

SENATE RESOLUTION 77

By Briggs

A RESOLUTION relative to pending gun charges against Chris Burtner in New York City.

WHEREAS, on October 22, 2015, Chris Burtner, a sales manager who regularly flies within the United States for business and a resident of Tennessee, attempted to travel from New York City to Tennessee, after leaving a short vacation in Connecticut with friends; and

WHEREAS, he was present in New York City just long enough to travel to the airport to fly home for his own wedding; and

WHEREAS, believing the Second Amendment to the United States Constitution was still in effect and possessing a fully authorized license to carry a firearm from the great State of Tennessee, Mr. Burtner arrived at LaGuardia Airport with his personal handgun in a secured case with two combination locks that could only be opened by him, as required by the Transportation Safety Administration (TSA); and

WHEREAS, at this time, the gun chamber was open, unloaded, and secured with a lock, and the bullets were stored in the originally purchased box separate from the gun within the same locked case as required by TSA; the two magazines were unloaded as well and secured as required by TSA; and

WHEREAS, this law-abiding citizen declared the locked, hard-sided case, as required by TSA rules, and in complete compliance with all rules to fly anywhere in the United States; and

WHEREAS, Mr. Burtner approached the Delta Airlines ticket counter to present his suitcase, garment bag, and the locked gun box, which was declared, consistent with TSA rules, to contain a firearm; and

WHEREAS, when he presented three checked and declared pieces of luggage, the ticket counter attendant stated that Delta would need approval from the Port Authority of New York and New Jersey, which operates LaGuardia Airport; and

WHEREAS, at first, one Port Authority agent came to the counter, then a second, then a third, and finally the fourth and last, who was a sergeant, at which time Mr. Burtner's demeanor changed from concerned to concerned and frightened; and

WHEREAS, at this point, the sergeant handcuffed Mr. Burtner at the ticket counter, and he was taken to a police vehicle, which transported him to the Port Authority holding area; he was never told he was being arrested, nor read his Miranda rights; and

WHEREAS, while under the custody of the Port Authority, Mr. Burtner inquired three times during an approximately four-hour period why he had not been read his Miranda rights; he was told that procedure was "just in the movies"; and

WHEREAS, under Port Authority custody, Mr. Burtner was fingerprinted, but never placed under arrest; finally, after four hours, Mr. Burtner was transferred to the custody of a Queens County police precinct, where he was formally arrested for possession of a handgun, and his mugshot was taken; and

WHEREAS, the New York City police still did not read Mr. Burtner his Miranda rights, but he was held in jail from approximately 1:30 p.m. on October 22, 2015, until 10:00 a.m. on October 23rd; and

WHEREAS, at 10:00 a.m. on October 23, 2015, Mr. Burtner was arraigned before a judge, who released Mr. Burtner on his own recognizance, returned his private possessions minus the handgun, and set the initial hearing date; and

WHEREAS, Mr. Burtner was released and traveled to Tennessee the afternoon of October 23, 2015, barely in time to make his rehearsal dinner and his wedding on October 24th; and

WHEREAS, Mr. Burtner was excused from his initial hearing date of December 9, 2015, but he will have to travel back to Queens County for the next hearing; and

WHEREAS, despite having no prior criminal record, Mr. Burtner has been forced to hire an attorney and must return to court to face these serious charges; the district attorney plans to pursue a conviction for felony gun possession, which carries a minimum sentence of three and one-half years; and

WHEREAS, clearly, this incident was simply an unfortunate misunderstanding, and any attempt to pursue legal action against Mr. Burtner would be a grave miscarriage of justice; and

WHEREAS, the humiliating process endured and the money and time already spent by Mr. Burtner are more than sufficient punishment for this law-abiding citizen, who in no way acted with intent to commit a crime, but rather attempted to obey the law; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that this body urges the State of New York to use common sense and sound judgement in the disposition of pending gun charges against Chris Burtner.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Bill de Blasio, Mayor of New York City, and Richard Brown, Queens County District Attorney.