

Honolulu Advertiser (Honolulu, HI)

July 27, 2006 Thursday

Federal Gun Law Used in Domestic Abuse Case

By Ken Kobayashi

Statute bans firearms for those under restraining orders. In the wake of recent domestic violence-related deaths, U.S. Attorney Ed Kubo emphasized a federal indictment yesterday against a Big Island man charged with possessing a gun while he was under a restraining order obtained by his girlfriend.

Kubo promised vigorous prosecution against anyone who violates a federal law that prohibits a person under a restraining order from possessing firearms.

“If you do,” Kubo told reporters at a news conference, “you are in violation of federal law and we will come after you with the full weight of the federal court behind us.”

The charge carries a prison term of up to 10 years.

Kubo announced that Broyson Gonsalves was indicted by a federal grand jury yesterday on a charge of possessing a .38-caliber pistol on July 10 while under a restraining order preventing him from harassing and threatening his girlfriend and her child.

He said Big Island police stopped a car after receiving complaints that the occupants were threatening other cars and a man was brandishing a weapon. During a search of the car, police recovered a loaded gun, he said.

The girlfriend was in the car, Kubo said. But prosecutors said the charge is valid as long as the restraining order is in effect.

The girlfriend was identified as Ritaranita Kamalii, mother of Gonsalves’ three children, according to an affidavit filed in federal court by an agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

She had a Family Court restraining or protective order that said Gonsalves could not possess a firearm, the document said. The order expires in 2008.

Gonsalves’ lawyer, William Domingo, said he could not comment because he had not seen the evidence. He noted Gonsalves is not charged with threatening the girlfriend, and said his client would plead not guilty.

Since 2002 when federal firearms prosecution stepped up under Project Safe Neighborhoods, about 40 people in Hawaii have been convicted under the federal law prohibiting firearm possession by individuals who are under restraining orders or who have domestic violence convictions, Kubo said.

Kubo and Assistant U. S. Attorney Ronald Johnson said the minimum sentences generally range from about 18 to 21 months behind bars for individuals who plead guilty and don't have an aggravated criminal history.

Kubo cited cases that he said show "what appears to be a growing number of tragic stories in the recent past concerning domestic violence."

They include a 39-year-old man charged with murder in the stabbing death of his Pearl City girlfriend, a 41-year-old Puna man charged with murder in the deaths of two women killed in a car crash on a Big Island highway and a 34-year-old man who shot and killed his ex-wife and critically wounded her daughter before taking his own life in Waipahu.

Not all of those cases involved firearms, but Kubo said those types of violent crimes have law enforcement officials throughout the state concerned about the safety of families and the welfare of communities.

"That is why we must remain tough on domestic abusers, while at the same time reaching out to their victims with awareness programs, group support and adequate shelters to protect them from their abusers."

Project Safe Neighborhoods was launched here in 2002 as a concerted effort by federal, state and police to enforce firearm laws to make the community safer.

Reach Ken Kobayashi at kkobayashi@honoluluadvertiser.com or 808-525-8030.

TURN THEM IN

A person who has a domestic violence conviction or is under a domestic restraining order cannot possess a firearm under federal law. Anyone who has information about violations can call the police or 911 or the Bureau of Alcohol Tobacco and Firearms at 808-566-4800, according to U. S. Attorney Ed Kubo.

He also suggested following up with the Domestic Violence Clearinghouse Legal Hotline at 808-531-3771 or 800-690-6200 for Neighbor Islands.

Copyright © 2006 The Honolulu Advertiser.