

PEOPLE V. LOCHTEFELD (2000) CASE

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Case Study Analysis: People v. Lochtefeld (2000)

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Facts

On September 23, 1997, Carolyn Scott, from San Diego downtown and a resident of Pine Hotel, saw her neighbor Daniel Bernard Lochtefeld waving a big handgun outside the hotel. Lochtefeld continued waving the gun in the air, and Carolyn became curious about his act and continued watching from a distance. Carolyn informed the hotel manager that Lochtefeld was moving around holding a gun. She continued watching as Lochtefeld moving to the bus stop and approached an African American woman who had sat down. Immediately, Lochtefeld expressed his hate for people with an African American descent and threatened to shoot her if she refused to move. The woman ran away, and Lochtefeld boarded the bus. Worried that Lochtefeld would kill the lady, Carolyn called police officers.

Hensley, Robertson and Cali, all officers in the San Diego police stationed went to Lochtefeld's room. The officers knocked, but they got no response. They identified themselves, indicating that they were running an investigation, but they got no answer. However, the officers heard some movement inside the room. Lochtefeld was told by this officer Hensley that the officers were not leaving until the door was opened. Angrily, Lochtefeld told the officers to leave him alone. At one point, a sound similar to the operating mechanism of a semi-automatic pistol was heard from the room. Hensley phoned the station for his supervisor while the other officers went to get a master key from the hotel supervisor. Sergeant Stetson, Hensley's supervisor, arrived at the hotel accompanied by lieutenant McGinley. A failed request to open the door forced the lieutenant to open the door using the master key.

McGinley and Hensley entered the room only to find Lochtefeld seated on the bed, pointing a gun directly at the officers. McGinley withdrew his weapon and aimed for Lochtefeld,

and he nearly pulled the trigger when he realized that the gun in Lochtefeld's hand was a pellet gun. The officers disarmed Lochtefeld and handcuffed him. The weapon was similar to a nine-millimeter semi-automatic pistol made by Smith and Wesson. The firearm was functional, and it ejected a compressed burst of CO2 with each trigger.

A further examination done on the gun revealed that it could chamber 15 pellets and fire with a burst similar to that produced by a real gun. The burst capacity produced from a single shot had the potential to rupture through the human skin and penetrate muscle tissue. The gun was in the middle range category, and although it was highly unlikely for it to cause a fatality, the weapon was capable of significant injury. The counsel to Lochtefeld made an argument that if the cylinder was considerably drained, then the gun was likely to cause little body injury. Hence, there was not enough evidence to prove that the firearm was deadly. However, the prosecution argued that the way Lochtefeld used the gun was a clear indication that the firearm was functional.

Procedure

On October 17, 1997, the DA in San Diego charged Lochtefeld with an assault by use of a deadly weapon against the law enforcer and individual utilization of a similar weapon. Lochtefeld was also accused of a second count on the use of a deadly weapon and a third count for issuing a terrorist threat. The three counts involved the violation of section 245 and 422, respectively. The counsel of Lochtefeld moved a pretrial motion meant to dismiss the information granted on the third count. The second count acquittal motion was issued while the first count was handed over to the jury. The jury found Lochtefeld guilty of assaulting a police officer with a deadly weapon. Also, there was an actual finding that Lochtefeld had a possession

of deadly weapon when he committed a felony. A sentence of four years in a state prison was handed to Lochtefeld.

Standard of Review

When the counsel representing Lochtefeld issued a claim that the evidence was insufficient, the attorney general and the court had to determine the truth in this claims. The evidence had to be reviewed to decide whether or not it was favorable for the judgment by examining if the evidence was significant. Substantial evidence has the capacity of determining the direction of the case. When it is presented alongside reasonable facts, it proves that beyond any reasonable doubt, the defendant is guilty. Reviewing the evidence also serves not to verify that the defendant is guilty but to change the perspective of the court on the criminal element. Also, when making the charges, the AG had to determine whether or not the pellet gun belonging to Lochtefeld met the qualities as those of a deadly weapon. According to the law, a deadly weapon could be any weapon or object whose usage could result to a death or plenty of body injuries ("People v. Lochtefeld (2000). With that statement and the recommendations made by the gun expert on the damage likely to result from the gun, the AG had enough ground to charge Lochtefeld for an assault using a deadly weapon.

A loaded gun may be defined as a deadly weapon while an unloaded gun is categorized as a dangerous weapon. How an object is used determines the intentions of the person. Despite the argument presented by Lochtefeld, the jury found no significant reason which could define a deadly weapon differently as specified in other statutes. According to the board, the question was not about whether the object was a firearm or a pellet gun. The main question asked, in this case, is whether or not, the item used in committing the crime was capable of causing injury. The

expert examining the gun concluded that the gun had been modified and it could fire pellets at a higher speed. Therefore, the weapon was capable of causing injuries.

Discussion

The gun used by Lochtefeld was a deadly weapon. Lochtefeld had even threatened to kill an innocent woman using the firearm. By issuing such threats, it was clear that the firearm was functional, and it could cause damage to the woman. Lochtefeld had also pointed the gun at police officers who had done the proper introduction. It was an indication the Lochtefeld had intentions to use the weapon on police officers which is a criminal offense. Whether the gun could cause damage at the time of the crime is a question which was answered through the behavior and threats issued by Lochtefeld. Therefore, the evidence was sufficient to because of the threatening words used by Lochtefeld and the way he displayed the gun. The jury was therefore convinced that the gun used by Lochtefeld was highly operable at the time of the crime. Lochtefeld had filed appeals after the ruling. However, the verdict was affirmed, and an appellant's petition to the Supreme Court was denied.

Some courts have made conclusions that pellet guns are deadly weapons according to the acts responsible for punishing robbery. The guns CO2 was examined, and the finding was that even though the safety was damaged, the gun was still functional. It was in a case between the people and Sherman. Sherman had also affirmed that the firearm was operational and it had the potential to kill a small child when aimed between the eyes. In this case, ³the jury concluded ²that the defendant was guilty of being armed with a deadly weapon (People v. Sherman, supra, 251 Cal. App. 2d 849, 857.)

References

People v. Lochtefeld (2000). (n.d.). Retrieved from <https://law.justia.com/cases/california/court-of-appeal/4th/77/533.html>

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