

## Defense victories

It's been a successful several weeks for six members of Chicago's criminal defense bar savoring courtroom victories here and in Seattle.

Defense lawyers **Thomas M. Breen**, **Alan Brunell**, **Brian Collins**, **James Garlanger** and **Marc Martin** persuaded a jury in the courtroom of U.S. District Judge **Suzanne B. Conlon** to acquit all six defendants of the most serious charges in what were alleged to be illegal weapons sales from the Apache Gun Shop in Merrionette Park.

A prosecution witness made mistakes in identifying voices on one of the undercover tape-recordings introduced into evidence during the two-week trial.

# Jury Frees 5 Charged In Sting on Gun Shop

By Rosalind Rossi  
Federal Building Reporter

A Merrionette Park gun shop, its owner and four other men were acquitted Friday of charges resulting from a federal sting operation intended to crack down on illegal "straw purchases" of guns.

Defense attorney Marc Martin said federal court jurors "rejected the entire sting operation." However, the jury convicted one defendant, Apache Gun Shop clerk Alvin Ellis, 53, of Tinley Park, of two minor charges unrelated to the sting.

In addition to the shop itself, those acquitted are its owner, 33-year-old David Presbitero; his father and the shop's former owner, Gerald Presbitero, 63, and clerks Don Olson, 68, and John Panico, 47.

During the sting, federal informants who were legally barred from buying guns purchased weapons by having undercover agents, acting as "straw purchasers," fill out the paperwork for them.

But defense attorneys charged that the Apache workers were entrapped and never would have sold the guns to "straw purchasers" if it wasn't for the government sting. Although paperwork for gun purchases includes warnings about "straw purchases," Martin, who represented Olson, said that the term is not explained in the paper work and that his client had no idea what it meant.

Thomas Breen, attorney for David Presbitero, charged that Presbitero, at the request of the U.S. Bureau of Alcohol, Tobacco and Firearms, helped agents investigate one large-scale gun buyer, then wound up the subject of a sting himself. "They [agents] turned on their own," Breen said.

Ellis was convicted of two minor counts involving evidence uncovered during two unrelated traffic stops before the sting, when police found paper work bearing phony Apache Gun Shop purchase dates.