



Exercising the Right

McCloskeys Get Pardoned

This column previously covered the politically motivated criminal prosecution of St. Louis couple Mark and Patricia McCloskey, who found themselves at the center of a national controversy last year when Black Lives Matter protesters invaded their gated community. As the protesters trespassed on private property outside their home, the McCloskeys stood in their front yard armed with a pistol and an AR-15. Video of the armed couple instantly went viral, and many Second Amendment supporters rallied behind the McCloskeys while leftists smeared them as dangerous gun owners. The McCloskeys are both attorneys and were able to defend themselves in the court of public opinion, with Mark taking on the role of a spokesperson and making numerous media appearances, including on Tucker Carlson's show on Fox News.

Due to their newfound fame, the McCloskeys even gave a pre-recorded speech at the 2020 Republican National Convention, in which they endorsed then-President Donald Trump. Mark McCloskey would later announce his candidacy as a Republican for a Missouri U.S. Senate seat. Yet there remained a legal cloud over the McCloskeys, because the local prosecutor in St. Louis had charged them with crimes for their actions in the trespassing incident. That changed on July 30, when Missouri Governor Mike Parson pardoned them. Mark McCloskey celebrated the pardon, saying it righted a wrong. As he explained, the Black Lives Matter protesters who trespassed on their property were issued citations for trespassing, which were then dropped by the politically biased prosecutors, whereas the McCloskeys had the book thrown at them. Mark McCloskey told FoxNews, "If you've got an 'R' behind your name, you're subject to one kind of justice system and if you have a 'D,' you're subjected to another."

Self-defense or Revenge Killing?

[Local10.com](#) reported on August 4 about a story out of Kendale Lakes, Florida, that really highlighted how a man involved in an armed self-defense situation can cross the line and find himself facing criminal charges. The story began when Christopher Luis went to a drive-up ATM in Miami-Dade County on February 13 and, within a matter of moments, two armed miscreants slowly walked alongside his truck and attempted to rob him. The entire violent encounter was caught on surveillance video, and showed the suspects confront Luis and shoot at him, hitting him in his arm and his hand. Luis had a gun in his car, which he quickly retrieved and then used to return fire at the suspects. One was seriously injured and collapsed nearby, dropping his gun. The other suspect fled the scene and escaped in a nearby getaway vehicle that was driven by a third suspect. Luis exited his vehicle, took the weapon that was laying on the ground near the injured suspect, got back into his vehicle, and drove away.

It is what happened next that turned the entire narrative of the crime upside down. Luis returned to the scene of the crime where the injured suspect was still lying on the ground, and opened fire on him with the suspect's own gun. Investigators said that Luis shot the suspect an additional 10 times. Police gathered all the evidence, and the Miami-Dade State Attorney's Office eventually cleared Luis of murder and manslaughter charges, but did end up charging him with aggravated battery with a deadly weapon. A Miami attorney, David Weinstein, watched the surveillance videos from the Miami-Dade Police Department and told [Local10.com](#) that, regarding the first shooting, Luis "was entitled to meet



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their force with firearms with the equal amount of force, so he was within his right to stand his ground and use deadly force against the people who were trying to rob him.”

The second shooting is when this story changes from a justified use of lethal force to a crime that now has the victim of an attempted robbery facing criminal charges. The arrest warrant for Luis explained that “[Luis] drove into the drive-thru ATM lane again, without stopping, and observed [the suspect] as he remained incapacitated on the ground. [The suspect’s] hands were visible, and he was not in possession of any weapon. [The suspect] was alive,” and Luis then proceeded to shoot the wounded suspect multiple times. The two other suspects in the crime were later apprehended by police, and both were charged with second-degree murder, attempted murder with a firearm, and attempted robbery with a firearm. The second-degree murder charge stems from the Florida felony murder rule, which makes a criminal vicariously liable for any murder that occurs as a result of the felony he was committing.

Face Value

CBS affiliate CBS13 out of Sacramento reported on July 21 about an attempted home invasion just north of Gunda, California, that was abruptly ended when the homeowner shot the would-be burglars. Investigators are still piecing together what happened, but they believe the homeowner was aware that trespassers were entering his house and stealing from him. Police say the homeowner lay in wait at his house as the criminals, who may have been connected to a past burglary at the same house, returned to the scene of the crime allegedly with the intention of trying to burglarize the house again. CBS13 reported that Lieutenant Gary Hallenbeck of the Yolo County Sheriff’s Office said the homeowner “did not go out to confront these people. He stayed in the house, and eventually, these people came into the residence.... The homeowner ended up firing his weapon at them.... On face value, it points to that self-defense side.” The suspects were a man and a woman. Lieutenant Hallenbeck added that the homeowner “had been gone a couple days and [after he returned] he realized there had been a break-in at his house, where a firearm had been stolen from his residence.”

If what Lieutenant Hallenbeck said is correct, it’s reasonable for the homeowner to be afraid for his life because the intruders could be armed with the same gun they had stolen from him and, due to the California “Castle Doctrine” penal code, there is no duty to retreat for a homeowner who confronts an intruder within his house. CBS13 reported that the male suspect died from his gunshot wounds and the female is in police custody. Both of the suspects had lengthy criminal records.



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