

# [***Two Injured In Houston Megachurch Shooting; Off-Duty Officers Kill Houston Megachurch Shooter; Lakewood Church Member On Recent Shooting; Tennessee Manhunt Continues For Accused Tennessee Cop Killer; Antisemitic Writings Attributed To Texas Shooter; Poll: 86 Percent Of Americans Think Biden Is Too Old; White House Touts Biden's Age And Experience; Kamala Harris Says That She Is "Ready To Serve"; Mom Confronts Gascon Over Gang- Related Policies; Mom Confronts Gascon Over Gang-Related Policies; Thief Steals Over 40 iPhones From California Apple Store; Oakland Community Member Calls For Action On Crime; Teacher On Leave After Exposing Woke Program; Mazi Pilip Makes Final Push For Votes In New York Race***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BB0-WSS1-JCS1-6002-00000-00&context=1516831)

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**Body**

(COMMERCIAL BREAK)

GREG GUTFELD, FOX NEWS CHANNEL HOST: Out of time! Michael Loftus, Drea De Matteo, Kat Timpf, Tyrus, studio audience. "FOX NEWS @ NIGHT" with dreamy Trace Gallagher is next. I'm Greg Gutfeld. I love you, America.

TRACE GALLAGHER, FOX NEWS CHANNEL HOST: Good evening. I'm Trace Gallagher. It's 11:00 p.m. on the East Coast, 8:00 here in Los Angeles, and this is America's late news, FOX NEWS @ NIGHT.

And breaking tonight, we have brand new information on the woman who police say open fire at Joel Osteen's megachurch in Houston, including neighbors who now say she put them through hell for years.

And there are concerns about how a woman with a history of mental illness and a very long rap sheet was able to gain access to an assault rifle.

A member of Osteen's church joins us live in moments. But first, to Bill Melugin, live with the breaking information from investigators. Bill, good evening.

BILL MELUGIN, FOX NEWS CHANNEL NATIONAL CORRESPONDENT: Trace, good evening to you. And the thing here is this likely would have been a whole lot worse. If these two off duty officers weren't on scene to immediately engage the shooter and take her down, even though they were outgunned.

So, here is what we know so far. Police have identified the shooter as Genesse Ivonne Moreno. She is a biological woman who sometimes identified as a man named Jeffrey. Now, she had a lengthy criminal history and a record of mental health issues, including being placed under an order for emotional detention. That was back in 2016.

Houston police say Moreno opened fire with an A.R.-15 with Palestine written on it. This happening at Joel Osteen's Lakewood Church on Sunday, she was killed after those off duty officers responded and engaged her in a shootout.

Two people were injured in the shooting, a 57-year-old man and Marino's 7- year-old son, who for some reason she brought to the church. He was unfortunately shot in the head at some point and tragically is not expected to survive.

(BEGIN VIDEO CLIP)

TROY FINNER, POLICE CHIEF, HOUSTON: I want to extra prayers for his seven- year-old kid who's fighting for his life. And I think that what we need to do for him is pray. He is still in critical condition fighting for his life.

DOUG WILLIAMS, SPECIAL AGENT IN CHARGE, FEDERAL BUREAU OF INVESTIGATION HOUSTON: We are extremely thankful for the quick response of the two officers work in security at the church at the time that engaged the shooter. I think all of us here would agree that if it weren't for them, the number of casualties and victims would have been much higher.

(END VIDEO CLIP)

MELUGIN: And Trace, as you were saying police say right now it's just unclear how a woman with a standard history of mental health issues and a lengthy rap sheet was somehow able to get her hands on a rifle. They say they're looking into it. But as you and I know, criminals are notorious for not following any kinds of laws, especially if they're looking to take life.

GALLAGHER: Right. Yes, we're going to talk about the criminal aspect with Nicole Parker, coming up.

But meantime, we want to bring in a longtime member of the Lakewood megachurch in Houston, Rhonda Jenkins, Rhonda, thank you for coming on. We very much appreciate it.

I know that you have been at this church for the better part of 20 years, maybe more than 20 years.

RHONDA JENKINS, MEMBER, LAKEWOOD CHURCH: Yes.

GALLAGHER: Raised your kids there. You were at a service earlier in the day yesterday.

What do you think about the shooting? What did you think when you heard about it?

Well, it's really unbelievable. I have been a member of Lakewood for over 20 years. And as you say it, you know, my children have been raised and reared in Lakewood. They served in the kids' ministry. I was also part of the volunteer teams, prayer partner for years.

This is a very sad occasion; our hearts are very heavy. But to imagine that like any other tragic that shakes, our community will never be the same.

GALLAGHER: Yes.

JENKINS: I mean, we are strong body of believers. We praying for the family. But, you know, what saddens me the most, if she had -- have had some help, or if we could have reached out to her as someone at Lakewood could have helped her would have been a different outcome for everybody.

GALLAGHER: I wonder -- I wonder, Rhonda, because you're talking about the security there. And they checked, apparently, the check the bag and the gun going in there, but didn't really look inside. You've told -- you've said that security was always tight. I'm wondering why they didn't check the bag fully this time.

What was your thought on that? How the gun got inside?

JENKINS: Now, that I have no idea, but I will tell you that I was at the 8:30 service early that day, and I frequent the 8:30 and the 11:00 service, and there is security there. They check bags all the time before you even enter the church.

But what's probably noted, what we should note is this was a 2:30, Spanish -- the 2:00 Spanish service. And so, you know, maybe there was some different constraints around people entering during that time. But security is always there at the doors. They are very friendly, they are very warm, but they definitely do check.

(CROSSTALK)

GALLAGHER: Yes.

JENKINS: Check bags. Yes.

GALLAGHER: Yes. And they were talking about the fact that because of the security guards, and we're going to talk about that in moments, the security guards inside who happened to see her. This thing was could have been so much more horrendous.

Joel Osteen sent this to the Lakewood Church family, quoting here, "While we may not always understand the reasons behind such senseless acts of violence, we can find comfort in knowing that God remains in control and His love knows no bounds."

What do you think of that and how this community is coming together in the wake of this tragedy?

JENKINS: Well, this is not the first time that Lakewood's family has been shaken and pull together by tragic.

I mean, we always -- the Houston Community in broader areas, right here in Texas. We always bond together in time of crisis. And so, like anything else, we certainly trust and believe God, and stand in faith, we still stand in faith.

My prayers are out for the families that have been affected but a bigger prayer for me is that we don't allow this, you know, senseless crime --

GALLAGHER: Yes.

JENKINS: -- to deter people from going -- still going to church and gather, because it can happen on any street corner schools, we see it all the time.

GALLAGHER: Yes.

JENKINS: So, we have to be vigilant, keep our eyes and keep our head on the swivel.

GALLAGHER: We do indeed.

Rhonda Jenkins, it's great of you to come on. Your prayer is well warranted. We appreciate your time.

JENKINS: Thank you.

GALLAGHER: And while we applaud heroic police officers in Houston, there is now an all-out manhunt for a cop killer in Tennessee and authorities continue looking for two suspects, who badly beat New York City police officers amid what is now being called a full-blown epidemic of anti-cop settlement.

Christina Coleman is live with the numbers on the increasing violence against police. Christina, good evening.

CHRISTINA COLEMAN, FOX NEWS CHANNEL CORRESPONDENT: Hi. good evening, Trace.

Yes, it's very disturbing attacks on NYPD officers are surging and the trend shows no signs of slowing down.

Violent attacks like this, officer who was slashed by a machete wielding suspect last month -- late last month are becoming more common.

According to NYPD data, injuries from assaults on officers has increased a staggering 20 percent from 2021 to 2022. And a data from the first three quarters of 2023 is any indication these vicious attacks are only set to shatter records.

(BEGIN VIDEO CLIP)

RAYMOND KELLY, FORMER COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT: First is the feeding frenzy that happened against police officers with the death of George Floyd. Cops were demonized, they were vilified. Here in New York City, secondly, it is the emergence of these progressive district attorneys.

(END VIDEO CLIP)

COLEMAN: Progressive Manhattan D.A. Alvin Bragg, says that he does not tolerate attacks on officers. He has charged a 15-year-old from Venezuela accused of shooting two officers, as well as a tourist in Times Square last week as an adult, and underscoring the danger these officers are facing, a 34-year-old man was killed during a rush hour shooting inside a Bronx subway station. Several others were wounded including a 14-year-old girl and a 15-year-old boy. The shooter remains at large.

Meantime, the reward leading to the arrest of 42-year-old Kenneth DeHart has climbed to $100,000. DeHart is suspected of shooting and killing 43- year-old sheriff's deputy Greg McCowan, and injuring another 22-year-old deputy during a traffic stop Thursday night in Tennessee.

Just more of what some officials are calling a full-blown epidemic of anti- police sentiment. Trace?

GALLAGHER: And if we get news on that manhunt. We'll bring it to you Christina Coleman, thank you.

Let's bring in former FBI special agent and Fox News contributor Nicole Parker.

Nicole, as always, great to have you on. We talked about this, I want to go back to the Lakewood Church, the megachurch in Houston. If the two officers, security officers, who were working security at the church were not in that hallway at the time.

I mean, people know, this is a church that attracts thousands of people. This could have been a very big and tragic incident.

NICOLE PARKER, FOX NEWS CHANNEL CONTRIBUTOR: You're exactly right. This is a world-famous church, it seats about 16,000 to 17,000 individuals and everyone is very familiar with Joel Osteen nationwide, worldwide.

There is -- that is not a coincidence that this individual chose this particular church. But our honor and respect needs to go to law enforcement. I will say it over and over, we must back the blue. They saved countless lives. We will never know how many people could have been killed on Sunday. But thankfully, you know, many were protected.

And unfortunately, there is a seven-year-old that is now fighting for their life.

GALLAGHER: Yes.

PARKER: But law enforcement stepped in, they went up against someone who had a rifle. And they did the best that they could and they neutralize the threat.

GALLAGHER: Yes, they did. The woman who was shot. Police say that she had some anti-Semitic writings, apparently were in a marriage involved with some -- with some Jewish in laws. And she had a Palestine sticker on the butt of the gun.

Was this, in your opinion, Nicole, targeted? And if it was, why do you have anti-Semitic writings and you're targeting a Christian Church?

That is exactly my question and sometimes it appears that a certain audience may be targeted, but then, sometimes law enforcement gets in there and discovers that, that might not have actually been the actual motive or leading, you know, the grievance or the precipitate -- precipitating stressor.

I think for this incident, it's becoming more clear that this individual did have a very strong history of number one, criminal acts, criminal history, as well as mental health history.

GALLAGHER: Yes.

PARKER: Her former mother-in-law, I believe, the grandmother of the little child who is now in the hospital, posted to social media and said that, you know, she had mental illness, she was known to have schizophrenia, and they wish that child protection services had stepped in and taken the child out of, you know, her custody, so this would not have occurred.

GALLAGHER: Yes.

PARKER: But again, there are many individuals in this country, Trace, who suffer from mental illness, and they do not go and shoot churches, and they do not go cause violence. And so, there does need to be accountability.

The other important part is that convicted felons in possession of firearms, those things need to be charged.

GALLAGHER: Yes.

PARKER: And I know as an FBI agent, we always wanted to make sure that, that was charged. That is the way to take guns off the streets and out of the hands of violent repeat offenders who should not have firearms. GALLAGHER: Yes, and I wanted -- I wanted to put this up on the screen because it's warranted.

We don't have a lot of time, Nicole. But the New York Post writes this. By the way, we should note those migrants who kicked and stopped those New York City police officers, two of those are still on the run.

But the New York Post writes the following. "Assaults on NYPD escalate to record-breaking totals in latest anti-cop sentiment: Full-blown epidemic. The number of cops hurt by suspects surged 20 percent in 2022 to 4,700 plus Uniformed officers suffering injuries and attacks, compared to 3,900 plus in 2021.

But law enforcement nightmare grew worse last year, 4000-plus cops hurt by suspects in just the first nine months of 2023."

Again, we're kind of out of time, but what the cops don't get support from the prosecutors. We wonder why nobody wants to be a cop. Nicole.

PARKER: Correct. Soft on crime policies do not work. We must back the blue, this is tapped. This is unacceptable. Our law enforcement deserves to be respected; they should not be beat up. Also, they are in a position where they feel like they can no longer defend themselves because of this defund the police movement. They feel if I defend myself, I could potentially go to jail.

And that is not OK.

GALLAGHER: Yes. It is not OK. Nicole Parker, great to have you on, as always. Thank you for your insight.

PARKER: Thank you.

GALLAGHER: Now, to ***politics***, the bad news just keeps on coming for President Biden with a new poll showing a vast majority and we mean, a vast majority of Americans believe he is simply too old to serve a second term.

The senior national correspondent Kevin Corke is live in DC with the new poll numbers and an effort to stop the bleeding. Kevin, good evening.

KEVIN CORKE, FOX NEWS CHANNEL SENIOR NATIONAL CORRESPONDENT: That is certainly one way to put it my friend. Evening to you. You know, as the old saying goes, the numbers don't lie. And in this instance, they reveal frankly, a damning reality for the current president, with the latest ABC/Ipsos poll, showing that more than a quarter of those surveyed think Mr. Biden is too old to serve two terms. That is nine times more than those who think the same of former president Trump.

Although, 59 percent think neither should have another go at it. This, while a stunning almost nine in 10. Americans have concerns about Mr. Biden's ability to serve another term, 86 percent.

Even more concerning for the White House, over seven in 10 Democrats thinks so.

But, over the White House, like Leslie Nielsen in the movie, Naked Gun, they are telling the American people, there's nothing to see here. Please disperse.

(BEGIN VIDEO CLIP)

KARINE JEAN-PIERRE, WHITE HOUSE PRESS SECRETARY: President Biden does more in one hour than most people do in a day. His age with experience and expertise is an incredible asset. And he proves it every day. And that's what we believe.

CORKE (voice over): Oh, that's what they believe. But on Capitol Hill, a less forgiving assessment on the special counsels read on Mr. Biden.

REP. JAMES COMER (R-KY): It's a threat to our national security. So, we have a lot of questions about Hur's report beyond the fact that he stated the obvious with respect to the president's mental capacity.

(END VIDEO CLIP)

CORKE: And speaking of, there is growing pressure tonight, Trace, on the special counsel to release the transcripts of the president's interviews with investigators. The thinking being, it would either corroborate or refute the special counsel's assessment of the president's "failing memory". Trace.

GALLAGHER: Kevin Corke, live for us in D.C. Kevin, thank you.

Well, the FOX NEWS @ NIGHT "COMMON SENSE DEPARTMENT" was fascinated to learn the Biden campaign not only joined TikTok, it boasted about joining TikTok. Even posting a Joe Biden Super Bowl Q&A on TikTok. Did you see it? No? Maybe you're among the 4 million U.S. federal employees banned from using TikTok on all government devices. A ban put into place by the new executive tiktoker (PH), Joe Biden.

The President signed that law in 2022 because of national security concerns. You know, little things like foreign adversary, stealing private information, and using it for nefarious deeds. Heck common sense remembers a few months back when Biden's FBI director sitting next to Biden's Homeland Security director warned Congress that one of law enforcement biggest worries is China, using TikTok to steal sensitive information about U.S. citizens.

Then, again, when ABC News says 86 percent of Americans think Biden is too old to serve another term, national security can wait. The president needs young voters who just happened to be on a federally banned app called TikTok. The irony here is plentiful.

The president is trying to combat his age by appearing hip to young people. The "COMMON SENSE" thinks it's just plain cruel. When the goal for Biden is to slow down the clock and all he hears is tick-tock, tick-tock. Tick tock.

Let's bring in former White House deputy strategic communications director, Roma Daravi, and Maslansky plus Partners' president Lee Carter. Thank you both for coming on.

Roma, to you first, what do you think of Joe Biden joining TikTok.

ROMA DARAVI, FORMER DIRECTOR, WHITE HOUSE DEPUTY STRATEGIC COMMUNICATION: Trace, it's a really desperate last-ditch effort to try to get a new voter base. There is no way around that narrative. It's very awkward to watch him try to engage on Tik-Tok. Needless to say, it is not something he should be doing as president of the United States of America.

You just mentioned the ban that he signed just over a year ago for federal employees, and a way to lead by example, Joe Biden.

(CROSSTALK)

GALLAGHER: Yes.

DARAVI: If your employees are not on this app, why are you?

There is really no other way to put it, other than the fact that he is obviously losing voters, and he is now desperately trying to get the young audience to favor him by going on this app.

(CROSSTALK)

GALLAGHER: Yes. Yes.

Lee Carter, to you now. Because I know you analyze numbers a lot. The ABC/Ipsos poll is not good news for Biden. It says Biden too old to serve another term and look at the number 86 percent agree.

When is the last time, Lee Carter. You saw 86 percent of Americans agree on anything?

LEE CARTER, PRESIDENT, MASLANSKY AND PARTNERS: I can't remember, actually.

I mean, this is really, really bad news for Joe Biden. It was bad before when he was in -- yes, 70 percent of Americans were saying that they were concerned about his age and mental acuity. Now, it's at 86 percent. And importantly, 91 percent of independent voters.

He's got a real problem on his hands. It is -- and it's clear that he knows it.

And he is trying to address it. His press conference last week was obviously a disaster. I did nothing to help him combat the idea that he wasn't as sharp as he needs to be. And then, his efforts at TikTok, well, you know, I will admit the content itself was somewhat clever.

4-1/2 million people viewed it. But if it's not safe enough for government employees to have on their desktops, or to have on any of their handheld devices, why is it safe enough for Joe Biden's campaign?

I think it's just --

(CROSSTALK)

GALLAGHER: Yes.

CARTER: I think it's really a double standard and hypocritical.

GALLAGHER: Yes. Very good question.

So, James Carville said this about the president.

(BEGIN VIDEO CLIP)

JAMES CARVILLE, FORMER BILL CLINTON CAMPAIGN MANAGER: What would you -- don't accept the Super Bowl interview. You're about (INAUDIBLE) polling averages, your three points down in a two way. It's the biggest television audience, not even close, and you get a chance to do a 20, 25-minute interview on that day, and you don't do it. That's a kind of sign that the staff or yourself doesn't have much confidence.

(END VIDEO CLIP)

When you turn down tens of millions of dollars in free advertising, Roma, your staff is not confident.

DARAVI: Exactly. Yes. When I worked at the Trump house -- Trump White House we had a barstool interview with President Trump that went absolutely viral. And when you ask members of the Biden White House why they don't want to do this interview for the Superbowl, they don't have an answer. They really are nervous to put him out there on an unscripted casual style interview that 100 million Americans could have seen.

Sure. TikTok got you maybe 4 million. Who knows how many of those are Chinese bots.

GALLAGHER: Yes.

DARAVI: But maybe 4 million Gen Zers saw that TikTok.

GALLAGHER: Right.

DARAVI: I don't have a TikTok. So, I'm not really sure who paid attention to that. But the Super Bowl interview --

GALLAGHER: Yes.

DARAVI: That's a big one. And the ad dollars, they speak for themselves?

GALLAGHER: It's a big deal.

It's a big deal. So, Kamala Harris "says she is ready to serve as Biden faces age scrutiny." Going on, "I am ready to serve. There is no question about that. Harris responded bluntly. Everyone who sees her on the job, Harris said, walks away fully aware of my capacity to lead."

But that's not really what the polls show, Lee. Your final thoughts. I've got about 35 seconds for you.

CARTER: Well, I'm sure she feels ready to lead. And she has been ready for quite some time.

The problem is the American people don't want on her to lead. Just about 30 percent of Americans approve of her as vice president and even fewer are going to want her to be the president. So, I think this is a real issue that she is going to address.

But I would hope as vice president that she feels ready herself. That's part of the job.

GALLAGHER: Yes. Lee Carter, Roma Daravi, thank you both. We appreciate it.

And meantime, coming up, we're going to play you some video of a mom confronting Los Angeles County District Attorney George Gascon, about his policies that she believes led to the death of her son.

It is compelling, it is worth your time.

And later in the "NIGHTCAP," the shove heard round the world. We want your thoughts on the controversial video of Kansas City Chiefs tight end Travis Kelce getting angry and pushing his 65-year-old coach, Andy Reid on the Super Bowl sidelines. You've heard the rest of the world what they have to say. We want to hear from you.

Let us know on X and Instagram at Trace Gallagher. We'll read the best responses in the "NIGHTCAP".

Meantime, it's 8:20 on the west coast. A FOX NEWS @ NIGHT "TRIP ACROSS AMERICA". Live look now at Indian Creek Plaza in Caldwell, Idaho. Man, a few miles from where I learned to fly.

Also, home to one of only six winter ice ribbons in the nation. Next, a live EarthCam view of Kansas City Missouri, home to the back-to-back Super Bowl champion. Chiefs finally alive. EarthCam look at Atlanta, Georgia where did you know that Coca Cola was invented in 1886?

And if you can't join us live, do not forget to set your DVR, tell your friends and family and watch us anytime. We are coming right back with a statement that you need to hear.

(COMMERCIAL BREAK)

GALLAGHER: First up in tonight's "REAL NEWS ROUNDUP", the Air Force now welcoming retirees back to active duty, after missing its enlistment target by 20,000 troops.

The Navy also dropping requirements for high school diplomas and GEDs. The typical age range for recruits, 17 to 25 is now at a 15-year low.

Medical students at UCLA now required to read scholarly articles that advocate for abolishing borders.

The articles argue that open borders are a remedy for many global illnesses.

One even accuses Republicans of creating hysteria around a border crisis for political gain. Maybe we should pull some New Yorkers on that.

But Hillary Clinton facing backlash after calling Travis Kelce Taylor's boyfriend on social media. Some NFL fans say the congratulatory message was a backhanded compliment and somewhat disrespectful.

In other post Super Bowl news, fans at Allegiant Stadium in Vegas, got a big helping of inflation along with their favorite football fair. The Washington Times says an order of surf and turf nachos in the big game was -- wait for it, 60 bucks. I'll stick with the 15-buck hotdog for me.

A mother who lost her son to gang violence is now on videotape confronting progressive L.A. District Attorney George Gascon over his soft on crime policies. She claims he has more sympathy for her son's killer, than for her son.

Christina Coleman is back live with that story, Christina?

COLEMAN: Hi, Trace. Yes. Just a very, very tragic situation. Things got heated at a recent debate when a heartbroken mother confronted George Gascon over how he handled the prosecution of a gang member who fatally shot her 25-year-old son.

She tells Fox News he has a heart for criminals. Take a listen to some of that exchange.

(BEGIN VIDEO CLIP)

EMMA RIVAS, MOTHER OF LOS ANGELES SHOOTING VICTIM: My child was killed by a gang member and you had more sympathy for that gang member than my child who was killed in front of my home. Can you explain to me because I've been looking for you for four years.

GEORGE GASCON, DISTRICT ATTORNEY, LOS ANGELES COUNTY: I'm brokenhearted for your loss. The definition of insanity is doing the same thing over and over again and expecting a different result.

We, as a country and we as a community have been doing the same thing for generations.

(END VIDEO CLIP)

COLEMAN: Yes. Meantime, this mom is coping with the loss of her son. Now, after taking 8over as district attorney, Gascon bar the prosecutors from pursuing advanced punishments for gang members, a policy many of his challengers vehemently disagree with.

When candidates were asked if they supported gang-related crime enhancements, Gascon was the only one who did not raise his hand.

The election continues to put Gascon's policies under fire, with his opponents accusing him of failing to seek justice for victims of severe crimes, including tortured and murdered children. Trace?

GALLAGHER: Christina, Thank you.

Let's bring in criminal defense attorney and federal litigator Vik Bajaj. Vik, great to have you on. I want to play that soundbite again from the mom, because it was so compelling. Her, going after George Gascon. And it seems like Gascon, because he's going to be out of office in November. He's more emboldened to really kind of stick behind his policies. Watch.

(BEGIN VIDEO CLIP)

RIVAS: My child was killed by a gang member and you had more sympathy for that gang member than my child who was killed in front of my home. Can you explain to me? Because I've been looking for you for four years.

(END VIDEO CLIP)

GALLAGHER: And his response, Vik, was they've been trying the same thing for a hundred years in the United States. We can't just keep throwing people in jail. But if you don't, you've got what this woman says is her son being killed in front of her house, and we see it all over the country.

VIK BAJAJ, CRIMINAL DEFENSE ATTORNEY: It's absolutely heartbreaking and unfortunately this play is going to be on rewind and replay over and over until these prosecutors are elected out of office or recalled. Now, what this victim's mother is saying is essentially in legal and government terms, you're not there to make the law. You're there to enforce the law. And on December the 7th of 2020, when D.A. Gascon came into office and he said, hey, my first thing is get rid of strike enhancements, get rid of gang enhancements, gun enhancements.

Trace, you have to understand, you can have a principal assault that may be a slap on the wrist or a minor prison sentence, but if there's a gun involved, that can go up to 10 or 20 or 25 years to life and enhancement, those are out the door. So, this victim's mother is right on point saying, hey, do your job, don't make the law, and refuse to enforce it.

GALLAGHER: Enforce the law. Criminals know that D.A.s are soft on crime. Here's this video. This comes from Emeryville, which is up by Oakland, California. So, it's an Apple store. A guy goes in, he steals as many phones as he can possibly rip off at the apple store and the capper of this whole thing because he walks out and there is a police car right where he walks out he just keeps going no consequences; he still on the run he will do this again or his gang will do this again, again and again.

BAJAJ: Without a shadow of a doubt and that's why the Department of Justice is looking at these cases and saying on a federal level, we're going to start putting all these things together and then we're going to have indictments of retail theft, conspiracy, individuals who came into the country specifically to do that. There are two outlining things on that. Number one, an advertisement for those joggers or sweats. It's like a clown car. How many phones could he fit in there without it falling apart? And number two, the entitlement of an individual like that to prance in supposedly unarmed right in front of a police car. He's probably upset he didn't get a ride home.

GALLAGHER: Because they know the consequences are nil. Oakland had a crime community protest. Here is a city councilmember.

(BEGIN VIDEO CLIP)

NOEL GALLO, OAKLAND CITY COUNCILMEMBER: We're in an emergency situation and we need all the help we can get from government.

(END VIDEO CLIP) GALLAGHER: They've lost their football team, Vik, their baseball team -- well not yet baseball team, their basketball team, you know companies are keeping the employees in for lunch, the businesses are going under because of crime in Oakland, and there is no solution on the horizon.

BAJAJ: Well, this district attorney enforcing law is the role of a district attorney in any jurisdiction throughout our founding union. She's only been behind the helm since last year around June. What do you think it's going to look like in the future? And it's heart-wrenching for the people who live in Oakland. What do you have to look forward to? It's almost an exodus and a race to the freeways to get out of the city, unfortunately for many natives.

GALLAGHER: Real estate prices, everything is dropping in Oakland. It is a beautiful city and it is really heartbreaking to see this. Vik Bajaj, great to have you on as always. Thank you.

And coming up, an update on a story we brought you last week about a San Francisco elementary school that implemented a woke kindergarten program. Find out what happened to the teacher who blew the whistle on the whole thing. And still ahead, the terrifying moments after a toddler was spotted on a roof, and how one man jumped into action, and this ostrich apparently living its best life. The day's best "VIRAL VIDEOS" coming up next.

But first, a live EarthCam look at the famous Bourbon Street in New Orleans, Louisiana, where Mardi Gras begins tomorrow.

(COMMERCIAL BREAK)

GALLAGHER: Well, the San Francisco area elementary school teacher who blew the whistle on his school's woke kindergarten program is now on indefinite leave. Bill Melugin back live with more on that story. Bill.

BILL MELUGIN, FOX NEWS CHANNEL CORRESPONDENT: Well, Trace, last week we first reported on this woke kindergarten program at a San Francisco area school that ended up tanking the school's test scores. Well, as you mentioned, the teacher who first blew the whistle on that program has now been put on leave. Tiger Craven-Neeley told the San Francisco Chronicle that after he exposed the failures of the program, he was summoned to a video conference in which he was told to turn in his keys and his laptop and not come back until further notice.

He was told only that it was due to "allegations of unprofessional conduct". Well, the suspension came less than a day after a "divisive" staff meeting at Glassbrook Elementary School including the district superintendent. Craven told the San Francisco Chronicle and Park, "I was shocked. This is my school. I didn't do anything inappropriate. I left. I was very shaky." In the Hayward County School District, which employs Craven, told the Chronicle that they would never put an employee on leave as a form of retaliation or try to squelch anyone's free rights.

GALLAGHER: Never would they do that in a million years, Bill. I can't even believe you brought it up. You're the expert on the border. You have a new Fox Nation special on the border. Tell us about it.

MELUGIN: We do. It's called "24/7 BORDER CRISIS." It started streaming live today. It's essentially more of a behind-the-scenes look typically when we do our live shots at the border, we only get about 90 seconds or so. This is more. Going to different hot spots all along the border during the month of December, which was the worst month in the history of the United States at the southern border: Arizona, Texas, California. Showing really what's happening behind the scenes some of the stuff you don't get to see in our live shots, mass illegal crossings, cartel activities, human smuggling right in front of us, cartel operatives right in front of us. That is all streaming live on Fox Nation. Once again, it is called "24/7 BORDER CRISIS". You can check it out on Fox Nation tonight.

GALLAGHER: Look forward to that, Bill. Thank you.

Well, polls open on New York's Long Island in just a few hours. The voting is for the special election to replace former Congressman George Santos. New York's migrant crisis appears to be issue number one in a race that could be a bellwether for Democrats in 2024. Kevin Corke back live with a closer look at the candidates. Kevin.

CORKE: Trace, the Democrat in the race, Tom Suozzi, actually takes a four- point lead into Election Day, but, and this is important, a major snowstorm could actually affect turnout, with Gotham now expected to see over a half a foot of snow tomorrow. The Republican in the race, Mazi Pilip, is actually pulling within the margin of error. She's doing pretty well. In case you're unfamiliar with her background, she's an Orthodox Jew who also served in the Israeli military. And given the race's focus on illegal migration, there are a lot of experts out there who believe she can not only make up the ground, she can ultimately overtake her Democratic challenger and win this race.

(BEGIN VIDEO CLIP)

MAZI PILI (R-NY), U.S. CONGRESSIONAL CANDIDATE: He's trying to run away from his record. The runaway, the fact that he opened the southern border, the fact that he was supporting defunding the police movement.

(END VIDEO CLIP)

CORKE: Still, as is usually the case, thousands more Democrats turned out during the nine days of early voting in this nail-biter of a race. And despite GOP efforts to fight it, ballot harvesting is still legal in New York, so that could favor the Democrat in this battle. It should make for a very interesting Tuesday in the Empire State. By the way, the 3rd Congressional District covers much of Nassau County and portions of Northern Queens, and you know how much I love the city? We'll see how it all turns out, Trace.

GALLAGHER: Indeed. Kevin Corke live in D.C. Kevin, thank you. Let's bring in the Nassau County, New York Executive Bruce Blakeman. Mr. Blakeman, it's great to have you on. I know that you think Mazi Pilip can win the George Santos former seat. Here she is. I want to play a little bit more sound of her to get people to know her a little bit and we'll get your take.

(BEGIN VIDEO CLIP)

PILIP: When you are weak on crime, when you don't support law enforcement and then you have wide open borders, you are bringing unvetted immigrants, this is a formula that we are seeing, a perfect formula for all these issues that we are seeing, that Tom Suozzi is responsible.

(END VIDEO CLIP)

GALLAGHER: Yes, I mean she talks about Tom Suozzi, but the whole thing here is that immigration really is something that New York people are fed up with. Mr. Blakeman.

BRUCE BLAKEMAN, NASSAU COUNTY, NEW YORK EXECUTIVE: Well, listen, Mazi Pilip is a fighter, she's bold, she's fresh faced, she's new, and she realizes that we have a failed policy at our borders. President Biden has opened our borders. People are coming in. They're not properly vetted. We don't know whether they're criminals, terrorists, or whether or not they're dealing in drugs. And it's become a major problem. And I believe Mazi Pilip will win because she's on the right side of the issues, she supports law enforcement, she wants to end the open border policies, and we're very, very proud that she will be our congresswoman come tomorrow night at 9:00.

GALLAGHER: Yes, we want to post some of this video, anything we can find about these migrants that have been terrorizing New York. The Washington Post writes the following, "If Pilip, a little-known member of Nassau County legislature, can beat Suozzi, a familiar face who represented an old iteration of the 3rd District for several years previously, that would ratchet up Democrats' concern about their headwinds in 2024." Do you think that's true, Bruce?

BLAKEMAN: Well, absolutely. I think Mazi Pilip will win because, as I said, people are fed up with the open borders. They're fed up with lawlessness. They have sticker shock when they go to the grocery store or they go to the gas station, and Mazi Pilip will fight against Biden's failed policies. Tom Suozzi voted 100 percent with Joe Biden. And I believe that this is a campaign to save America, that the majority of the House of Representatives is at stake. And Mazi Pilip is the best candidate and she will win and she will shock everybody, and surprise everybody, and she will be our Congresswoman.

GALLAGHER: What about the snowstorm does the snowstorm play into this at all. I mean, a foot in New York and other Democrats are better at the, at the ground game, you know, what do you think about that?

BLAKEMAN: First of all, we have a great Department of Public Works. Our men and women are out there. They will be out there at 4:00 in the morning. We will have snow plows. We will have salting trucks. And listen, Nassau County is a very hardy and patriotic group of people. That's why they call us strong island. And we will be out there in force, and we will definitely paint the county red tomorrow.

GALLAGHER: We will find out. Bruce Blakeman, thank you sir for your time. We very much appreciate it.

BLAKEMAN: Thank you, Trace.

GALLAGHER: First up in tonight's "VIRAL VIDEOS", the big bird either just finished watching the sound of music or is trying to land a spot with the New York City Ballet. Either way, those twirls are impressive. Zookeepers at the Cincinnati Zoo and Botanical Garden said the ostrich was dancing like nobody was watching.

A Rhode Island man is being called a hero after wasting no time rescuing a toddler who climbed onto a roof through an open window. Local report says the mom left the window open because it was hot in their apartment. Nobody got hurt, but child services did get a call on the matter.

If you are still shopping for a Valentine's gift, you may or may not want to look at Build-A-Bear's new adults-only line of stuffed animals that plush toy company is offering custom clothing and accessories including silk pajamas, faux wine glasses, and t-shirt that says Zaddy. Not sure what that means but if you have a viral video to share, share with us @Trace Gallagher or @FoxNewsNight on social media.

Well, coming up, Travis Kelce's moment of rage when he shot Coach Reid, was it inappropriate? Some say it's unprofessional not to keep his anger in check. Others think, it's just part of the game. I know what I think. What do you think? We've heard the rest of the world. We are going to read some of your comments, kind of fascinating, still time to weigh in X and Instagram, @TraceGallagher. The "NIGHTCAP" crew is next on Travis and the anger.

(COMMERCIAL BREAK)

GALLAGHER: We're back with the "NIGHTCAP" crew: Kevin Corke, Bill Melugin, Christina Coleman, and Vik Bajaj, and Roma Daravi. Tonight's topic -- put me in, Coach. Travis Kelce's emotional outburst at the Super Bowl where he shoved Coach Andy Reid goes viral with people debating whether or not the action was appropriate. So, what do you think? Was it wrong? Was it just kind of part of the sport? Kevin Corke, your thoughts on this?

CORKE: You know what? It was wrong on every possible level. If that were, say, Nick Saban, if that were Phil Jackson, if that were Red Auerbach, my reaction would be the same. You don't do that. You lose control. This is an all-time great coach, by the way, in Andy Reid. I pulled for the Chiefs, I'm happy they won, but that was below the belt.

GALLAGHER: Roma Daravi, your thoughts on this?

DARAVI: Yes, you know, I'm not a football expert, I'm a classical ballet dancer, but I will say, I don't think it's ever really appropriate to be shoving and yelling at your boss, which is exactly what his coach is to him. Really though, I watched the Super Bowl for the Usher concert and I think that was the shining moment of the night.

GALLAGHER: Well thank you. Vik Bajaj.

BAJAJ: Well, you can't do it. There are codes of conduct in the NFL and otherwise. Physical contact is never warranted. You know, I've represented a lot of these professional athletes and even the most aggressive ones, Trace, do not act this way. That violates the pecking order and is not a good example.

GALLAGHER: Let me just show you what we're going for here. So, the poll says, was Travis Kelce shoving Coach Andrew Reid inappropriate? Yes, 84 percent. Yes, 79 percent. Christina Coleman, most of the people are like, yep.

COLEMAN: Yes, it was inappropriate all the way, but I will say as a former ballplayer, I understand that frustration you get when you see your teammate making a turnover and you're like, get me in the game, coach. But no, does not excuse his behavior.

GALLAGHER: Bill Melugin.

MELUGIN: Inappropriate. Anybody who's ever played sports will tell you, like, you're supposed to be disciplined enough with your coach. It's a position of authority and respect. It shows a lack of discipline. Keep in mind, just a few weeks before that, he was caught on camera throwing his helmet to against the bench. Andy Reid had to basically take him out of the game for that. So, completely uncalled for. We get it. The juices are flowing. It's an Alpha Man game. We get it, but it's still inappropriate.

GALLAGHER: I talked to my old college football coach tonight for the first time in 35 years, and I can guarantee you it would not have flown back then and it should not fly today. That's the general on the field, that's the man who commands the respect. You don't say boo to your coach, period.

Tandra Brinkman, "Yes, it was inappropriate. Andy Reid is his coach, he needs to get respect, his authority and decisions. This game is not all about him and what he wants and he should be mindful of the example that he should be setting for younger people that are watching."

Dan, "It appeared that a difference maker on the field was upset that his team was losing. He'd only been targeted once during the first half and wanted more chances to impact the game. Team went to Kelce more during second half. Any coach would be fine with this." Nope, not.

Carmela, "Inappropriate. He should get some kind of repercussions for his actions. Biggest game of the year to act like a crybaby because coach didn't put you in. Do you know how many kids would love the coach to put them in the game? And don't go shoving the coach around."

Thanks for watching America's late news. Don't push your coach. We'll see you back here tomorrow night.

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