- o Orrin Weiss, who was arrested for aggravated battery and aggravated assault after attacking a female acquaintance during an argument. Outside the victim's home Weiss held a black handgun, believed to be a Glock pistol, to the victim's left temple as he held her by the throat.

⁴ According to the Division of Licensing the 10 remaining non-crime related revocations involved either physical infirmity or commitment to a mental institution. The VPC received public hearing records for four of the non-criminal revocations.

- o Ruben Cervantes, who was arrested on charges of aggravated assault with a deadly weapon after he pulled out his revolver during an argument.
- o Jesus Fernandez, who was arrested for aggravated assault with a firearm after pointing one of two firearms he had in his car at another motorist who had cut him off in traffic.
- o Carl Hileman, who was arrested for aggravated assault with a firearm after he pointed one of three firearms he had in his vehicle at two victims in an adjacent vehicle.

It is important to remember that the 43 examples obtained by the Violence Policy Center are only a sampling of the 149 crimes committed. Because of the license holders' willingness to challenge the revocation at a public hearing, it is possible that they may well represent the least severe of the crimes committed. It is also unknown how many criminals go undetected by the Florida Division of Licensing.

Even for those criminals who are identified by the Florida Division of Licensing and have their licenses revoked, there is always hope that they may once again legally possess a license:

- o Individuals who have been convicted of a state felony can legally receive a concealed weapons license by applying to the Florida Office of Executive Clemency for restoration of their civil rights and firearm privileges.
- o Individuals who have had adjudication withheld⁵ on a felony charge, and some persons convicted of one or more violent misdemeanors, merely have to wait three years from completion of any conditions set by the court to legally receive a concealed weapons license.
- o Individuals guilty of crimes relating to controlled substances, or who have chronically and habitually abused alcoholic beverages or other substances,

⁵ According to legal counsel for the Division of Licensing, adjudication withheld means that judgment by the court was withheld on a charge and there was no conviction. The court may withhold adjudication in cases where the defendant pleads guilty to the crime charged, in plea-bargained cases, or for first-time offenders. Adjudication may be withheld for both felony and misdemeanor charges. For example, rather than going through a trial, a defendant may agree to plead guilty to a charge. In exchange, the court may agree to withhold judgment on that charge. The defendant is still sentenced and must serve all conditions of the court, however there is no conviction on the defendant's record.

need only wait three years from completion of any conditions set by the court before they are eligible to legally possess a license.⁶

This study is divided into two sections detailing information contained in documents obtained by the Violence Policy Center for license holders who challenged their revocations at a public hearing. *Section One: Crimes Committed After Licensure* offers full synopses of the crimes committed after licensure of the 19 license holders who challenged their revocation at a public hearing. The section also contains full synopses of the three non-crime related cases where the license holder challenged the revocation at a public hearing. *Section Two: Crimes Committed Before Licensure* details and offers select synopses of the crimes committed before licensure of the 24 license holders who challenged their revocation at a public hearing. The section also contains a full synopsis of the one non-crime related case where the license holder challenged the revocation at a public hearing.

While advocates of relaxed concealed weapons laws ask the public to accept on faith the benefits of such laws, the cases detailed on the following pages illustrate their real-world effect: they arm criminals and threaten public safety. At the same time, no evidence exists that these negative effects are offset by license holders legitimately and properly using their weapons in self-defense.

⁶ For a detailed analysis of the ways in which criminals can obtain concealed weapons licenses in Florida please see the November 1995 Violence Policy Center study *Concealed Carry: The Criminal's Companion*.

Section One: Crimes Committed After Licensure

During the year-long period surveyed, 84 license holders had their concealed weapons licenses revoked for crimes they committed after having received the license. The only information offered by the Florida Division of Licensing on the nature of these crimes is whether or not they involved a firearm. Of these 84 cases, the State of Florida reports that 17 (20 percent) involved the use of a firearm. It is also important to note that these 84 cases represent only those that the Florida Division of Licensing *is aware of*. The state can offer no assurances that there are not numerous criminals armed by the state of Florida who go undetected. And the length of time between the commission of many of the crimes detailed below and the final revocation of the concealed weapons license raises serious public safety questions.

While the Florida Division of Licensing offers little information on the crimes committed by its license holders, the Violence Policy Center was able to obtain detailed records of the crimes committed by the licensees in the 19 instances where the license holder requested a public hearing. The state may not revoke the license of an individual until the hearing date has passed. It is important to remember that these 19 examples are only a sampling of the crimes committed and because of the license holders' willingness to challenge the revocation at a public hearing, may well represent the least severe of the crimes committed. The Violence Policy Center also received public hearing records for an additional three cases where the license was revoked for non-criminal reasons.

Of the 19 crime-related public hearing files received by the VPC: six were firearm-related crimes; seven were non-firearm crimes of violence; three were drug-related crimes; and, three were non-violent crimes. Of the three non-crime related revocations, two were for reasons of mental stability and one was for a physical disability. Under Florida law, in 12 of the 19 criminal cases the license holder will eventually be able to legally reapply for a concealed weapons license without further judicial review. Detailed synopses of the 22 cases and the reasons for revocation follow.

Gun-Related Crimes

Name of License Holder	Crime(s) Committed
Ruben D. Cervantes	Adjudication withheld on a felony—aggravated assault with a deadly weapon
Jesus E. Fernandez	Adjudication withheld on a felony—aggravated assault with a firearm
Carl E. Hileman	Convicted of a felony—aggravated assault with a firearm
Johnnie F. Smith	Adjudication withheld on a felony—armed selling of cocaine
Oscar A. Vargas	Adjudication withheld on felonies—forgery of inspection certificate and use of a firearm to commit a felony
Orrin D. Weiss	Found guilty of battery and improper exhibition of a deadly weapon—crimes of violence

Ruben D. Cervantes

Aggravated Assault With a Deadly Weapon

Ruben Cervantes was issued a concealed weapons license in May 1989 and had his license renewed in 1992 and 1995. Six months after his first renewal in December 1992, Cervantes was arrested on charges of aggravated assault with a deadly weapon after he reportedly pulled out his revolver during an argument. In April 1993 Cervantes had adjudication withheld on the felony charge, was sentenced to one year probation, and was specifically ordered to forfeit his weapon. Cervantes retained his license for an additional two years and 11 months before his license was revoked. Under Florida law Cervantes may legally reapply for a concealed weapons license in 1997.

Jesus E. Fernandez

Aggravated Assault With a Firearm

Jesus Fernandez was issued a concealed weapons license in May 1994. The next month Fernandez was arrested for aggravated assault with a firearm after pointing one of two firearms he had in his car at another motorist who had cut him off in traffic. In October 1994 Fernandez had adjudication withheld on the felony charge. According to hearing testimony, his sentencing included 100 hours of community service, a fine, and probation. Fernandez's license was not revoked until 11 months later. Under Florida law Fernandez may legally reapply for a concealed weapons license in 1997.

Carl E. Hileman

Aggravated Assault With a Firearm

Carl Hileman was issued a concealed weapons license in June 1992. Hileman was eligible for the license only because he had received restoration of his gun privileges through Florida's clemency program in 1991 for a prior felony conviction. Hileman's license was renewed in April 1995. Yet in August 1994—8 months before his renewal—Hileman was arrested on the felony charge of aggravated assault with a firearm after he pointed one of three firearms he had in his vehicle at two victims in an adjacent vehicle. In April 1995—the same month as his renewal—Hileman was convicted and sentenced to three years in prison. Hileman's license was revoked in November 1995. Hileman's appeal brief reveals that in 1975 he was convicted of the felony crime of shooting into an occupied vehicle and that in 1979 he was convicted of tampering with a witness. In addition, in 1986 Hileman was arrested for grand theft and dealing in stolen property.

Johnnie F. Smith

Armed Selling of Cocaine

Johnnie Smith was issued a concealed weapons license in 1990 which he later had renewed in February 1993. In April 1995 Smith was charged with armed selling of cocaine, a felony. Smith was arrested by undercover officers for selling crack cocaine at the public housing project in Jacksonville, Florida where he worked as an armed security guard. In July 1995 Smith had adjudication withheld on the felony charge and was placed on probation. Smith's license was revoked in December 1995. Under Florida law Smith will be able to legally reapply for a

concealed weapons license once he serves the conditions set by the court and three years have elapsed.

Oscar A. Vargas

Forgery of Inspection Certificate and Use of a Firearm to Commit a Felony

Oscar Vargas was issued a concealed weapons license in 1988 and had it renewed in 1991 and 1994. In February 1992 Vargas was arrested for using a firearm to commit a felony and on six felony charges of fraud. In May 1992 Vargas had adjudication withheld on lesser charges and was placed on probation for one year. Vargas' license was not revoked until August 1995—three years and three months after his sentencing. Under Florida law, as of May 1996 Vargas has been able to legally reapply for a concealed weapons license.

Orrin D. Weiss

Battery and Improper Exhibition of a Deadly Weapon—Crimes of Violence

Orrin Weiss was issued a concealed weapons license in June 1994. Three months later Weiss was arrested for aggravated battery and aggravated assault after attacking a female acquaintance during an argument. According to the police report, the acquaintance asked Weiss to leave her home. Weiss first tried to run the woman over with his car, but failed. He then put a black handgun, believed to be a Glock pistol, to the victim's left temple as he held her by the throat. Weiss then suddenly released his victim and left the area. In January 1995 Weiss was found guilty of battery and improper exhibition of a deadly weapon, crimes of violence, and was sentenced to one year probation, no further contact with his victim, and the forfeiture of his firearm. Weiss's license was revoked in August 1995. Under Florida law Weiss will be eligible to legally reapply for a concealed weapons license in 1999.

Non-Firearm Crimes of Violence

Name of License Holder	Crime(s) Committed
Douglas E. Barber	Convicted of a felony—sex offense against a child
Bernardo M. Fuentes	Adjudication withheld on a felony—strongarm robbery
George E. Harrison, Jr.	Adjudication withheld on a felony—aggravated battery and aggravated assault
Lemon M. Lee	Convicted of a felony—aggravated battery
Wade S. Lusby	Adjudication withheld on a felony—leaving the scene of an accident resulting in death
George L. Santos	Found guilty of domestic battery—a crime of violence
John Webber	Adjudication withheld on a felony—aggravated assault with a deadly weapon

Douglas E. Barber

Sex Offense Against a Child

Douglas Barber was issued a concealed weapons license in 1987 and had it renewed in 1990 and 1993. In December 1994 Barber was convicted of a sex offense against a child, a felony, and sentenced to two years community control. Barber's license was not revoked until October 1995.

Bernardo M. Fuentes

Strongarm Robbery

Bernardo Fuentes was issued a concealed weapons license in 1993. In January 1995 Fuentes was arrested on charges of strongarm robbery when he struck a woman and stole her camera to destroy the film. Fuentes had adjudication withheld on the felony charge in February 1995 and was placed on probation for one year. A year later Fuentes' license was revoked. Fuentes had also been arrested in November 1992 for grand theft, but no action was taken. Under Florida law Fuentes may legally reapply for a concealed weapons license in 1999.

George E. Harrison, Jr.

Aggravated Battery and Aggravated Assault

George E. Harrison was issued a concealed weapons license in July 1991 and had it renewed in July 1994. In June 1992 Harrison had adjudication withheld on charges of aggravated battery and aggravated assault, a felony. His license was revoked in July 1995—three years and one month after adjudication was withheld. Under Florida law Harrison will be able to legally reapply for a concealed weapons license once three years have elapsed since probation or any other conditions set by the court.

Lemon M. Lee

Aggravated Battery

Lemon Lee was issued a concealed weapons license in 1989. It was last renewed in May 1995. In January 1995 Lee was arrested on the charge of aggravated battery, a felony. Lee had been engaged in a verbal altercation when a bystander attempted to break it up. Lee cut the bystander with a knife. In June 1995 Lee pled guilty to the charge and received six months probation. Lee's license was revoked in October 1995. An FBI report contained in the hearing documents indicated that Lee had previous convictions for aggravated assault in 1961 and reckless and careless display of a firearm in 1966.

Wade S. Lusby

Leaving the Scene of an Accident Resulting in Death

Wade Lusby was issued a concealed weapons license in 1988. His license was last renewed in August 1994. In February 1993 Lusby was arrested on a felony charge of leaving the scene of an accident with personal injury, operating a motor vehicle with altered tags, and making a false report to law enforcement. In December 1994 the court withheld adjudication of guilt on the felony charge of leaving the scene of an accident resulting in death, and Lusby was given two years probation. Lusby's license was revoked in July 1995. Under Florida law Lusby will be eligible to legally reapply for a concealed weapons license in 1999.

George L. Santos

Domestic Battery—a Crime of Violence

George Santos was issued a concealed weapons license in 1988 and had it renewed in 1991 and 1994. In July 1992 Santos was arrested and later found guilty on charges of domestic battery after hitting his girlfriend during an argument. Hearing testimony states that the police had asked Santos to leave the area, but he refused. He was bailed out the next day by his girlfriend. Santos' license was revoked in August 1995.

John Webber

Aggravated Assault With a Deadly Weapon

John Webber was issued a concealed weapons license in June 1993. Eight months later Webber was arrested on charges of aggravated assault with a deadly weapon and possession of marijuana. According to the police report, Webber was involved in a traffic altercation in which he repeatedly bumped his car against another vehicle after being cut off. When Webber and the driver of the other vehicle pulled off the road, Webber reportedly began yelling in a violent manner and broke the victim's rear vent window with his fist. When the victim tried to drive off, Webber swerved his vehicle into the victim's car. In November 1994 Webber had adjudication withheld on aggravated assault with a deadly weapon. His concealed weapons license was revoked 11 months later. Under Florida law Webber will be able to legally reapply for a concealed weapons license once three years have elapsed since probation or any other conditions set by the court.

Drug-Related Crimes

Name of License Holder	Crime(s) Committed
Raul Garcia	Convicted of felonies—conspiracy to traffic cocaine and trafficking cocaine
Harry J. McMillan	Adjudication withheld on a felony—cannabis sale and delivery
David R. Slayton	Found guilty of possession of less than twenty (20) grams of cannabis, a controlled substance or drug abuse law

Raul Garcia

Conspiracy to Traffic Cocaine and Trafficking Cocaine

Raul Garcia was issued a concealed weapons license in November 1992. In October 1993 Garcia was arrested on felony charges of conspiracy to traffic in cocaine and trafficking in cocaine. Garcia was found guilty of both charges in January 1995 and sentenced to five years probation. Garcia's license was revoked in November 1995.

Harry J. McMillan

Cannabis Sale and Delivery

Harry McMillan was issued a concealed weapons license in July 1992 and had applied for renewal in April 1995. Yet that same month, in April 1995, McMillan had been arrested for possession and sale of marijuana. Two months later he had adjudication withheld on the charges of cannabis sale and delivery and, according to a note from McMillan, was put on probation for six months. McMillan's license was revoked in October 1995. In a signed note in his file McMillan wrote, "I wish that my license can [sic] be revoked until probation is over, and that will b [sic] December 21, 1995." Under Florida law McMillan may legally reapply for a concealed weapons license in 1998.

David R. Slayton

Possession of Less Than Twenty (20) Grams of Cannabis

David Slayton was issued a concealed weapons license in 1988 and had it renewed in 1991 and November 1994. In October 1994 Slayton was found guilty of possession of marijuana and resisting arrest without violence, and sentenced to 11 days in city jail and ordered to pay a fine. Slayton's license was revoked in July 1995. Hearing documents also revealed that Slayton was arrested in January 1992 for aggravated assault, kidnapping, carrying a concealed weapon, possession of a short rifle, and aggravated battery on a pregnant woman. The charges were later dropped. Under Florida law Slayton may legally reapply for a concealed weapons license in 1997.

Non-Violent Crimes

Name of License Holder	Crime(s) Committed
Pedro R. Almaguer	Adjudication withheld on felonies—grand larceny, odometer fraud, and title fraud
David C. Ditman	Adjudication withheld on felonies—bookmaking and possession of gambling paraphernalia
Eddy Pericles	Adjudication withheld on a felony—animal fighting

Pedro R. Almaguer

Grand Larceny, Odometer Fraud, Title Fraud

Pedro R. Almaguer was issued a concealed weapons license in October 1988 and had it renewed in 1991 and 1994. In August 1992 Almaguer was charged with eight counts of grand theft, 12 counts of odometer fraud, 11 counts of title fraud, and one count of conspiracy to commit odometer fraud. Six months later Almaguer had adjudication withheld on charges of grand larceny, odometer fraud, and title fraud. Almaguer's license was revoked in August 1995—two years and six months after his sentencing. Under Florida law Almaguer will be able to legally reapply for a concealed weapons license once three years have elapsed since probation or any other conditions set by the court.

David C. Ditman

Bookmaking and Possession of Gambling Paraphernalia

David Ditman was issued a concealed weapons license in November 1993. In October 1994 Ditman was arrested on charges of bookmaking, possession of gambling paraphernalia, and possession of a firearm during the commission of a felony. The gun charge was later dropped and Ditman had adjudication withheld on the other charges. Ditman's license was revoked in September 1995. Under Florida law Ditman will be able to legally reapply for a concealed weapons license once three years have elapsed since probation or any other conditions set by the court.

Eddy Pericles

Animal Fighting

Eddy Pericles was issued a concealed weapons license in 1990 and had it renewed in April 1993. In August 1993 Pericles had adjudication withheld on charges of animal fighting and was sentenced to 18 months probation. He was released from probation in February 1995. According to hearing documents, Pericles was also arrested in January 1990 for aggravated assault after firing shots during an argument with another man he had accused of dating his girlfriend. No action was taken on the charges. In December 1995—two years and four months after Pericles was adjudicated—it was revoked. Under Florida law Pericles will be eligible to legally reapply for a license in 1998.

Non-Crime Issues

Name of License Holder	Reason for Revocation
Maria C. Atkins	Mental Stability
Richard M. Clavette	Mental Stability
Justin A. Nance	Physical Disability

Maria C. Atkins

Maria C. Atkins was issued a concealed weapons license in December 1994. In August 1995 and September of 1991 Atkins was committed to a mental health institution. Police officials reported that she had been admitted in 1995 because she was depressed and suicidal. In a typewritten letter to the Division of Licensing Atkins stated that the first incident occurred when her husband, who she claimed was addicted to morphine, "came to choke me and I pushed 911. The police came and he ran on the golf course to hide and I got so mad at the police I threw a coffee pot, clean of course as they were called for him not me....And the other is a crummy one by apolice [sic] who seem to have it in for me....And The [sic] so called incident on or about August 12, 1995 was like a joke....I called one night to kid and say I'm tired of trying to please all so I think I'll Kill myself, Well he was on duty and sure took advantage of that. He came and got me and my gun...." Upon learning that Atkins had a concealed weapons license, Lt. Ed Nathanson of the Lady Lake Police Department wrote to the Division of Licensing urging them to revoke Atkin's license for safety reasons, stating that the department was "seriously concerned about the possibility of her hurting someone with her gun." Lt. Nathanson reported that Atkins called the police department on a regular basis and that because of her "mood swings" the department had established a policy of sending two officers to her house. They reported that she was extremely protective of her gun and often reported it stolen. Atkins had been arrested at least twice for driving under the influence and submitted for evaluation under the Baker Act [which provides that law enforcement officials may submit people who commit certain public disruptions for up to one week of psychiatric evaluation]. Atkins's license was revoked in March 1996—after possessing the license for one year and three months. Under Florida law Atkins will be eligible for licensure in August 2000 if she can be certified by a licensed psychiatrist as not having suffered from a mental disability since her institutional release.

Richard M. Clavette

Richard M. Clavette was issued a concealed weapons license in May 1994. In October 1994 Clavette was committed to Memorial Hospital following an alleged suicide attempt and discharge of a firearm. Clavette's wife called the police informing them that her husband was distraught and was going to kill himself because she had learned of his extramarital affair. Clavette fired the gun once into the ground to show that he was serious before he was handcuffed for his protection and transported to Broward County Mental Health for evaluation. Clavette's license was revoked in May 1995 after he had possessed it for a year.

Justin A. Nance

Though Justin A. Nance has been ineligible for a driver's license since 1983 and cannot read without a magnifying glass, he was issued a concealed weapons license in November 1993. Nance is legally blind. At last testing his vision was less than 20/400 in each eye. According to hearing documents, Nance stated that he could "see shapes and forms of persons, but cannot distinguish details such as what someone might have in their hand(s) in an adverse situation." In explaining how he could safely carry and use a handgun, he argued that it was "logical to assume" that someone had a weapon and was directing it at him if he perceived the person raising his arm in a manner which resembled a "pointing stance"—even though Nance would not be able to discern whether there was actually anything in the person's hand. Nance's license was revoked in January 1996—two years and two months after he received it.

Section Two: Crimes Committed Before Licensure

During the year-long period surveyed, 65 license holders had their concealed weapons licenses revoked for crimes they had committed *before* having received the license. The Florida Division of Licensing was unable, however, to ascertain their criminal history before the license was issued. The Florida Division of Licensing offers no information on the nature of these crimes (e.g. whether they involved a firearm or were a crime of violence). Once again, it is important to note that these 65 cases represent only those that the Florida Division of Licensing *is aware of*. The state can offer no assurances that there are not additional license holders with undetected criminal histories that have been granted concealed weapons licenses.

Of the 65 cases detailed during the survey period, the Violence Policy Center was, however, able to obtain the records for 24 individuals who requested public hearings to dispute the revocations. Once again, it is important to remember that these 24 cases are only a sampling of the 65 revocations and because of the license holders' willingness to challenge the revocation at a public hearing, may well represent the least severe of the crimes committed.

Of the 24 crime-related public hearing files received by the VPC: three were firearm-related crimes; four were drug-related crimes; four were non-firearm crimes of violence; and 13 were non-violent crimes. The Violence Policy Center also received records for an additional case where the license was revoked for non-criminal reasons. Under Florida law in five of the 24 cases the license holder will eventually be able to legally reapply for a concealed weapons license without further review.

With respect to the crimes committed by license holders, there is a wide range in the severity of the crimes as well as the length of time since they were committed. They are, however, a clear indication of the limitations of the Florida Division of Licensing's ability to ensure that those with criminal histories or other disqualifying attributes will not be issued licenses. The following section details the cases of those whose licenses were revoked because of prior firearm crimes as well as samples from the remaining crime categories. The section also details the one case where the license was revoked as the result of the license holder being committed to a mental institution.

Gun-Related Crimes

Name of License Holder	Crime(s) Committed
Lofton Coston	Convicted of felonies—absent without leave, robbery and wrongful possession and discharge of a firearm
Marc Hirschberg	Adjudication withheld—carrying a concealed firearm
Nicholas Picklo	Convicted of felonies—atrocious assault and battery, robbery and assault with a dangerous weapon

Lofton Coston

Absent Without Leave, Robbery, Wrongful Possession and Discharge of a Firearm

Lofton Coston was issued a concealed weapons license in May 1993. Yet while serving in the United States Army in Italy in 1949, Coston had been convicted of absence without leave, robbery, and wrongful possession and discharge of a firearm. He was sentenced to five years in a United States penitentiary. Coston had also been convicted of applying for a driver's license through fraud in October 1961 and was charged with carrying a concealed weapon in November 1967. Coston's license was revoked in January 1996—two years and eight months after he first obtained it.

Marc Hirschberg

Carrying a Concealed Firearm

Marc Hirschberg was issued a concealed weapons license in May 1994. Yet in January 1994 Hirschberg had been arrested for illegally carrying a concealed firearm and unlawful possession of a driver's license after a police officer was called to the scene of a "business dispute with possible firearms involved." Three months later, Hirschberg had adjudication withheld on the charges and was sentenced to one year probation. Hirschberg's license was revoked in December 1995—one year and seven months after he first obtained it. Under Florida law Hirschberg may legally reapply for a concealed weapons license in January 1998.

Nicholas Picklo

Atrocious Assault and Battery, Robbery and Assault With a Dangerous Weapon

Nicholas Picklo was issued a concealed weapons license in March 1994. Yet in February 1962 Picklo had been convicted of two felonies: atrocious assault and battery, and robbery. He was sentenced to two to three years in prison, fined \$500, and put on five years probation. Six years later Picklo was convicted of assault with a dangerous weapon—another felony. Other crimes for which Picklo had been arrested and later convicted were: obtaining unemployment benefits while employed in 1960, for which he was sentenced to 60 days in the county jail and six months probation; grand larceny in 1961, for which he was sentenced to two to three years in prison, a fine of \$250, restitution of \$300, and five years probation; and, kidnapping in 1967, for which he was sentenced to five to seven years in prison, a fine of \$500, and five years probation. Picklo's license was revoked in June 1995—one year and three months after he first obtained it.

Drug-Related Crimes

Name of License Holder	Crime(s) Committed
Steven M. Brown	Adjudication withheld on a felony—possession of a controlled substance
Kenneth M. DeMarco	Convicted of a felony—using a telephone to facilitate a drug conspiracy
Timothy E. Logan	Convicted of a felony—possession of a controlled substance (Heroin)
Lance W. Willey	Convicted of a felony—sale of a hallucinogenic drug

Kenneth M. DeMarco

Using a Telephone to Facilitate a Drug Conspiracy

Kenneth DeMarco was issued a concealed weapons license in January 1995. Yet in September 1982, under the alias Kenneth Lukowiak, DeMarco had been arrested for conspiracy to sell, as well as possession and distribution of narcotics. Two years and five months later he was found guilty of using a telephone to facilitate a drug conspiracy, a felony, and sentenced to three years probation. DeMarco denied being convicted of a felony on his license application. In a March 1996 letter to the Division of Licensing, DeMarco stated that he had applied for clemency with the Governor's office. According to his file, DeMarco was also arrested for theft in June 1980; four counts of theft, two counts of fraud, and two counts of burglary in September 1980; attempted burglary in June 1981; aggravated assault and unlawful use of a weapon in March 1984; and reckless homicide in March 1985. According to DeMarco's letter, all the charges for his previous arrests were later dropped, although the public hearing records did not indicate any final disposition. A letter from a detective in the police department of the township of Fairfield, New Jersey stated, "Anything else you need in an attempt to stop DeMarco/Lukowiak from getting a carry permit or any handgun permit, please let us know." DeMarco's license was revoked in May 1996.

Timothy E. Logan

Possession of a Controlled Substance (Heroin)

Timothy E. Logan was issued a concealed weapons license in May 1995. In February 1984 Logan was convicted of possession of heroin in Virginia and was sentenced to one year in jail, an additional 18 months probation, and attendance at a mental health or drug and alcohol rehabilitation program. According to hearing documents, Logan had also been convicted of: being drunk in public in July 1976, September 1976, and November 1987; disorderly conduct in June 1977; concealed merchandise in March 1978; and, destroying property in July 1988. In a letter addressed to the Florida Division of Licensing, Logan admitted to the additional convictions of: DWI-Alcohol in March 1978, October 1980, and December 1981; and, refusal of a blood test in October 1988. Logan's concealed weapons license was revoked in October 1995.

Crimes Involving Non-Firearm Violence

Name of License Holder	Crime(s) Committed
Hyman Koran	Convicted of a felony—first degree arson
Timothy J. Leary	Convicted of a felony—criminal sexual conduct
David E. Metzger	Convicted of a felony—burglary
Alvin J. Schmidt	Convicted of felonies—larceny and breaking and entering with the intent to commit larceny.

Timothy J. Leary

Criminal Sexual Conduct

Timothy J. Leary was issued a concealed weapons license in December 1994. Yet in December 1976 Leary had been charged with false imprisonment, two counts of sodomy upon or with a child, third degree criminal sexual conduct, and first degree criminal sexual conduct. Leary was convicted that same month of third degree criminal sexual conduct, a felony, and sentenced to 10 years probation. Leary's record also notes that he was arrested in January 1987 for possession of marijuana, but the case was later dismissed. Leary's license was revoked in March 1996 after he had possessed it for one year and three months.

Alvin J. Schmidt

Larceny and Breaking and Entering With the Intent to Commit Larceny

Alvin J. Schmidt—also known by the aliases Allin Jerry Cornelius and Allin Jerry Schmidt—was issued a concealed weapons license in August 1994. Yet in March 1975 Schmidt had been found guilty of two felonies: breaking and entering with intent to commit larceny, and larceny. He was sentenced to 60 days in jail as well as an additional three years in the division of correction. According to hearing documents, Schmidt was also charged with reckless driving in October 1970. He had adjudication withheld on a charge of shoplifting in May 1972 and was sentenced to two and a half years probation. In December 1973 Schmidt was charged with unlawful punishment of a child and two counts of lewd and lascivious assault on a female child. Adjudication was withheld on the lesser offense of causing a minor under 18 to become a delinquent child. He was found guilty of unlawfully punishing a child and was sentenced to three years probation. In a

handwritten note dated February 21, 1995, Schmidt accused a detective in the local sheriff's department of having "made up this story" because the detective was plotting to take possession of Schmidt's .40 Glock pistol because it is "a favored firearm of the FBI." Schmidt went on to say that "[h]e also has gone so far as to tell my mother that I was a child molester....He had ask [sic] her for a receipt for the gun and a [concealed weapons] license...he refused to return them." Schmidt also claimed to have served in the US Marine Corps from 1968 to 1972, and to have received special training in Jungle Operations Training and flamethrower training. Additionally, he occasionally follows his name with Ph.D. or Dr. S.E., even though according to his military record the highest degree he has is a G.E.D. Schmidt's license was revoked in October 1995—one year and two months after he first received it.

Non-Violent Crimes

Name of License Holder	Crime(s) Committed
Ribhi H. Ahmad	Convicted of a felony—possession of food coupons
Frank Anzalone	Adjudication withheld—fraudulent use of a credit card and larceny grand theft
Robert G. Bailey	Convicted of felonies—breaking and entering with intent to steal, breaking and entering and larceny
Reese J. Furlow	Convicted of a felony—forging U.S. Treasury checks
Raymond F. Hill	Convicted of a felony—burglary
Michael J. Iglesias	Adjudication withheld—second degree grand theft
James D. Jackson	Convicted of a felony—interstate transportation of a stolen motor vehicle
Howard A. Kleinatland	Convicted of felonies—breaking and entering and committing larceny
Frank J. Marrone	Convicted of a felony—use of mail schemes to defraud
Roy F. McIntyre	Convicted of a felony—forgery
Jack J. Miller	Convicted of a felony—disposing of stolen property
William D. Paedae	Convicted of a felony—buying, receiving and aiding in the concealment of stolen property
Arthur Wise	Convicted of a felony—making false statements and representations of fact in documents required by the Welfare and Pension Plans Disclosure Act

Robert G. Bailey

Breaking and Entering With Intent to Steal, Breaking and Entering and Larceny

Robert G. Bailey was issued a concealed weapons license in January 1995. Yet in June 1966 Bailey had been convicted of two felonies: breaking and entering with intent to steal as well as breaking and entering and larceny. He was sentenced to two years in the County Workhouse, an additional two years probation, and was ordered to pay a \$300 fine. In addition, in 1978 Bailey was charged with aggravated battery, culpable negligence, discharging a firearm in public, and improper exhibition of a dangerous weapon. He pled guilty to the misdemeanor charge of culpable negligence and was sentenced to one year probation. Other charges in Bailey's past included: burglary in December 1965; and, breaking,

entering and larceny, assault with a deadly weapon, aggravated assault and battery, and carrying a concealed weapon in January 1966. Bailey's license was revoked in August 1995—seven months after he first obtained it.

Michael J. Iglesias

2nd Degree Grand Theft

Michael J. Iglesias was issued a concealed weapons license in March 1995. Seven months earlier, in August 1994, Iglesias had been charged with second degree grand theft for collecting \$36,000 under the guise of a licensed contractor to repair a house damaged by Hurricane Andrew. Rather than repair the house, Iglesias caused more than \$19,000 in additional damage. In April 1995 Iglesias had adjudication withheld on a charge of second degree grand theft, was placed on three years probation, and ordered to pay \$10,050 in restitution. His license was revoked in March 1996. Under Florida law Iglesias will be eligible to legally reapply for a license in 2001.

Non-Crime Issues

Name of License Holder	Reason for Revocation
Dolores M. Terrell	Mental Stability

Dolores M. Terrell

Dolores M. Terrell was issued a concealed weapons license in September 1994. However, in 1972 Terrell had been committed for about six months to Buffalo State Hospital, a mental institution. Her concealed weapons license was revoked in November 1995 because she failed to provide documentation of her mental stability for a period of five years since her release.