

DA clears trooper in fatal Walmart shooting; suspect, banned from buying guns, had homemade one

Hall, Peter; Lehman, Pamela . TCA Regional News ; Chicago [Chicago]10 May 2018.

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FULL TEXT

May 10—The suspected Walmart shoplifter shot and killed by a state trooper in March was armed with a homemade gun assembled from parts sold on the internet, even though his criminal record barred him from buying guns, authorities said in a report clearing the trooper of criminal liability in the incident.

Lehigh County District Attorney Jim Martin said Wednesday that Trooper Brian Bird fired his service weapon nine times at Aaron Ibrahim, 26, who died at the scene March 28 outside the Walmart in Lower Macungie Township. Bird fired on Ibrahim only after Ibrahim pointed and tried to fire a semi-automatic weapon at Bird during a foot chase, authorities say. An employee at Walmart called police after spotting Ibrahim and suspecting he may be tied to a retail theft at a Schuylkill County store.

Ibrahim's gun was found by investigators to be .40-caliber Glock pistol assembled from parts purchased online from a Spokane, Wash., sporting goods store.

They included a frame that started out as an unfinished part not covered by federal gun laws, and barrel and slide for the pistol that Ibrahim was able to buy without a background check despite a felony record that prohibited him from possessing guns, according to Martin's report.

Unfinished frames, often called 80 percent frames because they represent 80 percent of a working gun, must undergo additional work with machine tools to become part of a fully functioning firearm. Until then, federal authorities don't consider them to be a gun.

Martin called the practice of selling the unfinished gun parts without scrutiny a serious loophole that should be addressed by state and federal legislation.

"Why permit the purchase of firearm parts without any scrutiny whatsoever by persons not to possess [a firearm], which they may then easily assemble into a firearm?" Martin said in a news release about his findings.

Regulators and advocates for gun law reform say federal authorities are powerless to stop the practice without input from lawmakers.

"As of right now, there is nothing we can do," said Charlene Hennessy, spokeswoman for the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives in Philadelphia. "We follow the letter of the law and we enforce the law as it is written so it is up to the lawmakers to change the law."

Adam Skaggs, chief counsel at the Giffords Law Center to Prevent Gun Violence, said the sale of unfinished firearms is feeding a growing black market for weapons sought by people who are not able to legally buy guns, or who live in places like California, where tougher gun laws make them illegal to own.

"Because the guns don't have serial numbers, because they can't be traced, this is the gun trafficker's best friend," Skaggs said.

He called the police shooting of Ibrahim a tragedy narrowly averted and noted that so-called ghost guns were used in the 2013 Santa Monica shooting rampage where a 23-year-old man killed his father and three people at a community college using a rifle he built himself, and in 2017 in Tehama County, Calif., where a 44-year-old man killed his wife and then opened fire on cars, houses and an elementary school.

In suburban Philadelphia, police discovered an exchange student who allegedly threatened to shoot up the Catholic high school he was attending obtained a Glock pistol by buying the parts online, according to published reports.

Joshua Prince, a Berks County attorney who specializes in gun law, said, however, that in Ibrahim's case the blame is improperly placed on unfinished gun parts. He called Martin's call for legislation to require background checks political grandstanding and said any law to restrict unfinished gun parts would lead to confusion over what exactly constitutes an unfinished gun.

"A hunk of aluminum could become a gun or it could become bicycle handlebars," he said.

It's unclear how Ibrahim came into possession of the gun's lower portion, or frame, which was sold days before the Lehigh County shooting to a person in Texas, Martin's report says. But it is clear that the frame, at that point, was altered so it could be fitted with parts to make it a functional firearm and thus was subject to federal firearms laws when sold to the person in Texas, the report says. For that reason the focus should be on how Ibrahim obtained it, Prince said.

He added that whoever sold Ibrahim the frame could face federal charges for improperly transferring a gun. State police investigate a man's death that followed gunfire Wednesday night at the Walmart in Lower Macungie Township. A trooper was pursuing the man on foot just before shots were fired, witnesses said.

(Frank Warner)

Martin said he would forward his findings to federal and state legislators in hopes of "corrective legislation."

"It is not my intent to burden people who may legally possess firearms," Martin said. "However, requiring the filing of an ATF form for all the parts of a semi-automatic pistol does not seem to me to be too bothersome."

ABOUT IBRAHEM'S WEAPON

From the Lehigh County district attorney office's report on the shooting:

Ibrahim's Glock semi-automatic pistol had no serial number on the frame. It had one magazine with a capacity for 10 cartridges.

Only the lower polymer portion of the gun – without any upper and trigger parts – was purchased from the Spokane Archery in Washington by a person from Texas. The purchase was legal.

The slide/barrel of the gun, known as "uppers," can be purchased on the internet and no ATF form is required because it is not considered to be a firearm.

The gun can then be completed by drilling holes to attach the slide/barrel, trigger and other necessary parts. After assembly, it is a functional semi-automatic pistol.

pamela.lehman@mcall.com

610-820-6790

CREDIT: By Peter Hall and Pamela Lehman

DETAILS

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Location:	California Texas United States--US
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People:	Martin, Jim
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Company / organization:	Name: Walmart Inc; NAICS: 452112, 452910, 454111
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