

FORWARDED BY REQUEST.

**PLEASE READ**

PLEASE NOTE THAT THIS PERSON IS ONE OF OUR CHAUTAUQUA COUNTY SCOPE MEMBERS!!!

Also - The Chautauqua County Sheriff's also confiscated Brian Malta's Pennsylvania Pistol Permit too.

-----Original Message-----

From: [bmalta@stny.rr.com](mailto:bmalta@stny.rr.com)

Sent: Monday, September 15, 2014 8:18 PM

To: xxxxxxxxxxxxxxxxxxxxxx

Cc: xxxxxxxxxxxxxxxxxxxxxx

Subject: The Cannonman of Kiantone New York

CHAUTAUQUA COUNTY SCOPE MEMBERS AND NEW YORK STATE FIREARM OWNERS BEAWARE

Don't believe anything that Sheriff Gerace says.

I write this article with a sense of great fear. Fear of the retaliation I face from Sheriff Gerace. But not to warn and inform my fellow firearm owners of the injustices that my wife and I and others before us have been subjected to would go against everything I believe in. "Freedom is not free, some of us have to pay for the seeds, so that everyone else can reap the benefits" Brian J. Malta.

On November 13, 2013 I was arrested by the Sheriffs Department for discharging my replica Napoleonic field cannon on my three acre country home parcel. The cannon was my birthday gift from my wife, three weeks earlier. We were in the learning stages of how much powder, how much newspaper wadding and how long of a fuse to use. Before we purchased the cannon (\$2000.00) we did our research and found that there are no regulations on cannons, they are not considered firearms and don't fall under the Federal Firearms Act and are legal to own and fire. My neighbors encircle our property, they are one family and four houses. Before I was arrested I was never told that they had a problem with me target practicing across the street on a very large wooded area owned by another neighbor.

By their association with the Town Attorney, Town Justice, Supreme Court Judges and the Sheriff's Department they were guided on how to stage videos and depositions to put themselves in the area in places we could not see them when we were enjoying our cannon.

After a three week time span I was charged with 3 counts of menacing in the second (crimes) and 3 counts of harassment in the second (violations). Never once during the time we owned our cannon did a single Sheriff's deputy come to our house or contact us about our neighbor's complaints. During this time I was one of ten people who fired the cannon and one of them is a Police Chief.

When I was arrested by Sheriff Gerace's men I had three firearms in my truck and was accused of having an f-ing arsenal, I was told that they had a gauntlet set up and were going to take me down at gun point. I requested to have my attorney present at least six times and was denied my right every time. I was told that they were going to tear the door off of our house and pull my gun safe through the walls of our house with a truck and chain if my wife doesn't open it for them. I was also told if any of our firearms are loaded and one of Gerace's men accidentally shoot themselves that I would go to prison for the rest of my life.

While I was in the County jail and my wife was alone, six of Gerace's men illegally raided our house. They had a search warrant for a cannon only, which my wife told them that the cannon was in the garage. The lead Investigator grabbed my wife who is disabled by the arm spun her around and told her not to question what they are doing and they are going to take all our firearms first and the cannon second, also during this raid he told my wife "if I was your neighbor, I wouldn't be nice like them to call the police, I would just have taken your husband out, you know what I mean, I would just have taken him out". Those words frightened my wife terribly.

They forced my wife to open the gun safe, when it was opened one of Gerace's men said "wow this guy is a terrorist

he's going away for a long time". In our safe there was 8 long guns, ammo and magazines, which apparently makes me a terrorist. How many firearms do you have in your safe? My wife told them where all of our handguns were. Gerace's man who was gathering our handguns from our night stands, picked up my wife's Ruger LCR and has no clue how to open a revolver and turns to my wife to hand her the firearm and say's "do you know how to unload this?" and my wife's quick thinking she responded "no I don't" and she stepped back away from him.

Is this what Gerace teaches his men, to hand a loaded firearm to the owner while they raid a house, probably so that they can file additional charges and make his good friend Cuomo proud? That's right voters and firearm owners, Gerace is very tight with his fellow democrat Cuomo.

My wife caught one of Gerace's men searching in her underwear drawer. Apparently some of his men can't read English since the search warrant described the style and size and said "cannon". As Gerace's men gathered our firearms, they brought them into the living room and tossed them onto our table like firewood so that the Investigator could record serial numbers. Every single firearm they brought in, my wife was grilled, "why do you have this gun?, you don't hunt with this gun, you don't need this gun, why do you have these bullets?, these aren't for hunting, you don't need these bullets'. The idiot that brought one of our AR-15s in said "this one is fully automatic we've got him now" and my wife had to tell them that we don't own any automatic firearms. We have three AR-15s. One is a Beowulf .50 cal. and the 10 round magazine for it looks just like a 5.56mm 30 round magazine. At this time all of our magazines were loaded with 7 rounds per the SAFE ACT. Gerace's man brings the six magazines we have for the Beowulf into the Investigator and tells him "this guys going away for along time with these" and my wife has to explain to him that the Beowulf bullet is larger, so the magazine is also larger. Then he brings in our unfired collectors pistol a Thompson Patriot .45 muzzle loader and say's "this one isn't on his permit, he'll get two years for that" and my wife has to explain to him that we don't have any powder or balls for it so it's perfectly legal. How the HELL are honest, law abiding firearm owners like me, being arrested by IDIOTS that don't have a fraction of the gun laws knowledge that we gun owners have? I could write a novel about this raid but I won't, let's go forward to my trial which I could also write a novel about.

I refused all of the District Attorneys plea deals, I will not accept a plea for a crime I did not commit. One half hour before my jury trial began, the Town Justice (whom has never ran a jury trial before), nor has a law degree makes one last plea offer to me. The offer is to plead guilty to two counts of harassment in the second degree, loss of firearm privileges, loss of pistol permit, \$700.00 fine and a two year restraining order and if I refuse this last offer, she will sentence me to the maximum allowed by law, because I have cost the Town the expense of this trial. This deal totally turned my stomach; I had only a minute to decide. My mind raced with thoughts, I could go to jail for over a year, I can't leave my wife, she can't work, what will happen to my business, but still I refuse to take a plea for something I did not do. So I tell my law team no deal, lets get the truth out. I refuse to be threatened by this Town Justice to deny me of my Constitutional Rights of a trial by jury, which has been afforded to me by so many brave Americans, some of whom gave the ultimate sacrifice.

This trial was such a farce that it is being reviewed by the New York State Commission on Judicial Conduct. The complainants family and friends were allowed to serve the jurors drinks, lunch and sit inside or outside with them and talk throughout my two day trial, my family and friends were constantly being told to be quiet and move away from the jurors by one of Gerace's bailiffs. The two days were also held seven days apart.

Throughout the trial the Assistant District Attorney used the word "STARTLED". He asked everyone who testified, do you think the cannon would startle someone?

During jury deliberation the Town Justice and the ADA were in the Town building with the jury and we were forced by Gerace's deputy to stand outside on the lawn.

The jury exonerated me of the three counts of menacing in the second and found me guilty of two counts of harassment in the second for STARTLING my neighbors. I have never been in trouble my entire life but yet the Justice immediately sentences me to 15 days in jail, which is the maximum allowed plus the rest of the plea deal offer. Judge Cass forced me to surrender my pistol permit or have it revoked. He also would not allow me to transfer ownership of all of our handguns which are co registered by my wife, to my wife. He forced us to give them away and he also removed them from my wife's permit. The Judicial system has denied my wife and I our Second Amendment Rights of protecting our self's in our own home. My wife and I are both Life members of the NRA, I am also a member of the Golden Eagles of the NRA, SCOPE and several local gun clubs.

The corruption and cronyism in Chautauqua County and the affiliation my neighbors have with Sheriff Gerace, Judges Ward and Cass, has cost my wife and I our entire life savings, bankruptcy, my career and almost two years of terror

wondering what hell they will accuse us of next.

There is a silver lining to this corruption and cronyism and that is by the involvement of Ward and Cass in my case, to coin a phrase "shot them in the foot", because it allowed us to have my appeal heard by a Judge in Erie County Buffalo New York. If I lose my appeal, this ruling will affect all New Yorkers who legally discharge a cannon or firearm that STARTLES anyone, they too can be charged and arrested like I was.

My fellow Second Amendment and gun owners, take my advice and hide, stash, bury ammo and firearms before its too late!

Last but not least, I can't begin to tell you how many times my wife and I have heard these words," they can't do that, we have rights", remember this article and the fact that they can do anything they want and we don't have rights, unless they live by the Constitutional Laws of our Republic and not by the laws that a Napoleon complex creates.

Authored by Brian Malta

716-664-0025