

## Dealer settles suit over gunplay

*He had sold a revolver to a "strawbuyer," who sold it on the street. A 7-year-old boy was killed.*

By L. Stuart Ditzen  
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In a case with potentially broad implications for the firearms industry, a Pennsylvania gun dealer has agreed to pay to a Philadelphia woman whose son was killed with a handgun the dealer sold to an illegal "straw buyer" in 1997.

Though the dealer, Jon K. Sauers, owner of Sauers Trading in South Williamsport, sold the gun legally, the purchaser, Perry J. Bruce of Williamsport, had repeatedly bought small handguns from him and resold them on the street.

On April 19, 1999, one of the guns Bruce bought from Sauers was found under a parked car in South Philadelphia by a group of children. One child playfully pointed the small Rossi revolver at 7-year-old Nafis Jefferson and pulled the trigger, firing a .44-caliber bullet into Jefferson's head.

The victim's mother, Tennille Jefferson, filed a wrongful-death lawsuit — believed to be the first of its kind in Pennsylvania — seeking to hold Sauers responsible for her son's death.

The suit was scheduled to go

to trial last month, but shortly before trial Sauers agreed to settle the case with a payment of

The settlement became public on Friday when it was approved by Orphans' Court Judge Joseph D. O'Keefe.

Dennis Henigan, legal director for the Brady Center to Prevent Gun Violence, which participated in the case, said the settlement was the first of its kind in Pennsylvania and has nationwide implications for gun-shop owners who sell to straw buyers.

"There is a risk of liability that is now real for gun sellers all across the country," Henigan said.

A straw purchase is one in which a person without a criminal record buys a gun legally and then resells it on the street — usually to someone with a criminal record.

Henigan said the settlement reflects a recognition—at least by one gun dealer—that selling a gun to a straw buyer "creates the risk that an innocent person could be shot," even in an accidental setting.

"These kinds of transactions occur every day in gun shops in

every state in the country," Henigan added.

Contacted for comment yesterday, Sauers said: "I don't believe I want to say anything at all."

His lawyer, Joseph F. Van Horn Jr., declined to comment.

Mark J. LeWinter, lawyer for Tennille Jefferson, said he hoped the settlement would discourage other gun dealers from "turning a blind eye" to straw buyers.

"They just pretend it's not happening when they know better," LeWinter said. "Hopefully, lawsuits like this will have a deterrent effect."

The Brady Center has filed several such suits against gun dealers.

Federal law-enforcement authorities estimate that straw purchases at gun shops account for nearly one-third of the illegal guns recovered from crimes in America.

But only about 1 percent of the nation's 104,000 licensed gun shops are estimated to be responsible for most of those sales.

Records in the Jefferson case show that Sauers sold 10 small handguns between 1994 and

1997 to Bruce, who was unemployed and a self-described drug user. But he had no record and could pass a background check enabling him to buy guns. He paid Sauers \$200 cash for each gun, and then he resold each on the street for \$400.

In 1998, Bruce pleaded guilty to federal gun-trafficking charges. Sauers was investigated, but no charges were filed against him.

Sauers testified in a deposition in the Jefferson case that he complied with state and federal law, properly filling out all forms in each sale to Bruce.

But he never asked Bruce why he was buying all the guns.

Asked why he never questioned Bruce, Sauers replied in the deposition: "I don't know what my reason would be to ask him. I didn't think it was any of my business."

Police believe the gun that killed Nafis Jefferson made its way into the hands of a drug dealer in South Philadelphia who stashed it under a car on Sigel Street, where the children found it.

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