

# The Gottlieb-Tartaro Report

**THE INSIDERS GUIDE FOR GUN OWNERS**

Issue 147

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Dear Subscriber,

**The most dangerous gun ban in American history** has been introduced in Congress by New York Democrat Rep. CAROLYN McCARTHY. Her bill, H.R. 1022, simply says "To reauthorize the assault weapons ban, and for other purposes."

**Those "other purposes" make this the most sweeping gun ban ever introduced in Congress.**

The "assault weapons ban" is the **Clinton Gun Ban of 1994**, which Congress allowed to expire in 2004, primarily because law enforcement records showed that guns affected by the ban had been

used in only a small percentage of crimes nationwide - before and during the ban.

**McCARTHY's bill reinstates that ban in full**, and removes the 10-year "sunset" provision, making it **a permanent ban**.

**"Assault weapon" is a propaganda term** invented by gun control advocates, not a technical term used in the firearms industry. In gun ban language, it means **a semi-automatic rifle that fires one round for every squeeze of the trigger** (not a machine gun, even though "assault weapon" is intended to sound like one) and has certain cosmetic features such as **a pistol grip, hand guard, flash supressor, or folding stock**.

McCARTHY's bill goes further, defining "semi-automatic assault weapon" in eleven sub-sections that cover **millions more firearms than the Clinton Ban**.

H.R. 1022 bans 22 categories of rifle by name ("or copies or duplicates"), including **the Colt AR-15, the Springfield M1A and the M1 "Carbine"**, *the three most popular for marksmanship competitions*; and on and on.

Then it bans 5 categories of pistol by name, including the Olympic Arms OA, which was examined in 1998 by the Bureau of Alcohol, Tobacco, Firearms and Explosives, which said it **"is not a semi-automatic assault weapon"** under the Clinton Gun Ban, yet McCARTHY's bill would ban it and all others like it.

The bill bans any semi-automatic shotgun or rifle an Attorney General could one day say isn't "sporting," which is so vague **it invites unconstitutionally arbitrary and capricious bans**.

- Any semi-automatic rifle with a detachable magazine, a folding stock, a threaded barrel, a pistol grip, a forward grip, or a barrel shroud.
- Any semi-automatic rifle with a fixed magazine with more than 10 rounds.
- Any semi-automatic pistol with any of the same features.
- Any semi-automatic shotgun with any of the same features, but also including those with a fixed magazine of more than 5 rounds. **(This would ban Remington, Winchester, Beretta and Benelli shotguns**, currently used for hunting, sport shooting, and self-defense).

In all, it outlaws 65 named guns; semi-auto fixed-magazine pistols of over 10 round capacity; and frames, receivers, and parts used to repair or refurbish guns.

H.R. 1022 would also ban the importation of magazines that were exempted by the Clinton ban, and begin "backdoor registration" of guns by requiring private sales of banned guns, frames, receivers and parts to be conducted through licensed dealers. **H.R. 1022 is a total disaster for gun owners.**

McCARTHY's bill was referred to the Judiciary Committee.

**Also in this issue:** ● *New Orleans mayor in contempt of court* ● *Three mayors quit Bloomberg anti-gun mob* ● *Castle Doctrine bills advance in several states* ● *Iran sending .50-caliber guns to Iraq* ● *FAA rules for taking guns aboard spaceships* ● *Crimefighter's Log, in our Page Eight "Parting Shot"*

**AT THE  
FEDERAL LEVEL**

### **JUDGE CITES NEW ORLEANS MAYOR NAGIN, POLICE BOSS FOR CONTEMPT**

U.S. District Court Judge Carl Barbier held New Orleans Mayor C. Ray Nagin and Police Superintendent Warren Riley in contempt of court for ignoring deadlines in a Second Amendment Foundation (SAF) lawsuit to permanently stop gun seizures from law-abiding citizens like those after Hurricane Katrina.

The judge rebuked Assistant City Attorney Joseph DiRosa for "wholly unprofessional conduct" that "shall not be condoned" for his repeated failure to hand over information in SAF's lawsuit. The judge ordered the City of New Orleans to pay SAF's legal costs to draw up the contempt-of-court paperwork.

SAF is joined in the suit by the National Rifle Association.

Only about 100 of the 1,000 or more seized Katrina guns have been returned to their rightful owners, SAF told the *New Orleans Times-Picayune*.



### **COURT RULES EMPLOYEE'S GUN RIGHTS CASE MAY PROCEED**

U.S. District Court Judge Ann Aldrich has ruled that Gary Plona's lawsuit for wrongful termination by UPS may proceed, denying the company's motion to dismiss.

Plona alleges that UPS fired him because he had a handgun, disassembled and unloaded, stored in his car in a public-access parking lot used by customers as well as employees, and that he had a right under Ohio's Constitution to have the gun.

This ruling victory, however, is only the first of many steps Gary Plona must take to win his lawsuit: at the beginning, judges have to consider the plaintiffs' complaints in the most favorable light. They can dismiss a suit only if they're sure the plaintiff can't prove any set of facts necessary to win.

Plona's strongest victory was that Judge Aldrich ruled, "The court finds that the public policy of Ohio permitting citizens to bear arms, as stated in Article I, Section 4 of the Ohio constitution, is clear enough to form the basis of a wrongful termination claim."

The weakest point is the judge's ruling that Plona's allegations were unclear about whether it was a UPS company-owned parking lot. If later documents show it was, that undermines Plona's case and the judge could throw it out.

### **BRUCE BEATTY'S FINAL APPEAL**

Ohio gun rights advocate Bruce Beatty was convicted last year on a misdemeanor charge for deliberately carrying a firearm in a Toledo city park to celebrate the state's concealed carry law. Beatty lost his appeal at the Sixth District Court of Appeals and the Ohio Supreme Court refuses to hear his case.

But the precedent for the Sixth District's decision was struck down by the Ohio Supreme Court, which opens the way for a Motion for Reconsideration, which Beatty's attorney's have filed. The high court doesn't have to reconsider, but two justices on the court wrote that they should have heard the case, leaving only two more to turn the tide and add up to a simple majority of the 7-justice court.

### **ILLINOIS STATE RIFLE ASSOCIATION (ISRA) FIGHTS COOK COUNTY GUN BAN**

ISRA has filed a complaint with the Cook County (Chicago area) Circuit Court seeking injunctive relief against a gun ban enacted by the Cook County Board last November.

The ISRA complaint was two-fold: first, the ordinance was so vaguely worded it would be impossible for most citizens of Cook County to know whether they were in compliance, and second, the ban was passed without public access in violation of the Illinois Open Meetings Act.

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### **BLOOMBERG'S STING GETS STUNG**

New York City's rogue mayor Michael Bloomberg gained notoriety for engaging in stings of out-of-state federally licensed firearms dealers by using private investigators posing as "straw purchasers" (like those allegedly flooding the Big Apple with guns). The city then sued 15 small businesses it said were negligent.

But the tables are turning. Michael Battle, director of the executive office for United States Attorneys at the Department of Justice has sent a strongly worded letter to the Mayor critical of the city's actions, saying the private investigators were "without proper law enforcement authority" and that any future actions carried "potential legal liabilities."

## **BLOOMBERG WATCH**

The letter also warned that the city's vigilante actions could "interrupt or jeopardize ongoing criminal investigations."

Five months earlier, the Second Amendment Foundation called on U.S. Attorney General Alberto Gonzales to investigate New York Mayor Bloomberg for obstructing justice with his rogue sting operations against gun retailers in five states.

W. Larry Ford, Assistant ATF Director for Public and Governmental Affairs, confirmed in a recent letter to SAF that the agency "is investigating the matter in order to determine if violations of federal firearms laws occurred."

Alan Gottlieb, SAF founder, said, "Our letter to Attorney General Gonzales raised serious questions, and I am now assured that the ATF is looking for some serious answers."

The Justice Department has also said it will not be filing criminal charges against any of the 15 gun dealers targeted by Bloomberg's 2006 lawsuits over alleged "straw man" purchases.

### **THREE MAYORS BAIL OUT OF BLOOMBERG'S ANTI-GUN COALITION**

The vaunted Bloomberg "Mayors Against Illegal Guns" has lost three of its mayors, with more likely to follow as the federal investigation of Bloomie's tactics progresses.

First it was Idaho Falls, Idaho Mayor Jared Fuhriman, who quit after he found "there's probably a little more of an agenda coming from Mayor Bloomberg's office than I anticipated, like keeping guns out of the hands even of law-abiding gun owners."

Second out was Anchorage, Alaska Mayor Mark Begich, who publicly announced his withdrawal from Bloomberg's Bullies by saying their issues "conflict with the beliefs we share in Alaska about legal gun ownership. And I'm also concerned gun ownership advocates are not part of the full discussion within the coalition."

Then, Rio Rancho, New Mexico Mayor Kevin Jackson withdrew, saying he is in favor of disarming criminals, "but not at the risk of losing our Constitutional freedom." A self-described "constitutionalist" and career Army veteran, Jackson said he left the Bloomberg Bunch without attending a single meeting because their agenda didn't match his: "I draw the line at disarming law-abiding citizens."

### **WHO'S A BLOOMBERG BUM? - HINT: HE'S HELD IN CONTEMPT OF COURT**

Bloomberg anti-gun ally, New Orleans, Louisiana Mayor C. Ray Nagin, has been found in contempt of court (see story, top of Page 2, opposite).

The Second Amendment Foundation said that Nagin should leave Bloomberg's "Mayors Against Illegal Guns" unless they want him as their poster child.

Nagin presided over the biggest illegal seizure of guns from law-abiding citizens in the history of the country in the aftermath of Hurricane Katrina.

### **VIRGINIA GUN OWNERS GO BALLISTIC AFTER NYC SUES DEALERS**

The gun rights group, Virginia Citizens Defense League, is offering free guns to customers of two of the gun dealers sued by New York City Mayor Michael Bloomberg for "straw man" purchases. The citizens group is donating a handgun or rifle for a drawing in April, hoping the "Bloomberg Gun GiveAway," as they call it, will drive business to the stores and help with legal expenses.

### **ARIZONA LAWMAKERS VOTE TO MAKE SELF-DEFENSE LAW RETROACTIVE**

The Arizona Legislature has approved a bill that makes their 2006 self-defense law apply retroactively. They did it by requiring prosecutors to prove beyond a reasonable doubt that a self-defense claim was unfounded. The old law made defendants prove that they acted to protect themselves. Now it's up to Gov. Janet Napolitano to sign, veto or let the bill become law without her signature.

**IN THE STATES**

### **TWO MORE CALIFORNIA CITIES PASS GUN REPORTING ORDINANCES**

West Hollywood and Sacramento have joined San Francisco, Oakland, and Berkeley in passing ordinances that require gun owners to report the theft or loss of their firearms to police within 48 hours. A lost or stolen gun recovered at a crime scene could result in criminal prosecution of the *gun owner*. Worse, the reporting clock starts ticking when the owner "*should* have known" a gun was gone, not "*did* know."

### **DEMOCRATS KILL COLORADO SELF-DEFENSE BILL**

Colorado's Senate Committee on State, Veterans and Military Affairs has killed a proposal to expand the state's "Castle Doctrine" law to protect the use of deadly force in stores and other workplaces. The law currently protects the use of deadly force in self-defense only by people who are in their homes. The new proposal passed the House 34-30, but the Senate panel killed the measure on a 3-2 Democrat party-line vote, meaning it cannot be revived for the rest of the session.

### **DISTRICT OF COLUMBIA'S MARION BERRY PROPOSES UNLIKELY GUN AMNESTY**

D.C. Council member (and former mayor) Marion Berry has proposed a surprise measure that would suspend the District's 30-year ban on handguns, allowing 90 days to register weapons that owners would then be allowed to legally own. The idea is "an acknowledgment that people do have guns," said a Berry spokesman. Other council members think the bill is going nowhere, the usual failure to see that the toughest gun laws in America created the worst crime city in America.

### **GEORGIA BILL WOULD ALLOW FIREARMS ANYWHERE IN VEHICLE**

The Georgia House has approved a measure 130-38 that would allow gun owners to keep their firearms "where they feel is the safest place for their personal protection" by erasing the law requiring that guns be placed in the car's glove compartment or console. Democrat Rep. Michele Henson objected, saying "I hate the thought that we're making guns easier for people to access." Pro-gun Democrat Alan Powell said, "The Second Amendment is very clear. It's up to us to enforce the Constitution."

### **CHICAGO-LAND COMMISSIONERS REJECT TAX ON BULLETS**

In an unusual move, the rabidly anti-gun Cook County, Illinois Board of Commissioners has rejected an ordinance proposed by Commissioner Roberto Maldonado to impose a tax on ammunition to deal with a \$500 million budget deficit. The measure probably wouldn't have generated much revenue because of gun owners' reluctance to buy, caused by a confusing "assault weapons" ban the Board passed last year with no public notice.

### **MARYLAND MAY PASS "ASSAULT WEAPONS" BAN THIS SESSION**

A new Democrat governor has gun-ban activists thinking they have the legislative backing and momentum to pass a state "assault weapons" ban soon. Democrat sponsor Sen. Michael G. Lennett said, "We are hopeful that the new political landscape will make a difference this year." Last year Republican Gov. Robert L. Ehrlich Jr stopped the ban, but new Democrat Gov. Martin O'Malley is an anti-gun liberal.

### **SELF-DEFENSE BILL SENT TO MISSOURI STATE SENATE**

The Missouri House has voted 143-4 to pass the "Castle Doctrine" bill, which clarifies when a person can use deadly force in self-defense and protects the person from legal action. Missouri citizens now can only use deadly force as a last resort and have a duty to retreat. The bill is expected to have strong support in the Senate.

### **"NO RETREAT" BILL PASSES MONTANA HOUSE**

The state House of Representative bucked the law-enforcement community and passed House Bill 340 by a 57-43 vote, which allows residents to display firearms if they feel threatened. The bill makes it clear that gun owners have no obligation to flee first when threatened, and requires prosecutors to prove wrongdoing when someone asserts a claim of self-defense. The Senate will now debate the bill further.

**IN THE STATES**

### **NEW JERSEY MAY BECOME 5TH STATE WITH ONE-GUN-A-MONTH LIMIT**

Assemblywoman Joan Quigley believes a bill she co-sponsored will soon make it illegal to buy more than one handgun per month in New Jersey. The measure was recently released by an Assembly committee and can now be considered by the full Assembly. The Senate hasn't yet considered the legislation, but the New Jersey Association of Rifle and Pistol Clubs is moving to stop it there.

### **NEW YORK SENATE OK'S BILL REQUIRING GUN INJURY REPORTS**

The New York state Senate has approved a measure to make it a misdemeanor if someone who causes a gun-related injury doesn't immediately report it to police. The bill was sponsored by Sen. George Winner, an Elmira Republican, after a Steuben County man was fatally shot by a hunter in 2001. Winner said the law would apply to anyone who's responsible for causing an injury when a gun discharges, not only to hunters. The state Assembly has not yet considered the bill.

### **NORTH CAROLINA CONSIDERING AMMUNITION PERMIT REQUIREMENT**

State Rep. Mickey Michaux, a Durham Democrat, has said a bill will soon be introduced in one or both chambers of the General Assembly to require a permit to buy ammunition. The proposal has been championed by Durham local activist Rev. Melvin Whitley, who said that not requiring a license to buy bullets gives felons a free pass to get ammunition illegally. Paul Valone of pro-gun Grass Roots North Carolina said "We will be happy to defeat this bill and anyone who supports it."

### **NORTH DAKOTA HOUSE OK'S DEADLY FORCE BILL**

The North Dakota House has narrowly approved a "Castle Doctrine" bill allowing home owners greater latitude in using deadly force on intruders. Proponents said it's not right for homeowners who use deadly force to face the ordeal of being arrested and the burden of proof in court that their actions were in self-defense. It passed 50-44 after a long, lively debate on the House floor and will now be considered by the state Senate.

### **UTAH BILL PITS PROPERTY RIGHTS AGAINST GUN RIGHTS**

Should the Second Amendment trump the Fifth Amendment? A bill in the state Senate raises that question by allowing someone to have a gun in a vehicle while on someone else's property, even if the property owner otherwise bans firearms. The idea was to allow lawfully owned guns to be locked in cars in employer parking lots. Pro-gun lawmakers say people have property rights within their vehicles, too.

### **VIRGINIA HOUSE PASSES "CASTLE DOCTRINE" BILL**

Virginians would be allowed to use deadly force against a threatening intruder under a bill that has passed the House on a 91-6 vote. It allows a person to use any degree of physical force and be immune from liability for the injuries or death of the intruder. Delegate William Janis of Richmond said the gruesome murders of a popular local family could have been prevented if they were armed.

### **WEST VIRGINIA SENATE GIVE THUMBS-UP TO SHOOT-INTRUDER BILL**

By a unanimous vote, the West Virginia state Senate has approved a "Castle Doctrine" bill that protects homeowners who shoot an intruder in self-defense. An amendment to add protection from lawsuits was rejected in a narrow vote. Such intruder laws have grown popular, noted a Charleston TV News program on WOWK-TV.

### **TONY BLAIR'S "OVERHAUL" OF U.K. FIREARMS LAW IS ALREADY ON THE BOOKS**

British Prime Minister Tony Blair announced plans to overhaul gun laws after three teenage boys were shot dead in south London, which prompted debate about youth gangs with guns. Blair called for a "gun crime summit" and said the age at which the mandatory 5-year sentence for carrying a gun should be reduced from 21 to 17, but opposition party officials pointed out that the Criminal Justice Act 2003 already imposes the 5-year term on over-18s caught with a firearm. The youth crime problem has become a crisis.

**AROUND THE  
WORLD**

Shadow Home Secretary David Davis said that this proves that the Labor Party was more interested in spin than in attacking crime. "This will be the fourth gun crime summit and each one makes the problem worse with ill-thought-out laws.

The Libertarian Alliance called for re-legalizing guns and letting ordinary citizens fight back with lethal force against criminals who now rule the streets.

### **COSTA RICA DOESN'T KNOW WHAT TO DO ABOUT CRIME**

Costa Rica passed a law in 2001 ordering jail sentences for people carrying guns illegally, but very few of the 15,500 people charged under the law ever went to jail. Deputy Minister for Public Security Gerardo Lascarez warned the nation of firearms proliferation, citing about 5,000 armed robberies in 2006. Some 48 people were shot dead while being robbed, and 24 attackers died when victims shot them first. William Hidalgo, director of weapons at the ministry, said it was impossible to know how many guns there were in the nation.

### **GHANA HOSTS AFRICAN REGIONAL GUN CONTROL CONFERENCE**

The government of Ghana hosted the first International Consultative Conference on the Implementation of the Economic Community Of West African States (ECOWAS) Small Arms Program. ECOWAS is a regional group of 17 countries, founded in 1975. Officials say the conference is to enhance the ECOWAS peace and security agenda, but critics point out that it is merely a mirror of the United Nations program to disarm civilians worldwide. The giveaway was the financial support of the United Nations Development Program for the African conference. The ECOWAS Small Arms Program, known as ECOSAP, seeks to increase gun control by seizing "small arms and light weapons, their ammunitions and related materials," according to ECOSAP director Jonathan Sandy. The conference produced a "strategic regional action plan for small arms control for next year."

### **DUTCH ANTI-GUN DOCUMENTARY SHOWN AT THE EUROPEAN PARLIAMENT**

A documentary film, "Dealing and Wheeling in Small Arms," produced by Dutch director Sander Francken, was previewed at last year's UN Conference on Small Arms in New York. Now it's been shown to members of the European Parliament in Brussels, Belgium to argue the need for "an international strategy in the fight against illicit weapons." The European Union pushes "humanitarian disarmament."

### **AMERICAN VICE PRESIDENT UPSETS AUSTRALIA WITH ARMED SECRET SERVICE**

Headlines in Sydney, Australia's *Daily Telegraph* blared, "Cheney to bring guns to Sydney," because it was illegal for the Secret Service to bring their firearms into the nation. Cheney was to give a major address on Australian-U.S. relations in Sydney. The state of New South Wales was asked by Australia's federal government to quickly amend its laws when Cheney said he would skip his visit to Sydney if his crew couldn't be armed. The state did, and Cheney gave his talk.

### **IRAN SUPPLYING GUNS TO IRAQ INSURGENTS**

U.S. forces in Baghdad discovered a cache of 100 .50-caliber Steyr rifles, 800 of which were sold by Austria to Iran in 2004 and were traced by serial number to the government of Iran. The weapon is good against Humvees, helicopters and body armor. The report of this discovery did not come from the Bush administration, but from London's *Daily Telegraph* news reporters.

**GUN NEWS TICKER - QUICK TAKES ON THE NEWS**

● **Washington, D.C.:** Two senior officials at the Bureau of Alcohol, Tobacco, Firearms and Explosives who challenged management and spending decisions by the agency's former director have been moved to lower-ranking jobs. Edgar A. Domenech will no longer be deputy director of ATF, but has been moved out of headquarters to lead the agency's Washington field office. Michael Bouchard will no longer be assistant director for field operations, but is now an assistant to Michael J. Sullivan, acting director of ATF. The two clashed with former director Carl J. Truscott, who departed suddenly amid charges by Domenech and Bouchard. The transfers are seen as demotions within the ATF, but spokeswoman Sheree Mixell said the moves were routine and the new jobs "both are important positions."

● **Albany, New York:** The number of gun-related crimes outside New York City soared almost 22 percent from 2004 to 2005, according to a new report by the state Department of Criminal Justice Services. Guns were used in 5,750 violent crimes outside the city in 2005, up from 4,725 in 2004. In 2005, about half of the 335 homicides were carried out with firearms. Guns were also used in 51 rapes, 3,243 robberies and 2,288 aggravated assaults, 20 percent more than the year before. The state's \$17 million Operation Impact to reduce crime seems to be having the opposite effect.

● **Philadelphia:** Democrat state Senator Vincent J. Fumo was indicted on 139 counts, including federal charges of mail fraud, wire fraud and use of Senate employees as campaign aides and is being investigated for embezzling \$33 million from a non-profit organization. He voted for every piece of anti-gun legislation, voted against citizens' right to carry, voted for a "one gun a month" law, beats the drum for more and tougher gun laws at every opportunity - and - AND had a personal collection of over 200 guns confiscated after the indictment, many of which are the same he tried to ban.

● **Honolulu, Hawaii:** Applications for firearm permits in Hawaii are setting new records, and law enforcement officials are saying that more guns are being stolen and more are being used by drug dealers. A total of 8,695 private firearms permit applications were processed in Hawaii in 2005. Hawaii has some of the toughest gun control laws in the nation, judged second only to Massachusetts. The recent shooting death of an off-duty deputy sheriff has draw attention to gun control in Hawaii. The .22-caliber Ruger semiautomatic pistol used to kill Daniel Browne-Sanchez was reported stolen in the 1970s, police said. Now there is a push to enact a lost-gun-reporting law like the ones in five California cities.

● **Stockholm, Sweden:** "Sweden would rather not see any weapons aboard airplanes," said Michael Mohr, homeland security liaison at the Swedish Embassy in Washington. Prime Minister Fredrik Reinfeldt, although considered to be right of center, and therefore possibly favorable to gun ownership, may be "right wing" in Sweden's cradle-to-grave welfare state, but is still to the left of liberal in the United States. So, no deal allowing U.S. air marshals on U.S. flights to Sweden. Also, Sweden has refused to put its own armed officers on their U.S.-bound flights.

● **Redondo Beach, California:** Pro-gun commentator David Codrea sounded the alarm about the Federal Aviation Administration's *Federal Register* entry saying, "nearly all courts have also held that the Second Amendment is a collective right, rather than a personal right. Therefore, despite the Second Amendment collective right to bear arms, the FAA has the authority to prohibit firearms on launch and reentry vehicles for safety and security purposes." After Codrea complained, the FAA said it "now withdraws that characterization and amends its description." The new entry says, "...the FAA has, consistent with the right to bear arms secured by the Second Amendment, the authority to prohibit firearms on launch and reentry vehicles for safety and security reasons." This dispute was about carrying firearms aboard *spaceships*. No kidding.

# Parting Shot

## CRIMEFIGHTER'S LOG

Suspect: Michael Harmon, age 48, Gary, Indiana. Acquitted in June on felony burglary charges for taking items from New Zion Temple Church. Last month, Harmon unlawfully entered the home of Waymond Pearson in Brunswick. Pearson was on his way to coach a basketball team, but neighbors who saw Harmon leaving with items from his house alerted the owner by cell phone. Pearson went home to find that the suspect had returned and was in his bedroom. Pearson ordered Harmon to get on the floor, but the man continued to come toward him. He shot Harmon once in the leg. When patrolman Jeff Hornyak arrived, he found Harmon wounded on the kitchen floor. Harmon suffered a broken bone from the shooting. He was charged with burglary. Pearson will not be charged in the shooting.

Suspect: Herbert McDaniels, age 21, Pontiac, Michigan. At about 4 a.m. on a Monday morning, McDaniels and two other men kicked in a door at the Cloverlawn Street home of a resident police declined to identify. The homeowner armed himself when he heard the noise and shouted for the three to leave. He saw one of the three holding a gun as all three continued advancing into the house. The owner fired off two shots and heard a scream as the three fled. Pontiac Police Sergeant William Ware said officers responding to the scene found a handgun outside the home in the snow. McDaniels went to the emergency room of Pontiac Osteopathic Hospital with a gunshot wound to the chest, accompanied by Myron Robinson, 17, and Christopher W. McCloud Jr, 20, both of Pontiac. Police arrested the three, leaving McDaniels in the hospital and holding the other two in the Oakland County Jail in lieu of \$50,000 cash bond. Two weeks later Herbert McDaniels died of his wound. The homeowner has a permit to carry a concealed weapon, Sgt. Ware said. Oakland County assistant prosecutor John Skrzynski ruled the shoot as self-defense, and said the owner will not be charged.

Suspect: Hiram J. Chambers, age 34, Tyler, Texas. Just after 12 p.m. on a Sunday, Terry Graham of Bullard came home to find a strange car in his driveway and the door to his house open. Graham entered his home and came face-to-face with Chambers, who reached for something in a bag. Graham had brought his handgun from his car and shot Chambers, who died at the scene. Police found two loaded firearms in the bag. Chambers was out on parole for a prior home burglary. Graham will not be charged in the shooting.

*Alan M. Gottlieb*

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