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Ex-wife Wanted the Rifle Taken: Court Failed to Order Weapon's Surrender

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FREDERICK, MD – The Howard County flight attendant who, along with her children, was shot to death by her former husband in a Thanksgiving Day murder-suicide had twice asked Frederick County courts to confiscate his rifle – but the judges never required him to surrender it.

State law requires handguns to be turned in when protective orders are issued, but not long-barreled guns, such as the .22-caliber rifle that David P. Brockdorff, 40, used to kill Gail L. Pumphrey, 43, and their three children, David, 12, Megan, 10, and Brandon, 7, before turning the gun on himself. A funeral service for Pumphrey and the children took place yesterday at a Frederick church.

The shootings in a secluded Montgomery County park where Pumphrey had gone to turn over the children so they could spend part of Thanksgiving with their father have revived calls from lawmakers who want to give court officials the authority to confiscate all firearms when a protective order is sought.

“There needs to be more oversight when someone has concerns about a weapon,” said Sen. Nancy J. King, a Democrat from Montgomery County, who was one of six sponsors of failed legislation last year that would have permitted the confiscation of weapons before a final protective order is issued and would apply to all weapons.

“My guess is that the bill will be put back in. If there’s any threat to the family, that weapon should be taken away. When it’s brought to someone’s attention, it doesn’t seem right to just ignore it.”

The bill, however, raised constitutional concerns that court officials could confiscate guns before the accused had a chance to be heard in court and rebut the allegations.

“We haven’t been able to get past the House Judiciary Committee,” said Jodi

Finkelstein, executive director of the Domestic Violence Center of Howard County. “The general thinking has been: ‘You can take my house; you can take my kids. I don’t care, just don’t take my gun.’”

Federal law requires forfeiture of firearms even in state cases, but enforcement is vested with federal officials upon the request of local authorities. It could not be learned whether such a request had been made in the Pumphrey case.

Pumphrey sought court protection from Brockdorff’s abuse and harassment in 2005 and again this year, and each time she reported the rifle on a form and checked a box informing the judge she wanted it confiscated, according to court records.

But the two Frederick County court orders that resulted from the requests – one read into the record May 3 and later signed by Circuit Judge John H. Tisdale, and another signed Aug. 8, 2005, by District Judge Oliver John Cejka Jr. and renewed on appeal by Circuit Judge Julie S. Solt later that year – did not require Brockdorff to turn over the rifle.

At the time of the shooting, the 2005 order had expired, but the second order, which lawyers for Pumphrey and Brockdorff negotiated and then submitted to Tisdale in lieu of a formal protective order, was in effect. It focused on limiting the communication between the former spouses and ignored her request filed 20 days earlier to remove the rifle.

“I would always err on the side of getting the guns out of someone’s possession, and I think most judges do,” said Del. Kathleen M. Dumais, a Montgomery County attorney and co-sponsor of last year’s legislation. “In fairness to the judges who handle these cases, you are hearing from just these parties. You’re trusting your gut based on the credibility of these witnesses. ... No judge wants to be in the position of seeing what’s happened in this case.”

Advocates against domestic violence say the exception for long-barreled guns is troubling in light of stricter federal laws, which local agencies can’t enforce. Under the federal 1994 Violence Against Women Act, all firearms, including rifles, are generally required to be forfeited when a state or federal court issues a protective order, but federal agencies, such as the FBI and Bureau of Alcohol, Tobacco, Firearms and Explosives, are responsible for enforcement.

After Pumphrey was granted the 2005 final protective order, someone – typically, the sheriff’s office – would have had to report Brockdorff’s rifle to federal authorities, who then would have had to act, said David Sargent, a former Washington police officer who trains law enforcement officers for the Maryland Network Against Domestic Violence.

It could not be learned whether such a request had been made. Frederick County Sheriff Chuck Jenkins has not returned several messages left at his office and his spokeswoman, Cpl. Jennifer Bailey, referred reporters to Montgomery County police. Judges Cjeka and Tisdale and John M. Quinn, Pumphrey's attorney at the May hearing, also did not return phone calls to their offices.

At the May 3 hearing, Tisdale admonished both Pumphrey and Brockdorff.

"When the two of you are warring – and I've got the other domestic violence file and the second file on the domestic side – when two of you are fighting and carrying on like this, you're not thinking of the children; you're carrying on your own fight," Tisdale said at the hearing, which lasted 13 minutes, according to an audio recording obtained by The Sun. "And I'm not picking on either of you. I'm picking on both of you. ... Candidly, I call this case 'Where are the grown-ups?'"

Pumphrey, a flight attendant for US Airways based at Ronald Reagan Washington National Airport, had primary custody of the three children but had agreed to a visitation arrangement that included alternating custody on weekends and every other Tuesday or Thursday evening.

On Thanksgiving, the exchange was to occur at 2 p.m., according to court records, but the former couple might have moved it back. Police said Pumphrey did not arrive at Unity Park until after 4 p.m.

Pumphrey sometimes had a sister drop off and pick up the children to avoid fights, according to court records.

"I would suggest you not get out of the car when dropping off the kids," Pumphrey wrote to Brockdorff in April. "The kids are all old enough to get themselves out of the car. You are very sick. Please get help!!"

On June 7, in response to her concerns, Tisdale ordered the exchanges to occur at the Frederick County Law Enforcement Center off Interstate 70, which includes headquarters for the sheriff's office and state police barracks.

It's unclear why Pumphrey agreed to the Thanksgiving exchange in such a secluded area.

"This is an opportunity to reinforce the message that the transfer of children is never best served in a private location like that," said Barbara Martin, CEO of Heartly House, which provides services to victims of domestic violence and sexual assault in Frederick. "For the safety of our clients, they need to proceed, if not in a justice center or visitation

center, at the least in a very, very public location.”

Martin said Frederick County officials are forming a Fatality Review Team, which seeks to learn how the system has failed victims of domestic violence and to propose changes to prevent other deaths. Martin said she hopes this will be the first case reviewed.

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Timeline

August 2005: Gail L. Brockdorff requests a protective order against her husband, David P. Brockdorff, and asks the court to order him to surrender his rifle.

Sept. 2, 2005: Final protective order granted by District Judge Oliver John Cejka Jr., who does not order surrender of the rifle.

Oct. 7, 2005: David Brockdorff appeals Cejka’s order.

Nov. 3, 2005: Gail Brockdorff files for divorce.

Dec. 7, 2005: Gail Brockdorff wins the appeal, and Cejka’s final protective order is reaffirmed by Circuit Judge Julie S. Solt.

Jan. 16, 2007: Divorce is granted. Gail Brockdorff adopts her birth name, Pumphrey.

April 13: Pumphrey requests second protective order and again asks that the rifle be taken away.

May 3: Circuit Judge John H. Tisdale accepts a consent order in lieu of a final protective order. Lawyers negotiated the order, which addresses only communication between the former spouses. Brockdorff’s rifle is neither discussed at the hearing nor addressed in the consent order.

Nov. 22: Brockdorff kills his ex-wife and their three children with the rifle, then commits suicide.

[Source: Frederick County court records]

Sun reporters June Arney and Larry Carson contributed to this article.

A headline for an earlier version of this article incorrectly suggested that a Frederick County court lacked the authority to force David P. Brockdorff to hand over his rifle. The court had the authority to order Brockdorff to surrender the weapon, but judges never ordered him to do so. The Sun regrets the error.

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