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Judge acquits gun protesters

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Melissa DeLong wiped a tear from her eye as she told a Philadelphia judge yesterday the story of a 4-year-old boy gunned down in Camden last year after being caught in a crossfire between two men.

"Shots were fired. One hit his little head," DeLong, 28, of Camden, testified in a shaky voice.

She said that she learned that the Tec-9 handgun that killed Brandon Thompson in August could not be legally sold in New Jersey, but could be sold anywhere in Pennsylvania - including at Colosimo's Gun Center, on Spring Garden Street near 9th.

"Ultimately, I knew I had to do something. I had to do something," she told Municipal Judge Karen Simmons.

On Jan. 14, she and four other faith-based protesters went inside Colosimo's and asked owner James Colosimo to sign a 10-point voluntary code dealing with firearms sales. Colosimo refused. The protesters refused to leave, and after being warned by police, were arrested.

Two days later, seven other protesters were arrested after they sat outside the store's doorway.

After a 5 1/2-hour trial yesterday - during which about 150 supporters showed up in court for the 12 defendants, who are part of a group called Heeding God's Call - the judge acquitted the defendants on all charges.

Simmons had first dismissed charges against two defendants, Samuel Caldwell, of Media, and David Tatgenhorst, of Philadelphia, during a defense motion for acquittal based on identification issues.

After hearing testimony from the 10 remaining defendants, the judge acquitted them on all charges, saying that she found that "the commonwealth has not met its burden beyond a reasonable doubt."

The defendants represented themselves with the help of attorneys Lawrence Krasner and Lloyd Long III. Long argued that under the "justification defense," the defendants' behavior "was justified because they were trying to prevent a greater evil" - deadly shootings - by their protests.

Miriam "Mimi" Copp, 34, another defendant, testified that Colosimo's had been targeted because protesters had seen research indicating that a large number of guns bought there illegally have been used in crimes.

She said that the 10-point code that they wanted Colosimo to sign had been created by the Mayors Against Illegal Guns coalition. The code has been signed by Wal-Mart, the biggest gun-seller in the country.

Assistant District Attorney Guy D'Andrea pointed out that Colosimo had on two prior occasions - before Jan. 14 - told members of Heeding God's Call that he would not sign the code. The store owner indicated that he thought that he could be violating federal law on one of the points if he signed the code in its entirety.

D'Andrea argued that this case is "about individuals who decided to go to a private person's business" to disrupt it. He said that these protesters could have stayed outside the store, or away from its doorway, but chose not to do so.

Capt. William Fisher and Lt. Joseph O'Brien, of the police Civil Affairs Unit, testified that the protesters had been warned three times to leave the store or the entryway before being arrested.

Colosimo, who also testified, said of the defendants after their acquittals: "They're not guilty? They broke the law."


The five people arrested Jan. 14 - the Rev. Isaac Miller of the Church of the Advocate, in North Philadelphia; DeLong; Copp, of Philadelphia; Rabbi Yitzhak Nates, of Narberth; and Phillip Jones of Washington - had been charged with defiant trespass, disorderly conduct and conspiracy.

The seven arrested Jan. 16 - Caldwell; Tatgenhorst; the Rev. Jay Frederick Kauffman, of Philadelphia; Kemah Washington, of Aldan, Delaware County; the Rev. James McIntire, of Havertown; Darrell Boyd, of Broomall; and Keith Merrill, of Vermont - were charged with obstruction of highway, disorderly conduct and conspiracy.

Miller, 66, who led a prayer with the other defendants and defense attorneys before yesterday's trial, said after being acquitted: "It's a relief. It feels good." *

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