

Island man acquitted of airport gun charge

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A Nantucket man accused of attempting to board a flight to Hyannis with a loaded handgun last year was acquitted by a jury Wednesday of two airport security violations.

Craig Arnold, 22, was arrested at Nantucket Memorial Airport last September after police claimed he was in possession of a loaded .38-caliber revolver with a laser sight, over four ounces of marijuana, and a bag containing ammunition and pot brownies.

Arnold, who was licensed to carry the gun, was charged with possession of marijuana with intent to distribute, and two airport security violations.

The drug distribution charge was later reduced to possession of marijuana, and continued without a finding for one year, but the airport security violations remained pending against Arnold, and a six-person jury heard testimony and arguments in the case all day Wednesday. The jury did not hear anything about the drug charge against Arnold because he had already accepted a disposition, and the trial focused solely on the airport security violations.

The jury deliberated for roughly an hour before returning its verdict of not guilty.

The general facts of the case were not in dispute. The defense acknowledged that Arnold had entered the airport terminal in possession of the weapon, checked a bag and received his boarding pass for a flight to Hyannis.

According to the police report, Arnold was waiting near the departure gate designated for the commuter airlines when he was approached by police officers who had been tipped off that he smelled of marijuana (another allegation the jury did not hear).

When asked, Arnold informed the officers that he was carrying a concealed weapon, and presented them with his firearm identification card before he was taken into custody.

Arnold was charged under a state law that prohibits the possession of a weapon in a "secure area" of an airport.

Wednesday's trial centered around the question of whether the lobby area of the Nantucket terminal — which doubles as a departure gate for the commuter airlines — could be considered a secure area of the terminal.

Passengers on flights departing Nantucket for a secure airport like Boston's Logan must pass through security checkpoints with baggage screening, but those on flights to Hyannis, like those offered by Cape Air and Island Airlines, do not.

A secure area is defined as "any area of an airport to which access is restricted through security measures by the airport authority or a public agency and the area beyond a passenger or property screening checkpoint at an airport."

Arnold's defense attorney John DeVito argued that there was a difference between the intent to enter a secure area with a firearm versus an actual attempt, and that in no way could the area where Arnold was arrested be considered a secure area.

"You can carry a gun at the airport, and as offensive as that might be, it's not illegal," DeVito said.

In his closing argument, DeVito asked the jury rhetorically, "was Craig Arnold in a restricted area? The defense's position is no. He was in the waiting area — the commonwealth wants to call it a boarding gate — I'm calling it a

waiting area. Maybe he just forgot about it (the gun) like you forget about the wallet in your pocket. Maybe he came in through the (Crosswinds) restaurant and didn't see the (TSA) sign. Or maybe he was a 22-year-old kid who just didn't think."

Cape and Islands assistant district attorney Dan Higgins argued that the area where Arnold was arrested, while not beyond any Transportation Security Administration (TSA) screening equipment, was monitored by security cameras, TSA agents, and was beyond a sign advising anyone entering the airport that they must declare any firearm to airport or airline officials. Higgins said it could be considered a secure area.

"The defendant attempted to board that airplane with a loaded, concealed firearm," Higgins said. "The issue here is whether he attempted to board that airplane. It comes down to common sense. This is a unique airport, but does that mean someone can violate the law?"

Had Arnold been convicted, he would have faced a maximum possible jail sentence of 2.5 years behind bars, and fines of up to \$5,000.