



Written by [Patrick Krey](#) on January 23, 2024

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Exercising the Right

Mother Evicted for Using a Gun to Stop a Burglar

Fox4, the Fox affiliate in Dallas-Fort Worth, reported on December 22 about a wild incident in Fort Worth involving a single mother living in federally subsidized housing who was evicted for using a handgun to avert a burglary. Twenty-five-year-old Aleah Wallace, a mother of four, had had her federally subsidized rental unit burglarized multiple times when she wasn't home. Fed up, she purchased a handgun for self-defense. Someone then tried breaking in around 1:15 a.m. on December 14, while Wallace and her kids were home. Wallace called the police, who came to the apartment but did not find the burglar.

Less than two hours later, someone once again tried entering her apartment, through the daughter's bedroom window. Wallace immediately grabbed her handgun and fired through the window, hitting the suspect and mortally wounding him. Police were called back to the apartment and found the deceased suspect at the scene. Law enforcement later determined that the suspect was only 14 years old. Wallace explained she wasn't aware of the suspect's age at the time of the shooting, only that she was in fear for both her life and the lives of her children. In an interview with Fox4, she explained, "I had to think about my babies.... I didn't know that he was 14 when he was on the other side of that window. All I knew was that somebody could come in here and hurt me or my kids."

If the shooting had occurred within the apartment, it would be an open-and-shut case of justifiable homicide due to the state's castle doctrine, but since the shooting occurred while the suspect was standing outside the apartment, it has been referred to a grand jury. Wallace will likely escape prosecution, though, due to Texas' strong "stand-your-ground" self-defense laws.

As if all of this chaos wasn't enough, Wallace was then informed by her property manager that she was being evicted for possessing a firearm. Wallace told Fox4 that "the apartments called and told me that I was not supposed to have a gun at all, even though I kept calling them and telling them somebody was breaking in. They told me I could not have a gun, and I have 30 days to vacate.... I feel like I'm back at square one. I was there for six years, and now I don't know what to do."

All is not lost, though, as Wallace's story went viral and Republican lawmakers in the state are rushing to her defense. State Representative Carrie Isaac is checking in on what options there are with the state's housing authority. Isaac told Fox4, "It made me very angry.... No one should be denied their Second Amendment right just because they live in public housing. It's unconstitutional." She added, "I have been talking with my [legislative] colleagues. I want Ms. Wallace to know she has several legislators in Texas pulling for her.... And if we need to strengthen our Second Amendment laws, specifically regarding public housing, we will do that. I don't believe we have to. I believe this is unconstitutional." Isaac also criticized the property managers for evicting Wallace: "They are creating an unsafe environment by taking away the Second Amendment right of law-abiding citizens.... And I want her to know that we are fighting for her, pulling for her. And we'll do everything we can to make sure that she has a roof over her head and that they are not throwing her out on the street."

Besides the politicians fighting on Wallace's behalf, attorneys who specialize in fighting evictions are lining up to provide pro bono services. Mark Melton, the founder of the Dallas Eviction Advocacy Center, believes that her eviction might actually be easy to fight. He told Fox4 that "historically there is



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no federal law regarding whether public housing facilities can prohibit or ban guns by the residents.... It's always been somewhat optional based on state law." Melton further explained that there is a 2019 Texas statute that makes it illegal for landlords to prohibit residents from lawfully possessing a gun on their property. He elaborated that "[if] the landlord in this case says we're going to evict you simply because you possessed a weapon inside your apartment, that's illegal and an unenforceable contract term. They cannot evict her in Texas for that.... You can contract to do a lot of different things, in Texas especially. However, the gun ban issue is obviously not going to fly here. There's also some Fifth [Circuit] Court of Appeals cases of late in fact that say that self-defense from an unprovoked attack is not, under any circumstances, a breach of a lease."

Overcoming a Disability

In another item out of Texas, Fox7 in Austin reported on November 19 an uplifting story in which an Austin man with no arms succeeded in getting licensed to carry a gun. Central Texas Gun Works owner Michael Cargill posted the story on social media, where he wrote, "It brought me to tears, I wanted to cry because I was happy that I was able to help this young man.... He wanted to be able to protect himself." In the video that Cargill posted to social media, the disabled student can be seen loading a gun with his feet and then shooting at targets. Cargill explained how he worked with the young man on finding workarounds to make sure he knew how to handle a firearm safely and effectively. "We had to work with what toe he was going to use to actually pull on the trigger and how he was going to hold the gun, nice and steady, all while looking at your sight ... your front sight and your rear sight.... He didn't just barely pass, he passed with flying colors and was an outstanding student.... It was a piece of cake, he fired from the 3-yard line, the 7-yard line and the 15-yard line, the only thing I did for him that was different is I allowed him to sit on a chair." Cargill added that he hopes this young man's inspiring story encourages others to take his course. "This young man had no arms, no hands, and he was able to actually shoot and pass and do exceptionally well at the gun range."



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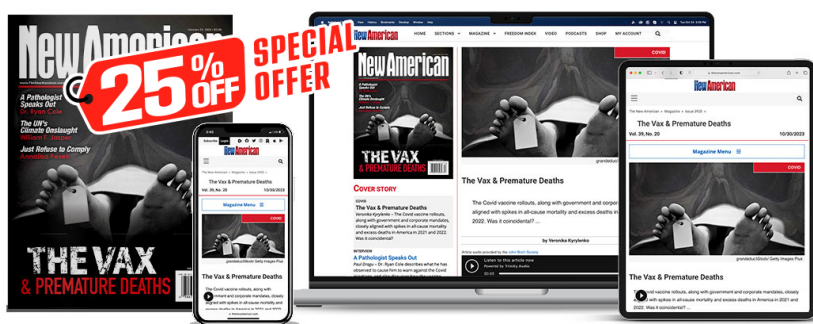
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