



WHEN CRIMINALS FACE  
ARMED RESISTANCE  
FROM CITIZENS

# TOUGH TARGETS

CLAYTON E. CRAMER AND DAVID BURNETT



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An expanded list of defensive gun use cases can be found at  
<http://www.cato.org/guns-and-self-defense/>.

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## Executive Summary

The ostensible purpose of gun control legislation is to reduce firearm deaths and injuries. The restriction of access to firearms will make criminals unable to use guns to shoot people. Gun control laws will also reduce the number of accidental shootings. Those are the desired effects, at least in theory. It is important, however, for conscientious policymakers to consider not only the stated goals of gun control regulations, but the actual results that they produce.

What would be the effect of depriving ordinary, law-abiding citizens from keeping arms for self-defense? One result seems certain: the law-abiding would be at a distinct disadvantage should criminals acquire guns from underground markets. After all, it is simply not possible for police officers to get to every scene where they are urgently needed.

Outside of criminology circles, relatively few people can reasonably estimate how often people use guns to fend off criminal attacks. If policymakers are truly interested in harm

reduction, they should pause to consider how many crimes—murders, rapes, assaults, robberies—are thwarted each year by ordinary persons with guns. The estimates of defensive gun use range between the tens of thousands to as high as two million each year.

This paper uses a collection of news reports of self-defense with guns over an eight-year period to survey the circumstances and outcomes of defensive gun uses in America.

Federal and state lawmakers often oppose repealing or amending laws governing the ownership or carrying of guns. That opposition is typically based on assumptions that the average citizen is incapable of successfully employing a gun in self-defense or that possession of a gun in public will tempt people to violence in “road rage” or other contentious situations. Those assumptions are false. The vast majority of gun owners are ethical and competent. That means tens of thousands of crimes are prevented each year by ordinary citizens with guns.



## Introduction

News organizations generally report incidents in which criminals used guns to perpetrate their crimes. What typically goes unreported are instances in which ordinary citizens use guns to put a stop to criminal attacks. To be sure, if a criminal is actually shot, the incident may very well be covered, but the vast majority of the defensive uses of guns do not involve shootings. Fearing for their lives, most criminals flee the scene once they realize that their intended target is an armed citizen. With no shots, no injuries, and no suspect in custody, news organizations typically do not report such incidents, or there is only a terse paragraph in the newspaper. In this milieu, where criminal gun use makes the evening news, but self-defense cases get little or no coverage, it is understandable why many people would develop negative opinions concerning guns and gun use.

This paper examines instances of gun use in self-defense in order to provide a better understanding of their character. When ordinary Americans use guns in self-defense, what is the nature of that use? How frequently do these events occur and what are the consequences? These are important questions, but they are also difficult to answer. The survey data on defensive gun use is controversial. Some methods of recording or estimating the incidence of gun usage underestimate the number of defensive gun usage, while others may overstate it.

This paper makes use of a news report-gathering project to explore in more detail how Americans use guns in self-defense. The collection of news reports of self-defense shootings over an eight-year period provides a useful survey of the circumstances and outcomes of defensive gun uses. Some shootings are treated differently than they would have been a few years ago because of recent changes to state laws. Some shootings have been considered legal by the authorities yet are unwise or foolish. And some defensive gun uses are unsuccessful—the defender may

still lose his or her life—but these cases are the exception, not the rule.

Federal and state lawmakers have often opposed repealing or amending laws governing the ownership or carrying of guns. That opposition is typically based on assumptions that the average citizen is incapable of successfully employing a gun in self-defense or that possession of a gun in public will tempt the average citizen to violence in “road rage” or other contentious situations. This paper finds that such cases represent an exceedingly small minority of gun uses by otherwise law-abiding citizens and that a great number of tragedies—murders, rapes, assaults, robberies—have been thwarted by self-defense gun uses.

This study will begin with an overview of the academic studies that have tried to estimate the frequency of defensive gun uses. It will then examine recent legal issues and trends surrounding the law of self-defense, such as the enactment of “stand-your-ground” laws. The study will then explore the manner and circumstances in which people use guns against criminals. Finally, the Appendix will provide scores of documented examples in which ordinary people have used guns to defend themselves.

## How Many Defensive Uses?

A recurring criminological question for the last several decades has been how often Americans use guns for self-defense. Even the most vehement advocates of gun control have to acknowledge that Americans use guns for self-defense. Because of the clear implication for gun control laws, a number of criminologists have prepared studies of defensive gun use incidence over the years—with startlingly different results. The most widely known is the study by Gary Kleck and Marc Gertz, completed in the 1990s, when violent crime rates were higher than they are today. That study found that there were somewhere between 830,000 and 2.45 million defensive gun uses per year in the United States.<sup>1</sup>

**Even the most vehement advocates of gun control have to acknowledge that Americans use guns for self-defense.**

**The National Survey of Private Ownership of Firearms found approximately 1.5 million defensive gun uses per year.**

Another prominent study was the federal government's National Crime Victimization Survey (NCVS), which also asked if victims of crimes had used a gun in self-defense. That study found that there were about 108,000 defensive gun uses per year.<sup>2</sup> The National Survey of Private Ownership of Firearms (NSPOF) was performed in 1994. It was conducted partly because of widespread skepticism about the number of defensive gun uses reported in the Kleck and Gertz study. Still, the NSPOF study found approximately 1.5 million defensive gun uses.<sup>3</sup>

The academic researchers who conducted the NSPOF survey, Philip Cook and Jens Ludwig, noted that the numbers were so high as to be implausible: the number of rapes prevented by women armed with guns exceeded the number of rapes reported by the NCVS, and "NSPOF estimates also suggest that 130,000 criminals are wounded or killed by non-law enforcement civilian gun defenders. That number also appears completely out of line with other, more reliable statistics on the number of gunshot cases."<sup>4</sup> For those reasons, Cook and Ludwig arrived at the conclusion that Americans were exaggerating or falsifying defensive gun uses in the surveys.

The high-end figures on defensive gun uses may well suffer from exaggeration or outright lies. In addition, there is the problem of "telescoping": did that traumatic incident happen 11 months ago, or 13 months ago? If the survey asks, "in the last year," it is very easy for a respondent to get the exact number of months confused. Even misremembering such an incident by one month could inflate the defensive gun use count by more than 8 percent. The surveys that show defensive gun uses on the low end may have problems as well. The NCVS, for example, asks questions about crimes the victim experienced in the last six months. The same telescoping problem can occur here: Was the crime 5 months ago, or 7?

Still another problem with the NCVS numbers on defensive gun uses concerns the sequence of the survey questions. The

sequence of the questions posed may cause some victims to not report defensive gun uses. For example, the survey asks, "Have you been the victim of a crime?" If you answer, "yes," you will be asked about defensive gun uses. If you answer, "no," you will not be asked that question. It is plausible that a respondent who has defended himself or herself with a gun, but was not injured or robbed, will answer, "no," to the "victim of a crime" question. A respondent who defended someone else with a gun is also unlikely to regard himself as a crime victim. The point here is that there are defensive gun use situations that may not show up in the NCVS.

With regard to the NCVS, researchers have matched up survey respondents with local police reports. This matching effort shows that victims appear to forget—and thus underreport on the NCVS—crimes that they reported to the local police. This problem is most pronounced among African American and poor victims—and these are the members of our society who are most likely to be victimized.<sup>5</sup> This underreporting also means that such victims will not have the chance to answer "yes" to the question about using a gun in self-defense.

At one time it was quite common for gun control advocates to use the very low number of recorded justifiable homicides with guns as evidence that there were very few self-defense shootings. The main problem with that line of reasoning is that it only includes those defensive gun uses where a citizen kills a criminal. It does not tell us anything about instances where the criminal was wounded (but did not die), where the victim held an attacker for police, or where the brandishing of a gun caused the criminal to flee.

Another problem is that the data gathered on justifiable homicides employs a very strict definition of what is "justifiable": where one person *kills* another person to prevent a felony, and the action is lawful.<sup>6</sup> That narrow definition does not include *excusable* homicide. Many states have two categories of excusable homicide. The first category is a homicide "committed by accident and mis-



fortune, or in doing any other lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent.”<sup>7</sup> For example, that would be the case where a gun owner does everything right about his target shooting, but another person wanders into the middle of the gun range and gets shot. In other words, it is an accidental death.

But the second category of excusable homicide is so similar to justifiable homicide that one may not immediately see the difference: “When committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat, when no undue advantage is taken, nor any dangerous weapon used, and when the killing is not done in a cruel or unusual manner.”<sup>8</sup> If a stranger ran up to you on the street, knocked you to the ground, and you pulled out a gun and shot the attacker, that response would *likely* be ruled an excusable homicide. It would not be a justifiable homicide, because you were not in danger of death or great bodily harm—although that might not have been obvious at the time. Excusable homicide laws recognize that in the circumstance of “sudden combat” one does not have time to make that subtle distinction.

The FBI’s Uniform Crime Reports also significantly *overstate* murders and *understate* defensive gun uses. If the police investigate a homicide and ask the district attorney to charge someone with murder or manslaughter, that is reported as a murder or manslaughter to the Uniform Crime Reports program. But district attorneys will often investigate a case in the weeks afterward, find evidence that the killing was justifiable or excusable homicide, and drop the case entirely.

Further, some of those charges are found to be justifiable or excusable homicide by judges and juries during a trial. This is very often the case in spousal abuse situations where a woman defends herself or her children from an estranged husband.<sup>9</sup> A killing initially charged as a murder or nonnegligent homicide that is later reclassified as a

justifiable or excusable homicide, will *not* be moved in the Uniform Crime Reports data from the homicide column to the justifiable homicide column.

How do we find out how many such cases exist? In 1989, *Time* magazine published an article called “Death by Gun.” It included photographs and information about every person killed by a gun in one week in the United States: May 1–7, 1989. There were 464 gun deaths reported in the article. Of these, 216 were suicides, 14 were initially reported as non-law enforcement defensive homicides, 13 were police justifiable homicides, and 22 accidents.<sup>10</sup> That left 199 murders and manslaughters.

The *Time* article, like the FBI’s data collection, showed the number of defensive gun uses that resulted in a death based on *initial* reports. A year later, *Time* followed up on the murder cases, to see how the courts handled them. Instead of 14 self-defense or “justifiable” homicides, there were now 28. This was because 14 of the “crimes” reported in “Death by Gun” were now found to be justifiable homicides. At least 43 murder cases had still not gone to trial, and it was possible that some of those would be found “justifiable.”<sup>11</sup> Clearly, the FBI’s justifiable homicide data is not particularly meaningful for understanding defensive gun uses that result in death—and is useless for understanding the vastly larger number of defensive gun uses that do not result in death. Just as clearly, a better data set is needed.

## The Data Set

Even if there were reasonably trustworthy statistics about the number of defensive gun uses—what would those numbers say about the *nature* of those events? Were guns really *necessary* for civilians to defend themselves? Or were they just there—and the results would have been the same, even if the victim did not have a gun?

At one time, it was widely believed that a fairly large percentage of defensive gun uses

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might be criminals defending themselves from other criminals: marijuana growers protecting their crops, gang members defending themselves from other gang members, a falling out between members of a criminal enterprise. That was only speculation. For a long time, there was not much in the way of actual data.

Since the survey data has severe limitations with respect to defensive gun uses, collecting accounts of self-defense as they are reported in news outlets may be a better method of assessing the frequency and nature of self-defense with firearms. The data set supporting this paper is derived from a collection of news stories published between October 2003 and November 2011.<sup>12</sup>

There is a selection bias problem with the method of gathering news stories. Many defensive gun uses never make the news. Sometimes that is because the person using a gun in self-defense saw no need to call the police—he or she scared off the bad guy. In some cases, the victim might not want to explain to the police that he has a gun, perhaps because he is a felon, or perhaps because he lives in a jurisdiction with very restrictive gun control laws. Sometimes the police do get called, but the officers do not find the circumstances sufficiently important to issue a press release. After all, “Man Scares away Burglar, No Shots Fired” is not particularly newsworthy, unless you live in a very small town.

In spite of the selection bias problem, there is one enormous advantage to this model of gathering data: it provides a rich set of information about motives, circumstances, victims, and criminals. It also provides a sufficiently large database (almost 5,000 incidents), randomly selected, so that some conclusions about the nature of armed self-defense in America can be drawn. Best of all, whatever the deficiencies of news reporting, the model is not completely dependent on the honesty or accuracy of the respondent—unlike some of the questions raised with respect to defensive gun use surveys.

## **State Laws Vary about Defensive Gun Use**

Before specific cases are examined, it is important to note that there is considerable variation from state to state concerning the lawful use of guns for self-defense. Some of this is because of differences in the statutes with respect to when lethal force is permissible. State courts have also interpreted the statutes in ways that are sometimes narrower than the actual text of the statute. For example, a California statute says deadly force may be used against a fleeing felon. The California Supreme Court, however, has narrowed that statute so that it is unlawful to use lethal force against a robber where no weapon was used, and where the amount taken involved petty cash.<sup>13</sup>

In a number of the cataloged cases, a person originally charged with a crime is later released, as a result of pretrial investigation, action by a grand jury or trial jury, or an appeal. Of course, there are no doubt defensive gun uses that were originally charged as crimes which did not make it into the data set simply because there was no news coverage of this change, or it did not come to our attention. In a few instances, we have included cases where the initial news reports were clearly of legitimate defensive gun uses, but where law enforcement or a prosecutor chose to charge a gun owner. Those are relatively rare; when there was *any* doubt as to whether a use of a gun might be criminal, it was not included in our list of news accounts until such time as there was confirmation that the defensive gun use was deemed lawful. In only a handful of cases did later investigation turn an initial defensive gun use into a criminal charge. The most common scenario is that law enforcement officers chose not to prosecute based on the evidence at the scene and testimony of witnesses, but referred the case to a grand jury for review. It is the exception, rather than the rule, that the grand jury finds cause for prosecution where law enforcement did not. Indeed, it is more likely that someone will be arrested and then re-

leased after additional facts in the case are discovered.<sup>14</sup>

## The Laws on Concealed Weapons

America has a history of concealed weapon permit laws that is both curious and fascinating. In brief, the laws regulating the concealed carrying of deadly weapons first appeared in the period 1813–1840, primarily in the southwest states. They were part of a broad and generally futile attempt to suppress dueling. As with many social problems, legislating contrary to the popular morality of the society only shifted the problem from dueling to brawling—it did not solve it.<sup>15</sup>

In the period after the Civil War, the states that had completely prohibited concealed carry, with a few exceptions, such as for travelers, revised the laws to require a license to carry concealed weapons. License issuance was completely discretionary and commonly racially biased. It remained that way in the vast majority of states until the 1980s, when Florida began a movement toward a nondiscretionary permit system.<sup>16</sup> Over the past 30 years, there has been a dramatic expansion of the number of people licensed to carry concealed weapons—and, as will be examined below, many cases where those licensed have made local headlines. There remains considerable variation from state to state with respect to how concealed weapon permits are issued. Some states require applicants to complete a training course with a live fire test before issuance of a permit, some require classroom instruction in deadly force law or basic firearms safety classes, and others require only background checks and fingerprints. Some states recognize concealed carry permits issued by all other states; some recognize permits issued by other states only if the permit was issued to a resident of the other state. Unsurprisingly, many states will only recognize permits issued by *other* states if their issuance standards are comparable or even more demanding.

Three states do not require a license to carry a concealed firearm: Vermont, Alaska, and Arizona. Vermont has never had a concealed weapon permit law. Alaska and Arizona both went from having a complete prohibition on concealed carry to a “shall-issue” concealed license system, and then they both abolished the requirement for a license. (Alaska and Arizona still issue concealed carry licenses to their residents, but that is essentially to allow them to carry concealed in other states that recognize Alaska or Arizona licenses.)<sup>17</sup>

There are arguments for and against what gun rights activists call “constitutional carry”—allowing anyone who may lawfully possess a firearm to also carry it concealed. The argument for this is that if the right to bear arms is truly a constitutional right, then any licensing, even “shall-issue” laws, infringes on that right. No one would consider it acceptable to require a license before you could print and distribute a book, because freedom of the press is protected by the First Amendment. Would anyone argue for instruction before a person could be allowed to exercise his freedom of speech? Not everyone understands libel law; perhaps lawmakers could enact a rule requiring authors to take a six-hour class on the legal complexities of libel and obscenity.

Gun control proponents argue that misuse of a firearm in a public place (whether intentional or accidental) presents a public safety hazard. A negligent or improper use of a firearm may result in a severe or permanently disabling injury, or death. Supporters of licensing argue that shall-issue concealed licensing laws create only a minor hindrance to carrying a concealed weapon. Even the licensing cost is less significant than it first appears since the cheapest handguns still cost more than a license in most states.

Another argument against licensing is that those who are at the most significant risk of firearms misuse (convicted felons, the mentally ill, those with serious alcohol or drug addiction problems) are already prohibited from possession of a firearm by both state and federal law. The license re-

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**The “castle doctrine” holds that a criminal who attempts to force entry into a home is presumed to intend the occupants great bodily harm.**

quirement only disarms those who are not a threat. While *largely* true, it is by no means clear that this is *always* true. The licensing process, and in many states, the training requirement, may act as a mild discouragement for persons who may lawfully possess a firearm—but because of temper, psychiatric problems, or alcoholism, are at greater risk of misuse. Of course, this mild discouragement will not stop a person who is deeply committed to carrying a concealed weapon.

Especially in the western states, such as Idaho and Arizona, the so-called “open carry” of a firearm—even in cities—is not only legal, but constitutionally protected.<sup>18</sup> In such states, no license is required to openly carry. In those jurisdictions, requiring a license to carry *concealed* creates an incentive to carry a gun openly—which many people consider to be unnecessarily provocative.

An additional argument for licensing is that it helps police officers determine whether a person they encounter is disqualified from possessing a firearm. A police officer can verify that a license is currently valid, and that the possessor may lawfully possess a firearm. The only alternative strategy would be for states to mark drivers’ licenses or state identification cards with a “no firearms” flag. That, however, would create a different set of constitutional questions. Many of these same critics of concealed carry licensing take exception to law enforcement knowing who is armed and who is not; under most current licensing systems, law enforcement officers can trace a car owner’s registration and determine if the owner is licensed to carry a concealed firearm. This can be both a benefit and a detriment; during routine traffic stops, an officer can know who is armed before ever approaching the car. (Some states even require permit holders to inform a police officer, upon being stopped, of the presence of a firearm.)<sup>19</sup>

### “Castle Doctrine” Laws

Most of the self-defense shootings in

the data set do not involve concealed carry licensees; the typical incident involves a person defending himself on residential premises, not in public spaces. Before turning to those incidents, it will be useful to briefly consider the “castle doctrine.” This doctrine holds that a criminal who attempts to force entry into a home is presumed to intend the occupants great bodily harm—and the occupants may therefore use deadly force against such an intruder.

It is difficult to clearly distinguish which of the defensive gun uses within the data set benefit from castle doctrine laws, but it is not at all difficult to identify gun uses that involve residential burglaries and the more frightening home invasions. The data set shows 488 defensive shootings involving residential burglaries—many of which demonstrate the unsettling reality that no home is truly safe from intruders. Consider just a few examples.

On June 28, 2010, a South Carolina farmer returned from selling homegrown produce to find an intruder at his home. The farmer held the criminal at gunpoint until authorities arrived.<sup>20</sup>

On April 15, 2010, Roger Dale Ramsey, 63, of Shelby, North Carolina, returned home around midnight. Ramsey heard noises in the house—and then saw “a suspect step out of his bedroom into the dining room.” Ramsey pointed a gun, and ordered the intruder to halt. Instead, the burglar “leapt out the bedroom window on the east side and ran.”<sup>21</sup>

On February 9, 2010, a Modesto, California woman came home in the middle of the morning and discovered evidence of a burglary. She armed herself, confronted the burglar, and because “she feared for her safety” fired one shot—apparently not hitting the intruder—who fled the scene.<sup>22</sup>

On September 2, 2009, a 13-year-old boy in Arizona confronted burglars entering his home. When two juvenile burglars forced entry through the back door, the boy ran to a neighbor’s house. Before the police arrived, the boy’s father had returned to the house, grabbed his gun, and took one of the bur-

glars into custody. The police, who arrived shortly thereafter, arrested the other burglar as he jumped from the second story.<sup>23</sup>

On January 21, 2009, Gabriel Flores, 17, “kicked in the door of a home” in Dallas, Texas, and provoked a deadly response. While Flores was inside, the adult son of one of the homeowners happened to show up to drop off a newspaper. The son confronted Flores. Flores drew a gun and fired at the son—but the son, who has a concealed handgun license, drew *his* gun, shooting and killing Flores.<sup>24</sup>

On April 6, 2004, a Spokane, Washington burglary also involved shots fired—but no apparent injuries. Two burglars kicked in a door of a rural farmhouse—but then beat a hasty retreat when the homeowner fired a shot from a .22 semi-automatic target pistol over their heads.<sup>25</sup>

Of course, not every defensive gun use is a success. On October 8, 2005, Robert Coleman, 42, of Houston, Texas, lost his life while defending a family member’s home from a burglar. Upon hearing the break-in, Coleman grabbed a gun, went to the house, and confronted the juvenile suspect. “After an argument, shots were fired and Coleman was struck once in the head. He died at the scene, police said.”<sup>26</sup> Bearing arms is clearly not always the solution to every intrusion and violent confrontation. Oftentimes the only good that can be found in a defensive gun use gone wrong is the knowledge of what could have happened and what was averted.

The vast majority of these defensive gun uses seem to be like this incident from January 2, 2006, in Denver, Colorado. Michael Gadbois, 22, allegedly tried to kick in an elderly couple’s door at 4:15 a.m. After the homeowners told Gadbois to go away several times, they “fired a warning shot over the suspect’s head.” When police arrived, Gadbois was “hiding in some bushes.”<sup>27</sup>

The far more frightening cases are the so-called “home invasions,” where those forcing their way are fully aware that the residents are home, but don’t care. It seems a fair bet that

such intruders are not planning on leaving witnesses—so perhaps the best perspective on the circumstances of a defensive shooting is in light of what *could* have happened. Here we have 1,227 incidents—far more than the 488 incidents involving residential burglaries. It is likely that this is because home invasions are more dramatic stories of the sort that attract media coverage.

Sometimes the intruder is a relative or a friend with serious problems. On May 22, 2010, Gary D. Parker, 46, had been attempting to break into the house of Jonathan and Ashley Townson with an ax. Jonathan was Parker’s stepson, and Parker was threatening to behead Ashley with the ax. Parker had been “confrontational, threatening and belligerent with his neighbors for some time” before this incident. Jonathan Townson shot Parker, killing him with a single bullet to the head.<sup>28</sup>

More typically, the home intruder incidents involve strangers. Some are the classic, “My car broke down; can I use your phone?” gambit. On May 8, 2010, a woman knocked on the door of Scott and Penny Knight’s home at 1:30 a.m., claiming that she was having car trouble, and needed to use their phone. Scott Knight “became suspicious and fetched a .22-caliber pistol.” When he opened the door, the woman—and two armed men—tried to force their way inside. In the ensuing gunfight, the woman was fatally shot through the throat. The other two robbers fled the scene.<sup>29</sup>

On May 4, 2009, two masked men with guns burst into a home in College Park, Georgia, while a birthday party was in progress. Ten people, some of them college students, were inside the apartment. The intruders separated the men from the women. One of the intruders started counting his bullets; the other asked how many bullets he had. “He said he had enough.” It does not take much imagination to figure out that there were going to be no witnesses. At this point, one of the students managed to reach into his backpack, pull out a gun, and shoot one of the intruders, who then fled the apartment wound-

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**The number of Americans licensed to carry firearms has grown to about 10 million.**

ed. The student then ran into the room where the other intruder, Calvin Lavant, 23, was starting to rape a young woman. The armed student told the naked woman to get down—and shot Lavant, who then jumped out the window.<sup>30</sup>

## **“Stand-Your-Ground” Laws**

Closely related to the castle doctrine are fairly recent statutes that have removed the so-called “duty to retreat” from the law. The idea is that a criminal break-in of someone’s home should not trigger a legal obligation for the homeowner to retreat in the event that retreat is an option. Instead, the resident can choose to flee or confront the criminal. Indeed, the legal debate is now shifting to confrontations outside of the home: If you are not required to retreat from your home rather than use deadly force, why should you have to retreat rather than use deadly force when you are in a public place? The historian Richard Maxwell Brown in *No Duty to Retreat* argues that the English common law required you to retreat until your back was against the proverbial wall before you could lawfully use deadly force, and that the idea that you had “no duty to retreat” was an American innovation. Brown also contends that the development of “no duty to retreat” also causes the level of violence in modern America to go up.<sup>31</sup> Brown’s reading of English common law is disputed. As recently as 1985, British courts held that there was no duty to retreat. In that case, a victim used a glass as a weapon against an attacker, causing the criminal to lose an eye. The court concluded that “reasonableness” was the appropriate standard for the jury to use in deciding culpability.<sup>32</sup>

Over the last 10 years, a number of states have passed what are now popularly referred to as “stand-your-ground” laws. Federal law since *Beard v. United States* (1895) has recognized that a person who is lawfully in a particular place is under no duty to retreat:

If the accused did not provoke the assault, and had at the time reasonable grounds to believe, and in good faith believed, that the deceased intended to take his life, or do him great bodily harm, he was not obliged to retreat, nor to consider whether he could safely retreat, but was entitled to *stand his ground*, and meet any attack made upon him with a deadly weapon, in such way and with such force as, under all the circumstances, he, at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save his own life, or to protect himself from great bodily injury.<sup>33</sup>

More trenchantly, Justice Oliver Wendell Holmes, Jr., pointed out the absurdity of requiring a person under attack to consider the level of force allowed: “Detached reflection cannot be demanded in the presence of an uplifted knife.”<sup>34</sup> As the number of Americans licensed to carry firearms has grown to about 10 million, and perhaps more, the question of whether the victim of a criminal attack must retreat will come before the courts.<sup>35</sup> More than a dozen states have adopted “stand-your-ground” statutes in order to clarify the law on this point.<sup>36</sup>

Should there be an obligation to retreat in public until your back is against a wall before using deadly force? Although the circumstances of public confrontations will rarely be as clear cut as the home invasion scenario, the legal standard is essentially the same: one may use deadly force when there is a threat of imminent death or serious bodily harm. Note that even in the jurisdictions that have enacted “stand your ground” laws, some people are going to retreat anyway, out of a reluctance to escalate a dispute, and out of a reluctance to take a life—even if it is the life of a person who is menacing them. However, it is unjust to impose a legal duty to retreat on them when they are not responsible for creating the perilous situation. In other words, if you have to kill someone in self-defense because of the threat of death or

great bodily injury, that's unfortunate, but the attacker made the decision that your life is worth less than your wallet or other valuables. In such cases, it is sensible to conclude that the aggressor forfeits his own life.

Perhaps because of the number of states that have enacted "stand-your-ground" laws—or perhaps because of the reluctance of gun owners to take a life, even that of a criminal—there have been few cases chronicled by the authors involving these statutes. A total of 19 news stories in the data set mention a state "stand your ground" law—but most of these were gratuitous mentions with no relevance to the actual use of deadly force.

Two representative examples capture some of these problems. The first news report, from the August 6, 2009, *Miami New Times*, carried a headline that really captures the newspaper's bias against the victim:

### **South Florida Store Clerks Go Vigilante**

It was pouring rain just after 1 p.m. Monday, July 20, when a man burst into a Honduran grocery store on NW 36th Street in Miami. A shirt was wrapped around his face as he gripped a black semiautomatic handgun. Twenty-year-old Charles Bell shoved the pistol into the face of a manager behind the counter. Then he demanded the contents of the cash register and cartons of cigarettes in a plastic bag. Next he began herding customers to the back of the small market.<sup>37</sup>

The manager of the store, Valentin Fiallos, 24, opened fire on the robber, killing him.

Cops termed it "justifiable homicide." The ruling is backed up by former Gov. Jeb Bush's 2005 "Stand Your Ground" law, which offers wide-ranging legal protection to violent-crime victims who open fire on their aggressors before trying to make peace.<sup>38</sup>

Clearly, Fiallos did not need the "stand-your-ground" law at all. In every state, an armed robber who has taken the ominous step of herding victims into the back of the store would have justified use of deadly force. This use of force would be justified either as self-defense or defense of others, and the enactment of a "stand your ground" law had no genuine application in such situations.

Another defensive gun use story that actually involves the "stand your ground" law came from the November 30, 2006, *Pensacola (Florida) News Journal*. Marilyn Caraway, 53, shot her ex-boyfriend, Johnny Ray Clark, 47, who had apparently forced his way into the screened-in porch of Caraway's home. She shot him once in the chest, killing him on the spot.<sup>39</sup>

## **Who Defends Themselves With Guns?**

The data set tracked several categories of incidents: type of crime; whether the defenders (or much more rarely, the criminals) were women and, in infrequent circumstances, whether or not a minor was involved (defender or criminal). There are other categories that provide some interesting demographic, statistical, and anecdotal insights into what sort of people defend themselves with guns.

### **Concealed Weapon Licensees**

Concealed weapon license holders have their own category. There are 285 news accounts indicating that the defender had a concealed weapon license. In some cases, the defender was in his home or business, and the license was not actually necessary—but in most of the incidents, the confrontations took place outside the home. Without the spread of "shall-issue" license laws over the last 30 years, the results might have been tragic.

On May 5, 2010, a St. Louis man was robbed at gunpoint—but "fought back and

**Without the spread of "shall-issue" license laws over the last 30 years, the confrontations might have been tragic.**

**Matthew Murray entered the lobby firing his rifle—but Assam shot him, ending the killing spree.**

shot the robber to death.” The victim was walking down the street at 8:40 p.m. when a 20-year-old robber demanded his wallet. The victim turned over his wallet—but while the robber was going through the wallet, the victim drew his handgun and shot the robber to death.<sup>40</sup>

Occasionally, there are celebrity concealed weapon licensees. On April 27, 2010, Texas Governor Rick Perry was out jogging with his daughter’s Labrador retriever puppy—and a coyote mistook Perry’s puppy for food. Perry drew his .380 Ruger and shot the coyote.<sup>41</sup>

Some incidents start out with rudeness but escalate rapidly to threats and violence. Sara Brereton, 31, was riding a bus in downtown Seattle with her children on April 25, 2009, when a 26-year-old man turned a minor bump into a confrontation of “angry words, obscene gestures, and, finally, the man charging the woman even though she showed she had a gun.” After many months of review, prosecutors concluded that she “acted in defense of herself, her children and her partner” when she shot and killed the attacker.<sup>42</sup>

Perhaps the most widely publicized shooting involving a concealed carry licensee in the last few years clearly prevented the murder of *at least* dozens of people. The criminal was a mentally ill young man who had already killed four people in the previous 12 hours. On December 10, 2007, Jeanne Assam used a gun in the lobby of New Life Church, in Colorado Springs. Matthew Murray was carrying “two handguns, an assault rifle and over 1,000 rounds of ammunition.” He had already killed two people in the parking lot and two others the previous night. He entered the lobby firing his rifle—but Assam, a former police officer, shot him, ending the killing spree.<sup>43</sup> It does not take much imagination to understand the likely outcome if Assam had not been armed at the scene of this horrific crime.

**Pizza Delivery Drivers**

Some categories in the data set may seem odd, but they turned out to be so common

as to justify a separate heading. There is a reason why a Detroit pizza delivery driver invented modern soft body armor: pizza delivery drivers are apparently considered easy targets for robbery.<sup>44</sup> The data set has 34 stories in this category.

A representative example is from May 11, 2010, in Mobile, Alabama. Bennett Dean, Jr., was making a pizza delivery, but when he reached the address, the lights were off. As Dean approached the front door, a robber came out from the side of the porch with a shotgun aimed at him. “I dropped my pizza bag when I drew my weapon and that got his attention. He glanced to the side, and when he glanced, I just drew my weapon, and he ran off.”<sup>45</sup>

On July 13, 2006, *four* juveniles in Buffalo, New York attempted to rob a pizza delivery driver at gunpoint. The driver drew his own gun, and was able to hold one of the robbers for police.<sup>46</sup>

The criminals of yesteryear commonly selected a target, evaluated the risk potential, and then faced the unknown hazards of executing a crime. Rather than go to all that effort, and attack a victim in their own home or shop, or in “neutral territory” on the street, criminals are now using regional Internet sales websites like Craigslist, or phoning bogus pizza orders, to lure victims to them. One such case occurred in Galion, Ohio, where a man agreed to meet a prospective seller of construction equipment. Fortunately, the buyer was a concealed carry licensee. He took two handguns with him to the meeting place in a remote quarry. The “sale” turned out to be an ambush, and the buyer was forced to empty both weapons to repel the robbers.<sup>47</sup>

Unless members of today’s society recuse themselves from Craigslist, eBay, and other new millennium renditions of the yard sale, it becomes even more imperative to allow citizens the option to carry arms outside the home.

**Animal Attacks**

The data set also includes more stories of



defense against animal attacks than many people would expect: Since 2007, 172 incidents have been documented—and not all of them in rural areas, either. From the *Philadelphia Daily News* of May 12, 2010:

They all said he was a nice dog.

But something inside Zeus snapped this morning.

The American bulldog who loved dog biscuits and backscratches went berserk and attacked an 11-year-old neighbor as the boy and his friend got ready for school in Port Richmond.

Thirteen-year-old Brad Bucher heard his brother screaming and sprinted to help. The scene outside his home on Mercer Street near Tioga seemed straight out of a horror movie: Shane struggled frantically on the sidewalk, Zeus' teeth sunk into his bloodied neck.

The injuries were severe: “The dog ripped part of the boy’s right ear off, bit his neck and chewed his side open, injuring his intestines.” A neighbor heard the commotion, grabbed his .357 Magnum and shot the dog twice.<sup>48</sup>

On October 17, 2009, Matthew Reppucci went out for a walk in North Andover, Massachusetts, when a neighbor’s pit bull attacked him. Reppucci pulled out a Colt .380 and shot the pit bull.<sup>49</sup>

Of course, there are many wild animal defensive gun uses, too. On August 6, 2008, a Colorado man shot and killed a mountain lion after it got too close to him and his wife. They tried to scare it off, but when it approached and went into the “crouch position,” he decided the risk was too high, and he shot and killed it.<sup>50</sup>

Two Montana bow hunters killed an aggressive female grizzly bear on October 8, 2007. “One of them used bear pepper spray and halted a charge within nine feet, but the grizzly turned and charged a second time. That’s when the second hunter shot it twice with a .44 Magnum pistol.”<sup>51</sup>

A hiker in Denali National Park in Alaska was forced to shoot an attacking grizzly bear, one of the first reported defensive gun uses in the national parks since President Obama signed a bill into law allowing concealed carry in national parks.<sup>52</sup> The bear charged at the hiker’s traveling companion until the hiker fired nine shots from a handgun, at which point the bear walked away. The animal was later found dead, and it is difficult to imagine any other means of resistance being effective when nine shots from the large-bore .45 only prompted the creature to *walk away*.<sup>53</sup>

In light of the threat posed by natural predators, the decision to allow concealed carry in national parks such as Yellowstone, the Smoky Mountains, and the Grand Canyon becomes even more important. The acres of wild lands set aside for natural beauty and growth attract millions of tourists a year, but, by definition, still harbor the risk of wildlife attacks faced by our ancestors centuries ago. Such wild lands also present attractive targets for human predators; potential victims are more likely to be isolated and unwary, communication such as cell phone signals may be difficult, and help could be hours away.

### Assault Weapons

An astonishing number of stories report no details beyond the fact that the defender used a gun—sometimes the story does not even say if the weapon was a handgun or a long gun, such as a rifle or shotgun. The incomplete nature of the news accounts makes categorizing incidents by the type of the weapon used impractical. That said, there are at least eight stories in which defenders used an “assault weapon.” While “assault weapon” is a very ill-defined category, there was still enough information in these eight news accounts to clearly identify the weapon.

For example, two men went on an ambitious crime spree in North Carolina in May 2008 but were finally stopped by an armed citizen. They had robbed a motel earlier in the day, then tried to rob a coffee shop. Next,

**“The dog ripped part of the boy’s right ear off, bit his neck and chewed his side open, injuring his intestines.” A neighbor heard the commotion, grabbed his .357 Magnum and shot the dog twice.**

**The data set contains only 11 stories out of 4,699 where a criminal took a gun away from a defender; the reverse was reported more than 20 times more often.**

they tried to ram a van through the front door of a business—but the female owner, “Bouaphan Chanthunom, 51, opened fire with an assault rifle, instantly killing Joseph Murphy McRae, 36, of Mount Gilead.”<sup>54</sup>

### **“A Criminal Will Just Take the Gun Away from You”**

For a very long time, gun control proponents would insist that having a gun was a mistake, because many people (especially women) would not be willing to shoot a person who was attacking them—and the criminal would then take away the victim’s gun and use it on the victim. Oddly enough, while the authors have recorded a large number of incidents where *someone* has their gun taken away from them, it is usually the other way around. In 227 incidents, a criminal’s gun was taken away from him by the victim. This does not necessarily mean that the victim *shot* the criminal, but it does mean that the victim successfully disarmed the criminal and then threatened the criminal with it in order to make him leave, or make him remain on the scene until the police could arrive. Often, these were situations where the victim, at the start of the attack, *did not have a gun*. On May 14, 2010, police arrested Major Lee Barnes, 19. Barnes is alleged to have first solicited an act of prostitution from a woman, and when she declined, he threatened her with a handgun, ordering her to, as the newspaper described it, “get on her knees and perform a sex act on him.” Barnes apparently put the handgun back in his pocket, “put his arms back in an apparent relaxed gesture,” at which point the victim grabbed the handgun, and shot him.<sup>55</sup>

On March 13, 2010, three men, at least one of them masked, walked into a store in Romulus, Michigan, and attempted to rob it at gunpoint. A customer walked into the store, saw what was going on, and “successfully fought the gunman for control of the weapon and fired two rounds,” killing the gunman. The other suspects left, having failed to rob the store—short at least one handgun.<sup>56</sup>

On February 7, 2009, a Georgia man was able to get control of the gun even after his attacker shot him. Richard Ellis, 38, pulled into his garage in Marietta, when John Harrison, 33, an acquaintance (but not, apparently, a friend) appeared with a handgun demanding money—and then shot Ellis in the leg. Ellis immediately “grabbed the gun and a fight ensued in the driveway of the resident.” Ellis was able to get control of the gun, and shot the assailant twice. Harrison died later at the hospital.<sup>57</sup>

There may be a fine line between stupidity and courage, and trying to disarm a criminal when you do not have a gun could present more risks than simply complying with a robber’s demands—but it is startling how often this works out well for the victim, considering how often the opposite situation is claimed to exist.

By comparison, the data set contains only 11 stories out of 4,699 where a criminal took a gun away from a defender; the reverse, as we have seen, was reported more than 20 times more often. Again, these are situations where a defender may not have been shot. Of course, even if a defender loses control of the gun, it does not mean that the criminal “wins” the engagement. Here is a reasonably positive outcome, nonetheless. On January 16, 2008, a Pittsburgh, Pennsylvania man confronted two home invaders. They took his rifle from him—but the homeowner then drew his handgun, shooting one of the robbers. The other robber fled with the rifle.<sup>58</sup>

This enormous disparity—227 criminals disarmed by their victims compared to 11 victims disarmed by criminals—is not necessarily an accurate measure of how often this happens. Because the data set gathers defensive gun use stories, many incidents where a criminal disarmed and killed a victim will likely *not* be reported. Still, since the research methods of the authors are unbiased (i.e., stacked in favor of finding one type of story versus the other), the numbers suggest that the great fear of gun control advocates—criminals disarming victims—is exaggerated. It may also be true that a great many of the

criminals are so easily disarmed by their victims because the offender is intoxicated, stupid, or overconfident. Yet, it would appear that a shop owner threatened with losing his entire livelihood, a woman in fear of rape, or a parent afraid of losing everything, often has a greater motivation and finds a greater tenacity to fight back than a criminal hoping for an easy “score.”

### **How Many Defensive Gun Uses by Drug Dealers?**

A commonly held view among skeptics of defensive gun uses is that many—perhaps most—involve criminals defending themselves from other criminals, such as drug dealers who are stealing from rival dealers. Without question, there are stories that fit that description—or where you can read between the lines and get that impression. In February 2008 Washington residents Marcus Bradford, Khiry Jackson, and Lawrence Adams went to steal drugs and money from Luis Acevedo. Acevedo shot Bradford to death. While Acevedo was still facing charges, it was not for shooting Bradford—but for the drugs that Bradford and his associates were there to steal.<sup>59</sup>

Still, such stories seem to be sufficiently rare that the data set does not have a separate category for drug dealers defending themselves. A search for the string “drug dealer” in the database found only nine news stories. It is entirely possible that police responding to shootings involving known drug dealers are less inclined to give such individuals the benefit of the doubt on questionable shootings—but still, the overwhelming majority of defensive gun use stories involve ordinary and decent people defending themselves against criminals.

### **Armed and Female**

Some of the other categories are unsurprising. There are 154 defensive gun use stories involving women.<sup>60</sup> On April 29, 2010, two Colorado residents used pistols to deal with an intruder. Avi Manges grabbed her .38-caliber revolver when she heard an in-

truder. “I hollered, ‘Who’s there? I’ve got a gun.’” The intruder fled after seeing her—and her pistol.<sup>61</sup> The intruder actually attempted to enter a nearby dwelling, where he was confronted and then detained by another pistol-wielding homeowner.<sup>62</sup>

In February 2010 an Albuquerque, New Mexico, woman called 911 to report a break-in attempt—and while she was on the phone to police, two men forced their way into the house. She shot one of them in the head.<sup>63</sup>

On June 9, 2009, Marty Impastato reacted to a home invasion in Southern Illinois. She confronted an acquaintance who gained entry through an unlocked window and was rifling through the “safe where the family keeps jewelry and prescription drugs.” Impastato shot the intruder.<sup>64</sup>

It is difficult to say whether the relatively sparse population of armed females represents news media selection bias or simply the disparity between women and men on gun ownership. Women represent a more attractive target to male criminals, either because they are on average smaller and weaker or because the criminal is looking for a rape victim.

### **Rape**

There are 25 news stories where rapists discovered that the victim was able to fight back. Take the case of a Charlotte, North Carolina, woman who, after being raped, disarmed her attacker and then held him for the police. It was later found that the perpetrator had “an extensive criminal history, dating back 20 years, and many of the offenses involved sexual conduct with children.”<sup>65</sup>

Sometimes a gun prevents a rape from happening *again*. On October 31, 2008, a Missouri woman shot and killed Ronnie W. Preyer, 47, “a registered sex offender who had broken into her home early one morning with the intention of raping her a second time.”<sup>66</sup>

Shockingly, when it comes to resisting sexual assault, resources are few and effective armed resistance is not considered an

**Avi Manges grabbed her .38-caliber revolver when she heard an intruder. The intruder fled after seeing her—and her pistol.**

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option by certain law enforcement agencies. Instead, the Illinois State Police advise victims to claim they have AIDS, forcibly inducing vomiting, or fighting back with nail files or keys.<sup>67</sup> The city of Davis, California, suggests mace or whistles, but also recommends urinating or defecating.<sup>68</sup> Consequently, females should become a special focus for self-defense advocates, teaching not just the means and methods, but the mindset to resist an assailant. If more rapists expected their would-be targets to resist with force, a reduction in the rate of such crimes would seem inevitable.

### **Armed Minors**

Another category is minors—those under 18 years of age. There are 21 reports where minors used a gun in self-defense or to defend family members. In November 2008 a 16-year-old boy shot his mother’s ex-husband on the front lawn in Kansas City, Missouri. The woman had divorced him two years before because of abuse. “But at 2:30 a.m., he suddenly barged into her home. She said he pulled out a knife and dragged her into the front yard, and that was when she said her son grabbed a gun from the house and pulled the trigger, hitting his ex-stepfather in the stomach.”<sup>69</sup>

Some of these incidents are more dramatic, but hopefully less traumatic to the defender. A Baton Rouge, Louisiana, boy who was left home alone with his sister shot an intruder who tried to kick in the door of their apartment. The 10-year-old retrieved his mother’s gun from a closet, and shot Roderick Porter, who was, by then, inside.<sup>70</sup>

These stories are not meant to suggest children can or should be armed, but they do show that minors often do possess the mental faculties to identify a threat and—when presented the means and ability to neutralize that threat—to do so.

Along with minors using guns in self-defense, we also tracked defensive gun uses where the criminals were minors. At least 141 instances involved at least one criminal identified as being under 18 years old.<sup>71</sup>

### **Armed Seniors**

One of the points often made in public debates about gun ownership is that even if you are young and strong and are able to protect yourself from an unarmed attacker—you may not be able to do so after you pass the age of 65. Consequently, the data set tracks defensive gun uses by the elderly—with 201 such incidents.

In May 2010 an elderly Pennsylvania couple held a burglar at gunpoint outside their Stroudsburg home. Devin Tyler Ayala, 24, forced entry into the home, which set off a burglar alarm. The 68-year-old wife screamed, and the 74-year-old husband came downstairs with a gun, and was able to hold Ayala for the police.<sup>72</sup>

In March 2010 Stephen Pritchett attacked an 82-year-old woman in a Wal-Mart parking lot. Pritchett approached the woman and said, “This is your day. You are too old to be alive anyway.” He then “grabbed her cane and started beating her.” At that point, she drew a handgun and fired at Pritchett. She did not hit him, but unsurprisingly, the gunshot drew attention to her problem, bringing employees and then police.<sup>73</sup>

### **Students and Firearms**

If “decrease in ability to fight back” is positively correlated with “escalation in crime” then college campuses may be an exception to that rule. The rate of crime across America’s institutions of higher learning is statistically less than the rates in cities, neighborhoods, and homes.<sup>74</sup> Yet, because colleges have become the target of many high-profile shootings, there is still a lurking fear for where the next multiple victim shooting incident will be.

Coupled with this, reports now indicate the rate of crimes on college campuses is rising at a time when overall crime rates are in decline. In a report by the FBI, the Secret Service, and the Department of Education, the numbers collected since 1900 show that crimes of every nature are on the rise on college campuses. Out of 110 years of data collected and studied, the past two decades ac-

count for 60 percent of the total number of crimes committed. In 2008 there were 3,287 rapes, 60 killings, 5,026 assaults, and 4,562 robberies committed across college campuses. Statistically, combining college campuses nationwide, there are about 9 sexual assaults per day.<sup>75</sup>

Certainly there are more college students in the last two decades as a percentage of the population than formerly. Perhaps the increased availability of student loans (and increasingly favorable attitude towards debt-financed education) is spurring more college attendance, and thus rising crime. Regardless, one wonders what the rate of crime would look like if defensive gun use were introduced as an option on college campuses. What if the Virginia Tech massacre could have been cut short like the New Life church shooting in Colorado?

The rising crime rates and high-profile occurrences of mass shootings has led to the formation of a grassroots student-led organization known as Students for Concealed Carry on Campus, organized after the Virginia Tech incident to advocate restoring concealed carry to college campuses. As a silent protest, group members wear empty holsters to symbolize being defenseless.<sup>76</sup>

Many critics question increasing the availability of firearms for students, citing students' proclivity towards vice and rebellion once they reach the newfound independence of a college environment. This concern reflects a view that approaches stereotyping and prejudice, casting students as irresponsible by nature. The same charges are often leveled by the same critics opposing the carrying of arms altogether, yet their dire predictions seldom come true.

The age requirement for ownership and the concealed carry of handguns remains the same regardless of education, yet in order to monitor their frequency, the authors began tracking the occurrence of legally armed college students engaging in acts of defensive gun use off-campus. There were a total of 14 stories. For example, a September 19, 2005, story from the Macon, Georgia, *Telegraph* re-

ports how a Mercer University law student shot and killed a man who broke into his home.<sup>77</sup>

A student from Orem, Utah, possessed a concealed carry permit and was forced to fire on an attacking pit bull in 2007. The animal survived the shooting and, at the shooter's behest, the animal was not euthanized.<sup>78</sup> And in August 2008 a student in Hilton Head, South Carolina, displayed a pistol to ward off a road rage driver wielding a baseball bat.<sup>79</sup>

These are stories of successful defensive gun use across the nation by members of the population considered to be college-aged, and thus presumed likely to be rebellious or irresponsible. One neglected fact is that college "gun-free zones" also forbid visitors from carrying for protection—and such visitors could include any one of the thousands of responsibly armed citizens.

As supporters of gun rights often point out, every day millions of guns were not used to kill. They passively existed, perhaps only in a gun safe. Like a seat belt, these guns were a safety measure that was available for protection in the event of an emergency, but not used. It should be noted that students are permitted to carry firearms for self-defense at no less than 25 college campuses, primarily in Colorado and Utah. Many other colleges allow defensive carry on university sidewalks and in libraries but not in classrooms.

In fact, after Colorado's 2003 concealed carry law was enacted, Colorado State University decided to allow concealed carry, while the University of Colorado prohibited firearms. The former observed a rapid decline in reported crimes, while the latter, under the gun ban they claimed was for safety, observed a rapid increase in crime. Crime at the University of Colorado has risen 35 percent since 2004, while crime at Colorado State University has dropped 60 percent in the same time frame.<sup>80</sup>

The effect on criminal behavior is perhaps the clearest illustration. Criminals obtain firearms just like they obtain drugs—il-

**Colorado State University allows concealed carry, while the University of Colorado prohibits firearms. The former observed a rapid decline in reported crimes, while the latter observed a rapid increase.**

## Gun accidents do occur, but they are among the most overstated of risks.

legally. Therefore it stands to reason that few criminals are going to be deterred from committing a crime on a college campus due to the threat of expulsion or arrest. Nor does it seem likely that a would-be robber would be deterred because of stickers on the doors announcing that armed robbery is severely frowned upon by the student code of conduct. Conversely, a campus that allows concealed carry, and where even one student, professor, or even a member of the maintenance staff is armed, would present a much riskier target to criminals. Thus, comprehensive bans on defensive carry of arms at postsecondary institutions should be re-examined.

### What about Accidents during Defensive Gun Uses?

Gun control proponents often claim that the average citizen is not sufficiently trained to use a gun defensively—that the risk is very high that a homeowner will, say, shoot his teenager who stayed out beyond his curfew and is sneaking into the home late in the evening. Or the homeowner will accidentally shoot himself. Gun accidents do occur, but they are among the most overstated of risks. There were 535 accidental firearms deaths in 2006—every one unfortunate, but in a nation of almost 300 million people, that is not a particularly startling rate.<sup>81</sup>

Yet in spite of the widespread concern about accidents involving defensive gun uses by “untrained civilians,” there are far fewer of these incidents making the newspapers than supposed. The authors did not actively look for gun accident stories. As a result, no claim is advanced here that these results are typical, although if defensive gun uses resulted in a high rate of gun accidents, one would expect searches to find such news stories as well.

Only five accidental shootings appear in the database. One story describes a Shreveport, Louisiana, man who fought off a carjacking “by two black males wearing all black clothing and black bandanas over their faces.” The carjackers drew a revolver on him,

and then demanded his car. Although he did thwart the carjacking attempt, the defender also accidentally shot himself in the leg.<sup>82</sup>

### Unhappy Endings

Not every defensive gun use ends well—the data set identifies 36 incidents in which a defender was killed. One example comes from Texas in August 2007. Anthony Hemingway Sr., 43, died in an exchange of gunfire with a man who kicked in the door of his apartment in Killeen.<sup>83</sup> It is hard to imagine that the victim in this case would have ended up better off if he had not fought back. In addition, the intruder was now identifiable by his gunshot wound.

Along with those 36 incidents where the defender was killed, there are 210 defensive gun use stories where the defender was shot, but not killed (at least at the time of the news story). These incidents, like those where the defender died, often involve circumstances where the defender’s situation, while bad, was likely improved by being armed. On February 20, 2010, the *Houston Chronicle* reported an incident in which two home invaders in Harris County ended up in a gun battle with the homeowner. One of the invaders, an adult, died; the other, a juvenile, was wounded, as was the homeowner.<sup>84</sup>

Another story involves an armed robbery that might have ended differently had the victim complied with the criminal’s demands—but who knows? In April 2004 Connecticut resident Joseph Gigliotti engaged in a gun battle with three robbers. As a result, Gigliotti ended up in the hospital with a gunshot wound—but so did his assailants.<sup>85</sup>

Although not technically fitting under the “accident” category, cases of mistaken identity are also invoked as a justification to restrict lawful gun ownership. But what happens when the police have a case of mistaken identity? In December 2007 a Minneapolis SWAT team, on a tip from an informant, kicked in the door and invaded the home of an Asian immigrant. The man was watching TV with his wife, but also had six

children in the house. The homeowner, suspecting a criminal intrusion, grabbed a gun and exchanged gunfire with the SWAT team. Miraculously, no one was injured; SWAT team gunfire missed the man entirely, while the homeowner's shots at two officers were repelled by body armor. Police later apologized for the incident, explaining that there was a "communications breakdown" and they had acted on bad information.<sup>86</sup>

### Carjackings

Carjackings are very dramatic, and unsurprisingly, when the victims turn the tables on the bad guys, it makes great press. The authors recorded 65 defensive gun uses in carjacking situations. In March 2010 New Orleans resident Joshua McElveen, 24, pointed a handgun at a man in a pickup truck and demanded that the driver turn over the truck. The driver drew his own handgun and fired, fatally wounding McElveen.<sup>87</sup>

On November 17, 2006, Quavale Finnell, 14, stole a car from Bennie Hall, Jr., 61—and then attempted to run Hall over. Hall had obtained a concealed weapon permit after his grandson had been a shooting victim in the same block. Hall shot and killed Finnell. No charges were filed.<sup>88</sup>

WJXT Channel 4 (Jacksonville, Florida) reported what happened on September 30, 2009, when two men tried to steal a truck from a group of people outside a home:

Keith Loftin was outside the home with some friends shortly after 2 a.m. when two men asked for a ride in Loftin's truck. Loftin said one of the men pulled a gun on them and forced Loftin into his truck. Loftin told officers that his friend, Barry Smith, ran into the house and returned with a gun and Loftin pulled his own gun from inside the truck. Police said both Loftin and Smith fired at one of the men, striking him multiple times.<sup>89</sup>

### Legal But Foolish

One of the recurring concerns expressed

in state after state about the likely consequences of "shall-issue" concealed handgun licensing was a fear about an increase in pointless murders and manslaughters, as ordinary people engage in parking lot disputes or road rage incidents that would quickly escalate to deadly force.

There have been some defensive gun use incidents of this nature, where the person using the gun was legally in the right—but where the incident did not *need* to happen. Such incidents have occurred, but so rarely that the authors did not find it necessary to create a category for "What were you *thinking?*" The shooting death of Aaron P. Davis, 39, by Glenn Eichstedt, 52, in Aurora, Colorado, on November 13, 2004, is one of these rare examples. It is, however, an incident that should make all gun owners think very soberly about the serious implications of carrying a gun.<sup>90</sup>

The grand jury report that cleared Eichstedt of any criminal charges describes in great detail the sequence of events that led up to the shooting. Mr. and Mrs. Davis parked their SUV, and Mrs. Davis went into a restaurant to retrieve a to-go order. Eichstedt parked next to the Davis' SUV, and Eichstedt's passenger went into the restaurant to make a dinner reservation. When Eichstedt opened his car door, Davis accused him of causing damage to his SUV with his car door.

Davis and Eichstedt then became increasingly argumentative about whether any damage had taken place or not—and soon the argument had become so heated that it could be overheard on the 911 tapes after phone calls were placed by witnesses. Mrs. Davis came back to the car and attempted to separate the two. Davis and Eichstedt, while not legally drunk, had both been drinking earlier.

Some witnesses indicated that violence started with Davis pushing Eichstedt, and Eichstedt punching Davis. Others claim that the first physical contact was when Davis attacked Eichstedt with a metal bar. The metal bar was solid, eight inches long, and 1 ½ inches in diameter. Davis hit Eich-

**Joshua McElveen, 24, pointed a handgun at a man in a pickup truck and demanded that the driver turn over the truck. The driver drew his own handgun and fired, fatally wounding McElveen.**

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of criminal  
mayhem—  
attempted  
murders,  
rapes, assaults,  
robberies—  
every year.**

stedt in the head, by some accounts, several times, and hard enough to draw blood—at which point Eichstedt, who had a concealed handgun license, fired one shot. Davis subsequently died; Mrs. Davis, who had attempted to intervene to stop the fight, suffered a life-threatening injury, but eventually recovered.<sup>91</sup>

At the point where Davis hit Eichstedt with the metal bar, Eichstedt was legally in the right shooting Davis. The risk of great bodily injury or death was very real, and Eichstedt's actions almost certainly prevented his own death. But well before this, Eichstedt should have withdrawn from the confrontation, offering to have their two insurance companies settle the matter. Thankfully, as noted, such incidents are not terribly common. This is by far the most sobering and disturbing defensive gun use in almost eight years of gathering such news stories.

## Conclusion

Self-defense is one of our most basic rights. Strict gun control regulations interfere with that right because ordinary citizens abide by the regulations while criminals acquire guns from underground markets. That leaves honest, law-abiding people at a distinct disadvantage because it is not possible for the police to be at every scene where they are desperately needed.

Many people support gun control regulations because they are convinced that the average citizen is either incapable of using a gun in self-defense or will use the gun in a fit of anger over some petty matter. Those assumptions are false. The evidence on this point has grown so strong that even President Obama has had to chide gun safety advocates to accept the proposition that “almost all gun owners in America are highly responsible.”<sup>92</sup> And, as the scores of incidents described in this study show, gun owners stop a lot of criminal mayhem—attempted murders, rapes, assaults, robberies—every year.

Moreover, it is important to note that when a gun owner kills an attacker or is able to hold a rapist or a burglar until the police arrive, it is very likely that more than one crime has been prevented because if the culprit had not been stopped, he could have targeted other citizens as well. Policymakers interested in harm reduction should thus refrain from treating ordinary gun owners as hoodlums or loose cannons and adopt policies that respect the ownership and carrying of arms by responsible individuals.

## Appendix

This section provides an extensive list of defensive gun uses between October 2003 and November 2011. It is by no means comprehensive. As previously noted, when a gun is simply brandished, criminals often flee the scene and are not apprehended. With no shot fired, no injuries, and no suspect in custody, news organizations sometimes report nothing at all. Our aim here is not to criticize the way in which these incidents are treated by news organizations. It is simply to remind readers that news reports can only provide an imperfect picture of defensive gun use in America.

The Cato Institute has plotted an expanded list of cases on an interactive map, which can be found at <http://www.cato.org/guns-and-self-defense/>.

### Homeowner Shoots Would-Be Intruder

Chandler, Arizona: On December 15, 2005, Cary Dennis heard his front doorbell ring, then observed Sagio Maurice Henry at his back door. Dennis went to get a weapon, then caught Henry prying open a window. Henry threatened Dennis with a pickaxe handle, and Dennis shot Henry in the chest. Henry fled, but was later apprehended by the police at a hospital. Chandler Police Detective Frank Mendoza suggested that the homeowner should have fled his home and called 911 instead of confronting the criminal.<sup>93</sup>



### **Robbery Victim Defends Himself**

Raleigh, North Carolina: On the evening of December 28, 2005, two men approached Damian Powell as he stepped out of his vehicle. According to Powell, one of the men produced a gun and told Powell to “give it up.” Powell knocked the gun out of the mugger’s hand and was able to get his permitted gun from his SUV in order to shoot at the two teens who wanted his money. Witnesses in a Farrington Drive apartment complex in north Raleigh heard gunfire from the parking lot until one teen was shot and he and his accomplice ran away. The police found 18-year-old suspects Antoine Sanders and Cesar Solorzano at a hospital where one of them sought treatment for a bullet wound in his shoulder.<sup>94</sup>

### **Father Defends Daughter from Estranged Son-in-Law**

Union Grove, Alabama: On December 21, 2005, Calvin Hann showed up at his estranged wife’s house with a shotgun and began arguing with her. Hearing that Hann was at her house, the woman’s father, James Griffin, came to the scene with his gun. The men exchanged gunfire, and the husband was shot in the stomach. He was in critical but stable condition after surgery at Huntsville Hospital. The Sheriff said that Hann had violated a protective order by approaching his estranged wife, and that Griffin would likely not be charged with any crime.<sup>95</sup>

### **Restaurant Owner Shoots Armed Robber**

Bridgeport, Connecticut: On the evening of September 26, 2010, Allen Dixon and an unknown accomplice entered the Peking Restaurant and ordered food. Once the cash register was open, Dixon pulled a gun and demanded the cash. The restaurant owner, a concealed carry permit holder, then pulled his gun and shot once. Dixon died while fleeing the scene.<sup>96</sup>

### **Congressman and Family Fight Off Armed Robber**

Lamoni, Iowa: At about 10:45 p.m. on July

16, 2011, Congressman Leonard Boswell was getting ready for bed when he heard a commotion in the living room of his farmhouse. He rushed down the hall and found an intruder holding his daughter, Cindy Brown, at gun point in the foyer and yelling at Boswell’s 22-year-old grandson, Mitchell Brown, to “Get the money or I’ll shoot her.” Boswell rushed the intruder, and they exchanged blows. While Boswell attempted to disarm the intruder, Mitchell retrieved a shotgun from a spare bedroom, returned to the foyer, and aimed at the intruder. The intruder fled through the front door to a waiting pickup truck. Mitchell then ran out the back door and fired two warning shots into the air. The police were called, and a K-9 unit found the intruder’s backpack in an adjacent hayfield. The police later identified the intruder as David Dewberry, who was arrested three days later.<sup>97</sup>

### **Mom Defends Herself and Children**

Coalfield, Tennessee: On the morning of February 16, 2007, Suzanne Carson, at home alone with her three children, saw a young man attempting to break in her back door. Carson grabbed her husband’s pistol and ordered the man to stop. The man continued breaking in, and Carson fired a shot. The man stepped fully into the kitchen through the back door, and Carson fired two more shots, finally forcing the man to retreat. The woman had been taught how to shoot by her husband only a month earlier.<sup>98</sup>

### **Wife Protects Herself from Estranged Husband’s Attack**

Westville, Oklahoma: On December 16, 2008, at about 2 p.m., Darrel Fouse violated a protective order by entering the home of his estranged wife, Marilyn Fouse, and began assaulting her. When his gun fell out of his pack onto the floor, she seized the weapon and shot her assailant in the head. She put a blanket over him and moved her two daughters (ages 11 and 14) safely out of the home.<sup>99</sup>

**Congressman Leonard Boswell rushed down the hall and found an intruder holding his daughter, Cindy Brown, at gunpoint.**

**The homeowner was able to hold Vasquez at gunpoint for police, and the other two burglars were apprehended soon after. No shots were fired.**

### **Homeowner Stops Three Burglars**

Bergen, New York: On the morning of May 25, 2004, a resident returned home to discover three individuals—Michael Skavarek, David Johnston, and Jacqueline Vasquez—attempting to break into his home. The homeowner confronted them with his handgun, and the suspects then tried to flee in a van. The homeowner, unidentified in initial reports, broke a window of the van, at which point Skavarek and Johnston threw gasoline at him and ran off. The homeowner was able to hold Vasquez at gunpoint for police, and the other two burglars were apprehended soon after. No shots were fired.<sup>100</sup>

### **Man Wrestles Gun from ATM Robber**

St. Petersburg, Florida: On the night of August 5, 2011, Almedin Muratovic, armed with a handgun, tried to rob Cristina Hopkins at a Regions Bank ATM at 8250 Dr. Martin Luther King Jr. St. N. Hopkins' boyfriend, Anthony Hall, who was waiting in the car with the couple's five-year-old child, ran over and struggled with Muratovic for the gun. The gun went off, hitting Muratovic. Hall was then able to take the gun away from Muratovic, and threw it out of reach until police arrived. No one else was injured.<sup>101</sup>

### **Son Defends Mother and Girlfriend from Robbery**

Deltona, Florida: On December 14, 2008, just before 1:00 a.m., three men entered the home of Julio Blanco. They forced Blanco, his mother, and his girlfriend to the floor, and stole a safe. Blanco pursued the assailants into the street where he exchanged gunfire with them as they fled in a vehicle. After a brief police pursuit, the suspects crashed their vehicle and four people were taken into custody: Brandon Prather, Adam Salgado, and two unidentified teenaged girls who were released to their parents after police questioning. The third suspect, Patrick Lauby, was found by police when a nearby resident called 911 to report a man with a gunshot wound to the groin in his front yard.<sup>102</sup>

### **Resident Defends Against Home Invasion**

Port Charlotte, Florida: On the evening of October 24, 2009, Keith Sowers and Joshua Eugene Becerril, armed with a knife and a tire iron, forced their way into the home of Peter L. Gilmore and his 26-year-old son, James S. McGlone. When Becerril took Gilmore hostage with the knife, McGlone ran to a bedroom where firearms were kept. Sowers followed him and struck him with the tire iron. McGlone then wounded Sowers with one shot to the abdomen, and both intruders then fled the scene. Police arrested the pair after Sowers sought medical assistance.<sup>103</sup>

### **Clerk Defends Against Armed Robbery**

Tuscaloosa, Alabama: In the early morning hours of December 29, 2005, two ski-masked men entered the Raceway gas station. Eric Baggett aimed his gun at the store owner, who responded by pulling a gun and fatally wounding Baggett. The owner, not named in initial reports, held Baggett's accomplice, Jaime Witherspoon, until police arrived. Lieutenant Lloyd Baker of the Tuscaloosa homicide unit said that the owner would face no charges in what was clearly a case of self-defense.<sup>104</sup>

### **Victim Seizes Robber's Handgun in Defense**

Tampa, Florida: On November 29, 2008, Jerome Haggins burst into a home and robbed six unidentified men at gunpoint. When Haggins noticed one of the men was still wearing a bracelet, he set his gun down on the table. One of the victims quickly grabbed the gun, and held the robber for police.<sup>105</sup>

### **Elderly Former Miss America Holds Thieves at Gunpoint**

Waynesburg, Kentucky: On April 13, 2007, Venus Ramey spied an unfamiliar truck parked against her farm building, and immediately suspected that habitual scrap metal thieves had returned. Upon being confronted, one of them, Curtis Parrish, promised they'd leave. The 82-year-old woman

leaned on her walker, pulled out a .38 revolver, said, “no you won’t,” and shot his car tire. She then held the two at gunpoint for police. Ramey is a former Miss America.<sup>106</sup>

### **Armed Diner Shoots Robbery Suspect**

St. Petersburg, Florida: At about 10 p.m. on August 7, 2011, Raven Smith and Ashley Tanner were getting out of their car to have dinner at the local Applebee’s when a masked man rushed up to Tanner with a gun in an attempt to grab her purse. Smith pulled his gun, yelled “Get down, get down” to Tanner, and shot the assailant four times. The assailant, Anthony Lawrence Hauser, was taken to a local hospital and was later charged with attempted armed robbery. Smith, who has a concealed weapons permit, was not charged as the police determined he had acted in self-defense.<sup>107</sup>

### **Armed Citizen Fights off Armed Robbers**

Birmingham, Alabama: On November 30, 2008, Malik Hameed and Patrick Cortez Levert attempted to rob a 39-year-old man at gunpoint, not knowing he was also armed. The man, not identified in initial reports, pulled his gun and shot both young men. Both men were taken to area hospitals, where Levert died. Hameed, who survived his wounds, was later taken into custody and charged with capital murder as a result of his involvement in the crime.<sup>108</sup>

### **Employee Defends Himself in Gun Battle**

Forest Park, Georgia: On December 15, 2008, Tyrie Rolland was killed while attempting to rob a cell phone store. An unidentified employee at the store drew a weapon in self-defense and fired. Rolland was taken to Grady Memorial Hospital, where he died. A second suspect fled the scene in a white pickup truck.<sup>109</sup>

### **Bar Owner Stops Burglars**

Charlotte, North Carolina: On November 17, 2008, just before 3:00 a.m., two men tripped the burglar alarm while breaking into Big Rob’s Sports Bar, which alerted po-

lice and the bar’s owner. The owner arrived and saw the men loading electronics into the back of a truck. One of the culprits opened fire on the owner, who then returned fire. The burglars fled the scene. No one was hurt.<sup>110</sup>

### **WWII Veteran Shoots Burglar**

Orangeburg, South Carolina: On February 20, 2007, Newman Ted Jackson, 80, was awakened by his dog barking. Jackson grabbed his gun just as an unidentified 24-year-old man kicked in Jackson’s bedroom door carrying a rifle. Jackson fired once, hitting the young man in the back. The homeowner then called 911. The young man was taken to the hospital, and later claimed to the police that he was just there to discuss money with Jackson. Two suspected accomplices gave other accounts of the incident, one stating that they entered Jackson’s house “to get some liquor from the old man who lives there.”<sup>111</sup>

### **Armed Woman Defends Herself from Knife-Wielding Assailant**

Augusta, Georgia: On April 26, 2007, Theresa Wachowiak awoke to find 19-year-old Justin “Brent” Haynie in her bed, holding a knife to her throat. She reached for a .357 Magnum she kept by her bedside, and as Haynie moved behind her, she quickly spun and shot him in the torso. The police placed Haynie under arrest and took him to the hospital.<sup>112</sup>

### **Bystander Defends Robbery Victim from Armed Assailants**

Orlando, Florida: On December 23, 2008, Willie Keys-Fairclough, 29, and two accomplices, all armed, tried to grab an elderly woman’s purse at the Fashion Square Mall when a bystander, unidentified in the initial reports, chased them off with gunfire. Keys-Fairclough was found behind a dumpster with a gunshot wound to his leg. The other two suspects remain at large.<sup>113</sup>

### **Store Owner Fends off Would-Be Robber**

Midwest City, Oklahoma: On November

**Theresa Wachowiak awoke to find 19-year-old Justin “Brent” Haynie in her bed, holding a knife to her throat.**

**The woman's screams awoke her husband, who retrieved a pistol and fired several shots at the man. The attacker died at the scene.**

20, 2008, a man pistol-whipped an unidentified convenience store owner in the parking lot after waiting for the store to close. The robber forced the owner to go back inside and get money. Once inside, the owner was able to get a gun and then fired several shots at the robber. The culprit fled in a pickup truck. Police were not sure if the robber was hit.<sup>114</sup>

#### **Homeowner Protects Home Against Armed Burglars**

Tulsa, Oklahoma: On December 24, 2008, shortly before 3 a.m., Cody Ray Payne, 15, and two accomplices entered a home on the 1300 block of North Irvington Ave. The homeowner, unidentified in the initial reports, exchanged fire with the intruders. Payne died on the front lawn. The homeowner's wife was also wounded; however, she was hospitalized and expected to recover. Both accomplices fled the scene.<sup>115</sup>

#### **Homeowner Protects His Wife from Attack**

Healdsburg, California: On February 27, 2006, a man wearing a ninja mask and carrying an air gun attacked a woman as she left her house for an early-morning walk with her dogs. The woman was able to break away from her attacker and run back into the house screaming with the attacker in pursuit. The woman's screams awoke her husband, who retrieved a pistol and fired several shots at the man. The attacker died at the scene. Initial reports did not disclose the names of any of the individuals involved in the incident.<sup>116</sup>

#### **Store Owner, Customer, Fight Back in Store Shootout**

Blenheim, South Carolina: On January 23, 2007, Trax convenience store owner Billy McArthur was able to get his gun and shoot at an armed robber who had just shot one of the five customers present. The wounded customer's son threw a can of beans at the robber, giving McArthur time to grab his gun and fire one round. The suspect es-

caped unharmed. The owner stated he had not needed to use his gun for self-defense in 21 years.<sup>117</sup>

#### **Elderly Store Owner Fends off Armed Robber**

Kensington, Maryland: On April 27, 2010, Charles Jackson and an unidentified accomplice entered the Sandro Jewelry Boutique. Jackson pointed his gun at the 77-year-old store owner, Sandro Vendemmia. Vendemmia was able to grab Jackson's arm and smash it into a display case and then retrieve his own handgun. When Jackson moved to attack Vendemmia again, Vendemmia was able to shoot him in the shoulder. Still not done, Jackson picked up a display case and smashed it over Vendemmia's head, and, grabbing Vendemmia's gun, he and his accomplice fled the scene. Jackson was later identified and arrested when he sought medical assistance for his gunshot wound.<sup>118</sup>

#### **Armed Citizen Defends Wife and Stepson from Home Invasion**

Lillington, North Carolina: On December 18, 2008, Derrick Womiack was home with his wife and stepson when four armed intruders attempted to enter his home at about 10 p.m. Womiack wrestled control of a gun from one intruder, which discharged in the struggle. Womiack then fired at the men. Two of the assailants were wounded—one apparently by a shotgun blast fired by his accomplice—and were taken to area hospitals for treatment. The other two assailants fled the scene. The police did not release the names of the suspects.<sup>119</sup>

#### **Dogs Attack Spokane Valley Residents**

Spokane Valley, Washington: On April 9, 2007, Jim Hammond and his two grandchildren were threatened by a pair of boxers. They were able to retreat into Hammond's house, but the dogs continued to scratch at the door and windows. Hammond grabbed his gun and went back outside when the dogs turned their attention to a couple who were walking by, biting Faith Yen on the leg.

Hammond was able to distract one dog, and shot it in the mouth when it charged him. Both dogs then fled.<sup>120</sup>

### **Armed Citizen Fights off Armed Robbers**

St. Louis, Missouri: On June 28, 2010, a young man and his girlfriend were parked at a Rally's Hamburgers when two armed men jumped inside and tried to rob the couple. The driver, not named in the initial reports, drew his own firearm and engaged the robbers in a gun battle that started in the vehicle and then continued outside as the man, though shot once in each leg, exited the vehicle and returned fire. The man shot one assailant in the head, and the other in the chest. The female passenger was uninjured.<sup>121</sup>

### **Armed Beauty Queen Stops Home Invasion**

Tierra Verde, Florida: On March 12, 2011, at around 3 a.m. Albert Franklin Hill forced his way into the home of Meghan Brown, the 2009 Miss Tierra Verde pageant winner, after she answered his knock on the door. Hill grabbed Brown, dragging her into an upstairs bedroom. Brown's fiancé, Robert Planthaber, was awakened by the struggle and attacked the intruder. Brown was then able to run to another bedroom to retrieve her .38-caliber handgun. She shot Hill several times and he died at the scene.<sup>122</sup>

### **Armed Homeowner Protects Girlfriend from Home Invaders**

Bradenton, Florida: On December 18, 2008, at about 1:50 a.m., two men attempted to force their way into the home of James Custard, 52. Custard's girlfriend, Theresa Carney, 47, answered a knock at the door, and was then held at gunpoint. Custard, who had retrieved his own gun, fired once and hit one of the intruders. Both men then fled. Police dogs searched unsuccessfully for the intruders' trail.<sup>123</sup>

### **72-Year-Old Man Saves a Woman From Knife-Wielding Assailant**

Albuquerque, New Mexico: On August

25, 2005, Felix Vigil violated a restraining order and attacked his ex-wife, Joyce Cordova, with a knife at a Walmart store. Due Moore, a customer and volunteer with the local police department's cold case unit, shot and killed Vigil. Joyce Cordova was treated for multiple stab wounds and was later released from the hospital. Moore was 72 years old at the time and was among the first in the state to sign up for a concealed carry permit.<sup>124</sup>

### **McDonald's Employee Defends Self, Loses Job**

New Albany, Indiana: On December 24, 2005, Clifton Brown Jr., a McDonald's employee, shot at a woman after she had robbed another employee in the parking lot and then grabbed money from the cash register at the drive-through window. Brown shot at the armed woman twice after she aimed her weapon at him. The robber was able to run away, evidently unharmed. The police concluded that Brown's actions were legal, but he lost his job regardless. McDonald's and many other restaurants have specific policies forbidding their employees from carrying a gun while at work. Brown had a permit to carry a concealed weapon.<sup>125</sup>

### **Armed Citizen Prevents Home Invasion**

MacClenny, Florida: On December 29, 2005, Richard Munoz, 23, and his brother, 17, disconnected the phone and power to the home of Jody Paul Thrift before breaking in through a back door. Hearing noise from downstairs, Thrift remained with his pregnant wife in the bedroom and shot one of the armed intruders when the door opened. The police caught the 17-year-old accomplice as he attempted to flee the scene. His brother was critically injured and taken to Shands-Jacksonville Medical Center.<sup>126</sup>

### **Store Clerk Protects Woman with Baby from Armed Robber**

Indianapolis, Indiana: On December 21, 2008, Christopher Barreto entered the El Michoacana Supermarket with gun in hand. Barreto began herding customers into one

**Felix Vigil violated a restraining order and attacked his ex-wife, Joyce Cordova, with a knife at a Walmart store. Due Moore, a customer, shot and killed Vigil.**

**When the robbers entered the store with guns drawn, Khat was able to retrieve a pistol and then exchanged shots with the men. The two culprits fled after one was shot.**

area of the store. He then pointed his gun at a woman with a baby. At that moment, a clerk, Miguel Mondragon, fired a fatal shot with the store owner's gun.<sup>127</sup>

#### **Baltimore Ravens Cornerback Confronts Gunman**

Tallahassee, Florida: On January 21, 2004, Corey Fuller, a professional football player for the Baltimore Ravens, stepped out of his home when he was accosted by a gunman. Fuller retreated to his house and the assailant pursued him, firing shots and kicking through the door. Fuller retrieved a revolver and returned fire, repelling the would-be intruder. A getaway driver had been waiting and the two sped off. After the incident, Fuller offered \$10,000 for information about the intruder.<sup>128</sup>

#### **Armed Citizen Saves Woman from Being Burned Alive**

Jackson, Mississippi: On March 3, 2007, 42-year-old Henry Watson ignored bystanders as he repeatedly stabbed his wife, Gracie Watson, and then poured gasoline on her. She was screaming for help while the customers from the surrounding stores were shouting at him and trying to distract him with their automobile horns. Before Henry could apply a lit match to Gracie, a man passing by drew his gun and threatened to shoot if the assault continued or if Henry ran. The rescuer was able to detain Watson until police officers arrived.<sup>129</sup>

#### **Homeowner Shoots Two Would-Be Burglars**

Wilmington, Delaware: On November 10, 2005, a man was at his car when two men tried to mug him, sticking something in his side. He assumed it was a gun so he pulled out his own 9mm handgun and fired, apparently hitting both men. The men ran away. One was found in critical condition by the police near the scene, and was taken to the hospital. The other was found a few hours later in the bushes across the street. He was pronounced dead at the scene. Initial re-

ports did not name any of the individuals involved.<sup>130</sup>

#### **Armed Citizen Stops Four Burglars**

Jackson, Mississippi: On the morning of December 20, 2005, four teenagers attempted to break into the home of Beverly Johnson. Her son, in the residence with his two younger nephews, shot one of the teenagers in the leg. The wound was not life-threatening. All four juveniles face possible burglary charges and may be connected to other area burglaries. Ms. Johnson's son was questioned, but not charged; neither he nor his two nephews were hurt.<sup>131</sup>

#### **Clerk Stops Armed Robbers**

Mobile, Alabama: On September 28, 2006, store clerk Lay "Bruce" Khat reacted to two unidentified men at his shop door who were carrying guns and attempted to push a pull-only door. When the robbers entered the store with guns drawn, Khat was able to retrieve a pistol and then exchanged shots with the men. The two culprits fled after one was shot in the shoulder.<sup>132</sup>

#### **Armed Citizen Defends Himself from Home Invasion**

Myrtle Beach, South Carolina: On December 11, 2008, at about 9 p.m., Lamont Lee Reed Durrell and an accomplice, both armed, broke into an apartment at the Courtyard 1 Apartments on Burcale Road. The homeowner defended himself with his firearm, killing Durrell while the accomplice fled. Police questioned and then released the homeowner, and said that no charges would be filed against him.<sup>133</sup>

#### **Homeowner Stops Intruder with Rifle**

Creston, California: On December 11, 2005, Jedidiah James Williams used a rock to break a back door window and enter the laundry room of Dale Stuve's home. Stuve heard the noise, called the police, and then armed himself with his rifle. Stuve tried to hold the laundry room door closed, but Williams forced it open. Stuve then threatened

to shoot the intruder. Williams demanded Stuve's car, to no avail, and then left. Police found Williams a quarter-mile away, in front of another home.<sup>134</sup>

### **Armed Citizen Prevents Robbery**

Oak Park, Illinois: On December 21, 2008, a thief who sought a leather jacket as loot became the recipient of three bullets: one each to the face, leg, and pelvis. Stroger Hospital in Chicago treated the would-be thief's injuries. Police did not immediately release the thief's name, but said that charges against the robber would probably result if the intended victim could be found. At the time of the shooting, Chicago maintained a handgun ban—so that law might have deterred the would-be victim from coming forward.<sup>135</sup>

### **Homeowner Shoots Burglar in the Leg**

Gary, Indiana: On February 2, 2007, Michael Harmon broke into the home of Waymond Pearson. Pearson was not at home initially. A neighbor saw the break-in and contacted Pearson, who returned to his home and shot Harmon in the leg when the thief approached him. No charges were brought against Pearson. Harmon was charged with burglary.<sup>136</sup>

### **Husband Chases off Masked Intruders**

Orange City, Florida: On December 18, 2008, a couple heard a crash in another part of their house while they were watching television. When they went to investigate, they found two armed burglars in their kitchen. They ran back to their bedroom where the husband retrieved a gun. He was then able to chase the armed men out of the house. Police did not identify the homeowners.<sup>137</sup>

### **Woman Defends Herself from Knife-Wielding Assailants**

Fort Smith, Arkansas: On December 14, 2008, two men pulled up next to a woman on the interstate between Kelley Highway and the Arkansas River Bridge and indicated that one of her vehicle's tires was going flat. When she pulled over to check her tires, one

of the men tried to rob her at knife-point. The woman, a concealed carry permit holder, drew her gun and pointed it at her assailant. The men then fled. State Police did not release the woman's name but gave a description of the suspects' vehicle.<sup>138</sup>

### **Store Clerk Shoots Armed Robber**

Port Arthur, Texas: On June 22, 2007, Brandon Oliver entered the Stop and Drive and held an employee at gunpoint, demanding money. Another employee, Tajamal Shah, witnessed the incident from his truck in the parking lot, and recognized Oliver as the same man who had previously robbed the store at gunpoint and threatened employees. Seeing that Oliver had a weapon, Shah drew his .38 and shot several times at Oliver, who died at a hospital two days later. No charges against Shah were expected.<sup>139</sup>

### **Hiker Shoots Grizzly Bear in Denali National Park**

Fairbanks, Alaska: On May 28, 2010, a backpacker in Denali National Park became one of the first known armed citizens to exercise his right to self-defense since a federal law started allowing guns in national parks. A bear charged the unidentified hiker and his female companion, forcing the man to fire his .45 pistol. The bear fled and died later of its wounds. The pair then had to hike over a mile to report the incident to park rangers.<sup>140</sup>

### **Armed Citizen Shoots Attacker in Self-Defense**

Elkins, West Virginia: On February 16, 2007, Leslie Woodford threatened one person too many after a domestic dispute involving a difficult divorce. When visiting his ex-wife and her father, he pulled a gun. The father was able to retrieve a shotgun. Woodford left that altercation before the police arrived. Not done, he then broke into the home of Steven Snider, his ex-wife's boyfriend, and was promptly shot to death. Snider was initially charged with second-degree murder but was subsequently re-

**The woman, a concealed carry permit holder, drew her gun and pointed it at her assailants. The men then fled.**

**Hearing a scream of alarm from his daughter, Newborn grabbed a .357 Magnum and held the intruder at gunpoint until the police arrived. No shots were fired.**

leased once authorities determined it was a case of self-defense.<sup>141</sup>

### **Man Holds Intruder at Gunpoint Until Police Arrive**

Malvern, Arkansas: On the morning of December 11, 2008, homeowner Lester Newborn and his daughter were surprised when 30-year-old Jennifer Draper entered the home through an unlocked bedroom window. Hearing a scream of alarm from his daughter, Newborn grabbed a .357 Magnum and held the intruder at gunpoint until the police arrived. No shots were fired.<sup>142</sup>

### **Victim Holds Car Prowl Suspect at Gunpoint**

Olympia, Washington: On his way to work at 4 a.m. on August 9, 2005, Chuck Estes found his wife's car burglarized and then saw two young men nearby in a car full of electronics. With gun and flashlight drawn, he detained one suspect, 16, until the police arrived. Police later arrested another young man as a suspected accomplice. Police credited Estes with "solving a string of car prowls and helping to recover more than \$4,000 in stolen property" from a dozen other robberies.<sup>143</sup>

### **87-Year-Old Woman Fatally Shoots Man in Her Home**

St. Louis, Illinois: On February 7, 2006, Jacksie Mae King used a revolver to kill Larry Tillman after Tillman cut her phone lines and pried the iron bars off her windows to gain entry. The 87-year-old woman was given a .32 Colt revolver for self-defense by her daughter, a police officer, after she became the victim of a home invasion, beating, and robbery. Even though the woman didn't have proper Illinois credentials to own a gun, police declined to charge her with any crime.<sup>144</sup>

### **Clerk Shoots Two Robbers, Killing One**

Riverside, California: On December 5, 2005, the Alessandro Liquor store was robbed for the second time in three weeks. When Marshawn Burns, 29, and his accom-

plise were not satisfied with the money they took from the cash register, the clerk—forced to lie on the floor—managed to get the gun from his waistband and shot both men twice before they were able to shoot him and his girlfriend. Burns died but the second suspect's wounds were reported to the police by a hospital.<sup>145</sup>

### **Woman Shoots Home Invader**

Lynn Haven, Florida: On December 5, 2008, two men forced their way into the home of Melissa Galarza. They punched her in the face and knocked her to the floor, demanding "the money." The criminals also covered her mouth to muffle her screams. Galarza was able to draw a gun from the bottom shelf of her coffee table and the men backed off, only to charge at her again. When Galarza fired at the men, they fled. Twenty-six-year-old Matthew Andrews went to a local hospital a short time later with a gunshot wound to his abdomen. A Panama City detective interviewed Andrews, who claimed to have been the victim of a robbery. Andrews checked out of the hospital before Lynn Haven police could notify Panama City officers of the Galarza home invasion. Galarza later identified Andrews as one of the men who broke into her house. Officials secured a warrant for Andrews' arrest and tracked him to his girlfriend's home. Police took him into custody after a two-hour standoff that ended with SWAT officers forcing Andrews out of his girlfriend's home with tear gas.<sup>146</sup>

### **Homeowner Shoots Intruder**

Broken Arrow, Oklahoma: On November 1, 2008, 19-year-old Stephen Richardson "threw a rock through the glass portion of the door, then reached through the window, unlocked the door, and entered the residence" of Curtis and Catherine Freeman. As Richardson left the master bedroom and entered the hallway, Curtis Freeman shot the intruder several times with a .40-caliber handgun. Authorities airlifted Richardson to a hospital and planned on filing first-degree burglary charges.<sup>147</sup>



### **Would-Be Robber Shot by Liquor Store Owner**

Columbia, South Carolina: On December 10, 2008, 28-year-old Oxvaria Ingram entered a liquor store owned by Sam Banks and asked how much a bottle of liquor cost. After getting an answer, Ingram crossed the “employees-only” chain, grabbed two bottles and headed toward Banks’s wife. Banks’s wife shot Ingram twice with a .38 revolver. Authorities planned to charge Ingram with strong-arm robbery.<sup>148</sup>

### **Man Shot in Struggle for Shotgun**

La Plata County, Colorado: On December 16, 2005, Andrew Williamson was awakened shortly after midnight by a knock on his door. Williamson grabbed his shotgun and went to investigate. As Williamson opened his front door, Jason Egger forced his way in and tried to take Williamson’s shotgun away from him. An accomplice, Jesse Handley, joined the struggle and the gun went off, shooting Egger point-blank. Authorities did not file any charges against Williamson.<sup>149</sup>

### **Homeowner Thwarts, Handcuffs Burglar**

Dupo, Illinois: On December 3, 2008, Eric L. Kirk, 35, knocked on the door of a residence on Stolle Road. As the homeowner went to answer the door, he noticed Kirk prying open the garage door with a crow bar. The homeowner called 911, then fired two warning shots into the ground, and then wrestled Kirk to the ground and handcuffed him. The homeowner, not identified in the initial reports, held Kirk until police arrived.<sup>150</sup>

### **Shotgun-Wielding Man Comes to Neighbor’s Rescue**

Daytona Beach, Florida: On January 5, 2007, Kyle Winkler came home to discover two intruders in his apartment. A fight ensued and the intruders tried to throw Winkler over a second-floor banister. When Winkler cried out for help, neighbor Miles Delavecchia answered the call, armed with a shotgun. Winkler and Delavecchia bound

the burglars’ wrists with zip-ties and held them until police officers arrived.<sup>151</sup>

### **Fatal Ending for Accused Stalker**

Hammond, Indiana: On November 12, 2007, an Indiana woman’s worst nightmares were realized when a man she had previously dated showed up at her residence uninvited and began pounding on her door. “We only went out on that one date . . . I got a look at his temper, and realized I didn’t want anything to do with him. But he wouldn’t take no for an answer.” The woman, not named in news reports, had filed six complaints against the man, Ryan Lee Bergner, after he slashed her tires and broke into her home. Emergency 911 tapes captured audio as the woman hid in a closet with a 9mm handgun given to her by a friend for protection. When Bergner found her hiding in a closet and began choking her, she was able to fire three shots and killed him. The county prosecutor determined that the woman acted in self-defense and declined to file charges.<sup>152</sup>

### **Armed Woman Stops Burglary**

Mobile, Alabama: On March 28, 2007, Lelia Richardson dropped her kids off at school in the morning and returned home. When she arrived, she saw an unfamiliar truck beneath her carport and a man she did not recognize exiting her home, carrying her belongings. Lelia readied her pistol and exited her vehicle, asking the man what he was doing. The man, Jedadhai Powell, told Richardson that he lived there—in *her* home! When Richardson made it clear she lived in the home, he asked her not to shoot and offered to put everything back. She kept her weapon trained on the burglar until law enforcement officers arrived.<sup>153</sup>

### **Home Invasion Thwarted**

Granby, New York: On December 20, 2005, two robbers, Kyle Hunter and Donald Brown, armed with a shotgun and a machete broke into a Granby home and tied up the home’s five occupants. Two of the intended victims managed to get free and turn the

**The woman hid in a closet with a 9mm handgun given to her by a friend for protection. When Bergner found her, she was able to fire three shots and killed him.**

**A woman was at home with her three children when a man entered the residence with a gun. The mother produced and fired a pistol of her own, hitting the man in the torso several times.**

shotgun on their captors. One robber received a birdshot wound; both were caught by local and state law enforcement officers after fleeing. The victims' names were not released by police.<sup>154</sup>

#### **Texas Homeowner Grabs Robber's Gun, Kills Him**

Dallas, Texas: On November 1, 2008, a homeowner answered his door to find a man pointing a handgun at him. He grabbed it and shot the would-be robber. A second man was able to escape on foot. The homeowner wasn't injured, but the man he shot later died at an area hospital. A policeman acknowledged that the resident was only protecting himself. Police did not immediately release the names of any of the individuals involved.<sup>155</sup>

#### **Wounded Clerks' Boss Armed, "Ready"**

Jackson, Mississippi: On February 10, 2007, one armed robber shot two of Ahmed Alomari's employees at his W. Northside Drive Chevron station, while another suspect grabbed cash from the register. Alomari's son, Bassam Alomari, despite four gunshot wounds, was able to get a .44 handgun and walk outside to shoot at the two criminals. He and Alhoussine Arhgoummi, wounded twice, were taken to a hospital and listed in fair condition. Store manager Mohammed Shawsh, armed with three guns, stated, "We're ready. If they come back here, they're not going to leave back out."<sup>156</sup>

#### **Burson Homeowner Foils a Robbery Attempt**

Burson, California: On November 10, 2008, Mike Nicholson, III, knocked on the door of William Six's home. Six answered the door to find Nicholson with a 10" knife in hand, demanding the keys to one of Six's trucks. Six refused, was able to retrieve a firearm, and pursued Nicholson into his driveway. Six ordered Nicholson to the ground to await police, but an intoxicated Nicholson became belligerent, threatening Six and his wife. After a warning shot was fired, Six was

able to hold Nicholson at gunpoint until police arrived.<sup>157</sup>

#### **Woman Fatally Shoots Armed Home Invader**

New Orleans, Louisiana: On April 5, 2011, a woman was at home with her three children when a man entered the residence with a gun. The mother produced and fired a pistol of her own, hitting the man in the torso several times. The man was rushed to the hospital but could not be saved. The woman had a concealed weapons permit. Detectives seized the gun that the woman used to shoot the intruder and another that she kept in her home, but are treating the shooting as a justifiable homicide.<sup>158</sup>

#### **Tech Students Use Their Guns to Stop Burglars**

Lubbock, Texas: Within two days in mid January 2007, two Texas Tech students each had to defend themselves and their property from thieves. On January 22, 2007, Matt Hoskinson did so by shooting twice into the ground to scare off intruders. On January 23, 2007, student Ron Harmon lay in wait for two burglars to enter before scaring one away and holding the other, Thomas Jeremy Martinez, for the police. Both students had concealed handgun licenses.<sup>159</sup>

#### **Tables Turned in Armed Robbery**

Baltimore, Maryland: On December 12, 2008, at the intersection of Hammershire and Reisterstown roads, an armed man and woman emerged from a Toyota Camry, approached three men, and demanded their money. One of the three men quickly took hold of one of the would-be robbers' weapons. The assailants then fled. The initial reports did not name any of the individuals involved.<sup>160</sup>

#### **Homeowner Shoots and Critically Wounds Intruder**

Tulsa, Oklahoma: On December 13, 2011, Fred Willis kicked open the back door of a Tulsa family's home and forced his way

into the couple's bedroom. The homeowner, Ronald Dobbs, fired a pistol, striking the intruder several times. Police say a child was present in the home, but was not injured. The suspect was taken to the hospital in critical condition.<sup>161</sup>

### **Business Owner Stops Trailer Thief and Holds for Police**

Longtown, Oklahoma: On January 11, 2004, local business owner Bruce Combs pulled over to let a truck pulling a trailer pass him on a state highway before noticing the trailer being towed was his very own. Combs pursued the trailer and, after a call to 911 failed to go through, displayed a handgun to the truck driver, forcing him to pull over into a parking lot. Combs then phoned authorities again and held the driver at gunpoint while waiting for their arrival.<sup>162</sup>

### **Victim Surprises Would-Be Robbers**

Orlando, Florida: On December 14, 2005, in a Marriott Fairfield Inn parking lot, Dennis Pugh, 18, and Miguel Arias, 17, both armed, apparently thought a man exiting his car would not be a challenge; instead, the 37-year-old concealed carry licensee was able to pull his gun and fire after being confronted. The two teens were soon caught unharmed by police and charged with armed robbery.<sup>163</sup>

### **Two Wounded Intruders and Getaway Driver Charged**

Nitrate City, Alabama: On December 3, 2008, three University of North Alabama students attempted to burglarize a residence. The homeowner received multiple hang-up phone calls from unfamiliar numbers on the two evenings before the break-in and noted that someone had tried to break through his back door around the same time that the calls began. The homeowner grew suspicious and turned out the lights in his home but was fully prepared for another break-in attempt. As Justin Peake and Holland Noah Elkins, two of the would-be burglars, were kicking in the door, the homeowner fired

several rounds from a 9 mm pistol, critically injuring Peake and wounding Elkins. Police charged both of the intruders, as well as a third student, Jason Douglas Reynolds, described as the getaway driver, with second-degree burglary.<sup>164</sup>

### **Teen Fires Shotgun to Stop Attack on Mother**

Dover, Delaware: On October 27, 2009, Jeremy S. Stanislow was arguing with his ex-wife outside her home when he pushed her off the steps and began assaulting her. Their 16-year-old son tried to intervene, but Stanislow attacked him, and then continued punching his ex-wife. When his mother lost consciousness, the 14-year-old son fired a shotgun into the air. Stanislow fled after the shot was fired, but later turned himself in to the police. The victims' names were not released.<sup>165</sup>

### **Man Fends off Armed Muggers**

Palmetto Bay, Florida: Early in the morning on November 23, 2010, three armed robbers ambushed John Lee as he exited his car, shouting to "give it up" and opening fire. Lee, a father of four and manager of a Sam's Club store, who had obtained a concealed carry permit years before, now drew his Glock handgun. After being struck once, Lee returned fire. The suspects fled. Lee remains "convinced that the three armed robbers, who made no attempt to cover their faces, would have killed him had he not been armed. 'If I didn't have that gun on me, I wouldn't be talking to you right now,'" he told reporters from his hospital bed.<sup>166</sup>

### **Armed Homeowner Kills Suspected Burglar**

Sacramento, California: On November 8, 2008, two suspects entered a home on 51st Street and confronted the homeowner. The homeowner was able to retrieve a firearm and fatally shot one of the suspects in self-defense. The second suspect, a white male in his late 20s, fled the scene.<sup>167</sup>

**“If I didn’t have that gun on me, I wouldn’t be talking to you right now,” Lee told reporters from his hospital bed.**

**After kicking in the back door, the intruder announced that he had a gun. Johnson replied that he had a gun as well, and the intruder quickly fled the scene.**

### **Armed Homeowner Foils Invasion**

Carlisle, Pennsylvania: At 2:30 a.m. on Friday, May 30, 2008, Eugene Johnson, a 20-year Army veteran and former POW, and his wife Bernadine, awoke to the sounds of a man breaking into their house on the 1200 block of North West Street. After kicking in the back door, the intruder announced that he had a gun. Johnson replied that he had a gun as well, and the intruder quickly fled the scene.<sup>168</sup>

### **Homeowner Kills Teen Burglary Suspect**

Forth Worth, Texas: On May 25, 2011, a Texas homeowner in the 1100 block of East Jefferson Avenue discovered 17-year-old Ernest Morris trying to pry open a back window of his home with a crowbar. The homeowner, who asked not to be identified, loaded his gun and hoped the sound would scare the intruder away. When that didn't work, he fired a single shot, striking Morris in the chest. Morris fled the scene, but died nearby. The homeowner has not been charged.<sup>169</sup>

### **Homeowner Kills Burglar with Single Shot**

Toledo, Washington: On October 27, 2009, a 62-year-old man killed an unidentified male burglar as the intruder approached him on the stairs of his home in the 100 block of Mulford Road. The homeowner heard the break-in, armed himself, and took a defensive position at the top of a stairway. When the intruder ascended the stairs, the homeowner gave two verbal warnings and fired a shot when the intruder refused to comply. The intruder was killed. Police did not release the name of the homeowner.<sup>170</sup>

### **Store Clerk Kills One of Two Robbers**

Worcester, Massachusetts: On December 10, 2008, Evan Louis Rivera and an unknown accomplice, both wearing masks, entered Big Bob's Liquors and held one of the two clerks on duty at gunpoint. One of the clerks, whose name was not released by police, drew his own gun and fired several shots at Rivera, who died of his wounds shortly thereafter.

The other thief fled. The clerk who fired the shots was licensed to possess and carry a firearm and was not charged.<sup>171</sup>

### **NJ Man Defends Home from Burglars**

West Paterson, New Jersey: On February 2, 2006, Euclides Moya's wife called home to tell him that she was being followed, and that the men had parked in front of their house. Moya retrieved his gun, and confronted the three men who were now rushing to his home. One of the men fired at Moya. Moya shot back several times. The men did not gain entry to the home and fled.<sup>172</sup>

### **Man Defends Self and Friend during Stabbing Attack**

Bryan, Texas: On August 25, 2005, Phyllis Scott was having dinner with Andy Fitts and his mother when Amos Ybarra, an ex-boyfriend, came to the house and asked to speak to Scott outside. Once outside, the man began shouting at Scott before stabbing her in the chest. Fitts responded to screams and retrieved a handgun when Ybarra started to attack him. Fitts fired two shots, killing Ybarra. Fortunately, both Fitts and Scott survived their injuries.<sup>173</sup>

### **Deputy DA Nabs Suspect in Home**

Portland, Oregon: On December 25, 2005, 18-year-old Ryan James Dotta attempted to rob the home of deputy district attorney Mark Costello. Wearing pajamas, but armed with a handgun, Costello was able to hold Dotta for police.<sup>174</sup>

### **Parking Attendant Fights Off 5 Attackers**

Orlando, Florida: On December 27, 2007, prior to an Orlando Magic basketball game, a 65-year-old man was collecting parking fees in a church lot when he was accosted by five armed robbers. While under attack, the man feigned reaching for cash, but instead pulled his permitted concealed handgun, firing several times and forcing the robbers to flee. The man did not wish to be identified.<sup>175</sup>

### **Would-Be Robber Shot and Killed**

Paramount, California: On December 19, 2005, an armed man in his thirties tried to rob a Somerset Boulevard mini-mart. When he became distracted as a second employee suddenly appeared in the rear of the store, the cashier was able to get a weapon and shoot the gunman. The thief later died at a hospital. Police did not immediately release the names of those involved in the incident.<sup>176</sup>

### **Dead Robbery Suspect Linked to Another Crime**

Delray Beach, Florida: On July 3, 2010, Tyrone Pinkney entered a convenience store intent on armed robbery. A clerk hid behind the counter and armed himself, returning fire with his own handgun after Pinkney began shooting. Officers arrived to find the robber still clutching his handgun, face down on the ground. Pinkney later died at the hospital. Authorities determined that Pinkney shot and killed a clerk and a customer at another convenience store only 30 minutes prior, and said he had been a person of interest in another fatal convenience store shooting the year before.<sup>177</sup>

### **Homeowner Held Thieves at Gunpoint Until Officers Arrived**

Athens, Alabama: On July 27, 2007, an unidentified Athens resident returned home to find Timothy Maynor and Shaun Holley stealing his collection of aluminum cans. The homeowner confronted the thieves with his gun drawn, and held them for authorities. Police later determined that the men were responsible for other area robberies.<sup>178</sup>

### **Storeowner Shoots at Armed Robbers**

St. Petersburg, Florida: On December 7, 2008, a variety store owner, John Silva, was able to turn the tables on two robbers when he produced a .380 pistol and confronted his would-be assailants. A former merchant Marine enlistee, the man fired three shots at the robbers as they fled. The police picked up both robbers quickly, finding Benjamin

Roland Jones, 19, on Central Avenue, and his accomplice, Cory Jay Smith, 21, hiding in a nearby lake.<sup>179</sup>

### **Homeowner Halts Burglary**

Ogden, Utah: On December 16, 2008, two burglars engaged in a gun fight with a homeowner when they were unable to gain entrance into the home. As the criminals were kicking in the door, they realized the home was not vacant. While leaving the scene, one of the burglars fired a shot at the homeowner, who returned fire as the burglars fled. The homeowner, not named in the initial reports, gave a description of the burglars' vehicle. Police recognized the vehicle from another attempted burglary case and arrested the suspect at his home. Police did not immediately release the names of anyone involved in the incident.<sup>180</sup>

### **Store Clerk Fired for Using Gun to Defend Store**

Portsmouth, New Hampshire: On December 7, 2005, Cumberland Farms store clerk Bruce Soiett pursued an armed robber out of the building. Soiett yelled for the thief to stop, and the robber turned toward Soiett with a gun. Soiett fired two rounds at the robber. No one was hurt in the exchange, and police never caught the thief. Cumberland Farms fired Soiett over the incident, but he quickly found work at the Exit 3 Travel Stop. "We feel more comfortable having people who can stand up for themselves," his new employer stated.<sup>181</sup>

### **Aggressive Pit Bull Killed by Homeowner**

Temecula, California: On July 30, 2007, retired police detective Frank Canson went to retrieve his Sunday morning paper. A pit bull known for menacing area neighbors confronted Canson, jumping up against the gate at the end of Canson's driveway. Canson retrieved a 9 mm handgun and returned to pick up his newspaper, finding it shredded outside the gate. As Canson knelt to pick up the paper strewn across the dirt road, the pit bull and two more dogs returned. Can-

**John Silva, was able to turn the tables on two robbers when he produced a .380 pistol and confronted his would-be assailants.**

**The robber shot  
Braun in the  
lower abdomen  
but fled as Braun  
drew his own  
firearm to defend  
himself.**

son fired at the pit bull as it charged him, wounding it and then delivering a fatal shot as it writhed on the ground in pain. Authorities declined to press any charges against Canson. Local residents pointed to a string of disturbances caused by the loose dogs.<sup>182</sup>

**Robbery Foiled after Shots Exchanged**

Center Point, Alabama: On the night of October 20, 2009, two employees were leaving their job at a phone store when a man threatened the female employee with a gun and asked for money. When the male employee moved for cover, the attacker started shooting. The male was armed and returned fire, chasing the gunman away. The would-be robber was last seen fleeing on foot. Neither of the employees was harmed in the incident.<sup>183</sup>

**Owner Defends Liquor Store**

Largo, Maryland: At about 7:30 a.m. on December 12, 2008, Bill Robertson shot and killed a would-be robber. The robber entered, drew a gun, and a struggle began. Robertson, a co-owner of the store, was able to pull out a shotgun. The robber was killed at the scene.<sup>184</sup>

**Home Invader Gets 10 Years, Blames Victims**

Upper Deerfield Township, New Jersey: On July 4, 2003, William Burden and Howard Dunns kicked in the door of Robert and Wanda DuBois's home. Robert DuBois retrieved his handgun and started shooting. The intruders fled and state police later apprehended them. The incident ended their crime spree that included burglaries, robberies, shooting two elderly victims, and supplying the weapon used in a murder.<sup>185</sup>

**Wrong-Door SWAT Raid Mistaken for Home Invasion**

Minneapolis, Minnesota: On December 17, 2007, a SWAT team kicked down the door of immigrant Vang Khang, who fired a shotgun at what he presumed to be intruders to defend his wife and six children. Mi-

raculously, neither party was injured. Officers had protective equipment and none of the 22 shots fired by police struck the family. Authorities admitted they acted on inaccurate information provided by an informant, but took some time before deciding not to charge Khang with a crime. A year later, the city paid the Khang family a \$600,000 settlement.<sup>186</sup>

**Store Clerk Fires Shot at Would-Be Robber**

Sandy Springs, South Carolina: Just before 10 p.m. on November 12, 2008, a man pointed a gun at an unnamed Sunoco employee and demanded money. The clerk told the man to wait while he got the money together, then pulled out a gun and fired a shot at the robber. The robber quickly fled the scene. Deputies searched with tracking dogs, but they did not think the culprit was hit.<sup>187</sup>

**Neighbor's Son Apprehends Burglar**

Blue Lake, California: On March 26, 2008, Steven Wilson's mother observed Ryan Bush break into her neighbor's home, and told her son. Steven Wilson armed himself and fired a "warning shot" at Bush, who was vandalizing and stealing from the home. After the shot, Bush fled. Wilson pursued and was eventually able to hold him at gunpoint for authorities.<sup>188</sup>

**Man Draws Weapon to Ward off Armed Robber**

Coral Springs, Florida: At about 6:45 a.m. on November 17, 2008, an unidentified man confronted Mark Braun in the hallway of his apartment building. The man produced a gun and demanded that Braun give him cash. The robber shot Braun in the lower abdomen and fled as Braun drew his own firearm to defend himself.<sup>189</sup>

**Burglary Suspect Shot, Hospitalized**

Savannah, Georgia: On August 26, 2005, a woman discovered a man climbing through her apartment's bathroom window and was able to get her gun in time and fire

several shots. The unnamed woman had a handgun because she had been burglarized before. The man was hit several times but managed to climb back out, asking a nearby driver to take him to the hospital. Police declined to charge the woman, but did charge the man.<sup>190</sup>

### **Homeowner Shoots Intruder**

Omaha, Nebraska: On January 25, 2007, Jon Cowdin confronted four men as they tried to enter his home. As the men struggled to push in the door, one assailant pushed a shotgun through the opening. Cowdin grabbed the burglar's shotgun and fired, hitting one and scaring them all off. Deputies picked up the burglars soon after. The wounded burglar, an unnamed juvenile, was treated and released from the Creighton University Medical Center, joining the other three under arrest: Jacobee Knave, 21, and Jerrett Jackson, 18, and another unnamed juvenile.<sup>191</sup>

### **Father Shoots Son in Self-Defense**

Meadowview, Virginia: On December 3, 2005, 22-year-old John Tuggle, apparently drunk, threatened to kill his 44-year-old father, Jefferson Tuggle. John retrieved an axe and a knife, and the father retrieved his .357 Magnum. John lunged at his father with the knife. Jefferson Tuggle shot his son in the wrist to force him to drop the knife, which Jefferson then retrieved. Police arrested John on an attempted first-degree murder charge; Jefferson was neither injured nor charged.<sup>192</sup>

### **Gilbert Homeowner Shoots Intruder**

Gilbert, Arizona: At about 10:15 a.m. on December 9, 2008, Richard Lopez knocked on the front door of an unidentified homeowner. When the homeowner did not answer, Lopez kicked the door to the ground. As Lopez entered the home, the owner shot him in the face and torso. Lopez retreated to a car where his brother, Mark Vega, waited nearby. Vega took Lopez to a hospital, where police arrested both men.<sup>193</sup>

### **Man Thwarts Robbery by Shooting at Suspect**

Las Vegas, Nevada: On January 18, 2011, a 57-year-old man in a Wal-Mart parking lot may have appeared an easy target to one robber. He was quickly proven wrong when, upon being attacked, the man pulled his legal firearm and fired multiple shots at his attacker. The foiled robber quickly fled. Authorities are not sure if he was struck by the gunfire. The citizen then put down his gun and waited for police.<sup>194</sup>

### **Knife-Wielding Assailant Shot**

Kansas City, Missouri: On the evening of December 29, 2005, a knife-wielding man forced his way into a residence, even though one of the residents had a restraining order against him. While struggling with one resident, and swinging his knife threateningly, the second resident shot him. The intruder died at a hospital, which proved once again that a gun is a more effective protector than a court document. Police did not release the names of the persons involved.<sup>195</sup>

### **Suspect Killed during Attempted Robbery**

Indianapolis, Indiana: On September 27, 2006, two brothers entered a jewelry store intent on armed robbery. The store owner, Roscoe Parmley, pulled a handgun and fired a fatal shot at Corey Artry, 18. Parmley and two of his employees held Corey's brother, Nicholas, 20, for police. Local residents did not seem surprised; Parmley had been in business for decades and made no secret about being armed and willing to use force to repel would-be robbers. Police Chief Michael Spears said the incident was self-defense.<sup>196</sup>

### **Homeowner Shoots Burglar**

Walhalla, South Carolina: On December 21, 2008, Donnie Murphy was in the bathroom when he heard a noise. After retrieving his pistol, he found another man, Kirby Alan Ridley, near his fireplace. Murphy told Ridley to stop, but when Ridley reached into his pocket as if to draw a weapon, Murphy shot

**While struggling with one resident, and swinging his knife threateningly, the second resident shot him. The intruder died at a hospital.**

**Calhoun County Sheriff Larry Amerson did not release the gas station owner's name, but said the shooting was in self-defense.**

him. Sheriff's deputies arrived shortly thereafter and escorted the thief's ambulance to Oconee Medical Center.<sup>197</sup>

**Liquor Store Owner Shoots and Kills a Robber**

West Gables, Florida: On January 9, 2007, Dusviel Hernandez entered LeJeune Liquors. When he approached the counter with his gun drawn, the owner, Pedro Agudelo, drew his own weapon and shot and killed Hernandez. This was the second time since 2001 that Agudelo had to protect himself and his business with his firearm. The police did not file charges after either event. The "stand-your-ground" law in Florida supports the right to shoot when threatened, even if a weapon is not visible.<sup>198</sup>

**Mother Kills Son in Self-Defense**

Charleston, Arkansas: In the early morning hours of December 14, 2008, Cameron Utsler kicked in the door of his parents' home. He stood over 6 feet and weighed about 300 lbs., and began pistol-whipping both of his parents. Utsler had a history of violence with his parents, and his mother, described by police as "frail" by comparison, believed she had no choice but to shoot her son. The lone shot proved fatal. The parents were treated for injuries at a hospital and released. No charges were filed.<sup>199</sup>

**Robbery Suspect Shot Dead, Accomplice Wounded**

Anniston, Alabama: On December 24, 2008, a gas station owner killed one robber and wounded an accomplice. The early evening shootout took place at Fuller's Oil Company on U.S. 431. Twenty-one-year-old Takeem Pope of Anniston received mortal wounds, while his accomplice, Blake Jackson, received a gunshot wound to the arm. Calhoun County Sheriff Larry Amerson did not release the gas station owner's name, but said the shooting was in self-defense.<sup>200</sup>

**Woman Shoots Intruder in Leg**

Bakersfield, California: On August 17,

2005, a man who seemed to be under the influence of drugs was seen beating two pit bulls in a backyard on O Street. When he was asked to leave by the residents, he knocked down an elderly man, and, after two warning shots, was wounded in the leg by a woman. The intruder was taken to Kern Medical Center for treatment of a non-life-threatening injury. The Bakersfield Police Department determined that it was a case of self-defense and did not immediately release the names of those involved.<sup>201</sup>

**Store Owner Shot One of Two Assailants**

Chandler, Arizona: At about 6:45 p.m. on December 20, 2008, Kevin William Murray and Kenneth Wayne Simpson, Jr., entered Rusty Uptain's jewelry store, shot pepper spray into his face, and then chased him into the back of the store. Rusty's wife Debbie, and their son, Chris, were also in the store. Murray raised a gun and began to shoot at Rusty and Chris. Rusty tackled him and then grabbed his own gun. A gunfight erupted. Rusty shot Murray, and the two robbers then fled. The injured Murray drove away in a truck and Simpson escaped on foot. Police quickly caught Murray, who died after being rushed to a nearby hospital. Police were also able to catch Simpson in a matter of hours. Simpson was charged with felony murder for Murray's death.<sup>202</sup>

**Pizza Delivery Man Shoots at Attackers**

Titusville, Florida: On December 6, 2008, pizza delivery man Jerry Johnson pulled up to make a delivery and instinctively knew something was wrong when he saw no lights on at the house. Johnson armed himself with a handgun that he kept in his car. As Johnson left the car, assailants threw a brick that hit him in the face. Johnson fired back with his handgun, which sent his attackers fleeing. Police searched the area with dogs, but they could not find Johnson's assailants.<sup>203</sup>

**Clerk Stops Robber**

Pine Bluff, Arkansas: On April 16, 2007,



an armed robber demanded cash from a clerk at the United filling station on Hutchinson and Dollarway road. The clerk said he would comply with the demand if the robber waited a moment so that a customer could exit the store. When the robber went to the back room, the employee armed himself. As the customer left and the robber came back out, a gunfight erupted. The clerk was able to wound the robber, who then fled on foot. Police did not immediately release the names of either the clerk or the robber.<sup>204</sup>

### **Pizza Delivery Driver Defends Himself**

Greenville, North Carolina: On June 16, 2008, a group of young men attacked a pizza delivery driver. The delivery man, not identified in the initial reports, pulled a concealed handgun and fired, injuring one of his assailants, Elvis Deans Jr., 17. Police also arrested Thomas James, 18, Sunil Persaud, 18, and Kevin Haynie, 17, charging them with common law robbery. Police also arrested an unnamed 14-year-old who they say planned the attack.<sup>205</sup>

### **Homeowner Cuffs Intruder at Front Door**

Mesa, Arizona: On January 29, 2004, at about 1:00 p.m., Bryan V. Temple entered Dan Adams's home for the fourth time, asking if anyone was home. Temple had burglarized Adams on three previous occasions, but this time Adams was ready. Adams readied his .40 caliber handgun and confronted Temple, who quickly surrendered. Adams handcuffed Temple and held him until the authorities arrived. Police found many of Adams's stolen belongings in Temple's home.<sup>206</sup>

### **Woman Defends Home with Shotgun**

Cushing, Oklahoma: On December 4, 2009, Bill Dean Riley, apparently drunk, banged on Donna Jackson's door. He was looking for his pickup truck—Riley did not know that his sister had crashed it into a ditch. He threw a patio table through her window to gain entry. Jackson fired a single

fatal blast from her shotgun. Riley died instantly.<sup>207</sup>

### **Robbery Attempt Backfires**

Merrimack, New Hampshire: On December 5, 2005, Marc Dixon entered Ladd's Convenience Store, armed. When Dixon set his gun down to pick up the cash register, Dianne Duval, the store clerk, grabbed the weapon and struck Dixon in the face with it. Dixon dropped the register, and drove off in his silver Oldsmobile. Police were able to apprehend him two days later.<sup>208</sup>

### **Woman Kills Burglar**

Mifflin, Ohio: In December 2005, Kahlief Tye and an unnamed accomplice entered an woman's home on Perdue Avenue after breaking a window. The woman was home, confronted the intruders, and shot Tye. Tye and his accomplice then fled. Tye died after being taken to a local hospital. Tye was on bond, awaiting trial for charges in an aggravated robbery that occurred only a few blocks away from the Perdue Avenue residence.<sup>209</sup>

### **Man Dies after Wife Shoots Him in Self-Defense**

Federal Way, Washington: On December 13, 2008, police responded to a shooting at the Mariposa Apartment Complex. Officers found a woman alive but suffering from head injuries and her husband dead from multiple gunshot wounds. The unnamed woman claimed that they had separated weeks earlier, but that her husband had violated a restraining order and attacked her. The initial police investigation indicated that the woman had acted in self-defense.<sup>210</sup>

### **Homeowner Kills Armed Intruder**

Hillsborough, North Carolina: Around 2 a.m. on February 21, 2005, Jerome Carl Murphy knocked on Durante Davis's door and said he needed "help." When Davis opened the door, Murphy brandished his gun. Murphy pushed Davis, and then pointed his gun at the homeowner's head. Murphy's gun fell

**Temple had burglarized Adams on three previous occasions, but this time Adams was ready. Adams readied his .40 caliber handgun and confronted Temple, who quickly surrendered.**

**One of the teens cocked his pistol, but the employee was able to draw his own weapon quickly and fired three shots.**

to the floor in the ensuing struggle, and then Murphy drew his knife, but Davis had a .38 revolver in his pocket and was able to fire three times. Two bullets struck Murphy in the chest, killing him.<sup>211</sup>

#### **Utility Worker Robbery Thwarted**

Philadelphia, Pennsylvania: On December 23, 2005, two teens held a Philadelphia Gas Works employee at gunpoint and demanded his wallet. The employee handed his wallet and cash to the teens. After that, one of the teens cocked his pistol, but the employee was able to draw his own weapon quickly and fired three shots. One shot struck a teen in the leg. The teens then retreated, but the police caught them shortly thereafter. Police did not release the names of those involved.<sup>212</sup>

#### **Grandfather Saves His Granddaughter from Violent Estranged Husband**

Conroe, Texas: On December 20, 2008, Brice Wade Boudreaux went to his estranged wife's home and tried to take their children. She had been living with the children at her grandparents' home for the past five months. When her grandfather ordered Boudreaux to leave the home, Boudreaux shoved the octogenarian. The grandfather was able to retrieve his revolver, and again told Boudreaux to leave. Boudreaux responded by once again shoving him, and then hit him near his pacemaker. The grandfather killed Boudreaux with a single shot.<sup>213</sup>

#### **DJ Fights off Armed Robbers**

Philadelphia, Pennsylvania: In January, 2005, three unidentified men surprised disc jockey Brian Lewis, as he was going to a gig with equipment worth over \$1,000. Two of the men had pistols. Lewis said he was pulling out his key to let the robbers into his apartment, but quickly drew his pistol instead. Although his pistol was loaded, there was no bullet in the chamber. When the robbers heard the initial "dry-fire," a gunfight erupted. Lewis shot two of the three men, killing one of them, but he also sustained sev-

eral gunshot wounds to his own back. Lewis briefly lost consciousness, but was able to drive himself to a friend's house and then get to an emergency room. He recovered from his injuries and later recovered his equipment.<sup>214</sup>

#### **91-Year-Old Man Repels Home Invaders, Saves Wife**

Ocoee, Florida: On December 23, 2008, two armed invaders did not expect resistance as they attempted to rob an elderly couple. One held a gun to the head of Berlie Mae Johnson, 90, as she sat in her wheelchair. As the other intruder was entering the home through a sliding-glass door, 91-year-old Charles "Johnny" Johnson was able to draw his .38 revolver. The intruder at the door fled at the sight of the gun and Charles fired a shot at the criminal by his wife's side. The police response was delayed because the home invaders had cut the phone lines to the Johnsons' home.<sup>215</sup>

#### **Armed Citizen Fends off Knife-Wielding Man**

Maryville, Tennessee: On February 12, 2010, Mathew Dressler picked a fight and pulled a knife on an unidentified customer at the local Wal-Mart. Concealed carry permit holder Billy Dunkelberger saw what was happening and went to intervene. Dressler then turned the knife on Dunkelberger. The confrontation ended without any shots being fired. Eventually, the police arrested Dressler. No charges were filed against Dunkelberger.<sup>216</sup>

#### **Armed Citizen Shoots Burglar**

Philadelphia, Pennsylvania: At about 10:30 p.m. on November 20, 2008, a resident awoke to a noise downstairs. He quickly discovered an open window on the first floor. The resident armed himself, and found the intruder in a spare bedroom. The intruder wrestled with the resident, and in the struggle the intruder was shot. The burglar was taken to the hospital and later died. Fortunately, the homeowner was uninjured. Police did not name anyone involved.<sup>217</sup>

### **Store Owner Stops Thief**

Sharpsburg, Kentucky: On February 8, 2007, an unidentified man stole the change drawer from Wayne Karczewski's Super Market. Karczewski watched the security video closely, and studied the man's face. When the same man returned the following morning, Karczewski drew his gun from its holster. He confronted the man and called 911 while keeping his weapon trained on the would-be thief. Karczewski opened the store less than six months before the incident and bought his gun at that time. He never owned a gun before, but said he was grateful that he had one when he most needed it.<sup>218</sup>

### **Homeowner Protects Family with Shotgun**

Phoenix, Arizona: At about 1:30 a.m. on June 5, 2008, a homeowner awoke to the sound of three individuals kicking in the door of his house. The homeowner grabbed his shotgun and waited near the bedroom door. When the bedroom door swung open, the homeowner saw a man with a gun and so opened fire. The armed intruder died on the scene. The two other intruders fled to their truck, which they had parked a block away. Police did not release the names of the individuals involved and said that the homeowner acted in self defense.<sup>219</sup>

### **71-Year-Old Kills Intruder with a Shotgun**

Peel, Arkansas: On February 2, 2007, 71-year-old Joe Kelly was awakened by sounds at his front door, so he grabbed his shotgun. He then found 27-year-old Travis Morrison in the hallway. "Scared to death," Kelly shot the intruder in self defense. Kelly had been recovering from a recent operation. A second intruder attempted to perform CPR on Morrison, but then fled the scene.<sup>220</sup>

### **Home Invasion Halted with Shotgun**

Tulsa, Oklahoma: At about 10:40 p.m. on November 12, 2008, a man's estranged wife, ex-girlfriend, and two unidentified men broke into his home. His wife broke in

through the front window and the two men kicked in the front door. The man got his 12-gauge shotgun and fired once, injuring no one. All the culprits ran away. Authorities did not release the names of anyone involved.<sup>221</sup>

### **One of Two Intruders Killed with Gunshot**

Lexington, Kentucky: On December 17, 2008, two men knocked on the door of an apartment at 3500 Beaver Place. When a resident answered the door, the two men tried to rob him. The resident inflicted a fatal gunshot wound to one of the robbers, but suffered non-life-threatening gunshot wounds during the ensuing fight. Witnesses saw the second man fleeing the scene in a dark gray, hooded jacket. The coroner's office identified the deceased intruder as Anthony Bell, 27, and police did not disclose the resident's name. No charges were filed against the resident.<sup>222</sup>

### **One Dead, Four Charged in Burglary**

Newberry, South Carolina: On December 14, 2008, a mass burglary attempt at the Palmetto Point Apartments ended with one dead and four charged as an apartment dweller fired his gun in self-defense. A 13-year-old child knocked on the door of the apartment and, when the resident opened the door, several assailants rushed the resident. When the resident shot one of the five intruders, Willie Hiller, the others fled. Later, the resident went to the police station to report the incident. Police officers found Hiller dead in a driveway on First Street, and charged four others, including Jessica Sligh, 18, with attempted armed robbery and attempted burglary. Police did not release the name of the resident and indicated that he would probably not be charged with any crime.<sup>223</sup>

### **Grocer Repels Armed Robbers**

York, Pennsylvania: On September 26, 2005, Kevin Winter, owner of Kendal's Grocery and Jamaican Cuisine, was shot in the hip by an armed robber when he would not

**The man got his 12-gauge shotgun and fired once, injuring no one. All the culprits ran away.**

**The gunman  
fired at  
Abbondante  
after seeing  
the gun, and  
Abbondante  
returned fire,  
hitting the  
robber several  
times.**

cooperate. Winter's employee, Steven Gray, returned the favor and shot one of the robbers four times. The thieves were able to escape the scene, but were followed by the police to the local hospital. Only the thieves were charged, as Gray had a gun permit and fired in self-defense.<sup>224</sup>

#### **Restaurant Manager Fatally Shoots Armed Robber**

Virginia Beach, Virginia: On June 28, 2008, an armed robber snuck in the back door of Dominick's Pizza and Pasta and demanded cash. Manager Ferdinando Abbondante asked the gunman to go to the register, but the gunman insisted that Abbondante open the safe. Abbondante complied, knowing that the robber might see the gun Abbondante kept in the safe for transporting cash deposits. The gunman fired at Abbondante after seeing the gun, and Abbondante returned fire, hitting the robber several times. The suspect, later identified as Johnny Marocco Williams, 41, died of his wounds on the scene.<sup>225</sup>

#### **Jewelry Store Owner Shoots Burglar**

Corinth, Mississippi: On November 25, 2008, James Thomas Parson, 25, entered The Jewelry Box store through a window. The owner of the store heard a noise, and checked it out after retrieving his handgun. The owner ordered Parson to stop, but Parson did not. Instead, Parson entered and ripped down the video surveillance equipment. The owner warned Parson again, but the burglar charged. The owner shot Parson once in the abdomen. Parson was rushed to a hospital, but he died from the gunshot wound.<sup>226</sup>

#### **Gas Station Clerk Shoots Armed Robber**

Gainesville, Georgia: On November 9, 2008, a man approached a gas station clerk who was speaking on the phone and demanded cash. When the clerk asked him to repeat what he said, he did and also fired his gun. The clerk was not hit. The clerk pulled a gun from under the counter and shot the gunman in the chest. The wounded robber

fled. When the police arrived, they searched for him unsuccessfully. This store had just been robbed the previous night, but the police found no connection between the robberies. The police did not release the clerk's name.<sup>227</sup>

#### **Victim Turns Tables on Burglar**

Clarksville, Tennessee: At 1 a.m. on June 28, 2007, a burglary turned into a gun-wrestling, kick-down-the-stairs fight between a man and an armed robber in a River Hills Drive home. The victim's wife awoke and helped by knocking the suspect, Craig Majors, on the head. The husband got control of Major's gun for a second time, but the gun did not work, so he swung it at the intruder, who then fled. Law enforcement found the getaway vehicle that the victims had described, but no Majors. Majors crashed the vehicle into a tree and then fled on foot. Sheriff's Investigator Julie Webb did not release the couple's name, but approved of their response to the burglary. "It worked out awesome," she said.<sup>228</sup>

#### **Business Owner Kills One Suspected Robber, Wounds Another**

Newton, North Carolina: On December 6, 2008, an altercation at Willis Packaging ended with the death of one robber and a gunshot wound for another. Store owner Randy Willis approached the store as an alarm was going off. He saw one robber emerge with a shotgun and attempted to intervene. Willis drew his pistol and shot one assailant and then wounded a second intruder. Police identified the wounded man as Arnold Ray, Jr., 52, but did not release the name of the deceased intruder. Police also charged a woman, Jean Holman, as an accomplice in the crime.<sup>229</sup>

#### **Woman Shoots Parolee during Break-In**

Sacramento, California: On December 3, 2008, a parolee-at-large tried to steal property from a home on the 4500 block of 13th Avenue. The 34-year-old female homeowner discovered the thief and shot him. The po-

lice arrested the culprit, but the unnamed woman was not charged.<sup>230</sup>

### **Dog Walker Kills Armed Teen Robber**

Terrell, Texas: At about 10:20 p.m. on December 17, 2008, Markee Lamar Johnson, Ryan Scott Patterson, and two other teens surrounded a 47-year-old man that was walking his dog in the park. When Johnson pulled out a gun, the dog owner drew his own weapon and shot Johnson in the head. The three other teens fled the scene in a nearby vehicle. Police later arrested Patterson. Police Captain A.D. Sanson said that this was “a clear example of someone exercising their rights to protect themselves under the law.” Police did not disclose the dog-walker’s name, and later determined that Johnson was carrying a stolen gun.<sup>231</sup>

### **Armed Homeowner Thwarts Home Invasion**

Columbus, Ohio: On December 11, 2008, homeowner Ken Fields fired shots after two home invaders broke into his home. The armed intruders pointed guns at Fields’ children, Josh and Cassey, when Fields confronted them with a gun of his own. Fields fired a shot and both intruders fled. Police searched unsuccessfully for the intruders. This had been the second time in two weeks that someone had tried to break into the same home.<sup>232</sup>

### **Cab Driver Shoots Man in Self-Defense**

Clearwater, Florida: On May 1, 2011, a late-night cab ride turned deadly after a 19-year-old passenger became argumentative with his cab driver. The unidentified driver pulled over and asked the man, Travonte Myles, to exit, at which point Myles brandished a gun. The driver, a licensed concealed carry permit holder, exited the cab and exchanged shots with Myles. The wounded passenger was taken to a local hospital. The driver was not injured.<sup>233</sup>

### **Uniformed Security Guard Shoots Robber**

Nashville, Tennessee: On November 30, 2008, repeat offender Jamie L. Sullivan tried

to rob a convenience store wearing a mask and carrying a BB pistol that closely resembled a firearm. Spotting uniformed security guard Eric Gordon, Sullivan confronted him. Gordon drew his own weapon and fatally shot Sullivan, who had a police record of 146 crimes since June of 1989. Police determined that the shooting was justified.<sup>234</sup>

## **Notes**

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3. *Ibid.*, pp. 8–9.
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5. Gary Kleck, *Point Blank: Guns and Violence in America* (New York: Aldine de Gruyter, 1991), pp. 175–76.
6. See Federal Bureau of Investigation, *Crime in the United States 1992* (Washington, October 21, 1993), p. 22.
7. See California Penal Code §195 (2010); Florida Stats. Ch. 782 (2009).
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9. Kleck, *Point Blank*, p. 114.
10. “Seven Deadly Days,” *Time*, July 17, 1989, pp. 30–60.
11. “Death by Gun: One Year Later,” *Time*, May 14, 1990, pp. 30–31.
12. The data set for this study originally appeared on a blog called The Armed Citizen. Three different people have participated as editors for The Armed Citizen over the years, Clayton E. Cramer, Pete Drum, and David Burnett of Students for Concealed Carry on Campus.
13. *People v. Piorkowski*, 41 Cal. App.3d 324 (1974). Note also *Tennessee v. Garner*, 471 U.S. 1 (1985) (discussing the law on deadly force by peace officers).

14. In a few cases, the authors have received e-mails that begged for the removal of news accounts of a defensive gun use, usually by the next-of-kin of deceased perpetrator, sometimes accompanied by pleas of “he didn’t do it” or “he didn’t deserve to die.” Although those pleas were not ignored, objectivity required that the story remain on the website unless or until new actionable evidence emerged and was reported. With only one or two exceptions, every account comes from public sources.
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19. Maintaining lists of concealed weapons permit holders has occasionally led to such lists being obtained by reporters under open records requests and published for the general public. Not only does this demean armed citizens by cataloging their existence in a manner similar to sex offenders, but it also advertises the names and addresses of armed citizens to citizens and criminals alike. There are two possible results, opposite, but both are destructive to public safety. It may diminish the deterrent effect (the decrease in crime resulting from criminals fearing being captured or shot) because criminals can map which houses or individuals to avoid. It can also increase the likelihood of an armed citizen’s home being targeted while they are out of the house, since firearms are sometimes attractive commodities for burglars. If it seems as though these are contrary claims, consider that burglars are often not the same category of criminals as those who force entry to dwellings known to be occupied.
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port from KIVI Channel 6, Boise, Idaho, involves a situation rife with opportunity to turn out badly because of miscommunication—and yet it did not. Boise police officers responded to a “man with a gun” report at 1:18 p.m. Instead, they found *two* men with handguns. A man later identified as John Dickey was alleged to have stolen something from the victim at a homeless shelter. Dickey fled on foot—with the victim chasing him, armed with a handgun. A third person in the area saw the victim holding a gun on Dickey—and drew *his* handgun, ordering the victim to drop *his* gun. Boise police took a while to figure out who was in the right—but without any shots being fired. See “Armed Citizen Helps Boise Police Capture Suspect,” KIVI (Boise, ID), July 18, 2009, <http://www.kivitv.com/global/story.asp?s=10746780>.

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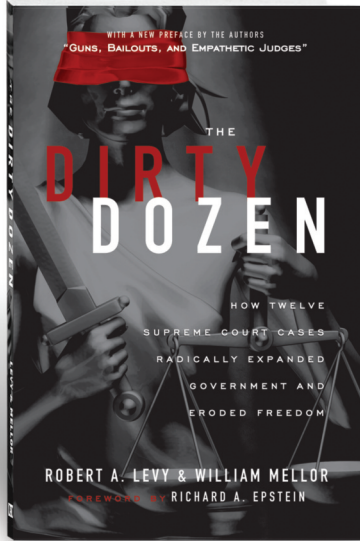
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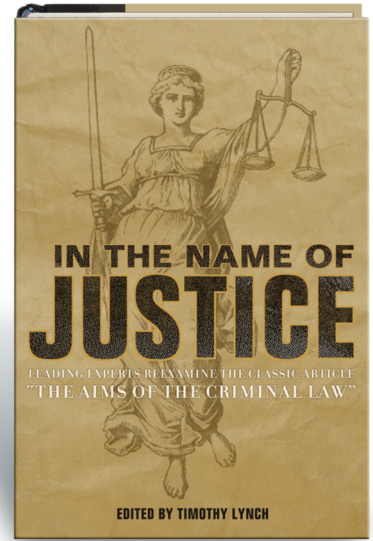
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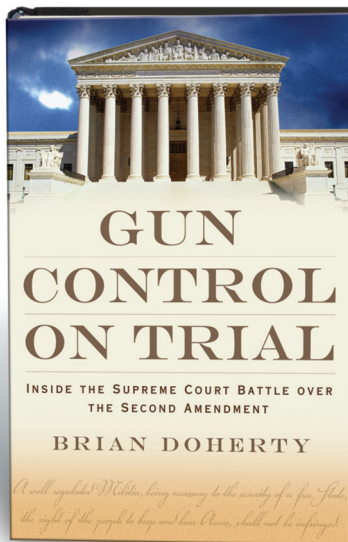
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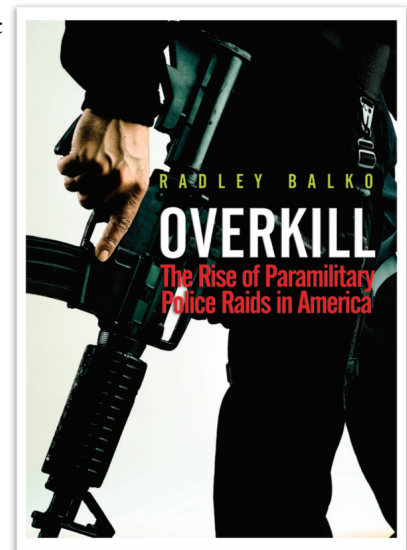
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