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cited in USA v. Lucas, No. 15-10103 archived on November 3, 2016



rewarded by an image of a large-caliber round-nosed bullet lodged in the muscle of the left upper thigh. Round about then, the pathologist arrived and after quickly viewing the X-ray plates the autopsy then took place. The bullet had entered the upper top left side of the chest and had then continued in a downward path, inflicting lethal injuries before coming to rest at the point mentioned, where it was then recovered. I washed the bullet before commencing my initial examination of it. It was a very old commercially manufactured lead round-nosed bullet that had suffered little impact damage. It was of the type one would find loaded into an old, obsolete, black powder-charged .450 Webley revolver cartridge. The nominal weight of the bullet used in this ammunition was 225 gr (14.6 g), and the manufacturers claimed a muzzle velocity upon discharge of a modest 650 ft/s (198 m/s), delivering 211 ft-lb (286 J) striking energy.

The wounding performance of a pistol or rifle bullet can be greatly increased if it is designed to expand in tissue in a predictable manner to increase its effective diameter in the process. Such expanding bullets, often incorrectly referred to as "Dum Dum," are usually of soft-point, hollow-point, or capped-hollow cavity design. The hard metal jacket of a soft-point bullet is open at its nose to expose the soft lead bullet core. A hollow-point or hollow-cavity bullet has a hole drilled partway down the central long axis of the bullet from the nose. A ballistic cap (hard wedge fitted in the end of the hole is used on certain loadings). High-velocity rifle loadings, with their greater attendant kinetic energies, can be transformed in their wounding performance, simply by moving from a fully jacketed design to one of soft-point or hollow-point design. In turn, a change from one design of expanding bullet to another, better suited to the velocity range or the intended quarry, can again transform the performance of the rifle.

The ideal performance of an expanding bullet is achieved when the nose material peels back on itself to form the classic mushroom shape at the correct depth of penetration in the particular target, and that this expansion is achieved without the bullet breaking up or suffering an unacceptable degree of weight loss, limited splintering of the bullet can however enhance the severity of wound formation (Figure 7.5). In this ideal situation the bullet either stops under the skin on the other side of the living target, or falls to the ground completely de-energized after just clearing the target. In the scenario described the expanded bullet has utilized its potential for tissue destruction at the optimum point of penetration to cause the maximum destruction in the internal zone likely to contain vital organs, and at the same time eliminating the danger of undesirable overpenetration and consequent danger to objects or persons beyond the intended target. Achieving all of these things on every occasion is a difficult or impossible process, especially if the same bullet is employed in different loadings producing very different muzzle velocities. Not all expanding rifle or pistol bullets behave in

SAN FRANCISCO / 'Trigger Lock' law helps cut gang-related killings in half / Focus on Bayview, Western Addition showing results

By Jaxon Van DerBeeken Published 4:00 am, Thursday, July 21, 2005

The number of killings in San Francisco attributed to gangs in largely African American neighborhoods has dropped by more than 50 percent so far this year from 2004, thanks in part to intervention by federal law enforcement, police officials said Wednesday.

Overall, the number of homicides in San Francisco dropped more than 20 percent in the first half of the year, police said.

Deputy Chief **Morris Tabak** told police commissioners at their weekly meeting that efforts by city investigators and federal officials to identify the city's most violent predators and subject them to federal prosecution were showing results.

In the first six months of this year, there were 41 homicides in San Francisco. 16 of them believed to be the result of gang disputes in African American areas such as the Bayview and Western Addition, Tabak said. In the same period last year, there were 53 slayings. 36 of which were attributed to gangs in largely black neighborhoods.

"We are committed to stopping the violence," said Tabak, who is in charge of the investigations bureau. "I am very encouraged and happy with the numbers over the past year."

The most important factor in the decline, police say, is the effort to take violent criminals off the streets with the help of the federal "Trigger Lock" law, which provides for prison terms of 10 years or more for convicted felons who are caught with a gun.

Last year, 77 defendants were referred for federal Trigger Lock prosecution in San Francisco. **Set for this year, police have referred 111 cases to federal prosecutors, who have taken 33 and are reviewing 209 others.** Local prosecutors are pursuing 32 more of the cases, with the remaining 26 not resulting in charges.

Authorities have had trouble building criminal cases in state court or even arresting suspects in gang homicides, partly because fear of retaliation makes witnesses reluctant to come forward.

Prosecutors with the U.S. attorney's office, however, have lodged federal homicide charges against nine suspects in a total of six gang-related killings recently, partly because they were able to persuade witnesses to testify before grand juries, Tabak said.

San Francisco District Attorney **Kamala Harris** has ruled out using grand juries to indict suspects on state homicide charges, saying witnesses' testimony can't be used at trial if the witnesses are unavailable by then.

Anjali Chaturvedi, the federal prosecutor who is chief of the local organized crime strike force, said the closed grand jury proceedings had proved to be valuable in getting witnesses to open up.

"There is a sense of safety by coming to the grand jury," she said. "Witnesses are targeted in the cases -- the grand jury is able to protect those witnesses willing to come forward."

Along with the drop in killings, police have increased the number of guns seized over 2004, Tabak said. Officers confiscated 570 firearms in the first six months of 2005, 100 more than in the first six months of 2004, he said.

Thomas Mazzucco, the federal coordinator who handles Trigger Lock cases, said, "The word is out on the street -- if you are convicted felon, you should not be carrying a firearm and using it. ... You may end up in the Federal Building."

Kevin Ryan, the U.S. attorney in San Francisco, said his office plans to continue its anti-gang efforts.

"We feel we have had a dramatic impact on the level of violence in the city of San Francisco," he said.

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