

Wednesday, January 28, 2004

Judge tosses out case against owner of gun used in boy's death

Rodney L. Patterson said that he can't eat or sleep and has lost 30 pounds since Juwan Smith's death.

By [Tad Dickens](#)

Rodney L. Patterson was almost never without his gun.

Patterson passed a 2003 test and received a concealed gun permit. When he was out, his 9 mm firearm was with him in a holster. When he was in, his habit was to put it on his box spring.

Most of the children who spent time at his apartment on Westside Boulevard Northwest knew not to touch the always-loaded weapon. But Patterson never got a chance to explain the danger to 3-year-old Juwan Smith.

For less than 20 seconds on June 29, both the gun and the little boy were out of Patterson's sight. As he ran bath water, he heard a shot. Smith was dead of a self-inflicted wound to the face, and authorities soon charged Patterson with felony child abuse.

On Tuesday, a Roanoke judge dismissed the charge saying the evidence did not show beyond a reasonable doubt that Patterson willfully left the gun behind, knowing the likely result. Patterson's reckless and negligent conduct was covered by another law, a misdemeanor that did not apply to this case, Circuit Judge William Broadhurst said.

Juwan's mother, Keisa Yates, and her supporters left the court angry. A relative said that Yates would not comment.

Yates and Patterson had once been friends, and Yates testified that she had trusted her son in his care before that Saturday morning. She had gone out late with her sister to a couple of neighborhood hangouts - The Boom Boom Room and The Mansion - and Patterson offered to watch the boy, she said.

After the ruling, Patterson said that he has lost 30 pounds since Juwan's death. He can't eat or sleep, he said.

"I made a mistake," he said. "If I could take Juwan's place, I would do that. I want to let his mother know that I'm truly sorry for what happened to her son."

Patterson told police in an interview that day that he had taken a class and passed a test to receive his concealed-carry permit. So he knew what to do - keep his gun unloaded and away from children.

But he lived in a tough neighborhood, and thieves had broken into his apartment twice. So his habit was to pull his mattress to the side and place his firearm on the box spring - with one bullet in the chamber and nine in the clip.

Juwan came over with his mother the night before and played with Patterson's 5-year-old daughter and a young niece. The children slept in Patterson's bedroom so they could watch television. Patterson slept in his daughter's room, keeping the gun with him.

When they woke up that morning, Patterson put the gun on his box spring. He fed the children, then went to the bathroom as Juwan watched the other two play a game.

"I went to shower ... run to the bathroom and I smelt gun powder and I said Oh my God!" Patterson told a detective, according to a transcript in his court file.

His attorney, David Damico, argued that Patterson's actions were not willful, as the law requires for a conviction.

"It was terribly stupid," Damico said. "And it was a terrible accident."

After the hearing, Damico said that Patterson has given up his concealed handgun permit.

"My client is done with firearms," Damico said.

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1. Identify hyphenated words.

Always-loaded

Self-inflicted

2. Identify vocabulary

Felony

Dismiss

Willfully

Reckless

Negligent

Misdemeanor

Testify

Hangout

3. Questions

A. Are you for or against gun control? Explain your opinion.

B. Should Rodney Patterson go to jail? Why or why not?

C. Was Juan's mother also responsible for his death? Why or why not?