



Violence Policy Center

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UPDATE TO:

Law Enforcement and Private Citizens Killed by Concealed Handgun Permit Holders: An Analysis of News Reports, May 2007 to April 2009

On July 20, 2009, the Violence Policy Center (VPC) released an analysis of 31 incidents from May 2007 through April 2009 involving individuals licensed to carry concealed handguns who killed law enforcement officers or private citizens resulting in criminal charges or the suicide of the shooter. Since the study's release, the VPC has collected new relevant information that is included in this update.

It has come to our attention one of the persons included in the original VPC analysis did not in fact have a permit to carry a concealed weapon but rather possessed a general handgun permit. We therefore have deleted that incident and recalculated the study's findings accordingly (click here, <http://www.vpc.org/studies/ccw2009.pdf>, to see a PDF of the corrected study). As the study notes, in the vast majority of states information regarding persons who possess a concealed carry permit is not available to the public. As a result, the VPC is forced to rely on news accounts. Recognizing this fact, this type of error was not unexpected. Better public policy would ensure public access to databases containing such information.¹

We also expected that the analysis would most likely undercount the number of relevant incidents. That indeed appears to be the case. This update adds five new incidents in which a total of six people were killed. Three of these occurred during the original period studied (May 2007 to April 2009). The remaining two occurred after this period. All of the killings were committed with firearms. None of these new cases have been added to the original VPC report.

The VPC plans to continue updating this information to supply an ongoing tally of homicides committed by individuals with concealed handgun permits.

¹ For example, the *Memphis Commercial Appeal* makes information on persons licensed to carry concealed handguns in Tennessee available through a user-friendly web-based database which can be accessed at: <http://www.commercialappeal.com/data/gunpermits>.



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California

- **Concealed Handgun Permit Holder:** Aubrey Louis Berry

Date: May 18, 2009

People Killed: 1

Circumstances: On May 18, 2009, Aubrey Louis Berry allegedly shot and killed Roderick Burton, a 21-year-old rapper who performed under the stage name Dolla. Berry and Burton had reportedly had a previous encounter on May 6, 2009, at the Platinum 21 Adult Entertainment club in Atlanta, Georgia, where Berry alleges that Burton and members of his crew assaulted him. On May 18, Berry was at the P.F. Chang's restaurant in the Beverly Center in Los Angeles for a business meeting where he happened upon Burton who he claims was "verbally assaultive." Berry left the restaurant, and was followed to the valet parking area by Burton and his companions. Berry claims that he thought Burton was reaching for a gun so he shot Burton as well as firing on the two other people who were accompanying Burton. No other weapons were recovered at the scene and Burton was unarmed. Berry had a concealed handgun permit issued in his home state of Georgia and claimed that he thought the permit allowed him to carry in California as well as Georgia. Charges against Berry included one count of murder and two counts of assault with a firearm.

Source: "Atlanta man charged in murder of rapper Dolla," *Los Angeles Wave*, May 21, 2009; "Murder suspect alleges that rapper Dolla threatened him, admits opening fire, attorney says," *latimesblogs*, May 20, 2009.

Oklahoma

- **Concealed Handgun Permit Holder:** Jerome Ersland

Date: May 19, 2009

People Killed: 1

Circumstances: On May 19, 2009, Jerome Ersland allegedly shot and killed Antwun Parker, a 16-year-old who attempted to rob the Reliable Discount Pharmacy where

Ersland worked as a pharmacist. Parker and another man entered the pharmacy as it was about to close at approximately 6:00 PM and pulled a gun, demanding cash and drugs. Ersland pulled his own gun and shot Parker in the head. The other robber fled the store and Ersland gave chase. Ersland then returned to the store, walked past Parker who was on the floor, retrieved another gun, and shot Parker five more times in the stomach. A coroner's report indicated that the shot to the head would not have been fatal, and ruled that the cause of death was the five shots to the stomach. Ersland possessed a concealed handgun permit despite being accused by his ex-wife of displaying "paranoid behavior" and abusing drugs. He was also alleged to have been under the care of a mental health professional in the past. Ersland was reported to have owned more than 100 weapons. The district attorney in Oklahoma concluded that Ersland should be charged with first degree murder because Parker at that point was unarmed, unconscious, and lying on his back, posing no threat to Ersland when he fired the five shots into Parker's stomach.

Source: "Pharmacy Robberies," *U.S. Pharmacist*, July 20, 2009; "Shooting raises question on concealed carry permits," *The Oklahoman*, June 10, 2009.

Tennessee

■ **Concealed Handgun Permit Holder:** Austin Agee

Date: March 2009

People Killed: 2 (including shooter)

Circumstances: In March 2009, Austin Agee shot and killed Lisa Davis and dumped her body in a field where he used to ride four-wheelers. On March 7, 2009, Agee, Davis, and three other acquaintances partied together in the Beale Street entertainment district in Memphis. The group dropped Davis off at her residence early Sunday morning, but Agee is believed to have returned to the house. Friends reported Davis missing on Sunday when she failed to show up for work at Bumpus Harley-Davidson. On Tuesday, March 10, 2009, Agee fatally shot himself after detectives arrived at his residence to question him as a "person of interest" in the Davis disappearance. A note found at his residence quoted Agee as being sorry for what he had done and revealed where the body could be found. Agee had a concealed handgun permit which was issued on November 10, 2008.

Source: "Details Emerge About Tennessee Model Slain in Mysterious Murder," *FoxNews.com*, March 13, 2009; "Double tragedy: Suspect's note leads to remains of missing Bartlett woman in Lakeland field," *Memphis Commercial Appeal*, March 10, 2009.

■ **Concealed Handgun Permit Holder:** Thomas Pate

Date: April 30, 2009

People Killed: 1

Circumstances: On April 30, 2009, Thomas Pate reported his wife missing to police, telling them that she had failed to return home after going for a run. Pate eventually gave investigators information that led them to his wife's body. Police found her body the night of May 1 near the Loosahatchie River about five miles from the couple's home. Pate told police he had shot his wife in the head and then threw the pistol in the river. His lawyer claimed the shooting was accidental. Pate had a concealed handgun permit that was issued on November 27, 2006. He was charged with second degree murder.

Source: "Husband charged in Tenn with Searcy woman's death," *Associated Press*, May 5, 2009; "Pate Claims Wife's Death an Accident," *myfoxmemphis.com*, May 4, 2009; "Bartlett nurse's husband charged with second degree murder," *wmctv.com*, May 3, 2009; "Neighbors Shocked Husband Arrested in Wife's Death," *wreg.com*, May 2, 2009.

■ **Concealed Handgun Permit Holder:** Martino Johnson

Date: February 2009

People Killed: 1

Circumstances: In February 2009, Martino Johnson allegedly shot and killed Terrelle Beasley following a car accident in Memphis. Johnson reportedly also threatened to kill an eyewitness who was trying to call 911. Johnson had a concealed handgun permit issued on January 24, 2007. Johnson was charged with second degree murder.

Source: "Most say shooter's actions during robbery attempt on target," *Memphis Commercial Appeal*, July 10, 2009.