

**POLICE SCANNER**

# Berks man cleared in shooting at his home

Prosecutors agree: David F. Delledonne was protected by state's Castle Doctrine law.

BY FRANK WARNER  
Of The Morning Call

An eastern Berks County man who fired a gun from inside his mobile home, slightly wounding a man trying to break in, has been cleared of charges in the shooting, his Allentown lawyer said Friday.

David F. Delledonne, 59, of Greenwich Township had been charged with simple assault and reckless endangerment in the March 25 shooting.

The charges were dismissed Tuesday after his lawyer, Brian Collins, argued with prosecutors that Delledonne's action was protected by the state's Castle Doctrine law.

"I talked with the assistant district attorney, and he agreed to nolle prosequere the charges, which means to withdraw the charges," Collins said. "It's a good decision, too. It's a clear Castle Doctrine case."

Under the Castle Doctrine principle, a person may use deadly force against someone trying to enter the person's home illegally and by force.

The Pennsylvania Legislature passed a Castle Doctrine law in 2011. It's called the Castle Doctrine to reflect the idea "Your home is your castle."

In Delledonne's case, police said, he fired on Carlos Vazquez, 22, of Kutztown the night of March 25 as Vazquez banged at the door and tried to force his way into the Douglas Road mobile home to see Delledonne's adult daughter, Vazquez's ex-girlfriend.

"He [Delledonne] gave three or four warnings at the door," Collins said. "He was saying, 'I have a weapon and I will use it if you don't go.'" Vazquez also had two friends with him, Collins noted.

"Vazquez was about to bust through the door when my client fired a warning shot," he said. "It went through the wall and plaster and wood siding. Vazquez was grazed on the head."

Collins said state law now presumes that if someone is in the process of unlawfully and forcefully entering a resident's home, the resident is in danger of death or serious bodily injury and has the right to use deadly force in self-defense.

For Delledonne, dismissal of the charges may help him put his life back in order. Because of the arrest, Collins said, Delledonne was fired from his job as a security guard and, without the job, he was forced to move out of his rented mobile home.

Vazquez was charged with stalking, harassment and trespassing in the incident. His case has not yet come to trial.

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