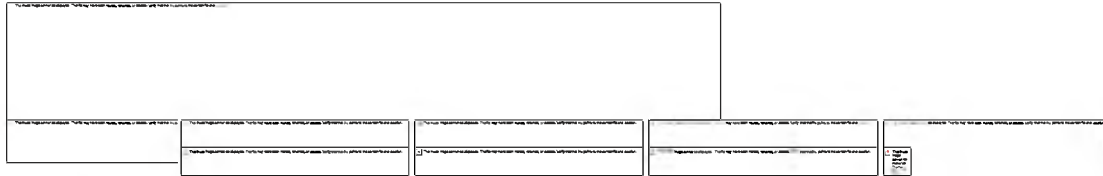


Exhibit 1



Operation targets weapons, violence

Repeat offenders focus of crackdown

Monday, January 24, 2000

By Torsten Ove, Post-Gazette Staff Writer

One hundred and fifty - that's roughly how many bad guys with guns are responsible for the bulk of the shootings in the Pittsburgh region, with its population of more than 2 million people.

And those are the people - the "bad actors," in cop-speak - that a federal, state and local gun task force has identified as the violent repeat offenders authorities want to curtail, one way or another, under Operation Target.

Operation Target, cited by President Clinton as one of four model anti-gun programs nationwide, is a broad-based effort by the U.S. attorney's office and a dozen law enforcement agencies to crack down on illegal gun trafficking and gun violence. One aspect of the program is to make it clear to the shooters out there that they're being watched, and if they're caught with a gun, they're going to prison - in some cases federal prison.

"We're trying to influence behavior," said U.S. Attorney Harry Litman. "For me, our success will be measured in terms of a decrease in shootings in the community. If we have significantly fewer shootings a year from now, then [Operation] Target will have been a success."

Since it began in October, Operation Target investigations have resulted in federal indictments of 18 people on charges ranging from illegal possession of a firearm by a felon to making a "straw purchase," or buying a gun legally for someone who isn't allowed to have one.

Another 13 people have been charged at the state level, according to the U.S. Bureau of Alcohol, Tobacco and Firearms, including five young men arrested this week in connection with a handgun that was stolen from a temporary evidence locker in the Stowe Police Department.

At least 20 other state and federal gun cases are in the "pipeline," federal prosecutors say.

Operation Target is gaining momentum locally just as anti-gun efforts are gearing up nationally.

On Tuesday, the same day ATF agents and police made the arrests in the Stowe case, Clinton appeared in Boston to unveil a sweeping \$280 million plan aimed at gun violence, the largest firearms initiative in U.S. history.

It calls for the hiring of 500 new ATF agents and 1,000 state prosecutors dedicated to handling gun cases, in addition to another 100 federal prosecutors. The program would also finance new efforts to trace guns and bullets used in crimes and provide funds to develop "smart guns" that can only be operated by their owners.

Clinton's measure would have to be passed by Congress, which failed to pass another large gun package last year despite public outrage over the April 20 deaths of 14 high school students and a teacher at Columbine High School in Colorado. Clinton is continuing to push for that legislation as well. It calls for background checks on all buyers at gun shows, denial of gun ownership to juveniles convicted of crimes and mandatory childproof "trigger locks" on all guns.

The new Clinton program would likely beef up the local ATF office, which has been operating at less than full staff, according to Brandt Schenken, agent in charge of the firearms trafficking unit. The Pittsburgh office, which handles all of the Western District including Erie, is considered fully staffed at 30, including 20 agents and 10 inspectors. Currently, ATF has 10 inspectors and 11 agents.

Litman said because Operation Target is selective about which cases to pursue federally, his office likely won't need any new prosecutors. He probably will, however, dedicate a couple of current prosecutors to handle gun cases.

Unlike other gun programs, such as Project Exile in Richmond, Va., Operation Target is not seeking federal indictments and sentences in every gun case, an approach that flooded federal court in Richmond. Instead, Litman said, his office will work closely with that of Allegheny County District Attorney Stephen A. Zappala Jr. to determine which staff should handle each gun offense.

In addition, Litman and Schenken said, Operation Target will continue to work with legitimate firearms dealers while cracking down on straw purchases.

In December 1999, for example, ATF and local police arrested five men on charges of illegally selling a total of 40 guns. According to the indictments, one of the men, Herman Michael Deveauxbray, 23, of Pittsburgh, sold 11 guns, including two that were used in shootings in May and one that was recovered during a drug investigation. Agents said Deveauxbray falsely certified on federal firearms forms that he was buying weapons from Braverman Arms Co. for himself when he was in fact buying them for criminals.

Police used to believe that most guns used in crimes were stolen, but according to Justice Department figures, about 75 percent of crime guns are obtained through illegal dealing.

Still, plenty of guns on the street can be traced to theft - and end up passing through many hands.

In the latest case investigated by Operation Target task force members, agents said Lawrence Tabella, 20, of McKees Rocks, a part-time dispatcher for Stowe police, stole a handgun that was being stored in a temporary evidence locker. An investigation showed Tabella passed the gun to Joseph Bauer, 22, of McKees Rocks. From there, according to ATF, it was passed to two brothers, Ryan Giovengo, 19, and Matthew Giovengo, 20, and then to Jack Brady, 19, all of Pittsburgh.

The investigation started in November when Baldwin Borough police recovered the gun in an unrelated case.

All five men are now facing state charges related to the stolen gun.

Jump

Exhibit 2



One Reader's View

Letters | Put the blame where it lies: The killers

We have to stop pointing the finger everywhere but at the very people who prey on us each day. Over time we have allowed our value system to erode. We refuse to hold people accountable for their actions and constantly make excuses for their inexcusable behavior. The incessant cry for tougher gun laws is a good example. Until we're ready to strictly enforce the current laws there is no reason for tougher ones.

Yes, there is a need to work on the social ills at the core of much of the unrest, but that does not mean we should accept those ills as a reason to excuse the behavior. Those engaged in this violent lifestyle know exactly what they're doing. They also know it is wrong. And they also know there are no serious consequences for their actions. It's not a matter of not knowing right from wrong, it's a matter of weighing the risk. And today they face very little risk.

Time after time these budding killers are arrested with guns, only to be returned to the streets with a slap on the wrist. Is it any wonder we have trouble getting witnesses to speak up? Instead of holding vigils at murder scenes, groups like Men United for a Better Philadelphia and Mothers in Charge should throw a ring around the Criminal *In-Justice* Center and demand that our judges hold the criminals accountable.

More than 80 percent of Philadelphia's cold-blooded killers have criminal records. Most of those records are lengthy, many for violent crimes. Every one of those arrests represents an opportunity to send a clear message, before they take another life.

Joseph Fox

Chief of Detectives

Philadelphia Police Department

Philadelphia

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PHILADELPHIA DAILY
NEWS

Front Page

Shooting blanks in gun cases

Two charges. One dismissal. One parole. One death at the Palestra.

**By Craig R. McCoy
INQUIRER STAFF WRITER**

It was business as usual one day last December when Municipal Court Judge William A. Brady threw out the gun case against the young man from North Philadelphia with the "Outlaw" tattoo.

In an impatient few minutes at the beginning of the court day, Brady tossed the case after prosecutors said they couldn't find the arresting officers.

Down the drain went hours of detective work on a bloody shoot-out in Center City between two careening cars.

And it was routine when, that same month, Common Pleas Court Judge Gregory E. Smith paroled a 20-year-old South Philadelphian convicted of illegally carrying a 9mm handgun.

The two young men were a couple of nobodies among the 1,500 adults charged last year with illegally carrying guns in Philadelphia - - and among the estimated 80 percent of those who never saw jail time.

But for both men, jail would have been better than freedom.

For, on March 1, prosecutors now allege, the man whose case Judge Brady dismissed, Anthony "Tupac" Davis, was shot to death by the man Judge Smith paroled, Kyle McLemore.

A detailed exploration of how the courts handled the two men's cases sheds light on a critical dimension of the Philadelphia gun epidemic -- how the justice system has failed to check the city's firearms problem.

As Judge Brady said, "it really is unfortunate" how things turned

out.



Davis' very public death and the wounding of bystanders from among a crowd on hand to watch a basketball championship game on the campus of the University of Pennsylvania seemed to wake up a city grown callous to gun violence.

The Inquirer has chronicled Davis' violent lifestyle and his isolated and macho world, a world steeped in firearms. Now, a review of his tangled history in the Philadelphia courts reveals a system that routinely tosses out firearms cases -- a system where Davis' arrest was, in the words of Judge Smith, "just a gun case."

"Gun pinches" are the bottom rung in the hierarchy of firearms cases. Prosecutors lose half of them.

More serious gun cases are failing at the same or even higher rates. More than half of all gun assaults and gun robberies last year resulted in trial acquittals, dropped charges or judicial dismissals.

Factor in this: FBI figures show that police make arrests in only 20 percent of reported city gun robberies in the first place.

In court, firearms cases collapse in myriad ways. Consider the defeats dealt prosecutors in their pursuit of McLemore and Davis:

- Judge Smith twice gave McLemore nominally tough sentences -- only to grant him immediate parole. In one case, Smith paroled McLemore after warning him, "You're going to jail."

- Smith also acquitted McLemore of being a narcotics dealer, an offense that carries a mandatory one-year sentence. Police testified that they watched McLemore sell crack cocaine to two women and recovered 33 cocaine packets that he was seen tossing over a fence when they chased him. After hearing the case, Smith told McLemore: "You're a drug dealer; that's all." Then Smith ruled that he really did not know what McLemore had sold -- and acquitted him.

- Then-Common Pleas Court Judge Paul Jaffe dismissed another drug-dealing charge against McLemore last year. McLemore threw a gun into a parked car containing 115 packets of cocaine, according to prosecutors. But the judge lectured the prosecutors, telling them, "You have no proof" that McLemore did not, by chance, throw his gun into a car that happened to be storing drugs. ■ Municipal Court Judge John O'Grady Jr., according to the District Attorney's Office, helped Davis' case in the Center City shoot-out by invoking a pro-

defense law on gun permits -- a law that had expired three months earlier.

Underlying it all seems to be the courts' real priority: moving cases.

This puzzles the city's new police commissioner, John F. Timoney.

"What's the rush?" Timoney asked. "I don't understand this. I shall have to make an appointment to visit these courts."

District Attorney Lynne Abraham blamed the lost cases on state Supreme Court rulings that restrict police, victims who are apathetic or afraid to testify -- and judges who "leave their common sense out of the courtroom."

"The problem," she said, "is that the system doesn't work very well."



Davis' death, on March 1, was the climax to a year-long feud among ruthless young men with guns. Their violence kept claiming victims outside their insular world.

Detectives are still unraveling the violence surrounding Davis, but his murder may have come on the third attempt to kill him. Despite the drug backgrounds of those involved, the fight apparently was about a woman, police say.

One camp included Davis, 22, and his brother, Craig, 21, both of North Philadelphia, investigators say. The other, they say, included South Philadelphians McLemore and Nathaniel Ortiz, both with drug records and born, as it happens, on the same day in 1977.

Ortiz has also been charged with Davis' murder. Ortiz, who beat a 1997 robbery charge when the victim twice failed to show in court, is now a fugitive.

McLemore's lawyer, meanwhile, says his client is innocent.

The first attempt to shoot Davis occurred on Sept. 29 in a midnight gun battle between the occupants of two cars on Market Street in Center City that ended when Davis and a companion, both wounded, stumbled into the emergency room of Allegheny University Hospitals/Hahnemann. The car carrying those shooting at them got away.

The evidence against Davis was parked right outside the ER: his black 1993 Acura, its windows shattered by bullets, its interior awash in blood and shards of glass. The "Tupac" vanity license plate was pocked with bullet holes.

Inside the car, police found a strange array of items: a \$5,000 Swiss Rolex watch; a target from a firing range, shot up; snapshots of Davis and buddies brandishing cash.

Investigators also plucked two guns -- an expensive 16-round Glock 9mm pistol, stolen in 1992 in Delaware County, and a cheap Lorcin .25-caliber pistol.

Davis and his passenger were arrested for illegal gun possession when they left the hospital about seven hours later. It was this charge that Brady dismissed.

A second shooting came a week later, after midnight on Oct. 4. Three gunmen, standing in a parking lot at 19th and Chestnut Streets, fired 30 or more shots at a quarry across the street. A moonlighting cabbie, Kemoh Kamara, 42, drove unwittingly into the crossfire and was shot. His cab crashed into Boyds men's store.

"The bullet went right through my brain," Kamara said in a halting voice.

Kamara, an immigrant from Sierra Leone who had been driving a cab for two weeks, is receiving speech therapy and other treatment at Magee Rehabilitation Hospital. He has not worked since the shooting. Detectives say Davis showed up at Allegheny Hahnemann to visit another young man grazed in the gunfire. They suspect Davis was the target. No arrests have been made.

James Corbett, 52, a city police officer for 30 years, is one of many detectives working the shootings.

"It's wild that a lot of this is happening in Center City," Corbett said. "In a case like this, where an innocent cab driver gets hurt -- and hurt extremely seriously -- that really bothers you."

A week before the shooting at the Penn campus, Davis' side struck back, investigators believe. The story of the Feb. 22 drive-by shooting in South Philadelphia unfolded recently in Family Court's Room B.

Carla Richards, 14, told a judge that she and a few friends had been

hanging out on Sixth Street that Sunday when cars rolled up with their windows down.

"The boys came by in two cars and started shooting," she said.

Sixteen shots. Carla's 16-year-old friend was struck in the right leg. A bullet grazed a middle-aged man. Tears dripped from Carla's face as she remembered the blood.

She stared straight ahead at a 1940 WPA mural behind the bench. It depicts a gang of ruffians shooting dice under a tenement. One boy wears a beanie, another a pointed paper hat that looks like something out of an Archie comic. To the right, a penitent lad in a suit and tie stares up at a kindly judge.

Could she identify any of the shooters, the prosecutor asked.

Carla pointed at Craig Davis, 21, the man in blue jeans and a teddy-bear sweatshirt.

Craig Davis was held for trial.

He is also awaiting trial on charges of illegally carrying a Ruger 9mm pistol and selling a codeine street drug known as "pancakes and syrup."

The house chosen for the drive-by was the last known address of Nathaniel Ortiz, who detectives believe may have been in that curbside crowd. Detectives are investigating whether Anthony Davis also may have been in one of the cars.



As an ironic reminder of how tough his job is, Common Pleas Court Judge Gregory E. Smith has an elegant crystal ball on his bench inside Courtroom 1005 in the gleaming Criminal Justice Center.

At 43, he is a relatively young man making important decisions about the lives of the even younger men who come before him -- men like Kyle McLemore.

McLemore has lived on mean streets. At 17, he shot and killed a man who demanded money. The courts ruled it self-defense.

At 20, he repeatedly rode the elevator up and down from Courtroom 1005. One trip came last June. Police said they chased McLemore

and arrested him in South Philadelphia after he exchanged plastic packets for money with two women and tossed a bag over a fence. This was the bag with the 33 packets of cocaine.

At trial, McLemore testified that the police were lying.

Judge Smith didn't buy it.

"Mr. McLemore," he told the defendant, "your story makes no sense whatsoever. Get your hands out of your pockets! You're a drug dealer."

But then Smith conceded: "Your attorney does make a good point: The court cannot speculate what was handed to those females."

With that, the judge acquitted McLemore of dealing drugs and convicted him of possession.

At sentencing a month later, Smith gave McLemore a lecture and a year in prison -- then immediately paroled him.

Five months later, McLemore was back in court for allegedly tossing a Jennings 9mm semiautomatic into a Buick while trying to elude police.

(It was the Buick that contained the cocaine in the drug-dealing charges dismissed by Judge Jaffe. Now in private practice, Jaffe, 69, pointed out that detectives never identified the car's owner.

"The police didn't do a good job here," he said.)

"All right," Judge Smith told McLemore last Dec. 12 after the defendant pleaded no contest to having an illegal gun. "We're going to keep a close eye on you for a while."

With that, Smith sentenced McLemore to 23 months -- and, again, immediately paroled him.

Smith cares about gun violence. He is on the board of the Father's Day Rally Committee, which, for years, has fought against firearms-related deaths.

"I got him for simply carrying a gun, not using a gun," Smith said recently, explaining the parole. "It's just a gun case. I'm sorry to say that in Philadelphia . . . because we have so much of this, these cases

generally get probation."

His crystal ball was of no use with McLemore.

"I wish I could have foretold that Mr. McLemore might have committed some alleged crime later on."



In the Philadelphia courts, there has long been a saying that three strikes and you're out. That's for prosecutors, not defendants.

It means that, under a local court rule, the District Attorney's Office gets three tries to mount a case and that's it.

Six floors below Smith's courtroom, Anthony Davis had his final encounter with a court system that, had it imprisoned him, might have saved his life. In his final case, the first pitch was thrown on Oct. 3.

According to prosecutors' notes, the judge at this hearing, Municipal Court Judge O'Grady, demanded that the District Attorney's Office prove that Davis had lacked a permit to carry a concealed weapon. Having one would have been a defense for Davis.

But state law had been changed three months earlier to require the *defense* to produce any permit.

Prosecutors say O'Grady apparently did not know this.

O'Grady could not recall the case but said he was aware the law had changed. The judge, 64, a former ward leader, was angered by the prosecutors' complaints.

"They're trying to put this on me," he complained hotly.

He insisted that his own notation -- "C/NR" (Commonwealth/not ready) -- on the file reflects what happened.

Whatever the reason, the effect was the same:

Strike one.

The next attempt to prosecute Davis came a month later, on Nov. 5.

O'Grady canceled that hearing, too.

"They needed two officers on the case, and they couldn't put it on," he said.

Prosecutors say the case failed because Davis' lawyer was not there, a contention backed up by a lawyer representing Davis' codefendant.

The record blames the prosecutors.

Strike two.

The third and last hearing, on Dec. 15, was over in a flash.

Records show that the arresting officers logged into the court-attendance room in City Hall, across from the courthouse, at 8:26 a.m. and checked out at 8:49 a.m.

In the intervening 23 minutes, Davis beat the entire case.

The problem: The prosecutors could not locate the police to testify.

So where were they?

Detective Luis Velazquez said that he and Officer Joseph Cooney walked into the courtroom while the hearing was under way but that the prosecutors did not see them.

"It wasn't our fault that any of this happened," Velazquez said.

He and his boss wonder why the judge didn't simply issue a second call for witnesses.

"In New York," said Commissioner Timoney, an officer there for 29 years, "you have second calls all the time." Brady, 75, the senior judge who handled the final hearing, faulted the prosecutors.

"There was no outcry," he said. "Chances are, had there been, we would have let it go with a continuance.

"You've got to get more serious," Brady said of gun cases. "Volumewise, you get in an awful spot. There's so darn many, it becomes garden variety. You lose the importance that the gun represents. How deadly it can be."

At the same time, disposing of cases *is* important, he said.

"Our court has really talked about that: 'Move it along. Move it along.' "

And that's what he did.

Strike three.



Davis was freed of his charges on a Monday. McLemore had walked the previous Friday.

Three months later, prosecutors say, the pair met up at Penn.

McLemore fired many shots from a big, 40-caliber pistol, authorities believe.

One hit Davis as he fled, and he fell dead.

Beneath him lay his stolen 9mm gun.

Inquirer staff writers Clea Benson, Thomas Ferrick Jr., and Howard Goodman contributed to this article.

Exhibit 4



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Wednesday, Oct 11, 2006

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TAKING AIM AT RECIDIVISTS

SAVVY THUGS FRUSTRATE CRIME-FIGHTERS

By DANA DiFILIPPO

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ALEJANDRO A. ALVAREZ/Daily News

Two children walk along South Philadelphia's Stillman Street, on which Khalil Slight's family has owned a rowhouse since 1992.

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- [OTHER CITIES ARE TRYING NEW IDEAS](#)
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KHALIL SLIGHT was just 12 when he logged his first criminal arrest, for an assault.

His first gun arrest came eight months later, and by his 18th birthday he'd racked up 13 arrests.

Now 23, he's in prison awaiting trial for allegedly shooting a passing bicyclist while trading gunfire with another hood on a South Philadelphia street last spring.

For an unemployed high-school dropout who was still living with his mother when he was incarcerated, Slight has made quite a name for himself in cop circles and the community as a trigger-happy street tough with a talent for beating the system. Slight has 25 arrests on his record - including three attempted-murder charges and 11 arrests involving gun crimes.

And how many convictions does Slight have?

Two.

That's all. Two.

"He has a history of possessing guns and shooting at people, but apparently you get credit for bad aim," said Philadelphia Police Detective Bob Conn, who has arrested Slight several times.

To police and prosecutors, Slight epitomizes one of the biggest frustrations associated with Philly's violent-crime wave: He seems to have found the revolving door out of the justice system.

Slight, and hundreds of alleged repeat lawbreakers like him, continue to commit gun crime after gun crime - not necessarily the big ones that make the headlines, but ones that can turn serious, and ones that terrify neighborhoods. Yet in some cases, they spend relatively little time behind bars.

Why?

Because witnesses are too scared or crooked to come forward. Because cops and prosecutors are overworked by the smaller crimes that they commit. And because bail and sentencing guidelines can be inconsistent, experts say. However, some ideas are circulating in Philly to get these repeat gun offenders off the streets.

And there's a growing belief that stopping alleged offenders such as Slight is more important than catching other thugs.

Authorities say that a small group of lawbreakers commits two-thirds of the city's crime, and police suspect that repeat offenders are arrested only once for every 10 crimes they commit.

And slippery thugs like Slight typically commit progressively more serious crimes, experts say.

"There are a lot of Khalil Slights out there," said Detective Bill Urban, Conn's partner. "You go to any [police] district, and the same names pop up over and over again."

Conn agreed: "It's a small group of people doing a large amount of crime. If one witness would come to court and we could get the conviction, that defendant would be in jail - and off the streets. It's important we catch these crimes on a lower level so they don't escalate. Because they do escalate."

Holes in the system

Mention Khalil Slight's name to almost any cop in South Philadelphia, and nods of recognition and frustrated frowns follow.

"He's a bad dude," Conn said.

But go to his neighborhood - stripes of narrow streets crowded with rowhouses, where Slight has lived for years - and any feeling of familiarity evaporates.

"Nope, never heard of him," said one neighbor, averting her eyes from the Stillman Street rowhouse Slight's family has owned since 1992.

Indeed, getting citizens to cooperate in cracking cases and securing convictions "is our single biggest obstacle," Conn said. "We solve 80 percent of our shootings but only make arrests in 30 percent."

"For some witnesses, there is a level of intimidation," Conn said. "But a lot of times, our victims have worse [criminal] records than our defendants, so they don't want to cooperate."

Without witnesses, many cases crumble, leaving offenders free to return to the streets and resume their wayward ways. About three-fourths of Slight's arrests were dismissed or prosecution was withdrawn for "lack of evidence," typically prosecutorial parlance for no-show witnesses.

Such reluctance to cooperate with authorities is deeply rooted in many poor inner-city neighborhoods, where distrust in police is rampant and "street cred" demands that victims seek justice personally, said Elijah Anderson, a University of Pennsylvania sociologist and author of the 1999 book "Code of the Street."

Such vigilantism is an inevitable catalyst for more gun violence, experts agree.

Hotheads who used to settle battles with their fists now brandish guns instead, veteran law-enforcement authorities say. Eighty percent of the city's recent murderers used guns to kill, police department data show.

"Seventy to 80 percent of our shootings are not drug-related; they're territorial fights or just something stupid like: 'He looked at me wrong,' " Conn said.

But the revolving door for repeat gun offenders has plenty of other reasons for spinning, according to police, prosecutors, judges and criminologists.

Cases get tossed out for faulty searches or incomplete evidence. Judges frustrated with frequent postponements occasionally dismiss cases to alleviate backlogs. Witnesses or officers who get sick or die could halt a case. Witness-credibility problems could prompt prosecutors to drop cases.

And fierce family loyalties can thwart some cases.

When an 8-year-old boy was shot on Sigel Street in South Philadelphia in August, the victim's family originally gave authorities a false name and declined to cooperate, Conn said. The shooters were two brothers trading gunfire, and their innocent-bystander victim was their young cousin, who was playing nearby, he added.

Some observers also blame bail and sentencing issues.

A defendant sentenced to more than two years typically must serve that time in a state prison. This prompts some judges to set shorter sentences than they might otherwise, theorizing that rehabilitation is more likely if inmates remain close to their families, prosecutors and law-enforcement experts say.

In Slight's case, his sole convictions - both for drugs - resulted in probation and a three-to-12-month prison sentence, according to court records.

The changing demographic of violent offenders also affects sentencing, experts say.

City police are arresting more juveniles for gun crimes, with almost 15 percent of all firearms-violation charges through July involving teens under age 18, statistics show. That's up almost 3 percentage points from the year before, the data indicates.

Juveniles typically encounter more-lenient sentencing than adults charged with similar crimes, experts say.

A few ideas

State Rep. Harold James has a plan that might have kept Khalil Slight's gun holstered.

The lawmaker introduced a bill - part of a 96-proposal gun-control package legislators debated during the past two weeks in Harrisburg - that would require a minimum bail of \$50,000 for anyone who shows or uses a gun while committing a crime.

The bill is being studied in committee, and James said he'll push for passage by the end of the year.

"We are in a state of emergency, we are in a state of war, with these gun crimes," said James, D-South Philadelphia. "Our police are arresting the same people over and over again. We need to stop these retaliation and revenge shootings."

James has experienced the epidemic of gun violence from all angles.

When he was 14, his buddy gave him a stolen gun, his ticket to acceptability with a local gang. After a week, James passed it on to another friend, but when the gun eventually was seized by police, James got probation for his role in the gun hand-down.

Years later, when James became a Philadelphia cop, he learned how it felt to be a shooting victim. Responding to a robbery in Point Breeze in 1979, James was shot in the arm by a thug with a stolen gun.

"I'm not for mandatory sentencing, because I think judges should have discretion," James said. "But we need to raise the bail so people don't use their time before trial to terrorize more citizens. [Raising bail in gun cases] can save some lives and serious injury."

Other proposals that could have affected cases like Slight's were shot down by lawmakers last week. The proposals included limiting handgun purchases to one a month to slow the illegal gun trade, and returning more local control to municipalities to enact tighter firearms restrictions. Measures still being considered include hiring more cops, expanding funding for programs aimed at reducing juvenile recidivism rates, and toughening career-criminal laws.

One judicial leader said high bail could help but isn't a cure-all.

"Bail is supposed to be reasonable, and it is to ensure a defendant's reappearance in court," said President Judge C. Darnell Jones II of the Philadelphia Court of Common Pleas. "[Raising bail for gun offenders] is a visceral reaction that is wholly understandable and in many instances justified, but the guidelines for setting bail are dependent upon a number of factors, against the backdrop of a presumption of innocence."

Instead, Jones said, a zero-tolerance attitude must be adopted for gun offenders.

"I think the answer is incarceration, incarceration, incarceration, when it comes to gun crimes," Jones said.

Speedier trials also would give a habitual offender less time to commit more crimes between arrest and possible conviction, Jones added.

Prosecuting gun crimes on a federal level has helped the city lock up some habitual offenders, said Robert Reed, deputy chief of the U.S. attorney's office's criminal division.

Cases prime for federal prosecution include repeat offenders with a violent history and those in crime-plagued areas, in which a defendant's cooperation could lead to more arrests, Reed said.

As part of the federal Project Safe Neighborhoods program, Reed's office reviews all city gun arrests and takes over especially serious cases. He wasn't sure why his office didn't take any of Slight's cases.

Federal prosecution typically results in stiffer prison sentences. Gun offenders with three prior violent-crime or felony drug convictions face a mandatory 15-year sentence under federal law, Reed said.

Since Project Safe Neighborhoods started in 2001, Reed's office has charged 1,423 gun offenders, of whom 1,291 have been convicted and received an average sentence of 9.6 years in prison without parole, Reed said. More than 160 of those convicts were charged under the career-criminal law, he added.

Still, Conn said, lawmakers and the criminal-justice system must go even further.

"The answer is tougher laws for mere possession of a gun," Conn said. "Because the first two or three times, you'll just get probation. That's a problem, because if you have a gun and you get into a fight, you're probably going to use it."

Such a law would have given authorities 11 chances to remove Khalil Slight from the streets, records show.

Judges also should issue bench warrants for witnesses who fail to show up in court to testify against defendants, Conn said. Such warrants would have ensured prosecution in more than a dozen cases against Slight that were dropped because of no-show witnesses, records show.

Unwilling witnesses occasionally are brought in on bench warrants, most commonly in homicide cases. But Jones said some witnesses may have reasonable excuses for failing to show up in court, such as child-care needs or unforgiving employers.

And ethical issues arise as well, Jones said.

"The witness could end up in custody while the defendant gets out on bail, and that's a travesty," he said.

That has happened before. A city man who witnessed a 2003 homicide outside a North Philadelphia bar was placed in custody in November 2004 to ensure his testimony in the suspect's trial. When the murder case was dropped, witness Korvel Odd remained, forgotten, in jail for two months and was freed only after sending a written plea to a public defender. Odd is suing the district attorney's office and the prosecutor who jailed him.

Jones and Conn emphasized the community's role in halting repeat gun offenders, saying that poor parenting had created corrupt kids with no sense of ethics because their misdeeds go unpunished at home.

"I can't fathom what I would do as a parent, would my child involve himself in that [criminal] conduct *one* time, let alone a *second* time - we wouldn't even get to a second time," said Jones, who has five grown children.

The ongoing curfew crackdown in South Philadelphia - home of the largest amount of the city's juvenile-on-juvenile crime - also is crucial, Conn added. More community-based preventative programs aimed at getting potential juvenile troublemakers off streets also would help, he said.

A city-funded reward program that offers cash for information leading to the recovery of illegal guns has paid out almost \$100,000 in three years, said Officer Tasha Norman of the Gun Recovery and Reward Information Program. The program has fielded more than 850 calls since its inception, with officers recovering 252 guns, Norman said.

From bad to worse

To Ruth Donnelly, the remedy to skyrocketing murder rates is simple: Get the Khalil Slight's off the streets.

Ernest Odom was a repeat gun offender with Slight's talent for dodging hard jail time when he stabbed Donnelly's 19-year-old son to death in 2001. Odom had attacked Justin Donnelly on a city street because he didn't like the answer the teen and his friends gave when he asked if they'd seen his lost pit bull. Five months later, Odom fatally shot another man in a dispute over a parking space.

Odom had an extensive record before the slayings, including 12 prior arrests - mostly for assaults and gun offenses - that were dismissed primarily because witnesses failed to show for court, court documents show. He also served probation and several short jail terms in five other cases involving gun and drug crimes and probation violations.

Since his incarceration, his violent streak has continued, with arrests for stabbing fellow inmates and assaulting a prison guard, court records show.

Knowing that brutes like Odom can duck tough punishment keeps Donnelly studying passers-by with suspicion and fear, even though Odom eventually met justice. He's now serving two life sentences for killing Justin Donnelly and Khaaliq Jabbar Johnson.

"You wonder how many other people are out there with records like that who just haven't seen justice yet," said Donnelly. "There needs to be a better way to track repeat offenders. There needs to be a lot of changes."

This image shows a completely blank white page. It is surrounded by a thick black border, which appears to be the edge of a scanner or a frame. There are no markings, text, or illustrations on the page itself.



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Exhibit 5



Who freed the cop-killers?

By MICHAEL P. TREMOGLIE

Once again, a Philadelphia police officer has been shot and killed by a criminal who should have been in prison instead of free to commit more mayhem and destruction.

Over the last two years, I've written more than a dozen columns about the murders committed by repeat offenders already convicted of a violent felony (sometimes murder) who spent little or no time in prison.

These columns always ask why those in the criminal system - judges, police, lawyers, probation officers, parole boards, prison officials and elected politicians - aren't held responsible for permitting such people to roam free. Unfortunately, nothing happens - except more people are murdered.

This time it was Philadelphia Police Sgt. Stephen Liczbinski, shot and killed responding to a bank robbery in Port Richmond.

All three suspects in the killing - Howard Cain, Levon T. Warner, Eric Floyd - have convictions for violent felonies.

Warner was sentenced in 1997 to 7 1/2 to 15 years on a robbery charge, one to 5 for possessing an instrument of crime and five to 10 for criminal conspiracy.

Cain was convicted in 1996 of four counts of robbery, carrying firearms without a license and criminal conspiracy. He was sentenced to five to 10 years for each robbery charge, two to four on the other charges. He had also been arrested for aggravated assault, carrying firearms without a license and reckless endangerment.

Floyd was sentenced to five to 10 years in 1995 for robbery and rearrested in 1999 for violating parole. He was released early, and convicted again in 2001 for two robberies in Lancaster.

Yet Mayor Nutter repeats the usual sophistry about guns. Hizzoner said, "That officer was assassinated on the streets of Philadelphia. There was nothing that could have protected him - that weapon penetrates vehicles."

His statement illustrates why our elected representatives are unable to reduce violent crime.

The mayor's lack of knowledge of weaponry notwithstanding, there is one patently obvious policy that definitely would have protected the officer.

If Levon Warner had served his full sentence, he would've been in prison until 2012. He could not have committed any crime in 2008.

If Howard Cain had served his full sentence, he would've been in prison to 2052. He would not have murdered anyone in 2008.

If Eric Floyd had served his full sentence, he'd have been in jail, not robbing banks, in 2008.

But all three served less than the max and committed more violent crime. This time a cop ended up dead. Why isn't the mayor addressing this more easily remedied and more salient issue?

The man who pulled the trigger should have been in prison - it's that simple. All the unconstitutional gun laws that City Council passes and the mayor signs wouldn't have prevented men like this from robbing that bank and killing Liczbinski.

The only thing that would've prevented this homicide was the one thing politicians, judges, prison officials in Philadelphia don't want to address. Warner, Cain and Floyd should have been behind bars at the time they were committing the robbery.

Tragically, this is not an isolated incident. Here are just three of many more examples:

* Jerome Whitaker, who shot Officer Mariano Santiago, had an arrest for a 1994 homicide. He served just 11 years before being paroled in July 2006. He was arrested about a year later for violating parole and released a few months later - only a few weeks before shooting Officer Santiago.

* Mustafa Ali killed two retired officers working as bank guards. Convicted in 1993 of robbing a bank, he was sentenced to only seven years, despite being eligible for 11 1/2, according to sentencing guidelines. Ultimately, Mustafa didn't serve even the seven years of the plea-bargained sentence.

* Solomon Montgomery, who killed Officer Gary Skerski, had a record of violent crimes. He was also acquitted by a lenient Philadelphia judge after being arrested for shooting someone.

It's time to address the real issue: the incompetence, ineffectiveness and

insensibility of a system that doesn't seriously incapacitate violent criminals. *

Michael P. Tremoglie is a former Philly cop and the author of "A Sense of Duty," available at Barnesandnoble.com.

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Exhibit 6

guns.com

Suspect with 14 prior arrests released from jail 4 days before shooting Philly cop



Officer James McCullough, left, Scott Griffin, center, and Samir Coyett, right. (Photo: Philadelphia Police Department)

The 23-year-old man who is facing charges for shooting a Philadelphia police officer following a carjacking Sunday night has a lengthy criminal record and, in fact, was released after being jailed on gun charges less than one week prior to Sunday's shooting.

Scott Griffin, 23, was arrested in March after he was found to be in possession of a firearm while in a stolen vehicle. His preliminary hearing was scheduled for last Wednesday, but according to a [local](#)

[NBC affiliate](#), when two witnesses failed to come to court, the case was dismissed and Griffin, who has 14 prior arrests and four open cases for drugs and guns, was set free.

Four days later, on Sunday, Griffin and an accomplice, 20-year-old Samir Coyett, robbed one man and carjacked a woman at gunpoint.

After the woman's car was stolen, she came in contact with Officer James McCullough, who subsequently went to the vehicle and confronted Griffin. The confrontation quickly turned physical and Griffin fled the scene. Officer McCullough pursued Griffin, as Covett ran in another direction. Covett, who has three prior arrests, was eventually apprehended by authorities. But during McCullough's pursuit, Griffin turned and fired a gun at the officer, striking him in the thigh.

Griffin got away and McCullough, who was losing a large amount of blood, applied a tourniquet as his partner rushed him to the hospital. The wound was not considered life-threatening, and McCullough was treated and released the following day.

Philadelphia Mayor Jim Kenney said McCullough, who has a 2-year-old daughter and is engaged to be married, looked good and strong.

That same day, about six hours prior to McCullough's release, Griffin was arrested by undercover narcotics officers. It's unclear at this point if that arrest came as a result of the shooting or if he was arrested under other accusations.

During his apprehension, authorities recovered a handgun found to be in Griffin's possession. Ballistic tests will be run to determine if it was the same gun used to shoot McCullough.

The District Attorney's office is currently determining what charges will be filed, but authorities warned the list will be lengthy.

Exhibit 7



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Posted on Sun, Mar. 23, 2008

Pa. a favored source for gun traffickers

By Mark Fazlollah
 Inquirer Staff Writer

When Trenton crack dealer Sean Hagins spotted the Pennsylvania tags and NRA sticker on a customer's pickup, he saw opportunity.

Hagins had been dealing drugs for years, was an ex-felon with a history of psychiatric problems; he could not buy guns himself. The customer, David Downs, had a nasty crack habit and had been laid off from a Bensalem belt factory.

Downs told a jury at the federal courthouse in Philadelphia that Hagins spotted the sticker on his truck and asked him if he could help him get some guns in Pennsylvania - where they're far easier to buy than in New Jersey.

"I told him yes," Downs testified last month.

By the time the feds caught up to them, Downs had ferried about 50 guns from Bucks County shops to Hagins, who moved many of them to Trenton's pushers and gang members.

Hagins and Downs' transactions were emblematic of a thriving illegal economy: exploiting Pennsylvania's relatively weak gun laws to export firearms.

"Everyone knows where these guns are ending up," said Jersey City Mayor Jerramiah Healy. "You're ending up with 15- and 16-year-old kids having guns."

These types of transactions - buying guns for others, or "straw purchases" - are illegal. They can happen anywhere. But in Pennsylvania, they're exceptionally easy.

Someone with a clean record can often buy a gun in a half hour. It takes weeks, even months, in New Jersey or New York.

As a result, at least for supplying the Northeast, Pennsylvania rivals gun-friendly Southern states like Virginia or Georgia as a firearms exporter, according to data from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Each year, hundreds of guns seized from criminals in New York and New Jersey are traced back to Pennsylvania gun stores, the ATF statistics show.

In 2006, ATF traced 332 guns from New Jersey crimes back to Pennsylvania gun dealers. No other state sent more.

The same year, 461 Pennsylvania guns were seized in New York City and state. Only Virginia sent more crime guns there, ATF found.

A review of dozens of court cases shows there is a seemingly endless supply of people willing to meet the demand for black-market guns. Most are not high-end smugglers but crack addicts, girlfriends of felons, or low-level hustlers looking to make a fast \$100.

There was Javier Checo, 28, who moved from Queens, N.Y., to Allentown and, after a prison term for robbery, plunged into gun trafficking - getting guns in Allentown for \$300 each and selling them to his drug-dealing buddy in New York City for \$800. Two of his straw buyers were single mothers with young children. In September, Checo pleaded guilty to firearms charges.

Allentown firearms trafficker Nashawn Law, 24, was sentenced to 17 years in prison for shipping dozens of guns to clients in North Jersey from 2003 to 2005. He used eight straw buyers, including two ex-girlfriends.

New York City officials were so concerned about the flow of weaponry that they sued gun stores in Pennsylvania and four other states, alleging they had failed to control straw purchases.

To illustrate the point, teams of city investigators took hidden cameras into the stores and staged mock straw purchases.

A male agent would do all the talking, sometimes even declaring that he wanted a specific gun. At the close of the sale, the female investigator would fill out the federal firearms forms, claiming the gun was for her. The man would then hand over the cash.

The suit, still pending, cited a number of examples, among them the case of a New York drug dealer who used his sister and girlfriend, both Pennsylvania residents, as straw buyers at a Reading gun store. He took nine weapons to New York.

Weak controls on gun sales are only part of the problem. In Pennsylvania and other states, police and prosecutors generally haven't made straw buyers a priority.

In Philadelphia, the police unit responsible for tracking guns is only now digging out of a 6,000-case backlog caused by inadequate staffing. The delays got so bad that judges sometimes dismissed cases because necessary lab work wasn't finished in time.



APRIL SAUL / Inquirer Staff Photographer

Trenton Sgt. Brian Suschke recovered two firearms, bought by David Downs in Bucks County and then resold, in separate cases a month apart.

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And most of the state's 67 county prosecutors didn't file any cases against alleged straw buyers in 2006 or 2007, court records show.

In Philadelphia, Assistant District Attorney Albert Toczydlowski said his office rarely prosecuted straw buyers until recently, when the state set up a task force to focus on gun violence.

The unit is making about 10 arrests a month, only a small fraction of offenders.

Federal prosecutors in Philadelphia, who have the advantage of stronger criminal penalties, likewise file only about 20 to 30 cases a year. It's a matter of limited resources, a spokesman said.

Assistant U.S. Attorney Paul Shapiro, who won convictions of Hagins and Downs, said straw buying "seems to be an epidemic."

In Trenton, guns supplied by Hagins and Downs in 2004 and 2005 helped fuel one of the most intense periods of gang violence in the city's recent history.

Police in that city recovered the guns from an accused murderer; a man who was firing wildly at people sitting on a porch; a gunman who fought with a police officer; and seven other felons.

'Friendliest gun shop'

All but one of the guns were purchased by Downs over the counter at established Bucks County sporting-goods stores, sometimes three or four at a time.

In less than two years, Downs bought 27 pistols at a small store in Penndel called Guns & Things, which bills itself as "the friendliest gun shop in Pennsylvania."

Hagins went along during one buying trip in October 2004, Downs testified.

"We were both browsing," he said. "Mr. Hagins saw the Intratec and was very interested in it."

That weapon is a 9mm Intratec DC-9 - an assault-style handgun popular with street criminals, with a flash suppressor and large-capacity ammunition magazine.

Hagins didn't have the \$593 to pay for it. But Downs said the saleswoman, who knew him well by this time, agreed to put it aside. They went to Trenton to get the cash, and Downs picked it up the next day.

Hagins resold the gun for \$2,500, according to testimony.

A little more than a year later, police seized the DC-9 from a 16-year-old accused murderer, Kayir Cauthen, allegedly a member of the Bloods street gang. Prosecutors say he used a different weapon to kill a 34-year-old man he mistakenly thought was from a rival gang. His trial is pending, and his lawyer says he's innocent.

Guns & Things owner Mary Ann Dobdrenz winced when a reporter told her the DC-9 ended up in the hands of an accused killer.

In an interview at her shop, which she runs out of her home, Dobdrenz said it was often impossible to separate the straw buyers from the gun enthusiasts.

"You just can't tell from looking at a person," she said.

Downs, 47, has a solid middle-class background. He graduated from Delhaas High School in Bucks County and owned a three-bedroom house in nearby Levittown. He even had a permit to carry a concealed weapon.

Eventually, Dobdrenz said, she grew worried about Downs. She passed a list of his gun purchases to a local police officer, who promised to give it to the FBI. She never heard whether federal investigators saw her list.

Dobdrenz said she did ask Downs why he needed so many guns. She never got a good answer.

"He was a real talker," Dobdrenz said. "There was always a different story."

A tough sell

Measures aimed at discouraging straw buyers have been a tough sell in Harrisburg.

In November, three weeks after Philadelphia Police Officer Chuck Cassidy was killed and several other officers were wounded, Rendell called for lawmakers to "stop the straw purchasers and distribution of illegal handguns."

"Pennsylvania guns are everywhere, and Pennsylvania is a haven for straw purchasers," he said.

The state's guns have left a trail of blood, Rendell said. In 2006, a police officer in New Hartford, N.Y., was killed with a gun that came from an Upper Darby straw buyer.

Rendell proposed several laws to crack down on the black-market sales, including one that would limit buyers to one gun a month. Most of the legislation remains bottled up in a House committee.

One bill made it to the House floor: a measure to require gun owners to file a police report when a gun is lost or stolen. But the legislature derailed it last week.

"Our first priority is to have that type of law," said Joe Grace, director of CeaseFire PA.

Now, investigators say, when straw buyers are tracked down, their most common story is that they really bought the guns for themselves, but that the guns were stolen. It's often impossible to disprove.

If the reporting law were in place, buyers who told that story could be arrested - a tool that police say would help them find out where the guns are really going.

George Romanoff, president of the Pennsylvania Association of Firearms Retailers, says the state doesn't need more laws aimed at straw buyers, just tougher enforcement of ones already on the books.

"It's supposed to be a felony. They plea-bargain a lot of these things away," said Romanoff, who owns Western Pennsylvania's largest gun shop.

Some other states subject buyers to much more scrutiny. In New Jersey and at least four other states, gun buyers must get a police permit; in New Jersey, that means a police photo and fingerprinting - a prospect that scares away many straw buyers, experts say.

One of the Trenton guns, a Colt revolver purchased at a Croydon shop, ended up in the hands of convicted drug dealer Dee Thomas, 23.

About 9 p.m. July 27, 2005, Trenton police saw Thomas firing the Colt at a group of men sitting on a porch on Greenwood Avenue near downtown Trenton, in a block of old houses converted into apartments. One officer opened fire. Thomas fell on the ground and surrendered, shouting that he was firing at a man who had robbed him.

No one was hit. Thomas was sentenced to five years in jail.

Two other Downs-supplied guns were recovered by the same Trenton officer, Sgt. Brian Suschke.

In June 2005, he found a .45-caliber semiautomatic - purchased from Guns & Things - when he searched the car of Anthony Anderson, 27, who later pleaded guilty to felony firearms charges.

The next month, Suschke recovered a .40-caliber Sig Sauer after pusher Armond Holloway tossed the gun and ran. Holloway went to prison for 22 years for drug dealing and weapons offenses.

That case showed how fast guns made it to the street. Downs had purchased the Sig Sauer just a month before, at Mike's Sporting Goods in Levittown.

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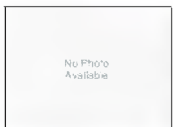
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Michael Glessner, the owner of Mike's, said he, too, became suspicious when Downs kept coming back to buy more guns - 13 in all, in eight visits.

In an interview, Glessner said that he questioned Downs intensely during the last purchase, in June 2005.

"You're buying a lot of guns," Glessner said he told Downs. "If you're doing something funny . . . I'm going to testify that I told you, that I personally asked."

Glessner, who has had many problems with straw buyers, said Downs insisted he was purchasing guns for his collection. Glessner sold him two more pistols.

Before each sale, Glessner ran Downs through the state computerized checking system, which screens for felony convictions and other disqualifiers, such as commitment to a mental institution. It takes about five minutes.

"Maybe there should be a little more than that," Glessner said of Pennsylvania's rules.

A paper trail

As required by law, each gun dealer was filing a report with ATF whenever Downs purchased more than one gun a week.

In December 2005, agents checking up on those reports knocked on his door and asked to see the guns. Downs confessed. He agreed to wear a wire and testify in court.

His evidence helped convict Hagins on an array of gun-trafficking charges.

Hagins is awaiting sentencing; Downs is scheduled to be sentenced tomorrow.

Prosecutors and agents say they could catch many more straw buyers, using existing laws, if they had more resources.

In late 2006, the state set aside \$5 million for a special team of investigators and prosecutors to attack Philadelphia's gun violence.

The task force decided to focus on straw buyers and hired retired city homicide detectives to investigate cases that had previously been ignored.

Now, every criminal caught with a gun is interviewed about where it came from, and every gun seized by Philadelphia police is traced to its original buyer.

"It gets the word out: Somebody is looking at these straws now," Toczydlowski said. "You can't arrest everyone who commits every crime. But with this crime, you can have an effect."

Kevin Harley, a spokesman for the state Attorney General's Office, which oversees the task force, said the effort was making progress.

But he cautioned that, given the scale of the underground gun economy, there would be no quick solutions.

"You just hope you're not spitting in the wind," Harley said.

Contact staff writer Mark Fazlollah

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Exhibit 8

As Philly homicides rise, Krasner formulates gun violence strategy

By: Ryan Briggs

Today, incoming Philadelphia DA Larry Krasner will join [DAs and prosecutors from around the country](#) in Washington, D.C., to sound off on pending federal gun control legislation. But with homicides on the uptick again at home, Krasner, a staunch progressive, said he's still fleshing out what – if anything – he will do differently from his predecessors to address gun crime while in office.

“I think the answer to your question is that we're not sure yet. We're still trying to pin down an answer, but we want to see data,” said spokesperson Ben Waxman. “We still plan on going after illegal guns, straw purchasers, gun shops that sell tons of weapons that wind up being used in crime, and folks who fail to report lost or stolen guns.”

The DA-elect made similar statements while on the campaign trail, emphasizing the need for crackdowns on gun shops and straw buyers. But Krasner was notably not the first pick for some local gun control advocates – the prominent anti-gun violence group CeaseFire PA didn't endorse anyone for DA, although candidate and former city managing director Richard Negrin sits on that group's board. The local Fraternal Order of Police, which views gun control as a potentially life-saving strategy for its membership, endorsed Negrin.

Negrin's campaign rhetoric was not wildly different from Krasner's – he emphasized increased background checks but similarly targeted the flow of illegal guns into Philadelphia. However, some of Krasner's [progressive criminal justice supporters](#) have been critical of policies pursued under now-jailed DA Seth Williams that sought to jail more offenders over firearms violations.

Williams had pursued a strategy of “focused deterrence” – using data, dialogue with likely criminal offenders, increased bail and steep sentences for otherwise nonviolent firearms violations during his tenure to preemptively dissuade gun crime in high-violence areas.

“We tell them, ‘If anyone in your crew, if anyone in your gang commits a crime with a gun, we're going to hold your entire crew responsible,’” Williams said when

describing the strategy in 2016. “It’s like a positive peer pressure. They say, ‘Whoa. Whoa, look. Don’t do anything with a gun. Because that’s gonna bring heat on us.’”

CeaseFire PA director Shira Goodman said her group wants some of these policies maintained – she didn’t want firearm violations pled out or dismissed early on in criminal cases. When asked about concerns that Krasner might curb Williams-era initiatives, Goodman said she felt confident that the DA-elect and her group were on the same page.

“We’re taking a bit of a wait-and-see approach. We haven’t seen anything yet that gives us great encouragement or pause,” Goodman said. “But a lot of survivors we work with have met with him and they felt strongly that he would take the issue seriously. I’ve met with Larry and I don’t see a conflict between criminal justice reform and combating gun violence. And he doesn’t, either.”

Krasner, who has represented those charged with firearm violations as a defense attorney, has frequently cited [his support for a clerical group called Heeding God’s Call](#), which picketed gun shops with suspected ties to straw purchasers. At one point, he represented members of that group [arrested for picketing one such shop](#).

The owner of one Philadelphia gun store said he was unaware of Krasner’s plans but seemed unsurprised they involved more attention paid to dealers. He declined to be quoted because he had “stopped talking to the news media.”

Homicides are up 15 percent over this time last year, with the body count expected to surpass 300 for the first time since 2012. Roughly 85 percent of these murders are committed with firearms, according to police department data.

Despite a stated focus on disrupting the supply chain of illegal weapons, Krasner said this is far from a complete solution.

“There are more guns than people...If you are going to stop 16-year-olds from picking up guns...They need a reason to not want to pick up a gun,” he said at a forum while campaigning for DA earlier this year. “The way they get that hope is by putting your money into education, into drug treatment.”

Correction: An earlier version of this story incorrectly stated that Ceasefire PA had endorsed its board member Richard Negrin for DA. In fact, the group made no endorsement.

Exhibit 9



First Judicial District of Pennsylvania Court Summary

Hill, Maurice
Philadelphia, PA 19132
Aliases:
Maurice Hill
Maurice P. Hill
Mitchell Hill

DOB: 04/26/1983

Sex: Male
Eyes: Brown
Hair: Black
Race: Black

Active

Philadelphia

CP-51-MD-0004068-2010

Proc Status: Transfer Case

DC No:

OTN:K1782502

Arrest Dt: 09/21/2007 Trial Dt:

Legacy No:

Def Atty: Weiss, Edward J. - (PR)

Last Action:

Last Action Date:

Last Action Room:

Next Action:

Next Action Date:

Next Action Room:

Seq No	Statute	Grade	Description	Disposition
1	18 § 3502		Burglary	
2	18 § 3503		Crim Tres-Enter Structure	
3	18 § 5121		Escape	
4	18 § 5511.2		Illegal To Taunt Police Animal	
5	18 § 5104		Resist Arrest/Other Law Enforce	

CP-51-MD-0006977-2016

Proc Status: Awaiting Pre-Trial Conference

DC No:

OTN:

Arrest Dt: Trial Dt:

Legacy No:

Def Atty: Mann, Jessica Consuela - (PR)

Last Action: Pre-Trial Conference

Last Action Date: 07/07/2017

Last Action Room: 805

Next Action:

Next Action Date:

Next Action Room:

Closed

Delaware

CP-23-CR-0006535-2007

Proc Status: Completed

DC No:

OTN:K1782502

Arrest Dt: 09/21/2007 Disp Date: 06/17/2008 Disp Judge: Nilon, James F. Jr.

Def Atty: Weiss, Edward J. - (PR)

Seq No	Statute	Grade	Description	Disposition
1	18 § 3502 §§ A	F2	Burglary	Nolle Prossed
2	18 § 3503 §§ A11	F3	Crim Tres-Enter Structure	Guilty Plea
	06/17/2008 Probation	2 Years		Max: 2 Year(s)
3	18 § 5121 §§ A	F3	Escape	Guilty Plea
	06/17/2008 Confinement	Other		Min: 291 Day(s) Max: 2 Year(s)
4	18 § 5511.2 §§ A	F3	Illegal To Taunt Police Animal	Nolle Prossed
5	18 § 5104	M2	Resist Arrest/Other Law Enforce	Nolle Prossed

CP-23-CR-0003849-2008

Proc Status: Sentenced/Penalty Imposed

DC No:

OTN:K1782454

Arrest Dt: 09/01/2007

Disp Date: 06/17/2008

Disp Judge: Nilon, James F. Jr.

CPCMS 3541

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Delaware (Continued)

Def Atty: Weiss, Edward J. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
1	35 § 780-113 §§ A30	F	Manuf/Del/Poss/W Int Manuf Or Del	Nolle Prossed
2	18 § 2702 §§ A1	F1	Aggravated Assault	Nolle Prossed
3	18 § 2702 §§ A1	F1	Aggravated Assault	Nolle Prossed
4	18 § 2702 §§ A1	F1	Aggravated Assault	Nolle Prossed
5	18 § 2702 §§ A2	F1	Aggravated Assault	Nolle Prossed
6	18 § 2702 §§ A2	F1	Aggravated Assault	Nolle Prossed
7	18 § 2702 §§ A2	F1	Aggravated Assault	Nolle Prossed
8	18 § 2702 §§ A3	F2	Aggravated Assault	Nolle Prossed
9	18 § 2702 §§ A3	F2	Aggravated Assault	Nolle Prossed
10	18 § 2702 §§ A3	F2	Aggravated Assault	Nolle Prossed
11	18 § 2702 §§ A4	F2	Aggravated Assault	Nolle Prossed
12	18 § 2702 §§ A4	F2	Aggravated Assault	Nolle Prossed
13	18 § 2702 §§ A4	F2	Aggravated Assault	Nolle Prossed
14	18 § 2702 §§ A6	F2	Aggravated Assault	Nolle Prossed
15	18 § 2702 §§ A6	F2	Aggravated Assault	Nolle Prossed
16	18 § 2702 §§ A6	F2	Aggravated Assault	Nolle Prossed
17	75 § 3733 §§ A	F3	Fleeing or Attempting to Elude Officer	Guilty Plea - FEDERAL
06/17/2008	Confinement	Other	Max: 23 Month(s)	
18	35 § 780-113 §§ A1	M	Manuf Etc Controlled Substance	Nolle Prossed
19	35 § 780-113 §§ A2	M	Adulte Misbrand Any Controlled Subst	Nolle Prossed
20	35 § 780-113 §§ A16	M	Int Poss Contr Subst By Per Not Reg	Nolle Prossed
21	35 § 780-113 §§ A32	M	Use/Poss Of Drug Paraph	Nolle Prossed
22	75 § 3802 §§ D2*	M	DUI: Controlled Substance - Impaired Ability - 1st Offense	Guilty Plea - UNCLEAR...
06/17/2008	Confinement	Other	Max: 6 Month(s)	
23	75 § 3743 §§ A	M3	Accident Involv Damage Attended Vehicle/Prop	Nolle Prossed
24	75 § 3743 §§ A	M3	Accident Involv Damage Attended Vehicle/Prop	Nolle Prossed
25	18 § 2701 §§ A1	M3	Simple Assault	Nolle Prossed
26	18 § 2701 §§ A1	M3	Simple Assault	Nolle Prossed
27	18 § 2701 §§ A1	M3	Simple Assault	Nolle Prossed
28	18 § 2701 §§ A2	M3	Simple Assault	Nolle Prossed
29	18 § 2701 §§ A2	M3	Simple Assault	Nolle Prossed
30	18 § 2701 §§ A2	M3	Simple Assault	Nolle Prossed
31	18 § 2701 §§ A3	M3	Simple Assault	Nolle Prossed

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Delaware (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
32	18 § 2701 §§ A3	M3	Simple Assault	Nolle Prossed
33	18 § 2701 §§ A3	M3	Simple Assault	Nolle Prossed
34	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
35	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
36	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
37	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
38	18 § 5104	M2	Resist Arrest/Other Law Enforce	Guilty Plea
06/17/2008	Confinement	Other	Max: 12 Month(s)	
39	18 § 4914 §§ A	M3	False Identification To Law Enf. Off.	Nolle Prossed
40	18 § 3304 §§ A1	S	Crim Misch/Dmg Prop Intent, Reckless, Or Neglig	Nolle Prossed
41	18 § 3304 §§ A3	S	Crim'l Misch-Another Pecun Loss	Nolle Prossed
42	18 § 3503 §§ B1II	S	Def Tres Posted	Nolle Prossed
43	18 § 5503 §§ A1	S	Disorderly Conduct Engage In Fighting	Nolle Prossed
44	18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	Nolle Prossed
45	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	Nolle Prossed
46	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	Nolle Prossed
47	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	Nolle Prossed
48	75 § 3745 §§ A	S	Acci Dam To Unattended Veh Or Propert	Nolle Prossed
49	75 § 3745 §§ A	S	Acci Dam To Unattended Veh Or Propert	Nolle Prossed
50	75 § 3736 §§ A	S	Reckless Driving	Nolle Prossed
51	75 § 3714 §§ A	S	Careless Driving	Nolle Prossed
52	75 § 3112 §§ A3I	S	Failure To Stop At Red Signal	Nolle Prossed
53	75 § 3323 §§ B	S	Duties At Stop Sign	Nolle Prossed
54	75 § 3323 §§ B	S	Duties At Stop Sign	Nolle Prossed
55	75 § 3361	S	Driving at Safe Speed	Nolle Prossed
56	75 § 1372 §§ 2	S	Misuse Plate-Card (Regis)	Nolle Prossed
57	75 § 1372 §§ 3	S	Display Plate Card In Impropr Veh	Nolle Prossed
58	75 § 1786 §§ F	S	Oper Veh W/O Req'd Financ Resp	Nolle Prossed
59	75 § 1501 §§ A	S	Driving W/O A License	Nolle Prossed

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Delaware (Continued)

CP-23-MD-0000064-2008

Proc Status: Completed

DC No:

OTN:K1782454

Arrest Dt: 09/01/2007

Disp Date:

Disp Judge:

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	35 § 780-113 §§ A1	M	Manuf Etc Controlled Substance	
2	35 § 780-113 §§ A2	M	Adulte Misbrand Any Controlled Subst	
3	35 § 780-113 §§ A16		Int Poss Contr Subst By Per Not Reg	
4	35 § 780-113 §§ A30	F	Manuf/Del/Poss/W Int Manuf Or Del	
5	35 § 780-113 §§ A32	M	Use/Poss Of Drug Paraph	
6	18 § 2702 §§ A1	F1	Aggravated Assault	
7	18 § 2702 §§ A1	F1	Aggravated Assault	
8	18 § 2702 §§ A1	F1	Aggravated Assault	
9	18 § 2702 §§ A2	F1	Aggravated Assault	
10	18 § 2702 §§ A2	F1	Aggravated Assault	
11	18 § 2702 §§ A2	F1	Aggravated Assault	
12	18 § 2702 §§ A3	F2	Aggravated Assault	
13	18 § 2702 §§ A3	F2	Aggravated Assault	
14	18 § 2702 §§ A3	F2	Aggravated Assault	
15	18 § 2702 §§ A4	F2	Aggravated Assault	
16	18 § 2702 §§ A4	F2	Aggravated Assault	
17	18 § 2702 §§ A4	F2	Aggravated Assault	
18	18 § 2702 §§ A6	F2	Aggravated Assault	
19	18 § 2702 §§ A6	F2	Aggravated Assault	
20	18 § 2702 §§ A6	F2	Aggravated Assault	
21	18 § 2701 §§ A1		Simple Assault	
22	18 § 2701 §§ A1		Simple Assault	
23	18 § 2701 §§ A1		Simple Assault	
24	18 § 2701 §§ A2		Simple Assault	
25	18 § 2701 §§ A2		Simple Assault	
26	18 § 2701 §§ A2		Simple Assault	
27	18 § 2701 §§ A3		Simple Assault	
28	18 § 2701 §§ A3		Simple Assault	
29	18 § 2701 §§ A3		Simple Assault	
30	18 § 2705	M2	Recklessly Endangering Another Person	
31	18 § 2705	M2	Recklessly Endangering Another Person	
32	18 § 2705	M2	Recklessly Endangering Another Person	

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Delaware (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
33	18 § 2705	M2	Recklessly Endangering Another Person	
34	18 § 5104	M2	Resist Arrest/Other Law Enforce	
35	18 § 4914 §§ A	M3	False Identification To Law Enf. Off.	
36	18 § 3503 §§ BIII	S	Def Tres Posted	
37	18 § 3304 §§ A1		Crim Misch/Dmg Prop Intent, Reckless, Or Neglig	
38	18 § 3304 §§ A3		Crim'l Misch-Another Pecun Loss	
39	18 § 5503 §§ A1	S	Disorderly Conduct Engage In Fighting	
40	18 § 5503 §§ A4	S	Disorder Conduct Hazardous/Physi Off	
41	75 § 3802 §§ D2*	M	DUI: Controlled Substance - Impaired Ability - 1st Offense	
42	75 § 3733 §§ A		Fleeing or Attempting to Elude Officer	
43	75 § 3743 §§ A	M3	Accident Involv Damage Attended Vehicle/Prop	
44	75 § 3743 §§ A	M3	Accident Involv Damage Attended Vehicle/Prop	
45	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	
46	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	
47	75 § 3744 §§ A	S	Fail Stop And Give Infor Render Aid	
48	75 § 3745 §§ A	S	Acci Dam To Unattended Veh Or Propert	
49	75 § 3745 §§ A	S	Acci Dam To Unattended Veh Or Propert	
50	75 § 3736 §§ A	S	Reckless Driving	
51	75 § 3714 §§ A	S	Careless Driving	
52	75 § 3112 §§ A3I	S	Failure To Stop At Red Signal	
53	75 § 3323 §§ B	S	Duties At Stop Sign	
54	75 § 3323 §§ B	S	Duties At Stop Sign	
55	75 § 3361	S	Driving at Safe Speed	
56	75 § 1372 §§ 2	S	Misuse Plate-Card (Regis)	
57	75 § 1372 §§ 3	S	Display Plate Card In Improv Veh	
58	75 § 1786 §§ F	S	Oper Veh W/O Req'd Financ Resp	
59	75 § 1501 §§ A	S	Driving W/O A License	

Philadelphia

CP-51-CR-1010861-2001

Proc Status: Completed

DC No: 0112074531

OTN:N1005480

Arrest Dt: 09/22/2001

Disp Date: 10/30/2002

Disp Judge: Dych, Joseph A.

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

Def Atty: Santaguida, Joseph C. - (PR)

Seq No	Statute	Grade	Description	Disposition
Sentence Dt.	Sentence Type	Program Period	Sentence Length	
1	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Guilty - FEDERAL - F3 OR M1
10/30/2002	No Further Penalty			
2	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Guilty - FEDERAL - M1 VIA 6119
10/30/2002	No Further Penalty			
3	18 § 6105		POSSESSION ARMS-CONV CRIME OF VIOLENCE	Guilty
10/30/2002	Confinement		Min: 9 Month(s) Max: 18 Month(s)	
10/30/2002	Probation		Min: 2 Year(s)	
4	18 § 6117		VUFA ALTER/OBLITERATE MARKS IDENTIFICATION	Guilty - FEDERAL - F2
10/30/2002	No Further Penalty			
5	18 § 6110.2		POSS FIREARM ALTERED SERIAL NUMBER	Guilty - FEDERAL - M1 PRE-2008 (ACT 131)
10/30/2002	No Further Penalty			

CP-51-CR-0801051-2002

Proc Status: Completed

DC No: 0212020461

OTN:N1371495

Arrest Dt: 03/26/2002

Disp Date: 09/08/2003

Disp Judge: Bright, Gwendolyn N.

Def Atty: Sagot, Allan Jeffrey - (PR)

Seq No	Statute	Grade	Description	Disposition
Sentence Dt.	Sentence Type	Program Period	Sentence Length	
1	35 § 780-113 §§ A30		MFG/DEL/ OR POSS W/ MFG OR DEL CONTRL SUBS	Guilty Plea - FEDERAL, STATE 6105(c)(2)
09/08/2003	Confinement		Min: 2 Year(s) Max: 4 Year(s)	
2	18 § 907		POSSESSING INSTRUMENTS OF CRIME	Nolle Prossed
3	18 § 908.1		PROHIBITED OFFENSIVE WEAPONS	Nolle Prossed
4	35 § 780-113 §§ A16		KNOWING/INTENTIONALLY POSS CONTROLLED SUBST	Nolle Prossed
5	35 § 780-113 §§ A32		DRUG PARAPHERNALIA	Nolle Prossed
6	18 § 903		CRIMINAL CONSPIRACY	Guilty Plea - FEDERAL
09/08/2003	Confinement		Min: 2 Year(s) Max: 4 Year(s)	

CP-51-CR-0200131-2003

Proc Status: Completed

DC No: 0212086131

OTN:N1793072

Arrest Dt: 11/16/2002

Disp Date: 05/26/2004

Disp Judge: O'Grady, John J. Jr.

Def Atty: Blake, John P. - (CA)

Seq No	Statute	Grade	Description	Disposition
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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 2702		AGGRAVATED ASSAULT	Nolle Prossed
2	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Nolle Prossed
3	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Nolle Prossed
4	18 § 6105		POSSESSION ARMS-CONV CRIME OF VIOLENCE	Nolle Prossed
5	18 § 907		POSSESSING INSTRUMENTS OF CRIME	Nolle Prossed
6	18 § 2701		SIMPLE ASSAULT	Nolle Prossed
7	18 § 2705		RECKLESSLY ENDANGERING ANOTHER PERSON	Nolle Prossed
8	18 § 903		CRIMINAL CONSPIRACY	Nolle Prossed

CP-51-CR-0200261-2003

Proc Status: Completed

DC No: 0219084218 OTN:N1793072

Arrest Dt: 11/16/2002

Disp Date: 05/26/2004

Disp Judge: O'Grady, John J. Jr.

Def Atty: Blake, John P. - (CA)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 3701		ROBBERY	Nolle Prossed
2	18 § 2901		KIDNAPPING FORCE THREAT DECEPTION	Nolle Prossed
3	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Nolle Prossed
4	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Nolle Prossed
5	18 § 6105		POSSESSION ARMS-CONV CRIME OF VIOLENCE	Nolle Prossed
6	18 § 3921		THEFT BY UNLAWFUL TAKING OR DISPOSITION	Nolle Prossed
7	18 § 3925		THEFT BY RECEIVING STOLEN PROPERTY	Nolle Prossed
8	18 § 907		POSSESSING INSTRUMENTS OF CRIME	Nolle Prossed
9	18 § 2902		UNLAWFUL RESTRAINT	Nolle Prossed
10	18 § 2701		SIMPLE ASSAULT	Nolle Prossed
11	18 § 2705		RECKLESSLY ENDANGERING ANOTHER PERSON	Nolle Prossed
12	18 § 2903		FALSE IMPRISONMENT	Nolle Prossed
13	18 § 903		CRIMINAL CONSPIRACY	Nolle Prossed

CP-51-CR-0700691-2005

Proc Status: Completed

DC No: 0512033057 OTN:N3349706

Arrest Dt: 05/04/2005

Disp Date: 04/21/2006

Disp Judge: Overton, George W.

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First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

Def Atty: McMonagle, Brian J. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	35 § 780-113 §§ A30	F	MFG/DEL/ OR POSS W/I MFG OR DEL CONTRL SUBS	Nolle Prossed
2	35 § 780-113 §§ A16	M	KNOWING/INTENTIONALLY POSS CONTROLLED SUBST	Nolle Prossed

CP-51-CR-0006447-2007

Proc Status: Completed

DC No: 0718030679

OTN:N4728846

Arrest Dt: 05/18/2007

Disp Date: 11/02/2007

Disp Judge: Overton, George W.

Def Atty: Maynard, Wayne R. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 6105 §§ A1	F2	Possession Of Firearm Prohibited	Nolle Prossed
2	18 § 6106 §§ A1	F3	Firearms Not To Be Carried W/O License	Nolle Prossed
3	18 § 6108	M1	Carry Firearms Public In Phila	Nolle Prossed
4	18 § 907 §§ A	M1	Poss Instrument Of Crime W/Int	Nolle Prossed
5	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
6	18 § 5104	M2	Resist Arrest/Other Law Enforce	Nolle Prossed
7	18 § 907 §§ C	F3	Unlawful Body Armor	Nolle Prossed
99999	18 § 6105 §§ A2i	F2	Person Not To Possess Use Etc. Firearms	Charge Changed

CP-51-CR-0002325-2009

Proc Status: Completed

DC No: 0712071637

OTN:N5921985

Arrest Dt: 01/16/2009

Disp Date: 06/01/2011

Disp Judge: Gordon, Roger F.

Def Atty: Weaver, Sandjai - (CA)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
1	18 § 2702 §§ A	F1	Aggravated Assault	Guilty Plea - Negotiated
06/01/2011	Confinement	1 1/2 - 3 years	Min: 1 Year(s) 6 Month(s) Max: 3 Year(s)	
2	18 § 907 §§ A	M1	Poss Instrument Of Crime W/Int	Nolle Prossed
3	18 § 2706 §§ A1	M1	Terroristic Threats W/ Int To Terrorize Another	Nolle Prossed
4	18 § 2701 §§ A	M2	Simple Assault	Nolle Prossed
5	18 § 2705	M2	Recklessly Endangering Another Person	Nolle Prossed
99999	18 § 901 §§ A		Criminal Attempt - Murder	Disposed at Lower Court
99999	18 § 6105 §§ A2i	F2	Person Not To Possess Use Etc. Firearms	Disposed at Lower Court
99999	18 § 6106 §§ A1	F3	Firearms Not To Be Carried W/O License	Disposed at Lower Court
99999	18 § 6108	M1	Carry Firearms Public In Phila	Disposed at Lower Court

- FEDERAL
STATE

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Please note that if the offense disposition information is blank, this only means that there is not a "final disposition" recorded in the Common Pleas Criminal Court Case Management System for this offense. In such an instance, you must view the public web docket sheet of the case wherein the offense is charged in order to determine what the most up-to-date disposition information is for the offense.



First Judicial District of Pennsylvania Court Summary

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

CP-51-CR-0009794-2012

Proc Status: Awaiting Violation of Probation

DC No: 1218030907

OTN:N8145270

Arrest Dt: 07/18/2012

Disp Date: 11/28/2012

Disp Judge: Means, Rayford A.

Def Atty: Driscoll, Raymond C. - (CA)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
<u>Sentence Dt.</u>	<u>Sentence Type</u>	<u>Program Period</u>	<u>Sentence Length</u>	
1	18 § 4902 §§ A	F3	Perjury	Guilty Plea - Non-Negotiated
	04/11/2013	Probation	7 years	Max: 7 Year(s)
2	18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Nolle Prossed

- FEDERAL

MC-51-CR-0928791-2001

Proc Status: Completed

DC No: 0112074531

OTN:N1005480

Arrest Dt: 09/22/2001

Disp Date: 10/18/2001

Disp Judge: Moore, Jimmie

Def Atty: Defender Association of Philadelphia - (PD)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 6105		POSSESSION ARMS-CONV CRIME	Held for Court
2	18 § 6106		OF VIOLENCE	Held for Court
3	18 § 6108		CARRYING FIREARMS WITHOUT	Held for Court
4	18 § 6110.2		LICENSE	Held for Court
5	18 § 6117		CARRYING FIRE ARMS/PUBLIC	Held for Court
			STREET OR PLACE	Held for Court
			POSS FIREARM ALTERED SERIAL	Held for Court
			NUMBER	Held for Court
			VUFA ALTER/OBLITERATE MARKS	Held for Court
			IDENTIFICATION	

MC-51-CR-1119561-2001

Proc Status: Completed

DC No: 0135110727

OTN:N1119160

Arrest Dt: 11/16/2001

Disp Date: 02/12/2002

Disp Judge: Krase, Morton

Def Atty: Santaguida, Joseph C. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 3925		THEFT BY RECEIVING STOLEN	Dismissed
2	18 § 3928		PROPERTY	Dismissed
			UNAUTH USE AUTO AND OTHER	Dismissed
			VEHICLES	

MC-51-CR-1247691-2001

Proc Status: Completed

DC No: 0212001185

OTN:N1212400

Arrest Dt: 01/05/2002

Disp Date: 07/01/2002

Disp Judge: Conway, Gwendolyn A.

Def Atty: Santaguida, Joseph C. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	35 § 780-113 §§ A16		KNOWING/INTENTIONALLY POSS	Dismissed
2	18 § 4910		CONTROLLED SUBST	Dismissed
			TAMPERING WITH OR FABRICATING	Dismissed
			PHYS EVIDENCE	

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**First Judicial District of Pennsylvania
Court Summary**

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

MC-51-CR-0335771-2002

Proc Status: Completed

DC No: 0212020461

OTN: N1371495

Arrest Dt: 03/26/2002

Disp Date: 07/30/2002

Disp Judge: Meehan, William Austin Jr.

Def Atty: Santaguida, Joseph C. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	35 § 780-113 §§ A30		MFG/DEL/ OR POSS W/I MFG OR DEL CONTRL SUBS	Held for Court
2	35 § 780-113 §§ A30		CSA-PWID-CONSPIRACY	Held for Court
3	18 § 6105		POSSESSION ARMS-CONV CRIME OF VIOLENCE	Dismissed
4	18 § 6117		VUFA ALTER/OBLITERATE MARKS IDENTIFICATION	Dismissed
5	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Dismissed
6	35 § 780-113 §§ A16		KNOWING/INTENTIONALLY POSS CONTROLLED SUBST	Held for Court
7	35 § 780-113 §§ A32		CSA-POSS-PARAPHERNALIA	Held for Court
8	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Dismissed
9	18 § 907		POSSESSING INSTRUMENTS OF CRIME	Held for Court

MC-51-CR-1153101-2002

Proc Status: Completed

DC No: 0212086131

OTN: N1793072

Arrest Dt: 11/16/2002

Disp Date: 01/15/2003

Disp Judge: Bruno, Joseph C.

Def Atty: Blake, John P. - (CA)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 2901		KIDNAPPING FORCE THREAT DECEPTION	Dismissed
2	18 § 2903		FALSE IMPRISONMENT	Dismissed
3	18 § 2705		RECKLESSLY ENDANGERING ANOTHER PERSON	Held for Court
4	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Held for Court
5	18 § 3701		ROBBERY	Dismissed
6	18 § 3925		THEFT BY RECEIVING STOLEN PROPERTY	Dismissed
7	18 § 2902		UNLAWFUL RESTRAINT	Dismissed
8	18 § 2701		SIMPLE ASSAULT	Held for Court
9	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Held for Court

MC-51-CR-1153111-2002

Proc Status: Completed

DC No: 0219084218

OTN: N1793072

Arrest Dt: 11/16/2002

Disp Date: 01/15/2003

Disp Judge: Bruno, Joseph C.

Def Atty: Blake, John P. - (CA)

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**First Judicial District of Pennsylvania
Court Summary**

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 2702		AGGRAVATED ASSAULT	Held for Court
2	18 § 2705		RECKLESSLY ENDANGERING ANOTHER PERSON	Held for Court
3	18 § 6108		CARRYING FIRE ARMS/PUBLIC STREET OR PLACE	Held for Court
4	18 § 903		CRIMINAL CONSPIRACY	Held for Court
5	18 § 2701		SIMPLE ASSAULT	Held for Court
6	18 § 6106		CARRYING FIREARMS WITHOUT LICENSE	Held for Court
7	18 § 907		POSSESSING INSTRUMENTS OF CRIME WEAPON	Held for Court
8	18 § 6105		POSSESSION ARMS-CONV CRIME OF VIOLENCE	Held for Court
9	18 § 2901		KIDNAPPING FORCE THREAT DECEPTION	Held for Court

MC-51-CR-0505601-2005

Proc Status: Completed

DC No: 0512033057

OTN:N3349706

Arrest Dt: 05/04/2005

Disp Date: 06/23/2005

Disp Judge: Migrated, Judge

Def Atty: McMonagle, Brian J. - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	35 § 780-113 §§ A30		MFG/DEL/ OR POSS W/I MFG OR DEL CONTRL SUBS	Held for Court
2	35 § 780-113 §§ A16		KNOWING/INTENTIONALLY POSS CONTROLLED SUBST	Held for Court

MC-51-CR-0022974-2007

Proc Status: Completed

DC No: 0718030679

OTN:N4728846

Arrest Dt: 05/18/2007

Disp Date: 05/23/2007

Disp Judge: Moore, Jimmie

Def Atty: Defender Association of Philadelphia - (PD)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 6105 §§ A2i	F2	Person Not To Possess Use Etc. Firearms	Held for Court
2	18 § 6106 §§ A1	F3	Firearms Not To Be Carried W/O License	Held for Court
3	18 § 6108	M1	Carry Firearms Public In Phila	Held for Court
4	18 § 907 §§ A		Poss Instrument Of Crime W/Int	Held for Court
5	18 § 2705	M2	Recklessly Endangering Another Person	Held for Court
6	18 § 5104	M2	Resist Arrest/Other Law Enforce	Held for Court

MC-51-CR-0002660-2009

Proc Status: Completed

DC No: 0712071637

OTN:N5921985

Arrest Dt: 01/16/2009

Disp Date: 02/13/2009

Disp Judge: Stack, Felice Rowley

Def Atty: Defender Association of Philadelphia - (PD)

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**First Judicial District of Pennsylvania
Court Summary**

Hill, Maurice (Continued)

Closed (Continued)

Philadelphia (Continued)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 901 §§ A		Criminal Attempt Murder	Withdrawn
2	18 § 2702 §§ A		Aggravated Assault	Held for Court
3	18 § 6105 §§ A2i	F2	Person Not To Possess Use Etc Firearms	Withdrawn
4	18 § 6106 §§ A1	F3	Firearms Not To Be Carried W/O License	Withdrawn
5	18 § 6108	M1	Carry Firearms Public In Phila	Withdrawn
6	18 § 907 §§ A	M1	Poss Instrument Of Crime W/Int	Held for Court
7	18 § 2706 §§ A1	M1	Terroristic Threats W/ Int To Terrorize Another	Held for Court
8	18 § 2701 §§ A	M2	Simple Assault	Held for Court
9	18 § 2705	M2	Recklessly Endangering Another Person	Held for Court

MC-51-CR-0029107-2012

IProc Status: Completed

DC No: 1218030907

OTN:N8145270

Arrest Dt: 07/18/2012

Disp Date: 08/16/2012

Disp Judge: Robbins, Harvey W.

Def Atty: Driscoll, Raymond C. - (CA)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	18 § 4902 §§ A	F3	Perjury	Held for Court
2	18 § 4903 §§ A1	M2	False Swearing - Offic Proceed	Held for Court

Firearms Transaction Record

WARNING: You may not receive a firearm if prohibited by Federal or State law. The information you provide will be used to determine whether you are prohibited from receiving a firearm. Certain violations of the Gun Control Act, 18 U.S.C. 921 et. seq., are punishable by up to 10 years imprisonment and/or up to a \$250,000 fine.

Read the Notices, Instructions, and Definitions on this form. Prepare in original only at the licensed premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless the transaction qualifies under 18 U.S.C. 922(c). All entries must be handwritten in ink. "PLEASE PRINT."

Transferor's/
Seller's
Transaction Serial
Number (If any)

Section A - Must Be Completed Personally By Transferee/Buyer

1. Transferee's/Buyer's Full Name (If legal name contain an initial only, record "IO" after the initial. If no middle initial or name, record "NMN".)

Last Name (Including suffix (e.g., Jr, Sr, II, III))

First Name

Middle Name

2. Current State of Residence and Address (U.S. Postal abbreviations are acceptable. Cannot be a post office box.)

Number and Street Address

City

County

State

ZIP Code

3. Place of Birth

U.S. City and State

-OR-

Foreign Country

4. Height

Ft.

In.

5. Weight

(LBs.)

6. Sex

☐ Male

☐ Female

7. Birth Date

Month

Day

Year

8. Social Security Number (Optimal, but will help prevent misidentification)

9. Unique Personal Identification Number (UPIN) if applicable (See Instructions for Question 9.)

10.a. Ethnicity

☐ Hispanic or Latino

☐ Not Hispanic or Latino

10.b. Race (In addition to ethnicity, select one or more race in 10.b. Both 10.a. and 10.b. must be answered.)

☐ American Indian or Alaska Native

☐ Black or African American

☐ White

☐ Asian

☐ Native Hawaiian or Other Pacific Islander

11. Answer the following questions by checking or marking "yes" or "no" in the boxes to the right of the questions.

Yes No

a. Are you the actual transferee/buyer of the firearm(s) listed on this form? **Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you. Exception: If you are picking up a repaired firearm(s) for another person, you are not required to answer 11.a. and may proceed to question 11.b. (See Instructions for Question 11.a.)**

☐ ☐

b. Are you under indictment or information in any court for a felony, or any other crime for which the judge could imprison you for more than one year? (See Instructions for Question 11.b.)

☐ ☐

c. Have you ever been convicted in any court of a felony, or any other crime for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (See Instructions for Question 11.c.)

☐ ☐

d. Are you a fugitive from justice? (See Instructions for Question 11.d.)

☐ ☐

e. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.**

☐ ☐

f. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (See Instructions for Question 11.f.)

☐ ☐

g. Have you been discharged from the Armed Forces under dishonorable conditions?

☐ ☐

h. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (See Instructions for Question 11.h.)

☐ ☐

i. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (See Instructions for Question 11.i.)

☐ ☐

12.a. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

☐ United States of America (U.S.A.)

☐ Other Country/Countries (Specify)

Yes No

12.b. Have you ever renounced your United States citizenship?

☐ ☐

12.c. Are you an alien illegally or unlawfully in the United States?

☐ ☐

12.d.1. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See Instructions for Question 12.d.)

☐ ☐

12.d.2. If "yes", do you fall within any of the exceptions stated in the instructions?

☐ N/A

☐ ☐

13. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#):

Previous Editions Are Obsolete

Transferee/Buyer Continue to Next Page
STAPLE IF PAGES BECOME SEPARATED

I certify that my answers in Section A are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering "yes" to question 11.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I understand that a person who answers "yes" to any of the questions 11.b. through 11.i and/or 12.h. through 12.c. is prohibited from purchasing or receiving a firearm. I understand that a person who answers "yes" to question 12.d.1. is prohibited from receiving or possessing a firearm, unless the person answers "yes" to question 12.d.2. and provides the documentation required in 18.c. I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law. I further understand that the repetitive purchase of firearms for the purpose of resale for livelihood and profit without a Federal firearms license is a violation of Federal law. (See Instructions for Question 14.)

14. Transferee's/Buyer's Signature	15. Certification Date
------------------------------------	------------------------

Section B - Must Be Completed By Transferor/Seller

16. Type of firearm(s) to be transferred (check or mark all that apply): <input type="checkbox"/> Handgun <input type="checkbox"/> Long Gun (rifles or shotguns) <input type="checkbox"/> Other Firearm (frame, receiver, etc. See Instructions for Question 16.)	17. If transfer is at a qualifying gun show or event: Name of Function: _____ City, State: _____
--	--

18.a. Identification (e.g., Virginia Driver's license (VA DL) or other valid government-issued photo identification.) (See Instructions for Question 18.a.) Issuing Authority and Type of Identification	Number on Identification	Expiration Date of Identification (if any) Month Day Year
---	--------------------------	--

18.b. Supplemental Government Issued Documentation (if identification document does not show current residence address) (See Instructions for Question 18.b.)

18.c. Exception to the Nonimmigrant Alien Prohibition: If the transferee/buyer answered "YES" to 12.d.2, the transferor/seller must record the type of documentation showing the exception to the prohibition and attach a copy to this ATF Form 4473. (See Instructions for Question 18.c.)

Questions 19, 20, or 21 Must Be Completed Prior To The Transfer Of The Firearm(s) (See Instructions for Questions 19, 20 and 21.)

19.a. Date the transferee's/buyer's identifying information in Section A was transmitted to NICS or the appropriate State agency: Month Day Year	19.b. The NICS or State transaction number (if provided) was:
19.c. The response initially (first) provided by NICS or the appropriate State agency was: <input type="checkbox"/> Proceed <input type="checkbox"/> Delayed <input type="checkbox"/> Denied [The firearm(s) may be transferred on <input type="checkbox"/> Cancelled _____ if State law permits (optional)]	19.d. The following response(s) was/were later received from NICS or the appropriate State agency: <input type="checkbox"/> Proceed _____ (date) <input type="checkbox"/> Overturned <input type="checkbox"/> Denied _____ (date) <input type="checkbox"/> Cancelled _____ (date) <input type="checkbox"/> No response was provided within 3 business days.

19.e. (Complete if applicable.) After the firearm was transferred, the following response was received from NICS or the appropriate State agency on: _____ (date). ☐ Proceed ☐ Denied ☐ Cancelled

19.f. The name and Brady identification number of the NICS examiner. (Optional) _____ (name) (number)	19.g. Name of FFL Employee Completing NICS check. (Optional) _____
--	---

20. ☐ No NICS check was required because a background check was completed during the NFA approval process on the individual who will receive the NFA firearm(s), as reflected on the approved NFA application. (See Instructions for Question 20.)

21. ☐ No NICS check was required because the transferee/buyer has a valid permit from the State where the transfer is to take place, which qualifies as an exemption to NICS. (See Instructions for Question 21.)

Issuing State and Permit Type	Date of Issuance (if any)	Expiration Date (if any)	Permit Number (if any)
-------------------------------	---------------------------	--------------------------	------------------------

Section C - Must Be Completed Personally By Transferee/Buyer

If the transfer of the firearm(s) takes place on a different day from the date that the transferee/buyer signed Section A, the transferee/buyer must complete Section C immediately prior to the transfer of the firearm(s). (See Instructions for Question 22 and 23.)

I certify that my answers to the questions in Section A of this form are still true, correct, and complete.

22. Transferee's/Buyer's Signature	23. Recertification Date
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Transferor/Seller Continue to Next Page
STAPLE IF PAGES BECOME SEPARATED

Section D - Must Be Completed By Transferor/Seller Even If The Firearm(s) is Not Transferred

24. Manufacturer and Importer (If any) (If the manufacturer and importer are different, the FFL must include both.)	25. Model (If Designated)	26. Serial Number	27. Type (See Instructions for Question 27.)	28. Caliber or Gauge
1.				
2.				
3.				
4.				

REMINDER - By the Close of Business Complete ATF Form 3310.4 For Multiple Purchases of Handguns Within 5 Consecutive Business Days

29. Total Number of Firearms Transferred (Please <i>handwrite</i> by printing e.g., zero, one, two, three, etc. Do not use numerals.)	30. Check if any part of this transaction is a pawn redemption. <input type="checkbox"/> Line Number(s) From Question 24 Above:
31. For Use by Licensee (See Instructions for Question 31.)	32. Check if this transaction is to facilitate a private part transfer. <input type="checkbox"/> (See Instructions for Question 32.)
33. Trade/corporate name and address of transferor/seller and Federal Firearm License Number (Must contain at least first three and last five digits of FFL Number X-XX-XXXXX.) (Hand stamp may be used.)	

The Person Transferring The Firearm(s) Must Complete Questions 34-37.**For Denied/Cancelled Transactions, the Person Who Completed Section B Must Complete Questions 34-36.**

I certify that: (1) I have read and understand the Notices, Instructions, and Definitions on this ATF Form 4473; (2) the information recorded in Sections B and D is true, correct, and complete; and (3) this entire transaction record has been completed at my licensed business premises ("licensed premises" includes business temporarily conducted from a qualifying gun show or event in the same State in which the licensed premises is located) unless this transaction has met the requirements of 18 U.S.C. 922(c). Unless this transaction has been denied or cancelled, I further certify on the basis of — (1) the transferee's/buyer's responses in Section A (and Section C, if applicable); (2) my verification of the identification recorded in question 18 (and my re-verification at the time of transfer, if Section C was completed); and (3) State or local law applicable to the firearms business — it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) listed on this form to the person identified in Section A.

34. Transferor's/Seller's Name (Please print)	35. Transferor's/Seller's Signature	36. Transferor's/Seller's Title	37. Date Transferred
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NOTICES, INSTRUCTIONS, AND DEFINITIONS

Purpose of the Form: The information and certification on this form are designed so that a person licensed under 18 U.S.C. 923 may determine if he/she may lawfully sell or deliver a firearm to the person identified in Section A, and to alert the transferee/buyer of certain restrictions on the receipt and possession of firearms. The transferor/seller of a firearm must determine the lawfulness of the transaction and maintain proper records of the transaction. Consequently, the transferor/seller must be familiar with the provisions of 18 U.S.C. 921-931 and the regulations in 27 CFR Parts 478 and 479. In determining the lawfulness of the sale or delivery of a rifle or shotgun to a resident of another State, the transferor/seller is presumed to know the applicable State laws and published ordinances in both the transferor's/seller's State and the transferee's/buyer's State. (See ATF Publication 5300.5, *State Laws and Published Ordinances*.)

Generally, ATF Form 4473 must be completed at the licensed business premises when a firearm is transferred over-the-counter. Federal law, 18 U.S.C. 922(c), allows a licensed importer, manufacturer, or dealer to sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises only if the transferee/buyer meets certain requirements. These requirements are set forth in section 922(c), 27 CFR 478.96(b), and ATF Procedure 2013-2.

After the transferor/seller has completed the firearms transaction, he/she must make the completed, original ATF Form 4473 (which includes the *Notices, General Instructions, and Definitions*), and any supporting documents, part of his/her permanent records. Such Forms 4473 must be retained for at least 20 years and after that period may be submitted to ATF. Filing may be chronological (by date of disposition), alphabetical (by name of purchaser), or numerical (by transaction serial number), as long as all of the transferor's/seller's completed Forms 4473 are filed in the same manner.

FORMS 4473 FOR DENIED/CANCELLED TRANSFERS MUST BE RETAINED: If the transfer of a firearm is denied/cancelled by NICS, or if for any other reason the transfer is not completed after a NICS check is initiated, the licensee must retain the ATF Form 4473 in his/her records for at least 5 years. Forms 4473 with respect to which a sale, delivery, or transfer did not take place shall be separately retained in alphabetical (by name of transferee) or chronological (by date of transferee's certification) order.

If the transferor/seller or the transferee/buyer discovers that an ATF Form 4473 is incomplete or improperly completed after the firearm has been transferred, and the transferor/seller or the transferee/buyer wishes to correct the omission(s) or error(s), photocopy the inaccurate form and make any necessary additions or revisions to the photocopy. The transferor/seller should only make changes to Sections B and D. The transferee/buyer should only make changes to Section A and C. Whoever made the changes should initial and date the changes. The corrected photocopy should be attached to the original Form 4473 and retained as part of the transferor's/seller's permanent records.

Exportation of Firearms: The State or Commerce Departments may require a firearms exporter to obtain a license prior to export. **Warning:** Any person who exports a firearm without proper authorization may be fined not more than \$1,000,000 and/or imprisoned for not more than 20 years. See 22 U.S.C. 2778(c).

Section A

The transferee/buyer must personally complete Section A of this form and certify (sign) that the answers are true, correct, and complete. However, if the transferee/buyer is unable to read and/or write, the answers (other than the signature) may be completed by another person, excluding the transferor/seller. Two persons (other than the transferor/seller) must then sign as witnesses to the transferee's/buyer's answers and signature/certification in question 14.

When the transferee/buyer of a firearm is a corporation, company, association, partnership, or other such business entity, an officer authorized to act on behalf of the business must complete Section A of the form with his/her personal information, sign Section A, and attach a written statement, executed under penalties of perjury, stating: (A) the firearm is being acquired for the use of and will be the property of that business entity; and (B) the name and address of that business entity.

Question 1. If the transferee's/buyer's name in question 1 is illegible, the transferor/seller must print the transferee's/buyer's name above the name written by the transferee/buyer.

Question 2. Current Residence Address: A rural route (RR) may be accepted provided the transferee/buyer lives in a State or locality where it is considered a legal residence address. County and Parish are one and the same.

If the transferee/buyer is a member of the Armed Forces on active duty, his/her State of residence is the State in which his/her permanent duty station is located. If the service member is acquiring a firearm in a State where his/her permanent duty station is located, but resides in a different State, the transferee/buyer must list both his/her permanent duty station address and his/her residence address in response to question 2. If the transferee/buyer has two States of residence, the transferee/buyer should list his/her current residence address in response to question 2 (e.g., if the transferee/buyer is purchasing a firearm while staying at his/her weekend home in State X, he/she should list the address in State X in response to question 2).

Question 9. Unique Personal Identification Number (UPIN): For transferees/buyers approved to have information maintained about them in the FBI NICS Voluntary Appeal File, NICS will provide them with a UPIN, which the transferee/buyer should record in question 9. The licensee should provide the UPIN when conducting background checks through the NICS or the State POC.

Question 10.a. and 10.b. Federal regulations (27 CFR 478.124(c)(1)) require licensees to obtain the race of the transferee/buyer. This information helps the FBI and/or State POC make or rule out potential matches during the background check process and can assist with criminal investigations. Pursuant to Office of Management and Budget (OMB), effective January 1, 2003, all Federal agencies requiring collection of race and ethnicity information on administrative forms and records, were required to collect this information in a standard format. (See 62 FR 58782) The standard OMB format consists of two categories for data on ethnicity: "Hispanic or Latino," and "Not Hispanic or Latino" and five categories for data on race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White.

Ethnicity refers to a person's heritage. Persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, are considered Hispanic or Latino.

Race - one or more of the following responses must be selected: (1) American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America), and who maintains a tribal affiliation or community attachment; (2) Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam; (3) Black or African American - A person having origins in any of the Black racial groups of Africa; (4) Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands; and (5) White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. Any other race or ethnicity that does not fall within those indicated, please select the closest representation.

Question 11.a. Actual Transferee/Buyer: For purposes of this form, a person is the actual transferee/buyer if he/she is purchasing the firearm for him/herself or otherwise acquiring the firearm for him/herself (e.g., *redeeming the firearm from pawn, retrieving it from consignment, firearm raffle winner*). A person is also the actual transferee/buyer if he/she is legitimately purchasing the firearm as a bona fide gift for a third party. A gift is not bona fide if another person offered or gave the person completing this form money, service(s), or item(s) of value to acquire the firearm for him/her, or if the other person is prohibited by law from receiving or possessing the firearm.

Actual TRANSFEREE/buyer examples: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith (*who may or may not be prohibited*). Mr. Smith gives Mr. Jones the money for the firearm. Mr. Jones is **NOT THE**

ACTUAL TRANSFEREE/BUYER of the firearm and must answer "NO" to question 11.a. The licensee may not transfer the firearm to Mr. Jones. However, if Mr. Brown buys the firearm with his own money to give to Mr. Black as a gift (*with no service or tangible thing of value provided by Mr. Black*), Mr. Brown is the actual transferee/buyer of the firearm and should answer "YES" to question 11.a. However, the transferor/seller may not transfer a firearm to any person he/she knows or has reasonable cause to believe is prohibited under 18 U.S.C. 922(g), (n) or (x). **EXCEPTION:** If a person is picking up a repaired firearm(s) for another person, he/she is not required to answer 11.a. and may proceed to question 11.b.

Question 11.b. - 12. Generally, 18 U.S.C. 922(g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice; is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions; is subject to certain restraining orders; convicted of a misdemeanor crime of domestic violence under Federal, State or Tribal law; has renounced his/her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa. Furthermore, section 922(n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

A member of the Armed Forces must answer "yes" to 11.b. or 11.c. if charged with an offense that was either referred to a General Court Martial, or at which the member was convicted. Discharged "under dishonorable conditions" means separation from the Armed Forces resulting from a dishonorable discharge or dismissal adjudged by a General Court-Martial. That term does not include any other discharge or separation from the Armed Forces.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored, AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception, or who receive relief from disabilities under 18 U.S.C. 925(c), should answer "no" to the applicable question.

Question 11.d. Fugitive from Justice: Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor; or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

Question 11.f. Adjudicated as a Mental Defective: A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

Committed to a Mental Institution: A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if

the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; or (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. **Persons who fall within one of the above exceptions should answer "no" to question 11.f.** This exception to an adjudication or commitment by a Federal department or agency does **not** apply to any person who was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice

Question 11.h. Qualifying Restraining Orders: Under 18 U.S.C. 922, firearms may not be sold to or received by persons subject to a court order that: (A) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabited with the person

Question 11.i. Misdemeanor Crime of Domestic Violence: A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., *assault and battery*), if the offense is committed by one of the defined parties. (See *Exception to 11.b. - 12.*) A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should answer "no" to 11.i.

Question 12.d. Immigration Status: An alien admitted to the United States under a nonimmigrant visa includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. These aliens must answer "yes" to this question and provide the additional documentation required under question 18.c. Permanent resident aliens and aliens legally admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements may answer "no" to this question and are not required to submit the additional documentation under question 18.c.

Question 13. U.S.-issued Alien Number or Admission Number: U.S.-issued alien and admission numbers may be found on the following U.S. Department of Homeland Security documents: Legal Resident Card or Employment Authorization Card (AR# or USCIS#); Arrival/Departure Record, Form I94, or Form 797A (I94#). Additional information can be obtained from www.cbp.gov. If you are a U.S. citizen or U.S. national then this question should be left blank.

Question 14. Under 18 U.S.C. 922(a)(1), it is unlawful for a person to engage in the business of dealing in firearms without a license. A person is engaged in the business of dealing in firearms if he/she devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal

objective of livelihood and profit through the repetitive purchase and resale of firearms. A license is not required of a person who only makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his/her personal collection of firearms.

Section B

Question 16. Type of Firearm(s): "Other" refers to frames, receivers and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell, or National Firearms Act (NFA) firearms, including silencers.

If a frame or receiver can only be made into a long gun (*rifle or shotgun*), it is still a frame or receiver not a handgun or long gun. However, frames and receivers are still "firearms" by definition, and subject to the same GCA limitations as any other firearms. See Section 921(a)(3)(B). Section 922(b)(1) makes it unlawful for a licensee to sell any firearm other than a shotgun or rifle to any person under the age of 21. Since a frame or receiver for a firearm, to include one that can only be made into a long gun, is a "firearm other than a shotgun or rifle," it cannot be transferred to anyone under the age of 21, nor can these firearms be transferred to anyone who is not a resident of the State where the transfer is to take place. Also, note that multiple sales forms are not required for frames or receivers of any firearms, or pistol grip shotguns, since they are not "pistols or revolvers" under Section 923(g)(3)(A).

Question 17. Qualifying Gun Show or Event: As defined in 27 CFR 478.100, a gun show or event is a function sponsored by any national, State, or local organization, devoted to the collection, competitive use, or other sporting use of firearms, or an organization or association that sponsors functions devoted to the collection, competitive use, or other sporting use of firearms in the community.

Question 18.a. Identification: Before a licensee may sell or deliver a firearm to a nonlicensee, the licensee must establish the identity, place of residence, and age of the transferee/buyer. The transferee/buyer **must** provide a valid government-issued photo identification document to the transferor/seller that contains the transferee's/buyer's name, residence address, and date of birth. A driver's license or an identification card issued by a State in place of a license is acceptable. Social Security cards are not acceptable because no address, date of birth, or photograph is shown on the cards. A combination of government-issued documents may be provided. See instructions for question 18.b. Supplemental Documentation.

If the transferee/buyer is a member of the Armed Forces on active duty acquiring a firearm in the State where his/her permanent duty station is located, but he/she has a driver's license from another State, the transferor/seller should list the transferee's/buyer's military identification card and official orders showing where his/her permanent duty station is located in response to question 18.a. Licensees may accept electronic PCS orders to establish residency.

Question 18.b. Supplemental Documentation: Licensees may accept a combination of valid government-issued documents to satisfy the identification document requirements of the law. The required valid government-issued photo identification document bearing the name, photograph, and date of birth of transferee/buyer may be supplemented by another valid, government-issued document showing the transferee's/buyer's residence address. This supplemental documentation should be recorded in question 18.b., with the issuing authority and type of identification presented. For example, if the transferee/buyer has two States of residence and is trying to buy a handgun in State X, he may provide a driver's license (*showing his name, date of birth, and photograph*) issued by State Y and another government-issued document (*such as a tax document*) from State X showing his residence address. A valid electronic document from a government website may be used as supplemental documentation provided it contains the transferee's/buyer's name and current residence address.

Question 18.c. Exceptions to the Nonimmigrant Alien Prohibition and Acceptable Documentation: An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its

headquarters in the United States; (5) is an official representative of a foreign government who is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

Question 19. NICS BACKGROUND CHECKS: 18 U.S.C. 922(t) requires that prior to transferring any firearm to an unlicensed person, a licensed importer, manufacturer, or dealer must first contact the National Instant Criminal Background Check System (NICS). NICS will advise the licensee whether the system finds any information that the purchaser is prohibited by law from possessing or receiving a firearm. For purposes of this form, contacts to NICS include State agencies designated as points-of-contact ("or POCs") to conduct NICS checks for the Federal Government

The licensee should NOT contact NICS and must stop the transaction if there is reasonable cause to believe that the transferee/buyer is prohibited from receiving or possessing a firearm, including if: the transferee/buyer answers "no" to question 11.a.; the transferee/buyer answers "yes" to any question in 11.b. - 11.i. or 12.b. - 12.c.; the transferee/buyer has answered "yes" to question 12.d.1., and answered "no" to question 12.d.2.; or the transferee/buyer cannot provide the documentation required by questions 18.a., b., or c. **WARNING:** Any person who transfers a firearm to any person he/she knows or has reasonable cause to believe is prohibited from receiving or possessing a firearm violates the law, even if the transferor/seller has complied with the Federal background check requirements

At the time that NICS is contacted, the licensee must record in question 19.a. - 19.c.: the date of contact, the NICS (or State) transaction number, and the initial (first) response provided by NICS or the State. The licensee may record the date the firearms may be transferred to the transferee/buyer (also known as the Missing Disposition Information (MDI) date) in 19.c. that NICS provides for delayed transactions (States may not provide this date). If the licensee receives any subsequent response(s) before transferring the firearm, the licensee must record in question 19.d. any response later provided by NICS or the State, or that no response was provided within 3 business days. If the transaction was denied and later overturned in addition to checking the "Proceed" and entering the date, the licensee must also check the "Overturned" box and, if provided, attach the overturn certificate issued by NICS or the State POC to the ATF Form 4473. If the licensee receives a response from NICS or the State after the firearm has been transferred, he/she must record this information in question 19.e. **Note:** States acting as points of contact for NICS checks may use terms other than "proceed," "delayed," "cancelled," or "denied." In such cases, the licensee should check the box that corresponds to the State's response. Some States may not provide a transaction number for denials. However, if a firearm is transferred within the three business day period, a transaction number is required.

NICS responses: If NICS provides a "proceed" response, the transaction may proceed. If NICS provides a "cancelled" or "denied" response, the transferor/seller is prohibited from transferring the firearm to the transferee/buyer. If NICS provides a "delayed" response, the transferor/seller is prohibited from transferring the firearm unless 3 business days have elapsed and, before the transfer, NICS or the State has not advised the transferor/seller that the transferee's/buyer's receipt or possession of the firearm would be in violation of law. (See 27 CFR 478.102(a) for an example of how to calculate 3 business days.) If NICS provides a "delayed" response, NICS also will provide a Missing Disposition Information (MDI) date that calculates the 3 business days and reflects when the firearm(s) can be transferred under Federal law. States may not provide an MDI date. *State law may impose a waiting period on transferring firearms.*

Questions 20 and 21. NICS Exceptions: A NICS check is not required if the transfer qualifies for any of the exceptions in 27 CFR 478.102(d). Generally these include: (a) transfers of National Firearms Act firearms to an individual who has undergone a background check during the NFA approval process; (b) transfers where the transferee/buyer has presented the licensee with a permit or license that allows the transferee/buyer to possess, acquire, or carry a firearm, and the permit has been recognized by ATF as a valid alternative to the NICS check requirement; or (c) transfers certified by ATF as exempt because compliance with the NICS check requirements is impracticable. If the transfer qualifies for one of these exceptions, the licensee must obtain the documentation required by 27 CFR 478.131. A firearm must not be transferred to any transferee/buyer who fails to provide such documentation.

A NICS check must be conducted if an NFA firearm has been approved for transfer to a trust, or to a legal entity such as a corporation, and no background check was conducted as part of the NFA approval process on the individual who will receive the firearm. Individuals who have undergone a background check during the NFA application process are listed on the approved NFA transfer form

Section C

Questions 22 and 23. Transfer on a Different Day and Recertification: If the transfer takes place on a different day from the date that the transferee/buyer signed Section A, the licensee must again check the photo identification of the transferee/buyer at the time of transfer.

Section D

Question 24-28. Firearm(s) Description: These blocks must be completed with the firearm(s) information. Firearms manufactured after 1968 by Federal firearms licensees should all be marked with a serial number. Should you acquire a firearm that is legally not marked with a serial number (i.e. pre-1968); you may answer question 26 with "NSN" (No Serial Number), "N/A" or "None."

If more than four firearms are involved in a transaction, the information required by Section D, questions 24-28, must be provided for the additional firearms on a separate sheet of paper, which must be attached to this ATF Form 4473.

Types of firearms include, but are not limited to: pistol, revolver, rifle, shotgun, receiver, frame and other firearms that are neither handguns nor long guns (rifles or shotguns), such as firearms having a pistol grip that expel a shotgun shell (pistol grip firearm) or NFA firearms (machinegun, silencer, short-barreled shotgun, short-barreled rifle, destructive device or "any other weapon").

Additional firearms purchases by the same transferee/buyer may not be added to the form after the transferor/seller has signed and dated it. A transferee/buyer who wishes to acquire additional firearms after the transferor/seller has signed and dated the form must complete a new ATF Form 4473 and undergo a new NICS check.

Question 31. This item is for the licensee's use in recording any information he/she finds necessary to conduct business.

Question 32. Check this box, or write "Private Party Transfer" in question 31, if the licensee is facilitating the sale or transfer of a firearm between private unlicensed individuals in accordance with ATF Procedure 2013-1. This will assist the licensee by documenting which transaction records correspond with private party transfers, and why there may be no corresponding A&D entries when the transfer did not proceed because it was denied, delayed, or cancelled.

Privacy Act Information

Solicitation of this information is authorized under 18 U.S.C. 923(g). Disclosure of this information by the transferee/buyer is mandatory for the transfer of a firearm. Disclosure of the individual's Social Security number is voluntary. The number may be used to verify the transferee's/buyer's identity.

For information about the routine uses of this form see System of Records Notice Justice/ATF-008, Regulatory Enforcement Records System (68 FR 163558, January 24, 2003).

Paperwork Reduction Act Notice

The information required on this form is in accordance with the Paperwork Reduction Act of 1995. The purpose of the information is to determine the eligibility of the transferee to receive and possess firearms under Federal law. The information is subject to inspection by ATF officers and is required by 18 U.S.C. 922 and 923.

The estimated average burden associated with this collection is 30 minutes per respondent or recordkeeper, depending on individual circumstances. Comments about the accuracy of this burden estimate and suggestions for reducing it should be directed to Reports Management Officer, IT Coordination Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Confidentiality is not assured

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

(a) Offense defined.--

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

(2) (i) Except as otherwise provided in this paragraph, a person who is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm under paragraph (1) or subsection (b) or (c) shall have a reasonable period of time, not to exceed 60 days from the date of the imposition of the disability under this subsection, in which to sell or transfer that person's firearms to another eligible person who is not a member of the prohibited person's household.

(ii) This paragraph shall not apply to any person whose disability is imposed pursuant to subsection (c)(6).

(iii) A person whose disability is imposed pursuant to subsection (c)(9) shall relinquish any firearms and firearm licenses under that person's possession or control, as described in section 6105.2 (relating to relinquishment of firearms and firearm licenses by convicted persons).

(iv) A person whose disability is imposed pursuant to a protection from abuse order shall relinquish any firearms, other weapons, ammunition and firearm licenses under that person's possession or control, as described in 23 Pa.C.S. § 6108(a)(7) (relating to relief).

(a.1) Penalty.--

(1) Except as provided under paragraph (1.1), a person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.

(1.1) The following shall apply:

(i) A person convicted of a felony enumerated under subsection (b) or a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the first degree if:

(A) at the time of the commission of a violation of subsection (a), the person has previously been convicted of an offense under subsection (a); or

(B) at the time of the commission of a violation of subsection (a), the person was in physical possession or control of a firearm, whether visible, concealed about the person or within the person's reach.

(ii) The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a sentence imposed pursuant to this paragraph.

(2) A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the sheriff or appropriate law enforcement agency as defined in 23 Pa.C.S. § 6102 (relating to definitions) as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms or other weapons or ammunition to the sheriff in accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).

(3) (i) A person commits a misdemeanor of the third degree if he intentionally or knowingly accepts possession of a firearm, other weapon or ammunition from another person he knows is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 or an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which order provided for the relinquishment of the firearm, other weapon or ammunition during the period of time the order is in effect.

(ii) This paragraph shall not apply to:

(A) a third party who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.3; or

(B) a dealer licensed pursuant to section 6113 (relating to licensing of dealers) or subsequent purchaser from a dealer licensed pursuant to section 6113, who accepts possession of a firearm, other weapon or ammunition relinquished pursuant to 23 Pa.C.S. § 6108.2.

(4) It shall be an affirmative defense to any prosecution under paragraph (3) that the person accepting possession of a firearm, other weapon or ammunition in violation of paragraph (3):

(i) notified the sheriff as soon as practicable that he has taken possession; and

(ii) relinquished possession of any firearm, other weapon or ammunition possessed in violation of paragraph (3) as directed by the sheriff.

(5) A person who has accepted possession of a firearm, other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 commits a misdemeanor of the first degree if he intentionally or knowingly returns a firearm, other weapon or ammunition to a defendant or intentionally or knowingly allows a defendant to have access to the firearm, other weapon or ammunition prior to either of the following:

(i) The sheriff accepts return of the safekeeping permit issued to the party pursuant to 23 Pa.C.S. § 6108.3
(d)(1)(i).

(ii) The issuance of a court order pursuant to subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to return of relinquished firearms, other weapons and ammunition and additional relief) which modifies a valid protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, which order provided for the relinquishment of the firearm, other weapon or ammunition by allowing the defendant to take possession of the firearm, other weapon or ammunition that had previously been ordered relinquished.

(b) Enumerated offenses.--The following offenses shall apply to subsection (a):

- Section 908 (relating to prohibited offensive weapons).
- Section 911 (relating to corrupt organizations).
- Section 912 (relating to possession of weapon on school property).
- Section 2502 (relating to murder).
- Section 2503 (relating to voluntary manslaughter).
- Section 2504 (relating to involuntary manslaughter) if the offense is based on the reckless use of a firearm.
- Section 2702 (relating to aggravated assault).
- Section 2703 (relating to assault by prisoner).
- Section 2704 (relating to assault by life prisoner).
- Section 2709.1 (relating to stalking).
- Section 2716 (relating to weapons of mass destruction).
- Section 2901 (relating to kidnapping).
- Section 2902 (relating to unlawful restraint).
- Section 2910 (relating to luring a child into a motor vehicle or structure).
- Section 3121 (relating to rape).
- Section 3123 (relating to involuntary deviate sexual intercourse).
- Section 3125 (relating to aggravated indecent assault).
- Section 3301 (relating to arson and related offenses).
- Section 3302 (relating to causing or risking catastrophe).
- Section 3502 (relating to burglary).
- Section 3503 (relating to criminal trespass) if the offense is graded a felony of the second degree or higher.
- Section 3701 (relating to robbery).
- Section 3702 (relating to robbery of motor vehicle).
- Section 3921 (relating to theft by unlawful taking or disposition) upon conviction of the second felony offense.
- Section 3923 (relating to theft by extortion) when the offense is accompanied by threats of violence.
- Section 3925 (relating to receiving stolen property) upon conviction of the second felony offense.
- Section 4906 (relating to false reports to law enforcement authorities) if the fictitious report involved the theft of a firearm as provided in section 4906(c)(2).
- Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.
- Section 4952 (relating to intimidation of witnesses or victims).
- Section 4953 (relating to retaliation against witness, victim or party).
- Section 5121 (relating to escape).
- Section 5122 (relating to weapons or implements for escape).
- Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

(c) Other persons.--In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):

(1) A person who is a fugitive from justice. This paragraph does not apply to an individual whose fugitive status is based upon a nonmoving or moving summary offense under Title 75 (relating to vehicles).

(2) A person who has been convicted of an offense under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years.

(3) A person who has been convicted of driving under the influence of alcohol or controlled substance as provided in 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or the former 75 Pa.C.S. § 3731, on three or more separate occasions within a five-year period. For the purposes of this paragraph only, the prohibition of subsection (a) shall only apply to transfers or purchases of firearms after the third conviction.

(4) A person who has been adjudicated as an incompetent or who has been involuntarily committed to a mental institution for inpatient care and treatment under section 302, 303 or 304 of the provisions of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act. This paragraph shall not apply to any proceeding under section 302 of the Mental Health Procedures Act unless the examining physician has issued a certification that inpatient care was necessary or that the person was committable.

(5) A person who, being an alien, is illegally or unlawfully in the United States.

(6) A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which provided for the relinquishment of firearms during the period of time the order is in effect or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8). This prohibition shall terminate upon the expiration or vacation of the order or portion thereof relating to the relinquishment of firearms.

(7) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or under any equivalent Federal statute or statute of any other

state as a result of conduct which if committed by an adult would constitute an offense under sections 2502, 2503, 2702, 2703 (relating to assault by prisoner), 2704, 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

(8) A person who was adjudicated delinquent by a court pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal statute or statute of any other state as a result of conduct which if committed by an adult would constitute an offense enumerated in subsection (b) with the exception of those crimes set forth in paragraph (7). This prohibition shall terminate 15 years after the last applicable delinquent adjudication or upon the person reaching the age of 30, whichever is earlier.

(9) A person who is prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(9). If the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to definitions), by a person in any of the following relationships:

(i) the current or former spouse, parent or guardian of the victim;

(ii) a person with whom the victim shares a child in common;

(iii) a person who cohabits with or has cohabited with the victim as a spouse, parent or guardian; or

(iv) a person similarly situated to a spouse, parent or guardian of the victim;

then the relationship need not be an element of the offense to meet the requirements of this paragraph.

(10) A person who has been convicted of an offense under subsection (a.1)(2). The prohibition shall terminate five years after the date of conviction, final release from confinement or final release from supervision, whichever is later.

(d) Exemption.--A person who has been convicted of a crime specified in subsection (a) or (b) or a person whose conduct meets the criteria in subsection (c)(1), (2), (5), (7) or (9) may make application to the court of common pleas of the county where the principal residence of the applicant is situated for relief from the disability imposed by this section upon the possession, transfer or control of a firearm. The court shall grant such relief if it determines that any of the following apply:

(1) The conviction has been vacated under circumstances where all appeals have been exhausted or where the right to appeal has expired.

(2) The conviction has been the subject of a full pardon by the Governor.

(3) Each of the following conditions is met:

(i) The Secretary of the Treasury of the United States has relieved the applicant of an applicable disability imposed by Federal law upon the possession, ownership or control of a firearm as a result of the applicant's prior conviction, except that the court may waive this condition if the court determines that the Congress of the United States has not appropriated sufficient funds to enable the Secretary of the Treasury to grant relief to applicants eligible for the relief.

(ii) A period of ten years, not including any time spent in incarceration, has elapsed since the most recent conviction of the applicant of a crime enumerated in subsection (b), a felony violation of The Controlled

Substance, Drug, Device and Cosmetic Act or the offense which resulted in the prohibition under 18 U.S.C. § 922(g)(9).

(d.1) Concurrent jurisdiction to prosecute.--The following apply in a city of the first class where the Attorney General has operated a joint local-State firearm task force:

(1) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for a violation of this section.

(2) No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(3) This subsection shall not apply to any case instituted two years after the effective date of this subsection.

(e) Proceedings.--

(1) If a person convicted of an offense under subsection (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to the court, a hearing shall be held in open court to determine whether the requirements of this section have been met. The commissioner and the district attorney of the county where the application is filed and any victim or survivor of a victim of the offense upon which the disability is based may be parties to the proceeding.

(2) Upon application to the court of common pleas pursuant to paragraph (1) by an applicant who is subject to the prohibition under subsection (c)(3), the court shall grant such relief if a period of ten years, not including any time spent in incarceration, has passed since the applicant's most recent conviction under subsection (c)(3).

(f) Other exemptions and proceedings.--

(1) Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.

(2) If application is made under this subsection for relief from the disability imposed under subsection (c)(6), notice of such application shall be given to the person who had petitioned for the protection from abuse order, and such person shall be a party to the proceedings. Notice of any court order or amendment to a court order restoring firearms possession or control shall be given to the person who had petitioned for the protection from abuse order, to the sheriff and to the Pennsylvania State Police. The application and any proceedings on the application shall comply with 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

(3) All hearings conducted under this subsection shall be closed unless otherwise requested to be open by the applicant.

(4) (i) The owner of any seized or confiscated firearms or of any firearms ordered relinquished under 23 Pa.C.S. § 6108 shall be provided with a signed and dated written receipt by the appropriate law enforcement agency. This receipt shall include, but not limited to, a detailed

identifying description indicating the serial number and condition of the firearm. In addition, the appropriate law enforcement agency shall be liable to the lawful owner of said confiscated, seized or relinquished firearm for any loss, damage or substantial decrease in value of said firearm that is a direct result of a lack of reasonable care by the appropriate law enforcement agency.

(ii) Firearms shall not be engraved or permanently marked in any manner, including, but not limited to, engraving of evidence or other identification numbers. Unless reasonable suspicion exists to believe that a particular firearm has been used in the commission of a crime, no firearm shall be test fired. Any reduction in the value of a firearm due to test firing, engraving or permanently marking in violation of this paragraph shall be considered damage, and the law enforcement agency shall be liable to the lawful owner of the firearm for the reduction in value caused by the test firing, engraving or permanently marking.

(iii) For purposes of this paragraph, the term "firearm" shall include any scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with a firearm.

(g) Other restrictions.--Nothing in this section shall exempt a person from a disability in relation to the possession or control of a firearm which is imposed as a condition of probation or parole or which is imposed pursuant to the provision of any law other than this section.

(h) License prohibition.--Any person who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing any firearm under this section shall not be eligible for or permitted to obtain a license to carry a firearm under section 6109 (relating to licenses).

(i) Firearm.--As used in this section only, the term "firearm" shall include any weapons which are designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(j) Copy of order to State Police.--If the court grants relief from the disabilities imposed under this section, a copy of the order shall be sent by the prothonotary within ten days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.

(June 13, 1995, 1st Sp.Sess., P.L.1024, No.17, eff. 120 days; Nov. 22, 1995, P.L.621, No.66, eff. imd.; Apr. 22, 1997, P.L.73, No.5, eff. 60 days; June 18, 1998, P.L.503, No.70, eff. imd.; Dec. 3, 1998, P.L.933, No.121, eff. imd.; Dec. 15, 1999, P.L.915, No.59, eff. 60 days; June 28, 2002, P.L.481, No.82, eff. 60 days; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days; Sept. 30, 2003, P.L.120, No.24, eff. Feb. 1, 2004; Nov. 10, 2005, P.L.335, No.66, eff. 180 days; Oct. 17, 2008, P.L.1628, No.131, eff. 60 days; Nov. 3, 2016, P.L.1052, No.134, eff. 60 days; Oct. 12, 2018, P.L.519, No.79, eff. 180 days; July 2, 2019, P.L. , No.58, eff. 60 days)

2019 Amendment. Act 58 added subsec. (d.1).

2018 Amendment. Act 79 amended subsecs. (a)(2), (a.1)(2) and (3) and (c)(6) and (9) and added subsec. (c)(10). Act 79 shall

apply to orders issued pursuant to 23 Pa.C.S. § 6108 on or after the effective date of section 11 of Act 79.

2016 Amendment. Act 134 amended subsec. (a.1)(1) and added (1.1).

2008 Amendment. Act 131 amended subsec. (b).

2005 Amendment. Act 66 amended subsecs. (a), (a.1), (c)(6), (d), (e)(1) and (f)(2) and (4) and added subsec. (c)(9).

2003 Amendment. Act 24 amended subsec. (c)(3).

1999 Amendment. Act 59 amended subsec. (c)(2) and added subsec. (a.1).

1998 Amendments. Act 70 amended subsec. (c)(4) and added subsec. (j) and Act 121 amended subsec. (c)(1).

1997 Amendment. Act 5 amended subsec. (f).

1995 Amendment. Act 66 amended subsecs. (a), (b), (c), (d) and (f).

Cross References. Section 6105 is referred to in sections 908.1, 6103, 6104, 6105.1, 6105.2, 6109, 6110.2, 6111, 6111.1, 6115, 6117, 6118, 6123, 6301 of this title; sections 6102, 6107, 6108, 6108.3, 6119 of Title 23 (Domestic Relations); sections 5802, 6308 of Title 42 (Judiciary and Judicial Procedure).