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HEADLINE: Dealers not liable for guns used in crimes
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BODY:

A gun shop in Maryland is not liable if a weapon stolen from it is used to kill someone, the state's highest court ruled in Annapolis yesterday.

In a decision connected to the 1993 murder of an Arnold woman, the Court of Appeals ruled in favor of On Target Inc. The Severn gun shop, located just outside Fort George G. Meade, was sued by the family of Joanne Valentine.

The court upheld a 1995 ruling by county Circuit Court Judge Clayton Greene Jr. who dismissed the \$ 11 million lawsuit. It had been filed in by widower Vincent N. Valentine and other relatives.

"This was a Maryland murder with no consequences to anybody but the victims," said Clarke F. Ahlers of Columbia, Mr. Valentine's lawyer.

Mrs. Valentine was fatally shot in the neck Sept. 26, 1993 as she arrived in the her Broadwater Road driveway. The crime remains unsolved.

Mrs. Valentine co-owned the north county nightclubs A.L. Gators and Rumblefish.

The gun used to kill her was stolen from On Target. The Valentine family claimed the store had been negligent.

"... Although the inherent nature of guns suggests that their use may likely result in serious personal injury or death to another this does not create a duty of gun dealers to all persons who may be the subject of harm," the court wrote in its 13-page opinion.

Lawyer Kevin McCarthy of Lanham, who represented On Target, applauded the appeals decision, which ends the case.

"This is something where justice was done," he said.

A 13-page attachment to the opinion represented additional thoughts of three judges _ including Chief Judge Robert M. Bell, Maryland's top jurist. It was authored by Judge Irma S. Raker.

She said she agreed to uphold the dismissal of the lawsuit because it never explained how the On Target guns were stored, what precautions were taken to secure them or what the store did to prevent thefts.

Judge Raker called it "nonsense" to think that stolen handguns wouldn't be used in violent crimes. Stolen guns appeal to convicted felons _ who can't legally possess guns _ and they aren't easily traced, she wrote.

"I believe that retail handgun merchants owe a legally recognized duty to exercise ordinary care in securing handguns held out for public sale..." Judge Raker wrote.

Mr. Ahlers said he was thankful for Judge Raker's comments. But he predicted the full court's decision would lower insurance rates for gun dealers and allow them to pump more money into advertising.