

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 241

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Dear Subscriber,

Connecticut Democrat Senators **RICHARD BLUMENTHAL** and **CHRIS MURPHY** will try again to **move gun control legislation through Congress** in 2015, even though **that effort faces an additional hurdle in the form of a Republican-led Senate.**

"We will redouble our efforts to stop gun violence. Federal laws need to be greatly strengthened," Blumenthal said in a news conference in Connecticut. He and others marked the second anniversary of the shootings at Newtown, Connecticut, in which 20 students and six adults were shot and **killed by ADAM LANZA with a legal firearm** that had been bought by his mother. She passed background checks in one of the strictest states in America. **Lanza obtained the guns by murdering his mother**, then gaining access to her locked storage rack, **then going to the school where he did the shooting.**

**AT THE
FEDERAL
LEVEL**

Stronger background checks would have had no effect on that shooting.

The families of nine of those killed in Newtown said **they would sue the manufacturer of the Bushmaster AR-15 rifle** that was used in that shooting. The suit said **the company should never have made the rifle publicly available.**

BLUMENTHAL said he wants to push again for universal background checks and a ban on high-capacity magazines, which would likely have no effect on crime.

The Senate has confirmed VIVEK MURTHY as U.S. Surgeon General despite concerns he was **underqualified and too outspoken on gun control** to be the top spokesman on public-health matters. **Many Democrats praised the 37-year-old MURTHY**, an attending physician at Brigham and Women's Hospital and an instructor at Harvard Medical School, who had been waiting since mid-November of 2013 to be confirmed.

Republicans and a few Democrats – **MURTHY was confirmed with the bare minimum of 51 votes** – balked at his nomination over **comments tying the politically charged issue of gun control as a health care issue.** The National Rifle Association confirmed that it would **iscoreî the vote, threatening future support for members over his confirmation.** West Virginia Democratic Senator **JOE MANCHIN** said that he **opposed MURTHY** not because of his medical qualifications, but because of **questions over whether or not he could iseparate his political beliefs from his public health views.î**

MURTHY is best known for co-founding in 2008 **Doctors for Obama**, which turned into a **pro-Obamacare group after the law passed in 2009.**

State lawmakers have launched a nationwide non-partisan coalition ito combat gun violence,î in part because "the Congress has failed to reform gun laws," members of the group said. Some **200 lawmakers from 50 states have joined the alliance**, called, "**American State Legislators for Gun Violence Prevention**," said the group's founder, Democratic New York State Assembly member **BRIAN KAVANAGH.**

KAVANAGH told a news conference that the group would focus on **state-level gun control reforms**, including the **prevention of interstate gun trafficking and tightening background checks** on buyers.

Congress has "failed in its responsibility" to prevent gun violence, said **JOSE RODRIGUEZ**, a Democratic state senator from Texas. "We can't continue in the same path that we've been on as a country," he said.

The only Republican lawmaker to join was state Representative **BARBARA BOLLIER** from Kansas.

Also in this issue: ● *Gun control groups expanding* ● *Lead bullets cannot be regulated, appeals court rules* ● *Gun rights beat gun control in new poll* ● *îThe importance of being a gun ownerî in our Page 8 Parting Shot.*

GUN PERMITS FOR POT USERS INITIATIVE PLANNED FOR COLORADO VOTERS

Colorado was the first state to legalize recreational marijuana sales. Now the State's voters may consider a ballot measure to allow cannabis users to carry a concealed firearm. The "Colorado Campaign for Equal Gun Rights" is working to put a question on the November 2016 ballot to have Colorado ignore guidelines from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives about firearms and pot. The measure would change State Law to prevent sheriffs from denying concealed carry permits because of marijuana use. Edgar Antillon and his campaign partner, Isaac Chase, who run a firearm training business called "Guns For Everyone," are reaching out to gun rights groups for support. Colorado organizers need more than 86,100 signatures to send the question to voters, and it's unclear whether Antillon's campaign will get enough support to launch.

DISTRICT OF COLUMBIA FACES CONTEMPT FOR DEFYING COURT RULING

The District of Columbia Council has approved a permanent version of a concealed carry bill that designates where handguns can be carried in public by licensed owners. The bill was approved by all Council members except for David Grosso. D.C. is appealing Judge Frederick Scullin's ruling that determined the City's complete ban on public carry to be illegal and is also being sued to stop implementation of the law. The plaintiffs say "If the Court finds that the 'new' law does not effectively change the enjoined practice, defendants' current enforcement conduct constitutes contempt."

IN THE STATES

LAWMAKER FILES BILL TO ALLOW FIREARMS ON UNIVERSITY CAMPUSES

A Florida lawmaker has filed a bill that would allow people to carry concealed weapons on the campuses of State Colleges and Universities. Rep. Greg Steube, R-Sarasota, had already planned to sponsor the measure before a shooting incident in November at Florida State University – but that the attack, which left three people injured and the gunman dead, helps to make his point. The bill would apply to people who are licensed to carry concealed weapons. Although Tallahassee and University Police Officers reached Florida State's Strozier Library less than five minutes after the shooting, more people could have died in that time. "I think the attack brings it closer to home for people who think these events don't occur in Florida, or that law enforcement can prevent them from happening," Steube told The News Service of Florida.

MICHIGAN LEGISLATURE OKS BILLS TO LOOSEN AIR GUN RULES, LIMIT MUNICIPAL OVERSIGHT

Michigan would loosen restrictions on air guns and limit local governments' ability to set their own regulations under legislation lawmakers have approved. Michigan is one of just four states to classify most pellet and air guns as firearms. The main measure won final approval from the Republican-controlled Senate and was sent to GOP Gov. Rick Snyder for his expected signature. The change would extend a state law that prohibits municipalities from taxing or regulating the ownership, sale or possession of pistols and other firearms to also include "pneumatic" guns that fire pellets by spring, gas or air. The bill would not prevent local regulation of criminal conduct with an air gun, like waving or displaying such a gun in a threatening manner.

NEW NEVADA GOP MAJORITY LEADER TO GET GUN RIGHTS BACK

"We're getting our gun rights back this session, period," said newly named Assembly Majority Leader Michele Fiore, R-Las Vegas. Fiore also said Republicans would see familiar legislation, including her bill to allow licensed concealed weapons permit holders to carry firearms on campuses of the Nevada System of Higher Education. In addition, Fiore said she would push for bills eliminating Clark County's "blue card" gun registration program. Metro Assistant Sheriff Joe Lombardo, said he favored eliminating the program, too.

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NEW HAMPSHIRE DEMOCRATS RENEW BID FOR EXPANDED BACKGROUND CHECKS

A new "gun safety" bill has been drafted and will go before the Legislature in 2015, galvanizing an initiative that most recently died on the House floor last winter. Rep. Katherine Rogers, D-Concord, is waiting to receive an edited draft of her bill from legislative services. The earlier bill would have expanded background checks for firearm purchases to include all private sales, including those made at gun shows and over the Internet. Rep. Tom Sherman, D-Rye, said the background checks seem sensible. They're quick, he said, taking only about five minutes, and they prevent criminals from purchasing the weapons. He doesn't see any down side that should turn away conservatives. "There's got to be Republicans," said Sherman. "I feel there's got to be some among the Republicans who agree with expanding background checks."

OHIO GOVERNOR KASICH SIGNS GUN LAW REFORM BILL INTO LAW

Ohio Governor John Kasich signed H.B. 234, a gun law reform bill that made substantial improvements in the law. The votes were 24-6 in the Senate, and 69-16 in the House. The bill creates reciprocity to recognize concealed handgun permits from other states, declassifies semi-automatic firearms with more than 30 rounds as automatic weapons, allows for training certification by any "national gun advocacy organization" instead of the National Rifle Association specifically, allows people in the Military, Peace Corps, and Service to America six months grace period to renew an Ohio concealed handgun license, gives "Shall Sign" orders to chief law enforcement officers who process National Firearms Act forms, and allows legal gun mufflers for hunting game.

IN THE STATES

TEXAS LEGISLATURE LOOKS TO EXPAND GUN RIGHTS, ROLL BACK BAN ON OPEN CARRY

Lawmakers in Texas are preparing to push a handful of bills through the State Legislature that expands the rights of gun owners. Lawmakers say some of the bills being considered include lifting a ban on open carry of handguns - Texas still insists handguns be kept out of sight. Texas first banned the carrying of handguns "when the carpet-bagger government was very anxious about former Confederates and recently freed slaves carrying firearms," state Land Commissioner Jerry Patterson said. Overturning a century of law proved difficult, and a concealed weapons law failed several times until it finally passed in 1995 when Patterson, then a State Senator, led the charge. Texas now has about 811,000 concealed handgun license holders, nearly equal the population of San Francisco.

VIRGINIA GOVERNOR MCAULIFFE PUSHES FOR GUN CONTROL MEASURES

Gov. Terry McAuliffe is pushing for new regulations on gun ownership. The governor introduced a package of gun control measures that he said were necessary to keep Virginians safe. Among the legislation he will pursue is a bill that would limit handgun purchases to one a month. Another bill would require private vendors at gun shows to conduct criminal background checks. Another bill would prohibit people subject to protective orders from possessing firearms. Former New York City Mayor Michael Bloomberg, a gun control advocate, was a major donor to McAuliffe's 2013 gubernatorial campaign. The measures will likely face strong opposition in the GOP-controlled General Assembly. A spokesman for House Speaker William J. Howell said the governor's announcement was "disappointing."

WASHINGTON STATE'S GUN BACKGROUND CHECK GROUP PROPOSES NEW MEASURES

Washington's new background check requirement for all firearm sales and transfers went into effect in December, and the group behind the Initiative and its new law announced its goals for the 2015 legislative session. The Initiative was an example of what the gun-violence prevention movement can accomplish, said Sandy Brown, president of the Center for Gun Responsibility. Riding that momentum, he said the group will pursue a new list of "effective and meaningful policies" that have been shown to protect human life in other states where they've been implemented. The group also wants families and law enforcement to have the ability to secure a "gun violence protection order" when a mentally ill person threatens to harm themselves or others. The orders would help keep guns out of the hands of the mentally unstable, coalition member Margaret Heldring said.

SAF SPEARHEADS FEDERAL LAWSUIT AGAINST I-594

The Second Amendment Foundation has filed a lawsuit in Federal District Court in Tacoma, seeking a permanent injunction against enforcement of portions of Initiative 594, the 18-page gun control measure that took effect Dec. 4, alleging that "portions of I-594 ... are so vague that a person of ordinary intelligence cannot understand their scope," and that other parts violate the Second Amendment outright.

Joining SAF in this action are the Northwest School of Safety, Puget Sound Security, Inc., the Pacific Northwest Association of Investigators, the Firearms Academy of Seattle, six individual citizens including SAF founder and Executive Vice President Alan Gottlieb and the Gottlieb Family Trust. They are represented by Seattle attorneys Steven Fogg and David Edwards, and Bellevue attorney Miko Tempski. Named as defendants are Attorney General Bob Ferguson and Washington State Patrol Chief John Batiste, in their official capacities.

U.S. APPEALS COURT DEEMS GUN LAW UNCONSTITUTIONAL

A three-judge panel of the Sixth U.S. Circuit Court of Appeals in Cincinnati deemed a law unconstitutional that kept a Michigan man who was committed to a mental institution from owning a gun. The panel unanimously ruled that a federal ban on gun ownership for those who have been committed to a mental institution violated the Second Amendment rights of 73-year-old Clifford Charles Tyler.

**IN THE
FEDERAL
COURTS**

Tyler attempted to buy a gun and was denied on the grounds that he had been committed to a mental institution in 1986 after suffering emotional problems stemming from a divorce. He was only in there for a month. Tyler's lawyer, Lucas McCarthy, hopes that the ruling would have a "significant impact on the jurisprudence in the area of gun rights." The decision is the first by a federal appeals court to rule a federal gun law is unconstitutional since 2008. The U.S. Supreme Court's ruling in D.C. vs. Heller struck down the Washington, D.C. ban on firearms ownership.

CONNECTICUT SUPREME COURT: STATE LAW VIOLATES U.S. SECOND AMENDMENT

The Connecticut Supreme Court has ruled that a state law banning people from transporting weapons between residences violates the Second Amendment of the U.S. Constitution. The ruling was in a case involving a former Army medic arrested in 2010 when police seized a collection of knives and swords from his SUV. In 2012, former Clinton, Connecticut resident Jason DeCiccio was convicted by a jury on two counts of having weapons in a motor vehicle and sentenced to 15 months in prison. Police discovered DeCiccio's knife and sword collection in his Jeep. In acquitting DeCiccio, the high court ruled that he had a Second Amendment right to possess the weapons in his home for self-defense and the right to transport the weapons to his new home.

FEDERAL APPEALS COURT RULES AGAINST REGULATING LEAD AMMUNITION

The U.S. District Court of Appeals for the DC Circuit has recently ruled "that environmental groups have suggested no way in which EPA could regulate spent lead bullets and shot without also regulating cartridges and shells." The Toxic Substances Control Act exempts cartridges and shells from regulation. "Given that bullets and shot can become spent only if they are first contained in a cartridge or shell and then fired from a weapon," the environmental groups "have identified no way in which EPA could regulate spent bullets and shot without also regulating cartridges and shells," precisely what the law prohibits, said the decision by appeals judge David Tatel.

UNUSUAL NEW JERSEY FIREARM LAW DOESN'T APPLY TO SMART GUN, AG FINDS

A handgun designed to work only when paired with an accompanying wristwatch is not a "personalized gun", according to a recent report by the New Jersey Attorney General's office. The determination on the Armatix iPl pistol is bad news for gun-control groups hoping that the acting attorney general, John Jay Hoffman, would find the firearm fits the definition of a "personalized gun" under New Jersey law. Such a determination would put the state on the path to selling only guns with personalized technology within three years. On the other hand, the finding last month is welcome for gun-rights groups, who feared that the law would make handguns harder to get in the Garden State.

NEWTOWN MASSACRE VICTIMS' FAMILIES SUE BUSHMASTER

The families of nine victims of the Dec. 14, 2012, massacre at Sandy Hook Elementary School in Newtown, Connecticut, have joined forces with a teacher who was shot multiple times during the slaughter to sue Bushmaster, the maker of the firearm that gunman Adam Lanza used to kill 26 people, 20 of whom were children. The wrongful death lawsuit, which sparked the rage of gun rights advocates, contends that Bushmaster Firearms International's AR-15 rifle is a military-grade weapon that should not be available for public use, as they do not see it as a practical choice for activities such as hunting or self-defense. Gun rights advocates on social media sites such as Twitter, argued that the gunmaker should not be held responsible for Lanza's actions. They uniformly disagreed with the suit's premise and gave impassioned defenses of the Second Amendment, understanding the families' grief over their loss but noting the injustice of taking it out on the gunmaker and not the killer.

IN THE FEDERAL COURTS

SECOND CIRCUIT DISMISSES CONNECTICUT GUN LAWSUIT

In *Shew v. Malloy*, U.S. Circuit Judge Christopher Droney was asked to rule on three complaints: 1) that the new law violated the plaintiffs' right under the Second Amendment to keep and bear arms; 2) that the law violated the Equal Protection Clause of the 14th Amendment; and 3) that the law was unconstitutionally vague in its descriptions of exactly what weapons were now outlawed, including the various features that suddenly turned them into "assault" weapons. The judge tossed all three, concluding that the legislation is constitutional. While the act burdens the plaintiffs' Second Amendment rights, it is substantially related to the important governmental interest of public safety and crime control. With respect to the equal protection clause ... while the legislation does not treat all persons the same, it does not treat similarly situated person disparately. Unclear parts of the law are not unconstitutionally vague.

MISSOURI JUDGES QUESTION FELON'S CLAIM TO GUNS

Judges on the Missouri Supreme Court appeared skeptical as an attorney for a convicted drug dealer argued that a new state constitutional amendment should allow nonviolent felons to carry guns. The measure makes gun-control restrictions subject to strict legal scrutiny, but adds that it shouldn't be construed to prevent laws limiting the gun rights of "convicted violent felons." State Solicitor General James Layton said they didn't need to interpret the "strict scrutiny" wording to mean the government must show a compelling interest that is narrowly tailored in order to limit gun rights. Gun rights may be appropriate for some nonviolent felons, but not for those convicted of felonies such as drug crimes that "can be perpetuated or exacerbated by the use of a firearm."

JERSEY CITY MAN GETS GUN PERMIT AFTER THREE-YEAR FIGHT

City officials have ended a lengthy legal battle by finally granting a Jersey City man a permit to buy a handgun, three years after he applied for it. Michael McGovern received the permit last month. Evan Nappen, McGovern's attorney, said the City's decision is "very important" to the gun rights movement. "There's now a pro-gun victory against Jersey City, and we're proud of it, and it stands as an example to all the other municipalities that want to break the law," Nappen said. "They're on notice." McGovern initially applied for a permit to purchase a handgun in 2011. After finally receiving his gun permit, McGovern told Eugene Volokh of *The Washington Post*, "I'm off to the range to break in my HK45c."

THE NINTH CIRCUIT AND THE RIGHT TO CARRY GUNS

At least one judge on the Ninth Circuit Court of Appeals has called for en banc rehearing (an 11 judge panel instead of a three judge panel) in *Peruta v. County of San Diego* that the Second Amendment secures a right to carry guns in public places, and not just to possess guns at home. The judge acted without a petition for rehearing filed by one of the parties. Opinions of three-judge panels in the Ninth Circuit are binding on all future three-judge panels, and can only be reversed by en banc rehearing (or by the Supreme Court). The Ninth Circuit therefore asked for briefing on whether en banc rehearing should be granted. So the Ninth Circuit will be considering whether to take the Second Amendment right-to-carry issue en banc.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** For the first time in more than two decades of Pew Research Center surveys, there is more support for gun rights than gun control. Currently, 52% say it is more important to protect the right of Americans to own guns, while 46% say it is more important to control gun ownership. Over the past two years, blacks' views on this measure have changed dramatically. Currently, 54% of blacks say gun ownership does more to protect people than endanger personal safety, nearly double the percentage saying this in December 2012 (29%). By contrast, whites' views have shown less change: 62% now view guns as doing more to protect people, up from 54% in December.

● **Buffalo, New York:** A plan by police in Buffalo, N.Y., to begin confiscating the firearms of legal gun owners within days of their deaths is drawing fire from Second Amendment advocates. The plan is legal under a longstanding, but rarely enforced State Law, but gun rights advocates say it unfeelingly brutalizes law-abiding citizens. "They're quick to say they're going to take the guns," said Tom King, president of the New York State Rifle & Pistol Association. "But they don't tell you the law doesn't apply to long guns, or that these families can sell [their loved one's] pistol or apply to keep it." King said enforcing the state law is the latest example of authorities targeting law-abiding gun owners, while doing little to secure the streets.

● **New York City:** Former New York City mayor Michael Bloomberg's gun-control group Everytown for Gun Safety is gearing up for a "significant" legislative push in more than a dozen states for background-check initiative campaigns, including Arizona and Maine. Nevada is already certifying Nevada's ballot measure. The group still is identifying the states in which it will be active, but could end up participating in legislative fights in as many as 20 states, officials say. In all, Everytown spent \$12.1 million on the 2014 election battles, including the Washington ballot initiative and legislative contests in states such as Colorado and Oregon, said spokeswoman Erika Soto Lamb. It's part of a \$50 million election-year commitment Bloomberg made to "gun-violence" prevention.

● **Erie, Pennsylvania:** A State Appeals Court a year ago struck down an Erie Ordinance that banned guns in city parks. The law, which had been in effect since at least 1976, is now off the books altogether. In response to a new State Law, City Council unanimously deleted the part of the ordinance that prohibited carrying and possessing handguns in parks. The City joined a number of municipalities statewide that have repealed similar ordinances in light of Act 192, which Gov. Tom Corbett signed in November and which was effective Jan. 5. The law, which is facing a court challenge, gives gun owners and members of gun-rights groups more leeway to sue municipalities over gun-control ordinances. The National Rifle Association supports the law, which reaffirms that only the General Assembly can regulate the lawful possession of firearms in Pennsylvania. etc. (687), and miscellaneous other means, including poison and fire.

● **Jerusalem, Israel:** Employees of the Shin Bet and Mossad security agencies will be exempt from a psychological examination prior to obtaining a weapons permit, the Knesset Internal Affairs and Environment Committee ruled. The decision followed a request by the Public Security Ministry, which asked that all government workers be allowed to skip the examination. The Justice Ministry opposed the blanket exemptions. The committee decided to relax the restriction, but only for employees of the security agencies and owners of shooting ranges.

● **Xaltianguis, Mexico:** Hundreds of women formed their own community defense organization to protect their town from organized crime. The women belong to a group called the Union of Peoples and Organizations of Guerrero State, or UPOEG. According to local community self-defense force commander Miguel Angel Jimenez, the women are spread out between various different teams that patrol the neighborhoods of Xaltianguis, which is a small town just outside of Acapulco.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Bellevue, Washington:** The Citizens Committee for the Right to Keep and Bear Arms has come up with a list of the top 10 'anti-gunners' for 2014. Not surprisingly, former NYC Mayor Michael Bloomberg took the top spot this year for dumping millions into creating Everytown for Gun Safety and also helping to finance the I-594 effort in Washington. The other nine:

Paul Allen, billionaire co-founder of Microsoft and owner of the Seattle Seahawks and Portland Trailblazers, he dumped a half-million dollars into the I-594 gun control campaign in Washington State.

Steve Ballmer, another Microsoft alumnus and owner of the L.A. Clippers who added more than \$1 million to I-594.

Hillary Clinton, former First Lady and Secretary of State supported the unratified UN Arms Trade Treaty.

The late Andrew Cuomo, New York governor, championed the Draconian SAFE Act.

Rahm Emanuel, vehemently anti-gun mayor of Chicago.

Bill Gates, billionaire Microsoft founder gave more than \$1 million to I-594.

Nick Hanauer, another Seattle-area billionaire who launched I-594.

Eric Holder, rabidly anti-gun outgoing U.S. Attorney General.

Shannon Watts, founder of Moms Demand Action for Gun Sense in America.

● **Saipan, Commonwealth of the Northern Mariana Islands:** If ownership of handguns is allowed in the CNMI, it will only increase the crime rate, according to Saipan and Northern Islands Municipal Council Chairman Ramon B. Camacho, a retired police major. As an anti-crime advocate who initiated the Neighborhood Watch Task Force, Camacho said he is "very concerned" about the expected federal court ruling that will allow residents to own and carry a handgun. The CNMI, he said, has the best gun control in the U.S. "because we don't allow handguns." But because of the Second Amendment to the U.S. Constitution, the administration and the Legislature have already prepared a handgun legalization measure. He said he understands that some statesiders now residing in the CNMI believe that their right to own a handgun is violated by current CNMI law, Camacho said. "But look at the mainland and see how they're struggling to deal with gun violence," as if the Constitution was of no importance.

● **Seattle, Washington:** An international symposium on so-called "smart guns" is scheduled Jan. 28 in downtown Seattle, but there will also be representation from two leading gun rights organizations and firearms technology experts, which could lead to a lively discussion. The event is being organized by the Washington Technology Industry Association (WTIA) and Washington Ceasefire. Representatives from the Bellevue-based Citizens Committee for the Right to Keep and Bear Arms and the Second Amendment Foundation will attend.

● **College Station, Texas:** The Texas A&M student senate passed the Personal Protection Act Wednesday. It's a first step that could allow students with concealed carry permits to carry firearms on campus for self-defense. "Adults carrying on campus. It'll actually make it a safer place," says Dakota Popelka, a freshman at Texas A&M. It seems most A&M students may agree with that statement because many of them approve of the Personal Protection Act. "I support the Second Amendment. I believe adults of legal age should be able to carry weapons anywhere really," says Popelka.

● **Albany, New York:** New York State's tough new SAFE Act gun control law has flagged 278 gun owners who could lose their weapons because they have been deemed mentally unstable, a new report shows. The Syracuse Post-Standard reported that since the law's enactment, the State has collected 38,718 names in a database of people who have been found at-risk for owning guns by health professionals. The paper said when the database was checked against a list of pistol permit holders in the State, there were 278 matches, less than 1 percent. Monroe County had the most matches at 36, followed by Westchester, 17, Suffolk, 16 and Dutchess, 14. The paper said it obtained the county-by-county breakdown in response to a public records law request.

Parting Shot

THE IMPORTANCE OF BEING A GUN OWNER

One Saturday in Amarillo, Texas, shortly before 5 p.m., police were dispatched to an Austin Street home on a burglary in progress call. They met with the homeowner, but the suspects were gone and numerous items were taken.

At 7:40 p.m., officers were dispatched again to the same address on another burglary in progress call. As officers approached, they received further information that two suspects were in custody at a house on Rusk Street. There, police found the homeowner from the Austin Street residence with two suspects at gunpoint.

Dustin Ray Kirkland, 26, and Ashlee M. Posey, 21, were arrested and booked into the Potter County jail on charges of burglary of a habitation. Officers also located property from the Austin Street burglary that had been hidden by the suspects, police said. The victim had followed the burglars' trail to the Rusk Street location.

Two other crooks were not so lucky. Shortly before 9 p.m. in Las Cruces, New Mexico, 24-year old Luciano Acuna entered DCP's Smoke Shop on South Solano Drive wearing a mask and holding a shotgun. Acuna pointed the shotgun at one of the employees and demanded cash from the store's register. Acuna became distracted for a moment and the employee retrieved a handgun and fired multiple shots. One of the shots hit Acuna in the head.

Acuna was pronounced dead at the scene. The two employees were cooperative with investigators and no charges were filed against the man who fired the lethal shot.

In North Carolina, a 14-year-old boy found two drug-craving home invaders who were attempting to break into his grandparents' home to steal his grandmother's prescription drugs.

The teen's grandfather had wisely trained him to use firearms in self defense, and left the gun where he and his grandmother could access it for protection. The teen gave the criminals every chance to flee, but 18-year-old Isai Delcid responded by forcing his way through a window. The teen fired his grandfather's .380-caliber Glock 42 and struck him with at least one fatal shot.

Police say they found and arrested 22-year-old Carlos Delcid later and identified the dead man as his younger brother.

The older brother had been arrested for breaking into the same home in September and October and was out on probation. He was quickly picked up after the crime because he was being electronically monitored with a tracking device as part of his probation.

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