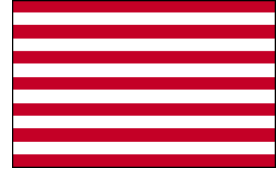


**Maryland Citizens
for the Right to Keep
and Bear Arms**

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HB919/SB785

Edward Patrick, - Philip F. Lee, PhD, - Mark Wilson, LTC, AUS, Ret.

We oppose this bill to change state law to make the use of ANY firearm in the commission of a felony punishable by a mandatory minimum sentence. This bill overreaches because it would include antique firearms and rifles and would apply to using any weapon if it could be readily converted to a firearm.

1. There is already enough existing law to prosecute a criminal using some type of firearm other than a handgun in the commission of a felony.
2. The term "firearm" is way too broad. It includes the frame or receiver of a firearm, a starter pistol, or something that could be "converted" to a firearm. So, using a bolt action rifle disabled with the bolt removed as a club in an assault will get additional mandatory sentence, whereas using a baseball bat would not.
3. The bill could possibly open up hunters and sportsman to prosecution by an overzealous prosecutor. Consider an accidental shooting while hunting and a prosecutor who calls it an "act of violence" and prosecutes the hunter. While the shooting may deserve punishment, it does not seem wise to be so inclusive.
4. The bill does not focus on the real harm of the criminal act. Instead of mandating a minimum sentence for an armed robbery while armed, a distinction is made as to armed robbery with a knife and armed robbery with a firearm. It is the harm that is done by the crime that should determine the legal consequences and it perverts justice to emphasize the instrument used. In Maryland today, you can obtain a sentence of a few months in jail for killing someone with your car while driving negligently, but if you should rob them with a club made from a disabled firearm, you must go to jail for at least 3 years even if no one suffers physical harm. And why should we favor the kindergarten attacker that uses a chainsaw rather than a handgun to kill the children? Is to encourage such a crazy person to select his tool of attack on the rational basis to minimize his penalty?
5. It appears this law makes burglary where a firearm is stolen qualify for an extra mandatory minimum sentence.
6. There is little reason to believe that the mandated sentences with this change will be respected any more than the sentences that are currently ignored in Maryland Courts for crimes with handguns.
7. This bill will make a crime of the act of the Assistant Principal Joel Myrick¹ in Mississippi who retrieved a handgun from his car parked more than 1000 feet from the school and used that gun to stop an attack by a student at the school. Is this really what Maryland wants to do? It's worth noting that the Israeli solution to public shootings, arming citizens including teachers, has effectively halted them.

¹ Assistant principal Joel Myrick, in October 1997 in Pearl, Miss, retrieved a gun from his car and physically immobilized a gunman for a full four and a half minutes while waiting for the police to arrive. The gunman had already fatally shot two students and wounded seven others (after earlier stabbing his mother to death).

The Mississippi Shooting

The Facts

WHEN: Wednesday, Oct. 1, 1997, about 8 a.m. as school was opening.

WHERE: Pearl High School in Pearl, Miss. The shootings occurred in the commons area, a huge lobby that becomes the school's cafeteria during lunch.

WHAT HAPPENED: Luke Woodham, 16, killed his mother about 5 that morning, then just before 8, he drove her car to school. He walked through the school's front doors, concealing a .30-30 hunting rifle under a long trench coat. After entering the lobby, he walked over to his former girlfriend, Christina Menefee, and her friend Lydia Dew and shot them dead. He then shot into a crowd of other students before running to the parking lot and getting into his car. He tried to drive away, but was blocked by fleeing students. Joel Myrick, the assistant principal, who had run to his own car and retrieved his .45-caliber handgun, pointed the pistol at Woodham and made him get out. Myrick held the gun to Woodham's neck until officers arrived.

Police also arrested six other students who were in a group with Woodham that reportedly planned to kill even more students, then go live in Cuba. Two of those students, Justin Sledge and Grant Boyette, have been charged with assessorry. Their trials are pending. Prosecutors dropped charges against the other four boys because they withdrew from the group before the shootings.

THE TOLL: The two female students were killed and seven more were wounded. In addition, Mary Ann Tims Woodham, the shooter's 50-year-old mother, died at her home.

THE CASE: Last June, Luke Woodham received a life sentence in a Neshoba County, Miss., courtroom for stabbing his mother to death. A week later, in a Hattiesburg, Miss., courtroom, he received two life sentences for killing Christina Menefee and Lydia Dew. He also received seven 20-year sentences for aggravated assault for wounding the seven classmates.

– *Rochelle Riley*

THE MEMORIES: "I knew immediately it was gunfire that I heard. After the first few shots, the other kids realized it, too, and they all ran out. Luke was standing in the middle of the commons and I thought, these kids . . . "When he started walking in that direction, I told myself, 'These kids are going to die today.'

"He went over there and he shot them," she said with a tiny laugh. "It's not funny, but he walked over there and he cussed at Alan, and said 'You turned your back on me for the last time' and opened fire. He shot Alan."

– *Connie Safely*, who was standing at the front doors when Luke Woodham walked in.

If You Want to Stop a Killer, You Have to Speak His Language

by Robert W. Lee

In *Targeting Guns: Firearms and Their Control* (1997), Florida State University criminologist Dr. Gary Kleck observes that "most defensive uses of guns do not in fact involve shooting anyone.... More commonly, guns are merely pointed at another person, or perhaps only referred to ... or displayed, and this is sufficient to accomplish the ends of the user...."

The point was underscored on October 1st of last year after 16-year-old Luke Woodham, a student at Pearl High School in Pearl, Mississippi, allegedly stabbed his mother to death in her home, then opened fire on students at the school with a .30-30 rifle, killing two and wounding seven. Woodham was eventually apprehended by an assistant principal armed with a handgun. Had he instead escaped, he would presumably have continued his killing spree elsewhere. Madison County investigators subsequently revealed that they had uncovered evidence of Woodham's involvement in a secret satanic society which had compiled a hit list of other students and parents. Six other youths allegedly involved in the cult were subsequently arrested and charged with conspiracy to commit murder.



Joel Myrick

Assistant Pearl High School principal Joel Myrick, in addition to his school duties, is a commander in the Army Reserve with 16 years of military experience and extensive training in firearms use and safety. He recently recounted for *The New American* the events surrounding what he describes as the "most horrible thing I've ever seen in my life."

Luke Woodham opened fire in a large, open area of the school called the Commons. Myrick, who was in his office at the time, recognized the sound of a rifle and rushed to see who was shooting.

He saw Woodham, and momentarily considered rushing him, but concluded that the gunman would simply shoot him. Woodham noticed Myrick, but did not fire at him, apparently because there were so many closer "targets" in the vicinity.

Myrick, whose .45-calibre handgun was locked in his truck, watched helplessly as Woodham approached a tree behind which three students were attempting to hide, shooting one and firing at the other two as they fled. It was apparent that reaching his own gun "was the only way I was going to be able to do anything."

When Woodham turned his back and began walking down the school's science hall, Myrick took advantage of the opportunity to run to his truck. His plan "was to get my gun and return to the science hall as quickly as possible, because I figured that Luke was going door-to-door shooting. As I came around the corner [with gun in hand] he was coming out of the hall." As Woodham left the building, "I saw him and yelled 'Stop!' and pointed my weapon at him. He turned and looked at me and kept walking, a little faster, toward his car."

Myrick did not shoot at that point because "I was probably about 50 yards away and it was a little too far. And with kids and cars leaving the area I just didn't have a safe backstop."

Myrick started sprinting toward the car as Woodham started to flee. "He was going away from me, and the tires were spinning as there was dew on the ground. He headed toward an intersection in the parking lot, where he was going to turn right and get out of there." Fortunately, another car (whose occupants were oblivious to what was happening) had stopped at the intersection stop sign, forcing Woodham to wait for an additional few seconds, which gave Myrick "time to get down to the road that Woodham was going to turn onto, and to cut him off." Myrick was positioned across the road from some woods, which provided a safe backdrop. "So when Luke appeared in front of me I was going to shoot him, because I had seen the bodies laying out there, and I'd witnessed him firing a .30-30 at short range into people. When he finally got to the corner, I was on the edge of the road and I had my pistol leveled at him, aiming directly at his head. When he saw me he swerved off the road in an attempt to put some distance between us. He got into damp grass and, not being a very good driver, spun out."

From about 30 feet across the road "I could see his white knuckles on the steering wheel," Myrick continued. "I ordered him to freeze and not move, then quickly approached the side of the car, looked in, and kept the pistol at his head the whole time. I told him, 'If you move, I'm going to shoot you.' And he didn't move. He kept his hands on the wheel. The rifle was laying on the passenger's seat, barrel down toward the floor. I reached down with my left hand and opened the door and told him to get out hands first, and he did. I told him to lay on the ground, and he did. And that was it."

Asked if he regretted not having a gun at the start, Myrick said that from hindsight, and considering his military and firearms training, he wishes he "could have had a gun stuck up under my coat so that at the first shot I could have moved directly towards the shooting and neutralized him. Perhaps that would have been it, and there would have been seven kids that would not have been shot, and possibly one less dead."

When asked if he thought Woodham would have continued his killing spree elsewhere had he escaped, Myrick asserted: "I think that there's no doubt about it. He had 36 rounds remaining and the gun was loaded." And it could have become very personal. Myrick believes Woodham may have been heading for a nearby junior high school which he had attended, where "there may have been some kids he didn't like, or some teachers he didn't like, probably more than at the high school. And my son was there."