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STROM DROPPING WEAPONS CHARGE MAN WAS ACQUITTED LAST MONTH IN SLAYING AT EAU CLAIRE HIGH

Lisa Greene, Staff Writer

Federal gun charges against Floyd Brown, who shot and killed another student at Eau Claire High School, will be dismissed.

U.S. Attorney Pete Strom said Wednesday he doesn't want to dismiss the charge, but has no choice. The law Floyd Brown pleaded guilty to violating was found unconstitutional by the U.S. Supreme Court. "I am extremely concerned about the message it sends," he said, pointing to a recent national poll that said 59 percent of the teens polled said they could "get a handgun if they wanted."

Brown, 20, had been sentenced to five years in prison.

But the federal dismissal may not be the end of legal trouble for Brown, who was acquitted of a murder charge last month. Fifth Circuit Solicitor Barney Giese said he's likely to pursue a state gun possession charge against Brown.

But Brown's lawyer, **Jack Swerling**, said he hopes Giese won't do so. He pointed out that Brown has served nearly two years behind bars since the shooting in January 1994.

"He has paid a price," **Swerling** said. "He's been punished. He's learned whatever lessons are to be learned."

Swerling also said teens shouldn't see Brown's case as sending message that guns are OK.

"I don't want it to send any message outside the facts and circumstances of this case," he said. "It's wrong to take guns to school."

A Richland County jury acquitted Brown Oct. 27 after he told them he had shot Earnest Dunlap in self-defense. He said Dunlap had pulled a gun on him the day before and threatened to kill him.

It's not clear whether Brown will be released from custody soon. **Swerling** said that if Giese pursues charges, he still will ask a judge to set a bond until the state case is heard.

"He wants to go home and put all this behind him," **Swerling** said. "It's been a long ordeal for him, as well as everybody else involved in the case."

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