
Subject: Re: Gun control

Posted by [Memphis](#) on Thu, 03 Jul 2008 22:32:08 GMT

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Quote:HOUSTON (AP) — The cha-chick of a shell entering a shotgun's chamber rattled through the 911 line just before Joe Horn stepped out his front door.

Horn, 61, had phoned police when he saw two men break into his neighbor's suburban Houston home through a window in broad daylight. Now they were getting away with a bag of loot.

"Don't go outside the house," the 911 operator pleaded. "You're going to get yourself shot if you go outside that house with a gun. I don't care what you think."

"You want to make a bet?" Horn answered. "I'm going to kill them."

He did.

Admirers, including several of his neighbors, say Horn is a hero for killing the burglars, protecting his neighborhood and sending a message to would-be criminals. Critics call him a loose cannon. His attorney says Horn just feared for his life.

Prosecuting Horn could prove difficult in Texas, where few people sympathize with criminals and many have an almost religious belief in the right to self-defense. The case could test the state's self-defense laws, which allow people to use deadly force in certain situations to protect themselves, their property and their neighbors' property.

Horn was home in Pasadena, about 15 miles southeast of Houston, on Nov. 14 when he heard glass breaking, said his attorney, Tom Lambright. He looked out the window and saw 38-year-old Miguel Antonio DeJesus and 30-year-old Diego Ortiz using a crowbar to break out the rest of the glass.

He grabbed a 12-gauge shotgun and called 911, Lambright said.

"Uh, I've got a shotgun," he told the dispatcher. "Uh, do you want me to stop them?"

"Nope, don't do that," the dispatcher responded. "Ain't no property worth shooting somebody over, OK?"

Horn and the dispatcher spoke for several minutes, during which Horn pleaded with the dispatcher to someone to catch the men and vowed not to let them escape. Over and over, the dispatcher told him to stay inside. Horn repeatedly said he couldn't.

When the men crawled back out the window carrying a bag, Horn began to sound increasingly frantic.

"Well, here it goes, buddy," Horn said as a shell clicked into the chamber. "You hear the shotgun clicking, and I'm going."

A few seconds passed.

"Move," Horn can be heard saying on the tape. "You're dead."

Boom.

Click.

Boom.

Click.

Boom.

Horn redialed 911 and told the dispatcher what he'd done.

"I had no choice," he said, his voice shaking. "They came in the front yard with me, man. I had no choice. Get somebody over here quick."

Lambright said Horn had intended to take a look around when he left his house and instead came face to face with the burglars, standing 10 to 12 feet from him in his yard.

Horn is heavysset and middle-aged and would have been no match in a physical confrontation with the two men, who were young and strong, Lambright said. So when one or both of them "made lunging movements," Horn fired in self-defense, he said.

Family members of the two shooting victims have made few public statements.

Diamond Morgan, Ortiz's widow, who has an 8-month-old son with him, told Houston television station KTRK that she was stunned by Horn's statements on the 911 tape. "It's horrible," she said. "He was so eager, so eager to shoot."

The Associated Press could not find a telephone listing for Morgan.

The case brought back memories of Bernard Goetz, the New Yorker whom some hailed as a folk hero after he shot four teenagers he said were trying to rob him when they asked for \$5 on a subway in 1984.

Goetz was cleared of attempted murder and assault charges but convicted of illegal possession of the gun he used to shoot the youths. He served 8 1/2 months in jail and was ordered by a jury to pay \$43 million to one of the teenagers he shot.

Pasadena police were still investigating Monday and planned to present their findings to Harris County prosecutors within the next two weeks, police spokesman Vance Mitchell said. From there, it is expected to be presented to a grand jury. In the meantime, Horn remains uncharged.

Texas law allows people to use deadly force to protect themselves if it is reasonable to believe they could otherwise be killed. In some cases, people also can use deadly force to protect their

neighbors' property; for example, if a homeowner asks a neighbor to watch over his property while he's out of town.

At issue is whether it was reasonable for Horn to fear the men and whether his earlier threats on the 911 call showed he planned to kill them no matter what, said Fred C. Moss, who teaches criminal law at Southern Methodist University in Dallas.

A prime example of a situation being made worse because of someone possessing a gun. I think guns encourage vigilante behavior which is what I think happened here.
