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Proof and Hearsay

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Milwaukee judge finds concealed-carry ban unconstitutional

By Derrick Nunnally

Monday, Sep 24 2007, 05:10 PM

In a written decision this morning, Milwaukee Circuit Judge Daniel A. Noonan (at right) found that the misdemeanor prosecution of pizza driver Andres Vegas for unlawfully carrying a concealed weapon is unconstitutional.



We've written about the case of Vegas — who shot two would-be robbers in the space of seven months — several times before and will have a more complete analysis in tomorrow's newspaper. In the meantime, Noonan's 10-page decision is worth checking out.

The quick version of it is that he finds the concealed-carry ban is an unconstitutional infringement on Vegas' right to protect himself while working, under criteria laid out by the state Supreme Court in decisions on the *Hamdan* and *Fisher* gun cases.

"Given Vegas' experience, he has a need for a gun at a moment's notice," Noonan wrote in today's decision. "Enclosing and unloading the weapon is not a reasonable alternative (*sic*) to secure and protect his safety. Plus, Vegas while delivering pizzas enters and exits his car constantly; it would be unreasonable for him every time that he enters his car to require him to unload it and place it in a case and then reverse the process every time he exits. This defeats the purpose of having the weapon for security and protection."

More on the decision, as promised, will be in tomorrow's newspaper.

Worth noting: Vegas's attorney, Craig Mastantuono, said his client is no longer working as a central-city delivery driver. After he was criminally charged, Vegas took a job delivering food in a suburb and is now a cook, Mastantuono told *Proof and Hearsay* after the decision came down.

"Mr. Vegas felt required by circumstances — not only of threats to his safety but being prosecuted for defending himself — he felt required to change careers," Mastantuono said.

No word yet on whether the district attorney will appeal the ruling.

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cdilley

From the 10-page ruling; it was interesting to discover that in 2006 Vegas was robbed, beaten and assaulted with pepper spray by multiple assailants while obeying the written orders of the DA to not carry concealed.

Why the staff of the Milwaukee Journal Sentinel felt that bit of data to be unimportant to its readers isn't really a mystery to anyone I'm sure.

September 24, 2007 9:09 PM | [ReportAbuse](#)

Jim

A report of the attack on Vegas can be read by clicking on one of the links in the blog posting. I can only assume that the entire story will be told tomorrow when an expanded story is printed.

September 24, 2007 11:41 PM | [ReportAbuse](#)

musicman

They didn't report it because it doesn't fit the anti-gun agenda. People seem to forget their liberties were won with guns. This is a win for the common sense department.

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Proof and Hearsay

An interesting document filed today in Milwaukee County Circuit Court tells us that former pizza delivery

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About Derrick Nunnally

Derrick Nunnally covers Milwaukee County courts for the Milwaukee Journal Sentinel.

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