

December 4, 2014

Lieutenant [REDACTED]
Investigations Bureau
Sonoma County Sheriff's Office

Today I received a denial letter, dated November 25, in response to my CCW license application which I submitted to the SCSO on November 12. The reason for my denial is "the facts presented do not demonstrate an immediate threat or compelling need". I lack "good cause" as currently interpreted by the SCSO.

Following is my "good cause" statement, revised to clarify.

I desire a CCW license for self defense and defense of my family.

See *Peruta v. San Diego*, case number 10-56971, United States Court of Appeals for the Ninth Circuit. This case establishes that "good cause" requirements beyond "self defense" are unconstitutional.

Also see *Richards v. Prieto*, case number 11-16255, United States Court of Appeals for the Ninth Circuit. This case establishes that "good moral character" requirements beyond "not prohibited by law from possessing firearms" are unconstitutional.

The following is a quote taken directly from the SCSO CCW web page on November 19, 2014.

On 2/13/2014 the Sonoma County Sheriff's Office dropped the "good cause" standard for issuing conceal carry permits after the requirement was struck down that day by the Ninth Circuit Court of Appeals. The court ruled that the Second Amendment bars California counties from requiring law-abiding gun owners who want to carry concealed firearms to demonstrate special, individualized needs for protection.

On 2/28/2014, the Ninth Circuit Court of Appeals ordered a stay on the issuance of their previous mandate from 2/13/2014, which only required an applicant to state a need of "self defense" as their reason for desiring a CCW License. The court is now considering an en banc hearing on this case. Therefore, as of 2/28/14 the Sonoma County Sheriff's Office will revert back to requiring all applicants to supplement the "good cause" statement for the CCW License in accord with Sonoma County Sheriff's Office Policy 219 and California Penal Code section 26150(a)(2).

For reference, the most recent snapshot of this on the Internet Archive is available here:
<https://web.archive.org/web/20140810014904/http://www.sonomasheriff.org/ccw.php>

The first paragraph demonstrated the SCSO's desire to honor the letter of the law. This was commendable. The second paragraph, however, was in error, and was an illegal policy. Both paragraphs have subsequently been removed, and the website now states only the old, illegal, "imminent thread or compelling need" requirement, as was used in my denial.

Following is a quote from the July 2, 2014 letter from CAL-FFL to Riverside County Sheriff Stanley Sniff. It includes quotes from US District Court Judge S. James Otero.

In a May 1 Order Accepting Findings, Conclusions And Recommendations Of United States Magistrate Judge, United States District Court Judge S. James Otero said that, "Plaintiff asserts that the Ninth Circuit's recent decision in Peruta v. County of San Diego, 742 F.3d 1144 (9th Cir. 2014), has been stayed and is neither binding on this Court nor relevant to his claims. (Obj. at 8). Plaintiff is mistaken." *Nichols v. Harris*, 2014 WL 1716135, *1 (C.D. Cal. 2014). (Internal quotations omitted.) **"A panel decision of the Ninth Circuit is binding on lower courts as soon as it is published, even before the mandate issues, and remains binding authority until the decision is withdrawn or reversed by the Supreme Court or an en banc court."** Id. Stated simply, Peruta has been and remains binding precedent.

As clarified by United States District Court Judge S. James Otero, ***Peruta remains binding precedent right now***, and as such, I respectfully request that you comply with the law, and accept my "good cause" statement.

Thank you,
Sincerely,

Paul [REDACTED]

(707) [REDACTED]-[REDACTED]

paul@[REDACTED].[REDACTED]

[REDACTED]
Sebastopol, CA 95472

cc: Steve Freitas, Sonoma County Sheriff