

# Judge Rules Air Force '60% Responsible' for 2017 Mass Shooting, Deaths of 26 at Texas Church

A federal judge has ruled that the U.S. Air Force is mostly responsible for a former serviceman killing more than two dozen people at a Texas church in 2017 because it failed to submit his criminal history into a database, which should have prevented him from purchasing firearms.

U.S. District Judge Xavier Rodriguez in San Antonio wrote in a ruling signed Wednesday that the Air Force was "60% responsible" for the massacre at First Baptist Church in the small town of Sutherland Springs, where Devin Kelley opened fire during a Sunday service. Authorities put the official death toll at 26 because one of the 25 people killed was pregnant.

The attack remains the worst mass shooting in Texas history.

The trial conclusively established that "no other individual—not even Kelley's own parents or partners—knew as much as the United States about the violence that Devin Kelley had threatened to commit and was capable of committing," Rodriguez wrote.

Kelley had served nearly five years in the Air Force before being discharged in 2014 for bad conduct, after he was convicted of assaulting a former wife and stepson, cracking the child's skull. The Air Force has publicly acknowledged that the felony conviction for domestic violence, had it been put into the FBI database, could have prevented Kelley from buying guns from licensed firearms dealers, and also from possessing body armor.

Rodriguez said that had the government done its job and entered Kelley's history into the database, "it is more likely than not that Kelley would have been deterred from carrying out the Church shooting."

An Air Force spokeswoman did not immediately return a request seeking comment.

Authorities said Kelley fired at least 450 rounds at helpless worshippers who tried taking cover in the pews. As he left the small wood-frame church, Kelley was confronted by an armed resident who had grabbed his own rifle and exchanged fire with him. Kelley fled as two Sutherland Springs residents gave chase, and died of an apparent self-inflicted gunshot wound after losing control of his vehicle and crashing.

Last month, the Texas Supreme Court ruled that survivors and relatives can't sue a sporting goods chain where Kelley purchased an AR-556 semi-automatic rifle used in shooting. Academy Sports and Outdoors had appealed after two lower courts declined to dismiss lawsuits.

The lawsuit against the federal government was brought by family members of the victims. Rodriguez ordered a later trial to assess damages owed to the families. {eo}

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