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State, The (Columbia, SC)

1994-02-08

Section: METRO/REGION

Edition: FINAL

Page: 1A

## HOMEOWNER DOESN'T LET CRIME PAY ARMED AND READY, FOLKS FIGHTING BACK TO PROTECT PROPERTY

*BOB STUART, Staff Writer*

Richard Patterson paints portraits, plays the banjo and teaches people how to shag. And in the past three months, he has shot two people who were trying to burglarize his home.

Columbia resident Patterson, a 58-year-old father, says he's no vigilante, and he doesn't fit the usual portrait of an armed reactionary. But he might be another example of an emerging personality type: the average citizen scared, fed up with crime and more than willing to fight back.

"This business of crime and burglars is unacceptable," Patterson said. "If burglars are allowed to prevail, the decent, law-abiding citizens will have no choice but to move out of the city. "I will remain there; it's my home," Patterson said of the neighborhood near Two Notch and Covenant roads where he has lived for 30 years. "I've done nothing wrong and I consider myself a decent, law-abiding citizen. Why should I let the burglars run me out?"

Patterson won't face prosecution for the shootings. The law protects property owners who fear for either their lives or the theft of their property, particularly at night.

And while criminal justice authorities usually don't encourage fighting back, some recent cases suggest they are sympathetic to those who do:

Last July, Columbia used car salesman Buddy Montgomery used his 12-gauge shotgun to fire what he said was a warning shot at two men Montgomery said were robbing his lot, a frequent target of robbers and vandals. Montgomery was charged with assault by police, who said he tried to shoot people who posed no threat. But a judge dismissed the charge, saying Montgomery easily could have hit the fleeing men if he had meant to.

Last month, a Checkcare Systems employee named Steve Stafford said he fired a shot at two men who robbed him while Stafford was making a night deposit at a bank on Beltline Boulevard. Stafford was not charged. While a couple of local law enforcement chiefs warned that fighting back can be dangerous, Richland County Sheriff Allen Sloan said he only regretted that Stafford's aim wasn't better.

Patterson also has his supporters. Like neighbor Alexander Wright.

"I want to give him a medal," Wright said. "Criminals have no regard for anyone. If you are not

safe in your own house, where are you safe? I have no problem with what he has done. And I can't feel sorry for the people who got shot."

Taking aim at crime

Columbia police incident reports show Patterson's Carroll Drive home was burglarized seven times between May 1991 and January of this year.

On Nov. 23, his home was burglarized and Patterson lost a coin collection, which later was recovered, a television and a VCR.

On Nov. 25, Patterson was waiting when burglars again came to his home.

That night, he saw two men climbing a fence in his back yard, Patterson said. He confronted them with a .38-caliber pistol and asked them to show their hands. When one made a sudden move, Patterson said, he fired two shots. One of the men got away. Gregory Taylor was wounded in the buttocks. He has been charged with burglary.

Then, on the night of Jan. 7, Patterson said, he was robbed of a \$1,500 tool set.

Later, about 3 a.m., Patterson was awakened by noise coming from the kitchen at the rear of his house.

He picked up the 12-gauge shotgun kept next to his bed and ran to the kitchen.

There, he found a man. "I told him to freeze. When he didn't freeze, I shot him," Patterson said. The man was shot in the face.

The wounded man, Bernard Scott, 35, remains hospitalized in serious condition in the intensive-care unit at Richland Memorial Hospital. Scott will be charged with burglary if he recovers.

Antiquated laws?

Columbia trial lawyer **Jack Swerling** agrees with some of the protections given Patterson under South Carolina law. But **Swerling** says others are outdated, dating back to the common law of a more rural society that didn't have nearly as much law enforcement.

Under state law, a citizen can arrest someone at night when:

that person has committed a felony and escape is probable.

that person entered a house with evil intent.

that person is breaking into an outhouse.

that person has stolen property, or circumstances raise the suspicion that a theft or felony is about to be committed, and the person flees.

The November shooting incident involving Patterson falls under the latter category. It was nighttime, and one of the men was just a few feet from the house when he was shot.

Patterson also is clearly protected by law in the January incident because someone was in his house, said 5th Circuit Solicitor Dick Harpootlian. When someone has entered a house, "there is no question they are a threat to that person, and he (the property owner) has an absolute right" to protect himself, Harpootlian said.

Patterson had a reasonable belief to think he was in jeopardy in both shootings. He had a history of break-ins at his residence, **Swerling** said.

But **Swerling** said laws such as the one protecting Patterson have come under fire by courts in other states. And he doesn't agree with all the protections.

"I have a problem giving a citizen the right to kill someone for breaking into an outhouse or having stolen property in his possession," he said.

Such laws were more appropriate when citizens lived in an "agrarian society where police were few and far between. Citizens had to protect themselves," **Swerling** said.

Police confiscated the guns Patterson used in the two shooting incidents. The .38-caliber gun from the November shooting will not be released until Patterson provides proof of ownership. He is suing the city to get that gun returned.

The 12-gauge shotgun from the Jan. 8 shooting also is being held by Columbia police as part of an active investigation.

Meanwhile, Patterson has rearmed himself. He purchased another 12-gauge shotgun hours after the Jan. 8 shooting.  
A lifestyle changed

Barbed wire is strung across the fence surrounding Patterson's property now. A German shepherd stands guard. Patterson describes the dog as the type that is "friendly, but who would make you think twice about coming in."

The problems with burglars have distracted Patterson from his portrait work, he said. He finds it difficult to concentrate without worrying about more break-ins.

Patterson's only explanation as to why he has been such a frequent crime victim is his neighborhood.

"The whole neighborhood has had a problem with break-ins. But since the last shooting, it's been quiet," he said.

In the past few months, Richard Patterson has shot two people who were trying to burglarize his home. Renee Ittner-McManus / The State

**Correction:** CORRECTION , PUBLISHED FEB. 9, 1994, FOLLOWS The first name of a man quoted in Tuesday's 1A story about a citizen fighting back was incorrect. The name should have been Lawrence Wright.



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