

Exhibit 40

To Defendants' Memorandum in Support of Motion for
Summary Judgment

NewsRoom

8/11/11 Statesman J. (Salem, Or.) C1
2011 WLNR 15882434

Statesman Journal (Salem, OR)
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August 11, 2011

Section: Mid-Valley

Brush with tragedy spurs author

August 11, 2011

One of the more notorious crimes in Salem history remains fresh in the mind of a South Salem resident who easily could have been a victim.

On May 7, 1981, Lawrence Moore walked into the Oregon Museum Tavern on Front Street NE at 10:20 p.m. during ladies night, stood at the entrance, raised his 9mm semiautomatic pistol and calmly squeezed off two 13-round clips.

The shooting spree that left four people dead and 20 wounded ended shortly after when Moore tried to reload his pistol and was tackled by patrons.

Christie Kraemer, a published author, was 30 years old and a regular of the tavern. She left the bar with her friend 15 minutes before the shooting.

Thirty years later, Kraemer has written "Shattered Tomorrows," a fictional book loosely based on the facts of the shooting that will be released Monday by Rogue Phoenix Press.

"It was cathartic," Kraemer said.

Her brush with tragedy had lingered in her memory, and she said she never felt as though there was closure despite Moore being found guilty and sentenced to life in prison. She also said she wanted to write the book to answer the question "Why?"

"It's kind of been nagging me for a long time," she said.

According to Statesman Journal reports, when he testified at his October 1981 murder trial, Moore claimed that he was defending himself against the band of enemies who were plotting against him.

Spraying the tavern with gunfire was his last chance to defend himself, Moore said. "No place to run, no place to hide; I couldn't get away from them, I was going to die anyway."

A jury rejected his insanity defense and he remains at the Oregon State Penitentiary, where he is serving a life sentence.

"The facts are out there and everyone will take them to their own view; even with the facts, you are still left with 'no one knows why he did it and he's never going to say,'" she said.

For many of the victims and patrons who were at the tavern the night of the shooting, small decisions made the difference between life, death and an altered future.

In Kraemer's case, she said she was with her friend, who wanted to go to the tavern in hopes a man her friend was interested in would be there. They waited for a while, had a drink and when he didn't arrive, they decided to move on to the next bar. The decision took them out of harm's way.

Others were not as lucky.

She said she has received some criticism from people for not writing a true story, but using fiction allowed her to end the story the way she wanted to see it end.

"This isn't going to be sunshine and rainbows," she said.

She also said she hopes the book will do for others what it did for her — give some sort of closure and allow people to put it in the past.

esperez@StatesmanJournal.com or (503) 399-6740 or follow at Twitter.com/ElidaSPerezSJ

Book

"Shattered Tomorrows" will be released Monday by Rogue Phoenix Press.

The book is a fictional story loosely based on the shooting spree at the Oregon Museum Tavern on Front Street NE on May 7, 1981.

For information, go to roguephoenixpress.com or call (503) 302-5392.

---- Index References ----

News Subject: (Violent Crime (1VI27); Social Issues (1SO05); Murder & Manslaughter (1MU48); Crime (1CR87); Death Penalty (1DE04))

Industry: (Traditional Media (1TR30); Entertainment (1EN08); Bars & Nightclubs (1BA02); Book Publishing (1BO18); Publishing (1PU26); Books (1BO26))

Region: (U.S. West Region (1WE46); USA (1US73); North America (1NO39); Americas (1AM92); Oregon (1OR01))

Language: EN

Other Indexing: (ROGUE PHOENIX PRESS) (Christie Kraemer; Lawrence Moore)

Word Count: 547

NewsRoom

3/7/88 WashingtonPost.com (Pg. Unavail. Online)
1988 WLNR 2543740

WashingtonPost.com
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March 7, 1988

GUNMAN OPENS FIRE IN CHURCH; DEACON KILLED, 4 ARE INJURED

EMPORIA, KAN. -- A heavily armed man walked into a crowded church yesterday and opened fire, killing a church deacon and injuring four other persons before he was subdued by church members while reloading, authorities said. The gunman, identified as Cheunphon Ji, 29, of no known address, entered through the side door of the Calvary Baptist Church during services shortly after 11 a.m. and fired several rounds from a semiautomatic handgun at the 100 people inside, police Chief Larry Blomenkamp said. "He had no particular target. He just entered and started firing random shots," Blomenkamp said. The gunman was not a member of the church, and no motive was known, Blomenkamp said.

The man was taken to the Lyon County Jail to await charges. Thomas DeWeese, 47, was dead on arrival at Newman Hospital. One victim was in serious condition, one in good condition and two others, including a daughter of the slain deacon, were treated for gunshot wounds and released.

--- Index References ---

News Subject: (Religion (1RE60); Health & Family (1HE30); Christianity (1CH94); Fires (1FI90); Protestantism (1PR28); Accidents & Injuries (1AC02); Social Issues (1SO05))

Language: EN

Other Indexing: (Cheunphon Ji; Larry Blomenkamp; Thomas DeWeese)

Word Count: 159

End of Document

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3/7/88 Hous. Chron. 12
1988 WLNR 2191554

Houston Chronicle
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March 7, 1988

Section: 1

Deacon slain as gunman fires randomly at church

EMPORIA, Kan.

EMPORIA, Kan. - A man opened fire with a semi-automatic pistol at a Baptist church during Sunday morning services, killing a deacon and wounding four other churchgoers before he was subdued while reloading.

The neatly dressed gunman, identified as Cheunphon Ji, 29, address unknown, walked into Calvary Baptist Church during morning services at 11:14 a.m. and began firing randomly without a word, Police Chief Larry Blomenkamp said.

He was subdued by churchgoers after wounding five people, including Thomas DeWeese, 47, a church deacon who was dead on arrival at Newman Hospital.

"You think of something like this happening in a large city and you hear reports in faraway places of someone trying to massacre others, but not here, not in Emporia," said the Rev. Donald Kusmaul, pastor of the church.

One victim was in serious condition at an Emporia hospital. Another was in good condition and two others - including a daughter of the slain deacon - were treated for gunshot wounds and released.

Neither the gunman, who police said will be formally charged on Monday, nor his victims were immediately identified.

"There was no particular target," Blomenkamp said. "The individual just began firing random shots."

Kusmaul said no one at the church recognized the gunman, who police said left California last week and arrived Sunday morning in Emporia, located off the Kansas Turnpike about 100 miles southwest of Kansas City.

His car, which had California license plates, was found in the church parking lot.

Kusmaul said he was leading the 100-member congregation in a hymn when the gunman, carrying a duffel bag, walked in through a side door.

"He had what I thought were earmuffs on and a shoulder bag and my first thought was perhaps he's a college student," the pastor said. "Then I heard the gun."

"When I hit the floor, it was just unbelievable what was happening, and I realized those weren't earmuffs; they were ear protectors."

Churchgoers screamed and crouched under pews and on the floor until one parishioner at the back charged at the gunman as he tried to place a new clip of ammunition into his gun, Kusmaul said.

The gunman tried to escape by fleeing out the side door, but several churchgoers tackled him outside and held him for police, said Kusmaul, 43, pastor at the church for 17 years.

The man was wearing a suit and tie, "dressed like someone planning to attend church," Blomenkamp said, but he said officers did not know why he picked the Baptist church in downtown Emporia.

Police found a bag containing several handguns and ammunition at the rear of the church but said the gunman used only one weapon, a semi-automatic pistol.

DeWeese and three other victims were taken to Newman Hospital. Sandy Mattox, 43, was hit in the left shoulder and was in serious but stable condition. Daniel Goza, 14, who was grazed by a bullet, and Beverly DeWeese, the daughter of the slain deacon who was shot in the left arm, were treated and released.

Robert Adamson, 14, was taken to St. Mary's Hospital, where he underwent surgery to remove a bullet lodged in his left thigh. He was reported in good condition.

---- **Index References** ----

News Subject: (Religion (1RE60); Christianity (1CH94); Social Issues (1SO05); Protestantism (1PR28))

Region: (Kansas (1KA13); USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (BAPTIST; CALVARY BAPTIST CHURCH; EMPORIA; NEWMAN HOSPITAL) (Beverly DeWeese; Blomenkamp; Daniel Goza; DeWeese; Donald Kusmaul; Ji; Kusmaul; Larry Blomenkamp; Robert Adamson; Sandy Mattox; Thomas DeWeese)

Edition: 2 STAR

Word Count: 640

End of Document

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5/1/93 Rocky Mtn. News 9A
1993 WLNR 506495

Denver Rocky Mountain News (CO)
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May 1, 1993

Section: LOCAL

BAYLIS CHARGED IN RAMPAGE THAT KILLED TWO IN SPRINGS

DICK FOSTER ROCKY MOUNTAIN NEWS SOUTHERN BUREAU

COLORADO SPRINGS

Eugene Baylis, 42, was charged Friday with four counts of murder and 16 counts of attempted murder in district court in connection with an April 17 shooting rampage at a Colorado Springs bar.

Baylis, who said he was feeling ill Friday, is scheduled to appear in El Paso District Court again Monday to acknowledge the charges against him.

Two victims died and eight others were wounded after Baylis entered Jim and I's Star Bar in north Colorado Springs and raked the bar with automatic rifle fire, police said. After he left the bar, he fired randomly around the neighborhood and at pursuers, police said.

Bar manager Paul Klein, 40, was struck by three bullets while attempting to wrestle the guns from Baylis, police said. He died the next morning at a local hospital. Stephen Fairfax, 33, was killed by three bullets in the chest as he pursued the gunman.

Baylis was shot in the head by police and subdued in the parking lot of the bar as he sat in his car reloading his AK-47 assault rifle. He was hospitalized for four days with pellet wounds from the shotgun blast but transferred to El Paso County Jail last week.

Assistant district attorney Jeanne Smith said Baylis was charged with two counts of murder for each victim under two separate provisions of state law.

"The first count charges him with premeditation, the second count is the extreme indifference section of the statute," Smith said.

The procedure would allow a jury two opportunities in each case to find Baylis guilty of first-degree murder and attempted first-degree murder, either by acting with premeditation or by acting with extreme and wanton indifference to human life that resulted in death and injury.

LIB3 LIB3

---- **Index References** ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Region: (USA (1US73); Americas (1AM92); Colorado (1CO26); North America (1NO39))

Language: EN

Other Indexing: (EL PASO COUNTY JAIL; EL PASO DISTRICT COURT; SPRINGS) (Baylis; BAYLIS CHARGED; Eugene Baylis; Jeanne Smith; Paul Klein; Smith; Stephen Fairfax)

Edition: REGIONAL

Word Count: 344

End of Document

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1/29/95 St. Louis Post-Dispatch 04D
1995 WLNR 775005

St. Louis Post-Dispatch (MO)
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January 29, 1995

Section: NEWS

SUSPECT IN RAMPAGE HAD HISTORY OF MENTAL PROBLEMS, FAMILY SAYS

1995, Reuters News Service

CHAPEL HILL, N.C.

A law student accused of going on a shooting rampage that left two people dead had a history of mental problems and once claimed to be telepathic, say family members and acquaintances.

The suspect, Wendell Williamson, 26, is under guard and in good condition at University of North Carolina Hospital, a hospital spokeswoman said. He was wounded in the legs and underwent surgery.

On Friday, he was formally charged with two counts of first-degree murder.

On Thursday, Williamson parked his father's car at an apartment complex and walked toward the center of town carrying an M-1 rifle and dozens of clips of ammunition in a green knapsack. Police said he fatally shot one man on his front porch, and a college student who was riding on his bicycle. A former Marine tackled the gunman to the ground.

Williamson, a former National Merit Scholar, had been hospitalized at one time for psychiatric problems, and had been seeing a psychiatrist at the university, his mother said Friday.

His classmates said his mental problems became apparent during his first year at law school, where he was prone to delusions and outbursts of anger.

Police had to restrain Williamson during an incident in a parking lot two years ago, and last spring he stood up in class and announced that he was exempt from an assignment because he was telepathic and already knew the answer, classmates said.

University law professor Daniel Pollitt said it was unusual that a student would break under pressure in his final semester. Traditionally, the first year of law school is the hardest, and the third the easiest.

Pollitt speculated that Williamson could have been feeling pressure about finding a job when he passed the bar. "Some people are trying to decide which job to take, but other people don't have any interviews," the professor said. "People who've been honor students since the first grade feel they've worked hard and done well and that they deserve better. They get angry."

PHOTO

Photo by AP - Bill Leone sits in his living room with his dog, Sasha, on Friday as he discusses tackling the man charged with killing two people Thursday afternoon in Chapel Hill, N.C. Leone was shot in the shoulder as he tackled the gunman, who was trying to reload his rifle.<

---- Index References ----

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Crime (1CR87))

Industry: (Healthcare Practice Specialties (1HE49); Healthcare Services (1HE13); Healthcare (1HE06); Psychiatric Services (1PS61))

Region: (North America (1NO39); Americas (1AM92); North Carolina (1NO26); USA (1US73))

Language: EN

Other Indexing: (AP BILL LEONE; MARINE; NATIONAL MERIT SCHOLAR; PHOTO; SUSPECT) (Daniel Pollitt; Photo; Police; Pollitt; Sasha; Traditionally; Wendell Williamson; Williamson)

Edition: FIVE STAR

Word Count: 456

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NewsRoom

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6/29/95 Reuters News 00:00:00

Reuters

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June 29, 1995

White House gunman sentenced to 40 years in prison.

Robert Kearns

WASHINGTON, June 29 (Reuter) - A judge sentenced Francisco Duran to 40 years in prison on Thursday for shooting at the White House with an automatic weapon last October in an attempt to kill President Bill Clinton.

Judge Charles Richey rejected prosecution requests that Duran, a Colorado hotel worker convicted on April 3, be locked up for life as a deterrent to other would-be assassins. Richey did deny Duran the possibility of parole, but prosecutor Eric Dubelier said there was a chance he could be out in about 35 years with time off for good behaviour.

Richey, who also imposed a fine of \$3,200 to cover repairs to the White House, said the shooting "cannot be countenanced in a free society known as the United States of America."

Duran, 27, from Security, Colorado, pulled a Chinese-made semi-automatic assault rifle from under his rain coat last October 29 and sprayed the White House and its grounds with some 30 bullets from the sidewalk along Pennsylvania Avenue.

No one was hurt.

Duran, dressed in a blue prison uniform, told the court before being sentenced: "My actions on October 29 were inexcusable. I very much wanted to die that day. I am sorry I not only ruined my future but that of my wife and son." He has a six-year-old son named Alex.

After he spoke, Dubelier told Richey drily, "I guess he's been remarkably cured of paranoia. He spoke rationally." Duran had attempted a defence of insanity.

Dubelier asked Richey to impose a life sentence, noting that Duran was trying to reload his weapon when he was tackled by a tourist. He said Duran had personality disorders, was a drunk and bore a deep grudge against the government.

Richey sentenced Duran to 360 months for trying to kill the president and another 10 years for firearms offences.

U.S. Attorney Eric Holder said "we are very satisfied" with the sentence and told reporters he hoped it would "serve as a reminder to people who contemplate these acts."

During his 10-day trial, Duran's lawyers portrayed him as a madman who was having hallucinations that an evil "mist", linked to the White House by an umbilical cord, controlled him. They said he went to the White House to kill the mist.

But the jury accepted prosecution arguments that Duran, influenced by right-wing radio talk shows and anti-government literature criticising Clinton, opened fire when he saw a man resembling the president walk from the White House.

The prosecutors said Duran loathed the government because he had been discharged from the Army after serving time for running over a woman outside a Honolulu bar.

In the White House shooting, Duran was subdued by two bystanders as he tried to reload. The prosecution used videotapes taken by tourists.

The shooting, plus the April 19 Oklahoma City bombing, has led to tighter security at the White House. Pennsylvania Avenue in front of the mansion has been closed to vehicles.

A month before Duran's attack, a pilot crashed a small plane on the White House grounds, and there have been a number of fence-jumpers, one of whom was shot and wounded by White House guards last month.

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---- **Index References** ----

Company: WHITEHOUSE

News Subject: (Legal (1LE33); Judicial (1JU36))

Region: (U.S. Mid-Atlantic Region (1MI18); North America (1NO39); Colorado (1CO26); U.S. Southwest Region (1SO89); Oklahoma (1OK58); U.S. West Region (1WE46); Americas (1AM92); USA (1US73); Pennsylvania (1PE71))

Language: EN

Other Indexing: (ARMY; WHITE HOUSE) (Bill Clinton; Charles Richey; Clinton; Dubelier; Duran; Eric Dubelier; Eric Holder; Francisco Duran; Pennsylvania Avenue; Richey)

Word Count: 529

End of Document

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5/12/96 Fresno Bee B1
1996 WLNR 1686803

Fresno Bee
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May 12, 1996

Section: METRO

TWO RESTAURANT PATRONS SHOT IN DRIVE-BY; TWO MEN ARRESTED;
TWO OTHER SUSPECTS ARE BELIEVED TO BE INVOLVED IN THE ATTACK.

The Fresno Bee

A gun battle broke out early Saturday morning at Lorena's Taco and Seafood Restaurant in southwest Fresno, sending two patrons to the hospital as well as one of the alleged gunmen, who was shot in the foot by security guards returning fire.

Fresno police said all three were in stable condition with non-life-threatening wounds. Detectives said they had not determined a motive for the shooting, which occurred about 2:30 a.m. Saturday.

About 50 people were at the restaurant -- a taco truck and picnic tables on a fenced-off asphalt lot in the 400 block of West Belmont Avenue.

Police said a white Oldsmobile 88 with three men inside and a black Nissan Altima with a male driver stopped while heading east on Belmont. The occupants opened fire on the crowd using various weapons, including 7.62 mm assault rifles with 30-round magazines.

Jose Arroya, 49, of Parlier was hit three times in the torso and Gilbert Castellanos, believed to be in his 20s, was hit twice in the chest and abdomen. Security guards returned fire; one round hit a suspected gunman in the foot, police said.

Several cars parked nearby were hit with bullets and sustained "extensive damage," police said. The driver of the Oldsmobile fled in the Nissan. Security guards apprehended two other suspects as they attempted to reload their weapons.

Police recovered six guns at the scene. They arrested Pedro Duarte, 48, and Robert Caldera, 34, who was taken to Valley Medical Center for a gunshot wound in his right foot. They were charged with attempted murder.

---- Index References ----

Company: GENERAL MOTORS CORP

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Language: EN

Other Indexing: (OLDSMOBILE; VALLEY MEDICAL CENTER) (Detectives; Gilbert Castellanos; Jose Arroya; Pedro Duarte; RESTAURANT PATRONS SHOT; Robert Caldera)

Edition: HOME

Word Count: 309

End of Document

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9/18/96 N.Y. Times 7
1996 WLNR 4354032

New York Times (NY)
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September 18, 1996

Penn State Shooting Is Fatal to Student; Woman Is Arrested

AP

Jillian Robbins, 19-year-old woman, opens fire with rifle in middle of Pennsylvania State University campus, killing one student and wounding another before she is tackled while trying to reload (S)

UNIVERSITY PARK, Pa., Sept. 17

A 19-year-old woman opened fire with a rifle in the middle of the Pennsylvania State University campus today, killing one student and wounding another before she was tackled while trying to reload.

The woman, Jillian Robbins, lives in State College, which surrounds University Park, but is not a student at the university. Acquaintances said Ms. Robbins had a history of mental problems.

No immediate charges were filed against Ms. Robbins. The police said that they knew of no motive for the shooting and that Ms. Robbins did not know her victims.

Officials said she fired at least five shots from her rifle, a Mauser with a telescopic sight, around 9:30 A.M., from in front of the Hetzel Union Building, one of the campus's busiest areas, where she had spread a tarp on the lawn. The shots sent hundreds of students and teachers scattering.

One student, Melanie Spalla, 19, of Altoona, Pa., was killed, and another, Nicholas Mensah, 27, of Philadelphia, was wound once in the abdomen. He was in stable condition. Another student escaped injury when a book in his backpack stopped a bullet.

An aerospace engineering student, Brendon Malovrh, tackled Ms. Robbins as she was putting in a second ammunition clip, the police said. As the two struggled, she tried to stab Mr. Malovrh with a knife, stabbing herself in the leg instead. Mr. Malovrh used his belt as a tourniquet on Ms. Robbins. She was hospitalized in serious condition.

In the only other slaying on the campus, a female graduate student was stabbed with an icicle in a library in 1969. Her killer was never found.

---- Index References ----

Region: (Pennsylvania (1PE71); USA (1US73); Americas (1AM92); North America (1NO39))

Language: EN

Other Indexing: (PENN; PENNSYLVANIA STATE UNIVERSITY; STATE COLLEGE; STATE SHOOTING; UNIVERSITY) (Acquaintances; Brendon Malovrh; Jillian Robbins; Malovrh; Melanie Spalla; Nicholas Mensah; Robbins)

Company Terms: PENNSYLVANIA STATE UNIVERSITY

Edition: Late Edition - Final

Word Count: 359

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1997 WLNR 3049433

USA Today (USA)
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October 2, 1997

Section: NEWS

3 slain in Miss. teen's rampage

Scott Hildebrand

A 16-year-old Mississippi high school student, apparently distraught over his breakup with a girlfriend, stabbed his mother to death and then shot nine students at a crowded high school, killing two of them, police said.

Luke Woodham, a sophomore, was described as a quiet teen, who had few friends. He faces charges of murder and aggravated assault when he appears in court today. Bond hasn't been set.

Pearl, Miss., police say Woodham stabbed his mother, Mary, 50, to death with a butcher knife in the bedroom of their brick home about 5 a.m. Wednesday.

Neighbors saw him leave the house in his mother's car, hitting a tree and crossing a neighbor's yard as he drove away. His mother usually drove him to school.

About 8:10 a.m., police say Woodham walked into the commons area just inside the front door at Pearl High School and shot his ex-girlfriend Christina Menefee, 16, as she tried to run away. Next he killed Lydia Kaye Dew, 17, who had been standing next to Menefee.

Then, police say, Woodham began shooting at random as screaming students tried to take cover.

Three boys and four girls, including one who is pregnant, were hit. Three were hospitalized, one in serious condition.

Tenth-grader Monica Tanner said the rifle ``was pretty long. . . . He was just shooting. I heard seven to eight shots. It took me a while to get out of the building because everyone was running out at the same time and screaming."

``It appeared to have to do with the ex-girlfriend," Pearl Police Chief Bill Slade said. ``He was angry. He felt like people didn't care for him."

Witnesses said a student tackled Woodham as he was about to reload his rifle, but Woodham escaped.

Police arrested him in his mother's compact car just outside the school.

Police, classmates and neighbors described Woodham as a quiet youth who had no history of violent behavior.

``He's always been quiet, never really had a lot of friends," neighbor Tracy Thompson said. ``Nobody believed anything like that could happen." She said Woodham and his mother ``never seemed like they were on bad terms."

Woodham lived with his mother, who worked as a receptionist for Cal-Maine Foods, an egg producer. His parents apparently were divorced. He has an older brother who attends the University of Mississippi, Thompson said.

Michael Stanley, who took art classes with Woodham, said he was a talented artist. ``He's not psycho. He's smart."

The killings shocked residents in the community 3 miles east of Jackson. At one point in the day, Slade choked back tears as he talked about the rampage.

``Naturally, when we're talking about our kids and our school, it's a sad and tragic day," Jimmy Foster, mayor of the town of 22,000, said.

After the shootings, weeping students gathered in small groups outside the school where the flag was lowered to half-staff. Others held hands and prayed.

Classes were canceled until Monday, but students were told to report Friday for counseling.

Contributing: Andy Kanengiser and Jill Farrell King of The Clarion-Ledger in Jackson, Miss.

PHOTO,color,Greg Jenson,The Clarion-Ledger\ PHOTO,b/w,AP

NOTES: THE NATION

---- **Index References** ----

Region: (USA (1US73); Americas (1AM92); North America (1NO39); Mississippi (1MI74))

Language: EN

Other Indexing: (AP; CLARION LEDGER; FOODS; MISSISSIPPI; PEARL; PEARL HIGH SCHOOL; PHOTO; UNIVERSITY OF MISSISSIPPI) (Bill Slade; Bond; Christina Menefee; Contributing; Greg Jenson; Jill Farrell; Jimmy Foster; Luke Woodham; Lydia Kaye Dew; Mary; Menefee; Michael Stanley; Monica Tanner; Naturally; Slade; Tenth; Thompson; Tracy Thompson; Woodham)

Edition: FINAL

Word Count: 627

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3/27/97 Plain Dealer (Clev.) 5B
1997 WLNR 6341996

Cleveland Plain Dealer

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March 27, 1997

Section: OHIO

WOMAN SENTENCED FOR SHOOTING DEMOLITION MAN

ASSOCIATED PRESS

DAYTON

A 72-year-old woman convicted of shooting a worker who had come to demolish her condemned house has been sentenced to prison.

Bessie Hardin was given two terms of 5 to 25 years this week by Judge John Petzold of Montgomery County Common Pleas Court.

Hardin pleaded guilty to two counts of attempted murder earlier this month for shooting demolition worker Bill Flitton with a .22-caliber handgun in 1994. Fellow demolition worker Dennis Sovonick was injured when he tackled Hardin as she was reloading the gun.

Police said Hardin was angered by the city's efforts to demolish her house, which had been declared a nuisance.

In a pending civil lawsuit, Flitton and Sovonick allege that contractor Steve R. Rauch and his companies, Steve R. Rauch Inc. and American Environmental Control, knowingly sent them into an unsafe situation and failed to warn them about a previous threat from Hardin.

But Rauch denied responsibility for the attack, the men's injuries and claims made in the lawsuit.

"I'm sad about the situation. They have to do what they feel is correct or incorrect," Rauch said.

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---- **Index References** ----

News Subject: (Violent Crime (1VI27); Crime (1CR87); Social Issues (1SO05))

Language: EN

Other Indexing: (AMERICAN ENVIRONMENTAL CONTROL; DAYTON; MONTGOMERY COUNTY COMMON PLEAS COURT) (Bessie Hardin; Bill Flitton; Dennis Sovonick; Flitton; Hardin; John Petzold; Police; Rauch; Sovonick; Steve R. Rauch; WOMAN SENTENCED)

Edition: FINAL / ALL

Word Count: 237

End of Document

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NewsRoom

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9/26/04 Fort Wayne J. Gazette (IN) 1
2004 WLNR 15076228

Journal - Gazette
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September 26, 2004

A high-stakes business With human lives on the line, SWAT units play fragile game
[Final Edition]

Harada, Masaaki

See 'Crisis response' box at end of story.

Police cars and an ambulance approached a Bluffton Road motel without lights and sirens and slipped into a parking lot in front of a room to which they were called.

An intoxicated man with a knife had barricaded himself in the room at the Fair Oak Motel the night of July 25. Uniformed officers blocked Bluffton Road a few hundreds yards away on each side of the motel, directing traffic and curious onlookers.

While the Fort Wayne Police Department's Emergency Services Team, better known as the SWAT team, surrounded the building, a team of hostage negotiators who make up the police department's Crisis Response Team continued a painstaking conversation with the man inside.

The 32-year-old Fort Wayne man was threatening over the phone to kill himself, said Sgt. Paul Shrawder who leads the hostage negotiators. The man wanted to talk with his girlfriend who he said was leaving him.

"He's been drinking a lot. A lot of times, just time can settle a person down. Then you can make him start thinking of the situation he is in and how he can get out or work it out," Shrawder said.

This standoff, the fourth of five handled by Fort Wayne police this year, is typical of what hostage negotiators go through.

Eight officers of the Crisis Response Team are trained to talk a barricaded person out of a building and are on call 24 hours a day. They try to resolve such situations without using the Emergency Services Team, which includes sharpshooters and may have to use force.

The case on Bluffton Road ended 90 minutes after officers got the call. Negotiators persuaded the man to come out with promises to let him talk to his girlfriend and smoke a cigarette. The man walked out of the motel room and surrendered, and the woman called to the scene was allowed to talk to him later.

The man was given a mental evaluation and later arrested, but not because of the standoff. A warrant charging him with failure to appear in court had been filed in Kane County, Ill.

Power of negotiation

Onlookers at any standoff likely see a large white truck labeled "Tactical Operation Center."

During a brief meeting after arriving, the team decides who will be the primary negotiator.

The primary negotiator, chosen case by case, is accompanied by a second negotiator, often called a coach, who listens to the conversation and advises the primary negotiator. The other negotiators are in charge of record keeping, gathering information from police records and interviewing relatives and friends.

Communication with a person inside needs to be established as soon as possible. Police also want as much information as possible about that person.

The division of labor enables police to accomplish what might seem like contradicting goals to some people, Shrawder said.

"We want to let them know even though they may see all the police with guns surrounding them, there are people who are trying to give them a way to settle it peacefully," he said. "From a negotiator's point of view, you want to talk to them, give them options and let time go by while we talk so that, eventually, they will calm down."

Opening a channel of communication with the person inside is critical. The Crisis Response Team has "throw phones" that can be connected with a 1,000-foot line and loudspeakers.

"Just actively talking to somebody makes you think," Shrawder said. "We try to make them calm down and go back to thinking mode and hopefully reason with them, showing them that the situation they are in is a bad situation. But they have options that we can settle this."

If a barricaded person is demanding certain conditions, that can be a good sign. No demands indicate the person has no interest in dealing with the outside, Shrawder said.

Police might comply with the demands if they are reasonable, Shrawder said.

Police won't let barricaded people have alcohol, illegal drugs or weapons and/or talk to certain family members or friends.

"A lot of times, you really don't know why he is there," Shrawder said. "It could be because of the mother. You don't know what the mom or the friend is going to say. They could make the situation worse."

Use of force

When a cloistered person has nothing to demand and just won't come out, police have to find something they can negotiate.

A person who barricaded himself in a Riverhaven home told negotiators he just wanted to sleep.

"We made noise so he could not go to sleep," said Allen County SWAT Team Commander Lt. Kenneth C. Fries. "He agreed to put all the guns outside if we just stop making all the noise."

The county SWAT team also dealt with an Albion man holed up in a pickup truck with rifles near the Allen-Whitley county line in January. Randall Katz was on the run from Noble County police on warrants.

Police got Katz's cell phone number from a relative, but he refused to talk. An armored vehicle drove up to his pickup truck and police talked to him by loudspeaker.

"He was not communicating at all so we had no idea what his thought process was," Fries said. "We have little idea what his next move might be."

A decision to force Katz out was made when he fired a shot into the truck's roof that made police believe he was threatening to kill himself. Police fired beanbag rounds at the pickup to distract Katz. The SWAT team broke the glass and pulled him out.

"People often think the SWAT team is a bunch of thugs just busting doors and shooting people," Fries said. "That's not our function. We are there to save lives."

SWAT teams are armed with diversionary devices and weapons like flash bangs - tear gas or stinger grenades that explode, emitting hundreds of rubber balls - as well as lethal weapons. Sometimes, however, officers choose "silent entry" tactics.

The "silent entry" was used in a hostage rescue at a Bob Evans restaurant on Valentine's Day in 1998.

Michigan robbery suspect Jody L. Sinclair took refuge at the restaurant on East Dupont Road after a car chase that began in DeKalb County. While he drove south on Interstate 69 at high speed, Sinclair fired at DeKalb County sheriff and Waterloo police squad cars that were tailing him. When his car was disabled by stop sticks near the Allen-DeKalb county line, he abandoned the car, commandeered a van at a rest stop and continued to flee. He ran over stop sticks a second time and got off the interstate at Dupont Road.

There were 36 to 40 people in the restaurant when Sinclair rushed in, Fries said. He took four hostages - two employees and two patrons - in the back room. The rest fled, but the husbands of the two customers stayed in the dining area, refusing to leave without their wives.

"I anticipated the best we can hope for at the end of the day might be the hostage taker would be dead," Fries said.

Sinclair talked with a dispatcher, demanding drugs during the 2 1/2 -hour hostage situation. SWAT members entered the building after a gunshot was heard from inside.

"We did not know where he was in the restaurant. Yet, you could smell the gunpowder that gave us a way to locate him," Fries said. "He was reloading the gun when we came around the corner and he was tackled by two of our guys."

The SWAT team did not fire a single shot or use any diversionary device. "He did not even know we were in the restaurant," Fries said.

On the edge

The Fort Wayne Emergency Service Team's only fatal standoff occurred in 1992 when 26-year-old Leroy Ross-Church was shot after lunging at officers with a knife.

Ross-Church had barricaded himself in a closet in an apartment, threatening to commit suicide. Three negotiators went into the room, trying to talk.

With negotiations failed and Ross-Church's suicide threat imminent, police used tear gas to force him to come out.

The tactic worked to force him out, but Ross-Church came toward officers brandishing a knife instead of surrendering. He refused to drop the knife and officers shot him to death.

An Allen County grand jury cleared police of any wrongdoing in the death. A federal investigation found Ross-Church's civil rights were not violated in the shooting.

Ross-Church's death spurred arguments about how police handle people with possible mental problems.

The answer was the creation of yet another team - the Crisis Intervention Team consisting of officers trained by mental health professionals. The team includes patrol officers who are spread out in three working shifts. As first responders, they try to prevent people with mental illnesses from creating situations that might require the hostage negotiators and SWAT team.

Studies show more than 16 percent of adults and 75 percent of juveniles incarcerated in the United States have mental illnesses, said Teresa Hatten, vice president of the Fort Wayne affiliate of the National Alliance for Mentally Ill.

"People with mental illness deserve treatment, not a jail," said Park Center CEO Paul Wilson, who advises officers who undergo Crisis Intervention Team training. "If somebody is truly psychotic and cannot make a rational choice, committed a petty crime or whatever, it makes much more sense to get them appropriate treatment than giving them jail time."

The Crisis Intervention Team program, started in August 2001, has had success and was expanded to other police departments, including the Allen County Sheriff's Department, New Haven and Bluffton, Wilson said.

Six people were arrested in 955 cases Crisis Intervention Team officers responded to from Aug. 1, 2003, to July 31, according to police records. In 52 of those cases, a person was armed. Without the Crisis Intervention Team, some of those cases could have been worse, Wilson said.

The number of cases involving barricaded people declined to three in 2002, a year after the Crisis Intervention Team program was launched, but that number shot up to nine cases - two above the 12- year average of seven cases - the next year.

Shrawder couldn't explain the fluctuation, but believes in the long run the program may reduce the number of standoffs or hostage situations.

"Officers who recognize how and why those things happen to people," he said, "can effectively intervene with a lot of people and prevent situations from developing into a serious crisis."

Crisis response

Calls for service by the Fort Wayne police Crisis Response Team

2004 through September---5

2003---9

2002---3

2001---9

2000---4

1999---14

1998---12

1997---8

1996---3

1995---2

1994---7

1993---7

1992---4

ILLUSTRATION

Caption: Dean Musser Jr./ The Journal Gazette: A member of the Allen County Sheriff's Department's SWAT Team participates in a regular training session earlier this month. Photo 2: Officers with the Allen County Sheriff's Department's SWAT team engage in a monthly training exercise. Shrawder headshot

---- Index References ----

News Subject: (Legal (1LE33); Health & Family (1HE30); Government (1GO80); Government Litigation (1GO18); Health & Safety (1HE24))

Industry: (Critical & Intensive Care (1CR27); Healthcare (1HE06); Psychology (1PS96); Psychiatric Services (1PS61); Healthcare Services (1HE13); Healthcare Practice Specialties (1HE49))

Region: (USA (1US73); Americas (1AM92); Indiana (1IN12); North America (1NO39))

Language: EN

Other Indexing: (ALLEN; ALLEN WHITLEY; ALLEN COUNTY; ALLEN COUNTY SHERIFF; ALLEN COUNTY SHERIFFS DEPARTMENT; ALLEN COUNTY SWAT; CRISIS INTERVENTION TEAM; CRISIS RESPONSE TEAM; DEPARTMENT; EMERGENCY SERVICES TEAM; FAIR OAK MOTEL; FORT WAYNE; FORT WAYNE EMERGENCY SERVICE TEAM; FORT WAYNE POLICE DEPARTMENT; ILLUSTRATION; JOURNAL GAZETTE; LEROY ROSS; NATIONAL ALLIANCE FOR MENTALLY ILL; PARK CENTER; ROSS CHURCH; SWAT; SWAT TEAM; VALENTINE) (Bob Evans; Caption: Dean Musser Jr.; Fries; Jody L. Sinclair; Katz; Kenneth C. Fries; Michigan; Opening; Paul Shrawder; Paul Wilson; Photo; Randall Katz; Shrawder; Sinclair; Studies; Teresa Hatten; Wilson)

Company Terms: ROSS CHURCHS

Word Count: 2166

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November 3, 2001

Section: NEWS

Witnesses describe bar killings
'It was like a war zone,' bartender says of Elgin spree

Dan Rozek

Don Michella Gallaher recognized the man as soon as he stormed in to the Elgin nightclub that night last April carrying two shotguns and two pistols.

It was Luther "Luke" Casteel, who had crudely propositioned her and several of her friends earlier that evening, before bouncers threw him out of JB's Pub.

When the gunman opened fire in the bar, people dived under tables. They ran, screaming, for the door.

But Gallaher couldn't move.

"I looked into his eyes. I just froze. I sat there," the 31-year-old, married mother of three testified Friday in a voice so low it could hardly be heard in the St. Charles courtroom where Casteel went on trial for murder, accused of killing two people and wounding 16 more in a drunken shooting spree last April 14.

In an instant, someone knocked her off her bar stool to the floor, and she and her girlfriends escaped unhurt and crawled out a back door of the popular club.

But the man who got her out of the line of fire did not.

Bar manager Jeff "Whitey" Weides, 38, was killed in the rampage, along with Richard Bartlett, 48, of Elgin, a bar patron who was gunned down as he sat near the front entrance.

Casteel, 43, of Elgin, a construction worker who has served two prison terms for armed robbery, faces a possible death sentence if convicted.

Kane County State's Attorney Meg Gorecki told jurors that testimony would show Casteel came back to JB's looking for payback an hour after he was ejected for harassing women.

Gorecki said witnesses will testify that when he returned, Casteel walked across the dance floor, firing at anyone who moved, and shouting lines from movies. "I'm a natural-born killer," Casteel screamed as he shot, Gorecki said, quoting witnesses. "I'm the king of the world."

Casteel, firing all four weapons, was tackled by bar employees and customers when he stopped to reload, she said.

Several witnesses who testified Friday described a chaotic scene as the gunman started shooting inside the crowded nightclub.

"It was like a war zone," said Dale Koehring, a bartender who worked with Weides. "The shots were 'pop, pop, pop.' Just rapid-fire."

Earlier that night, Casteel had gone home and changed from the sport coat and white dress shirt he'd worn earlier at the bar into military fatigues, shaved his head, leaving clumps of hair sticking up, slung a gas mask around his neck, and strapped on holsters and ammunition belts, Gorecki said testimony would show.

The gunman pulled in to JB's parking lot, leaving his car running and his door open, and fired two shotgun blasts at cars pulling in, then stepped inside and fired as people ran, Gorecki said.

"People were screaming. Everybody was yelling, 'Get down, get down!'" Gallaher testified.

Koehring was heading to the men's room when the shooting began. He said he ducked out a back door, then hesitated, worried about co-workers, including his friend Weides.

"Once I got out, all I wanted to do was get back in," said Koehring, who testified he never saw the gunman in the commotion.

Inside, he said he saw Weides on the floor and grabbed a towel to try to stanch the bleeding.

Kane County Public Defender David Kliment said he would show Casteel wasn't legally responsible for his actions, that he was under stress and had been drinking all day, and that an anti-depressant medication he was taking worsened the effects of the alcohol, leaving him unable to control his own actions.

"What happened that night was not something done by the Luke Casteel that everybody knew," Kliment told jurors, describing Casteel as "a normal guy, living a normal life."

--- **Index References** ---

Company: SHANGHAI JIABAO INDUSTRY AND COMMERCE (GROUP) CO LTD

News Subject: (Social Issues (1SO05); Violent Crime (1VI27); Top World News (1WO62); Crime (1CR87))

Industry: (Entertainment (1EN08); Bars & Nightclubs (1BA02))

Language: EN

Other Indexing: (ELGIN; JB; KANE COUNTY PUBLIC; KANE COUNTY STATES) (Casteel; Dale Koehring; David Kliment; Gallaher; Gorecki; Kliment; Koehring; Meg Gorecki; Michella Gallaher; Richard Bartlett)

Keywords: Elgin murder trial (CRIME LEGAL SUBURBS); (NEWS)

Word Count: 618

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April 21, 2001

Section: A SECTION

VICTIMS OF SCHOOL ATTACK REMEMBERED A SERVICE PAID TRIBUTE TO THE 12 STUDENTS AND ONE TEACHER WHO WERE KILLED IN LITTLETON, COLO.

Compiled From Wire Reports

LITTLETON, Colo. -- Holding hands and wiping away tears, about 350 people marked the second anniversary Friday of the Columbine High tragedy by listening as the names of the 13 people gunned down by two students were read aloud.

During the brief service at a park near Columbine, school officials asked the crowd to remember that the attack does not define the school or its students. Relatives, friends, survivors and students walked past 13 6-foot wooden crosses temporarily erected in a parking lot in honor of the victims.

"It's just a time to remember," Chris Bernall said, pausing at a cross bearing the name of his sister, Cassie. "I've moved on. I've had a sense of peace about it, knowing where Cassie is. She's up in heaven."

It was lunchtime on April 20, 1999, when students Eric Harris and Dylan Klebold opened fire. They killed 12 classmates and a teacher and wounded 26 others before committing suicide in the school's library.

There were scattered reports of threats at schools elsewhere in the country Friday.

Two schools in the Mattituck-Cutchogue district on New York's Long Island were closed Friday because of threatening e-mail. The content of the e-mail was not disclosed.

And in Monroe, La., a 14-year-old student at a disciplinary school drew a semiautomatic handgun and fired five shots that missed a principal and other school workers. The shooting at the Monroe City Alternative Center happened before classes as about 20 students lined up to be routinely scanned for weapons. All had been expelled from other schools.

Police said the boy drew a .38-caliber semiautomatic pistol out of a zippered binder notebook, pointed it toward a group of faculty members and pulled the trigger. But it either misfired or there was no round in the chamber.

Students and school workers ran into the auditorium and teachers held the door closed. The youth tried to open the door, then fired several times through a window in the door. He eventually re-entered the school and fired another shot, but students and school workers escaped. The youth was subdued by police as he reloaded.

As Friday's service began, low clouds settled in and light rain sprinkled the crowd. The sun broke through moments later. "When the sun came out, I knew that was Dave warming us up," said Cindy Thirouin, whose father, teacher Dave Sanders, was killed in the attack.

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---- **Index References** ----

Region: (USA (1US73); Americas (1AM92); Colorado (1CO26); North America (1NO39); New York (1NE72))

Language: EN

Other Indexing: (LITTLETON; MATTITUCK CUTCHOGUE; TEACHER) (Cassie; Chris Bernall; Cindy Thirouin; Dave Sanders; Dylan Klebold; Eric Harris)

Edition: METRO

Word Count: 480

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5/27/02 Pitt. Post-Gazette B5
2002 WLNR 4251855

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Section: LOCAL

OFFICER SHOT, SAVED BY BULLETPROOF VEST ASSAILANT IS WOUNDED BY MT. LEBANON POLICE

CINDI LASH AND JOHNNA A. PRO, POST-GAZETTE STAFF WRITERS

A Mt. Lebanon police officer was shot in the chest last night after responding to a domestic dispute, but escaped serious injury because he was wearing body armor.

Mt. Lebanon Officers Dan Rieg and Jeff Kite responded to a report of a domestic dispute at the home of Edward and Susan Constant on Piper Drive at about 10:40 p.m. The officers saw a man inside push a woman to the floor, then he came to the door and began firing at them.

Mt. Lebanon Deputy Police Chief Henry Egal said Edward Constant, 57, fired with a handgun, striking Rieg. Police returned fire, striking Constant in the hip and buttocks. Kite was not injured. Constant and the officers continued firing as the officers backed up across the yard and Constant followed them out of the house. Rieg emptied his gun and was reloading when police subdued Constant.

Egal said the bullet struck Rieg in the chest but was deflected by his bulletproof vest and slid sideways. "It was like he got a good, solid punch to the chest. If he hadn't been wearing the vest, he'd be dead, no question. He's going to be sore, but he'll be all right."

A nursing supervisor at Mercy Hospital, where both men were taken, concurred. "The police officer is going to be OK. He had his vest on. He would have been dead without it," she said. Rieg, 36, of Mt. Lebanon was being kept overnight for observation.

The supervisor said that Constant's injuries are not life-threatening.

Susan Constant has been taken into custody and will face charges, but Egal said police have not determined what they will be.

Police have recovered the handgun used in the shooting, he said.

Egal said he was not sure what provoked the call to the house or if police had been there before. But neighbors said the house has been the scene of frequent domestic disputes and screaming arguments that have been heard by homeowners a block away.

Janet Bodnar, who lives nearby on Oakwood, said her husband, Bill, had taken the dog out for a walk shortly before 10:40.

Right after he left, "I heard a loud boom boom! I thought it was fireworks. Then I heard a succession of four or five more booms, real fast. Then I heard loud noises, like men hollering."

Police said Rieg was conscious and, while being transported by ambulance to Mercy Hospital, used a police radio to broadcast his thanks to officers who rushed to the scene.

Allegheny County Police have been called to conduct an independent investigation of the incident, Egal said. County officers were on the scene early this morning.

Egal said the Mt. Lebanon Police Department has a policy requiring officers to wear bulletproof vests when they are on the road.

Staff writer Laura Pace contributed to this article.

---- Index References ----

Region: (Middle East (1MI23); Lebanon (1LE68); Arab States (1AR46))

Language: EN

Other Indexing: (ALLEGHENY COUNTY POLICE; CONSTANT; COUNTY; EDWARD AND SUSAN CONSTANT; EDWARD CONSTANT; LEBANON POLICE DEPARTMENT; MERCY HOSPITAL; MT; MT LEBANON; MT LEBANON DEPUTY POLICE; MT LEBANON OFFICERS DAN RIEG; PIPER; RIEG; SAVED; SUSAN CONSTANT) (Bill; BULLETPROOF VEST ASSAILANT; Egal; Henry Egal; Janet Bodnar; Jeff Kite; Kite; Laura Pace; Staff)

Edition: SOONER

Word Count: 542

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February 23, 2004

Section: NEWS

SIKH MEN SLAIN IN SAN JOSE PARK GUNMAN KILLED AFTER DEADLY RAMPAGE ON CARD PLAYERS

Demian Bulwa, Delfin Vigil, Simone Sebastian, Chronicle Staff Writers

A leisurely afternoon at a San Jose park turned violent Sunday, when a gunman opened fire on a group of mostly elderly Sikh men who were playing cards, striking six of them -- three fatally -- before the group turned on the attacker.

The assailant, a 43-year-old San Jose man whose name was not released, died at the scene after several witnesses wrestled him to the ground when his gun jammed or ran out of ammunition, San Jose police said.

Sarwan Singh Gill, 47, of San Jose witnessed the attack.

He said he was among about 15 friends who were playing cards at Overfelt Gardens in east San Jose when a man who was unfamiliar to them walked up to four of them, said something abusive in Punjabi, then started firing a semiautomatic weapon -- first at the four, then at the others.

Gill escaped the danger by hiding behind a tree. He said the shooter was reloading his weapon and began firing again when somebody tackled him from behind.

"I lost my friends, and I'm feeling very bad," Gill said in Punjabi at his home Sunday night, surrounded by family members.

Police responding to the 2:47 p.m. call about shooting at the usually tranquil park found a chaotic scene.

"This is very much unusual," said San Jose police spokesman Steve Dixon.

"These fellows play cards at this park regularly, and on typical Sunday afternoons we have never had any trouble before."

Two men died at the scene, and one died at San Jose Medical Center. They were 46, 65 and 70 years old, police said. Three others, ages 80, 78 and 62, were sent to Regional Medical Center in San Jose with non-life threatening injuries, according to Dixon.

The suspect was dead when police arrived, probably because he was beaten to death, Dixon said, though the cause of death will be determined by an autopsy by the Santa Clara County coroner.

Sunday evening, relatives, friends and associates of the shooting victims tried to make sense of the devastation and questioned why anyone would have wanted to kill them. The men -- most of whom attended Sikh Gurdwara temple in San Jose and who were between the ages of 46 and 80 years old -- were longtime friends who gathered almost daily at the park for card games.

Relatives identified the 46-year-old man who was killed as Kulwant Singh, a technician at Wintec Industries in Fremont, who came to the United States from India in 1999, leaving behind a small farm. He lived in San Jose with his wife and three daughters.

"He was a hard worker who was honest, loyal, committed, and family oriented," said Kulwant Singh's brother-in-law, Kirpal Singh Atwal.

Kulwant Singh's wife, Baljeet Kaur was walking in the park when she heard the gunshots, her brother said. It wasn't until three hours later that police told her that her husband was among the dead.

Sunday night, she was surrounded by friends and family at her San Jose apartment. Twenty friends packed onto the floor of Kaur's and Kulwant's bedroom, passing around pictures of the couple and grieving his loss.

At the Sikh Gurdwara temple on Quimby Road, where about 1,000 Sikhs worship, people gathered Sunday evening awaiting news of the victims' identities.

"Many families are calling, and they are very scared," said the vice president of the temple, Bob Dhillon, who spent several hours answering phone calls from concerned members. "This has scared the heck out of our community.

It is especially disturbing that this happened in a public place."

Temple secretary Jaswant Singh Hothi said the shooting brought back tension felt within the community following Sept. 11, 2001, when Sikhs were mistakenly targeted as followers of Osama bin Laden. Sikh men's traditional garb -- with long, thick beards and turbans -- cause them to resemble the widely publicized photographs of the Muslim terrorist.

Sikhs are not Muslims, though their traditional appearance causes confusion. Many are Punjabi natives, a tiny minority in their Indian homeland.

The 500-year-old Sikh Dharma monotheistic religion was founded in India, based in philosophies of social equality and truth.

"I'm feeling very scared," Hothi said.

"Those people just sit (at the park) every day. They don't have any problems," Hothi said. "We're just confused. Right now, we are nowhere."

The uncertainty about who the shooter was and what his motives were increased tension in the temple.

"Who has done these things? Why?" asked Billy Singh, 30, who searched the park Sunday evening for his father, Swarn Singh, who often joined in the card games.

"I haven't seen him. I've been looking for him everywhere," Billy Singh said, not knowing if his father was among the victims. He later learned his father was OK.

Swarn Singh said the group of friends had gathered at the park for years to play cards, joke around, and just talk.

PHOTO

A police officer checks over the homicide scene in Overfelt Gardens in east San Jose, where three Sikh men were shot and killed.
Kat Wade
The Chronicle

E-mail the writers at dbulwa@sfnchronicle.com, davigil@sfnchronicle.com, and sisebastian@sfnchronicle.com.<

---- **Index References** ----

Company: WINTEC INDUSTRIES INC

Region: (India (1IN24); USA (1US73); Americas (1AM92); Indian Subcontinent (1IN32); Southern Asia (1SO52); North America (1NO39); Asia (1AS61); California (1CA98))

Language: EN

Other Indexing: (KAUR; PHOTO; SIKH; SIKH DHARMA; SIKH GURDWARA; WINTEC INDUSTRIES) (Baljeet; Billy Singh; Bob Dhillon; Dixon; Gill; Hothi; Jaswant Singh; Kat Wade; Kirpal Singh Atwal; Kulwant; Kulwant Singh; Sarwan Singh Gill; SIKH MEN SLAIN; Steve Dixon; Swarn Singh; Twenty)

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AP Alert - California

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July 9, 2007

Accused gunman in Las Vegas casino shooting due Tuesday in court

LAS VEGAS_A man accused of opening fire with a handgun inside a Las Vegas Strip casino was scheduled to make his first appearance before a judge on Tuesday.

Steven Zegrean, 51, of Las Vegas, remained jailed without bail on suicide watch at the Clark County jail Monday after his arrest early Friday at the New York-New York casino.

Four people were wounded in the shooting and a fifth person was hurt in a crush of people fleeing the casino, after authorities say Zegrean fired 16 shots from an indoor balcony at gamblers below. None of the injuries was reported to be life-threatening, and no one remained overnight in the hospital.

Zegrean was apprehended after he paused to reload his semiautomatic pistol and was tackled by off-duty military reservists and restrained with the help of two Florida state police agents, police said. A gun was confiscated, and police said Zegrean had more ammunition in his tan trench coat when he was arrested.

He is expected to face felony charges including attempted murder, battery with a deadly weapon, and discharging a firearm in an occupied structure, police said.

Family members described Zegrean as an unemployed house painter, a Hungarian immigrant who has been divorced for several years and estranged from most of his family since his ex-wife remarried.

Police characterized Zegrean as "greatly emotionally distressed." They said he walked the Las Vegas Strip for a day and a half before the shooting, after police and paramedics responded to a report that he attempted suicide July 4.

---- Index References ----

News Subject: (Violent Crime (1VI27); Legal (1LE33); Social Issues (1SO05); Crime (1CR87); Criminal Law (1CR79))

Industry: (Entertainment (1EN08); Casinos (1CA80); Travel & Tourism (1TR07); Gaming Industry (1GA25))

Region: (Americas (1AM92); North America (1NO39); USA (1US73); New York (1NE72); Nevada (1NE81))

Language: EN

Other Indexing: (Steven Zegrean; Zegrean) (Hungary; HUN; Europe; United States; USA; NorthAmerica)

Keywords: (n); (Crime); (Travel); (Defense); (Labor); (Gambling); (Legal); (Law)

Word Count: 305

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2010 WLNR 137103

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January 3, 2010

Section: News Crime

'It replays in my mind over and over'
Family elated to welcome home Fort Hood massacre survivor

Amy Lee

The massacre at Fort Hood in Texas in November replays in his mind over and over.

A gunman shouts in Arabic. Shots ring out. Then intense pain -- bullets tore through his left knee and other parts of his body -- and loud screams.

"It was surreal, just mass chaos," Army Pvt. 1st Class Najee Hull recalled last week. "Pain and people screaming. It replays in my mind over and over. I remember everything. . . . It's starting to mess with me."

For the first time since the shooting, Hull was able to return to his home in Homewood two weeks ago -- to spend Christmas with his family.

But he can't stop thinking about the events Nov. 5 at Darnall Army Medical Center, which is a part of Fort Hood -- where Hull, 20, was stationed.

Military authorities say a U.S. Army psychiatrist, Maj. Nidal Malik Hasan, walked into the center, shouted "Allahu Akbar" or "God is greatest," then targeted uniformed soldiers by firing more than 100 times with a semiautomatic pistol and a revolver. He allegedly killed 13 people and wounded 30.

Hasan was tackled as he paused to reload. Hasan, who remains hospitalized, is charged with 13 counts of premeditated murder and 32 counts of attempted murder.

Hull was prepping for a medical review ahead of his planned deployment to Afghanistan when the shooting began. The medical center was teeming with soldiers and civilians, including a group of nearly 600 gathered for an afternoon graduation ceremony. Hull was the first person hit in the massacre.

"He said some terrorist things, some Allah things, then just started shooting," Hull said.

"I do ask myself sometimes, 'Why me?' Of all the places to be that day, I had to be there."

While Hull said he's thrilled to be surrounded by doting friends and family members in Homewood, he struggles to accept that a member of the military turned on his comrades -- on a U.S. base -- and opened fire.

"It's like being betrayed by a family member, like someone in my family shot me," Hull said. "We die for the same cause, live by the same creed. I'm still kind of angry about it, but I try not to be angry because I'm here and a lot of people aren't. I know I'm lucky."

Hull, a 2007 graduate of Homewood-Flossmoor High School, has undergone three surgeries. One bullet destroyed his spleen, which was removed, but fragments of bullets remain lodged in his chest and knee.

"At Christmas, the whole time I kept thinking, I might have missed this. If that bullet would hit two inches higher or two inches lower, I might never have seen my family again, and I love my family," Hull said.

Hull lives with his mother, Yvonne, who works for the U.S. Postal Service, and sisters Nanette Hull, 34, and Nala Pearson, 13. He also has an older brother, Nathaniel Hull, 31.

The family was elated to finally welcome Najee home after he spent more than a month recovering at the base, Yvonne, a single mom, said.

"Christmas was truly Christmas, a celebration. We may have a sparse tree and sparse gifts, but you know we got our gift early, and we're at peace," Yvonne said. "Words cannot describe how thankful we are."

Hull, a mechanic, is part of the 36th Engineer Brigade, which will deploy this month to Afghanistan -- but without him. He'll return to Fort Hood on Friday.

"I love the Army. I love my buddies. I feel bad I won't be with them," said Hull, struggling to remain composed. "I have a lot of soul-searching to do. I really don't know what's next for me."

---- Index References ----

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Section: A

'I Was Just Sure They Just Wanted To Kill This Group of Persians'

J. DAVID GOODMAN and VIVIAN YEE

The first sound -- a muffled pop -- caused little alarm. It had come from somewhere on the third floor of a home in East Williamsburg, Brooklyn, shared by musicians from Iran.

The men had been unwinding with a routine video game of Internet pool, each comfortably ensconced in his own room, lazily playing before bed. The next sound came from one of the men, Arash Farazmand, who wondered aloud, "What's that?"

Two more blasts, now well inside the home, had the unmistakable thunder of weaponry. And then there was the sound of someone dying.

It was soon clear that a gunman was methodically moving through the house.

"He was stepping so fast," Pooya Hosseini recalled on Thursday, describing the deadly scene that unfolded just after midnight on Monday inside 318 Maujer Street and his confrontation with the gunman -- a fellow Iranian musician -- that enabled him to survive.

Three of his friends did not: two brothers who were members of the Yellow Dogs, a rock group of political refugees, and another musician.

When Mr. Hosseini, 28, began hearing the rampage unfold, he recalled, he feared that a man who had recently been renting a room in the house -- and who had spoken of his time in the Iraq war -- had gone crazy. He had no idea the gunman was Ali Akbar Mohammadi Rafie, a former member of Mr. Hosseini's band, the Free Keys.

All Mr. Hosseini knew, as he crouched in a corner of his third-floor room sheltered only by a laden coat rack, was that the gunman was now slowly climbing upstairs. He wanted to call the police but could only recall the 1-1-0 number for the police in Tehran.

"That was the worst moment in my life," he said. "I was just sure they just wanted to kill this group of Persians."

Mr. Hosseini listened to the gunfire. Then his door crashed open.

First all he saw was the gun, and then he focused on Mr. Rafie's face, wild-eyed, not with anger but with a strange beatific purpose, an almost happy demeanor.

" 'You think my bullets are not going to go through those coats and your body and the wall?' " Mr. Hosseini recalled, using English to recount Mr. Rafie's words, which had been spoken in Persian. "I said, 'Definitely, sure, but don't kill me. Just let me talk to you.' "

For the next several minutes, they spoke, Mr. Rafie, pointing the end of a .308 caliber, Spanish-made assault rifle at Mr. Hosseini, still crouched on the floor.

"He asked me, 'What happened to us?' " Mr. Hosseini recalled.

The two had been friends in Iran, playing music together and accompanying each other on mountain bike rides in the hills north of their Tehran homes. They came to the United States together, hoping to find musical freedom in Brooklyn.

But almost from the moment the men arrived together at Kennedy Airport in December 2011, relations were fraying. Mr. Rafie made little money as a bicycle messenger and began to steal things. He would hop turnstiles, frightening Mr. Hosseini and others who were seeking asylum and trying to assiduously follow the rules.

After about five months, the men kicked Mr. Rafie out of the band and stopped living with him. Mr. Hosseini said that, apart from a text message a few months ago, the two men had not spoken.

Amir Khosravani, 26, who was part of the same musical underground in Tehran, said he had spoken with Mr. Rafie recently. Though the others would complain that Mr. Rafie owed them money, Mr. Rafie always maintained he did not. "He told me, 'O.K., I have a job, and I have everything -- they don't have anything, I have a new job and I have a girlfriend,' " Mr. Khosravani recalled.

Recently things got worse.

Mr. Rafie began making extremely paranoid statements, Mr. Khosravani said, and described working for the Freemasons. Mr. Rafie said he was being prepared for a secret mission to blow up a government building in New York.

In the last few weeks, however, Mr. Khosravani thought Mr. Rafie was getting better; he did not call as he usually had when he was feeling despondent. When Mr. Rafie posted a photo of a rifle on Facebook and seemed to threaten Anthony Azar, the bassist who had replaced him in the Free Keys, Mr. Khosravani did not alert the others, assuming it was a joke.

It was not. Mr. Rafie walked across adjacent rooftops Monday night to get to the house on Maujer Street. Through a third-floor balcony window, he shot and killed Ali Eskandarian, 35. Then he marched through the home, killing Arash Farazmand, 28, on the third floor, and his brother Soroush Farazmand, 27, on the second floor, before returning upstairs.

Gripping the gun in Mr. Hosseini's room, Mr. Rafie rattled off personal grievances and a bizarre conspiracy theory. "He said, 'You had a plan to bring me here and put me in a band, but you did it just to bring me here and fix me with a group of Freemasonry,' " Mr. Hosseini recalled the gunman saying.

As Mr. Rafie's eyes settled on a spot just above Mr. Hosseini, he announced, "I need to kill you and then I need to kill myself. This is what I have to do. This is what I have to do."

Mr. Hosseini began speaking rapidly, certain that if he stopped, he would be killed. "I said, 'Don't kill me! Don't kill me! Let me talk and then do it,' " he said. After a minute, Mr. Rafie ordered him to "come out and stand up."

Chest to chest, only the gun between them, the men spoke for three or four more minutes, Mr. Hosseini said. "I was just saying whatever came to my mind. To just make the time pass because I heard the cops," he said.

Mr. Rafie heard the sirens, too. When Mr. Rafie turned his head, Mr. Hosseini grabbed the barrel of the gun and, as they wrestled over the weapon for several moments, bullets sprayed into the ceiling and the floor. "He was turning the gun everywhere," he said. Then the clip was empty and there was blood on both men. Mr. Hosseini knew he had not been hit but decided to seize the moment.

"I just screamed so bad in his face -- 'You shot me in my stomach!' -- and he got shocked," he said. Mr. Hosseini then tackled Mr. Rafie, knocking him onto a bed, and pressed his knee on his arm, preventing him from reloading. An extra magazine fell to the floor.

The men rose and Mr. Rafie, carrying additional ammunition, headed for the roof, trying unsuccessfully to drag Mr. Hosseini with him. But Mr. Rafie heard the police outside and instead ran alone through the roof door, which Mr. Hosseini rushed up to lock.

Mr. Hosseini then descended to the first floor where he encountered the police. A few moments later a single gunshot could be heard from the roof.

Mr. Rafie was dead.

"I really wish he didn't kill himself," Mr. Hosseini said. "When somebody kills himself, he makes it easy for himself. I didn't want it to be easy. I wish he was in jail for all of his life."

PHOTOS: Pooya Hosseini, who fought off a former bandmate who had already killed three men, speaking with the police after the shootings on Monday. (PHOTOGRAPH BY ELLEN MOYNIHAN); Ali Akbar Mohammadi Rafie

---- Index References ----

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