

PA COURT SIDES WITH MAN IN 4-YEAR FIGHT FOR LICENSE TO CARRY

A Commonwealth Court sided with a man who fought for four years to prove he was eligible for a gun license. The Pennsylvania State Police had denied Richard Brandon's request because they believe "he has a violent past and was twice involuntarily committed for mental health treatment," according to a Pennlive.com report. But there was a problem: no one could prove that Brandon had ever actually been involuntarily committed.

In 2013, Brandon applied to the Butler County Sheriff's Office for a license to carry, but was turned down after the Pennsylvania Instant Check System reported that he had been previously committed under Section 302 of the state code. Although the State Police said that Brandon was involuntarily committed in 1987 and again in 1994, he denied it.

In the 1987 incident, Brandon was supposedly sent to a medical facility for treatment after allegedly threatening his roommate with a rifle. In the 1994 encounter, the state told the court Brandon was in a motorcycle accident while riding with a shotgun strapped to his back and suffered third-degree burns which he would not let a doctor treat. While Brandon did not contest that the events occurred, he said that neither resulted in an involuntary commitment, according to a guns.com report.

Here's where the problems begin: State Police did not have copies of the original notices from mental health authorities in their records, and



MOLON LABE

Butler County's mental health department did not have any Section 302 petitions for Brandon in their files. Hospital records for the visits were no longer available and state law requires that medical records only be preserved for seven years.

Brandon's attorney, Joshua Prince, also noted inconsistencies in the limited records the state presented: one form showed him admitted to a different hospital. Prince also pointed out that as far back as 2001, the FBI had chastised PSP for denying licenses to individuals in cases where they did not have sufficient information to decide.

In finding for Brandon, the Commonwealth Court held that a 1987 police report submitted by the state in their case was hearsay as it "merely states that Brandon was placed in the psychiatric unit without specifying whether

this was a voluntary or involuntary commitment.” In the end, the court agreed with an earlier determination by an administrative law judge that the PICs records “were not corroborated by any underlying hospital or court records.”

Prince told guns.com he was pleased the court followed the law in Brandon’s case, and that the decision was clear cut.

“There was no 302 Petition, which is where a physician would issue the certification that inpatient case was necessary or that the person was committable,” he said, according to the news report. “Moreover, there was no known physician who even performed any form of evaluation. Therefore, the PSP could not establish the statutory requirements.”

Prince currently has the 302 commitment statute in federal court in a separate challenge, arguing it violates due process “since it putatively strips an individual of his/her Second Amendment rights in the absence of a right to counsel, right to confront witnesses and challenge evidence and fails to provide any form of hearing before a neutral arbiter.”

He hopes to have a decision in that case later this year, notes guns.com.

<http://www.guns.com/2017/07/06/pennsylvania-court-sides-with-man-in-4-year-fight-for-license-to-carry/>

http://www.pennlive.com/news/2017/07/should_th_is_guy_be_allowed_to.html

ANOTHER VICTORY FOR GUN OWNERS

At a time when Pennsylvania is considering a law to allow teachers and staff to carry in school, law-abiding gun owners scored another

win when a local prosecutor dropped charges against a man who brought a gun to school earlier this year, according to a guns.com news report.

Delaware County District Attorney Jack Whelan said a “quirk” in a state statute forced him to withdraw charges against 32-year-old Domonique F. Jordan, a personal care aide from Philadelphia, for bringing a handgun to Drexel Hills Middle School in March. Jordan, a concealed carry permit holder, was arrested after he admitted to school officials he had a gun in his backpack, according to the Delaware County Daily Times.

D.A. Whelan said that even though Jordan violated Upper Darby School District policy against bringing weapons on school grounds, state law permits it so long as the weapon is used for a “lawful purpose” — whether that purpose is related to school or not.

“I think it’s a quirk in the law that needs to be looked at,” he said, according to guns.com. “The statute points this out, that if you have a lawful purpose to carry the weapon, then you’re exempt from this part of the statute.”

Whelan based his reasoning on a recent state Superior Court ruling handed down in Commonwealth v. Goslin — a decision with wide-reaching consequences relatively unknown to state lawmakers who continue vetting a proposal to arm school teachers and staff.

In that case, carpenter Andrew Goslin faced a first-degree misdemeanor charge for bringing a pocket knife to a parent-teacher conference at his son’s elementary school in Lancaster County, in 2014. He appealed his conviction, insisting he used the pocket knife at work and

in his life for mundane reasons — such as opening a tuna can in his lunch box — and therefore didn't deserve the misdemeanor.

A Superior Court panel agreed, vacating his sentence in a Feb. 16 ruling.

"Because of the case law, once he demonstrates that he had a lawful purpose, we were no longer able to prove beyond a reasonable doubt (that he violated the law)," Whelan said according to guns.com. "Obviously, we would always want to see that school policies would not allow anyone to carry any type of weapon on their person. ...In this case, he complied with the statute and we have to uphold whatever the law is."

<http://www.guns.com/2017/07/10/pa-district-attorney-drops-charges-against-man-who-brought-gun-to-school-based-on-quirky-state-law/>

PA MAN SNARED BY N.J. GUN LAWS SEEKS PARDON

A Pennsylvania gun range owner made headlines last year after he was arrested in New Jersey outside of the Holland Tunnel and charged with having his SUV loaded with a cache of guns. John Cramsey, 51, recently had his application for a pre-trial program rejected for at least the second time by a judge, according to news report on nj.com.

Generally, a pretrial intervention program (PTI), if successfully completed, wipes out a person's record of conviction and lets them avoid the stigma of a criminal record. The original arrest occurred when a friend of Cramsey was driving Cramsey's truck to Brooklyn, N.Y.—with Cramsey and another man inside—to rescue a

girl from a heroin den. Cramsey, whose own daughter died of a heroin overdose, is a prominent anti-heroin crusader.

A few years back, wealthy and well-known football player Ray Rice was granted a PTI in New Jersey after video cameras captured him viciously attacking his then-fiancée in an Atlantic City casino hotel, pummeling the woman with such force that she was knocked to the ground.

But even though no innocent people were injured during Cramsey's rescue attempt, Hudson County Superior Court Judge Mitzy Galis-Menendez turned down his PTI request. But the attorney for Cramsey, James Lisa, says he wants outgoing New Jersey Gov. Chris Christie to pardon his client.

The arrests drew national interest after it was alleged the traffic stop was motivated by the distinctive logos and markings plastered on the outside of the gun range owner's SUV. The markings expressed support for the Second Amendment and included cross-hairs and the phrases "Higher Ground Tactical," according to the nj.com account.

http://www.nj.com/hudson/index.ssf/2017/07/lawyer_wants_pti_for_holland_tunnel_gun_man.html

PA POLITICIAN PUSHES FOR EXPANDED CONGRESSIONAL CARRY

In the wake of a shooting targeting Republicans at congressional baseball team practice in Alexandria, Va., U.S. Rep. Glenn Thompson, R-Howard Township, has co-sponsored legislation to loosen restrictions on congressmen and women who are licensed or permitted to carry firearms, according to a news report on www.securityinfowatch.com.

The gunman wounded four people, including House Majority Whip Steve Scalise, before being killed during an exchange of fire with the congressman's security detail and police.

"If there had not been a good guy with a gun on that baseball field or in proximity, I would probably over the last couple weeks have attended 20-25 funerals," Thompson said.

Of the 435 members of the U.S. House of Representatives, Thompson said only five are assigned a security detail: speaker, majority leader, minority leader, majority whip and minority whip.

Members of congress cannot carry a firearm while in Washington, D.C., and Thompson said the lack of reciprocity laws made him take a step back and rethink the issue following the shooting. In an attempt to offer a protection option for members of Congress who are not in leadership positions, Thompson has co-sponsored two bills that he believes address the need.

One bill would allow members of Congress to carry a concealed handgun anywhere in the United States, except during national events with security protocols, within secret service jurisdiction and on commercial airlines, Thompson said, according to the www.securityinfowatch.com report.

Thompson also co-sponsored the Concealed Carry Reciprocity Act of 2017, which would allow permitted gun carriers in one state to possess a gun in other states where a person can become a permitted gun carrier.

"Being this close to the incident leads to greater awareness and thinking about procedurally how we do things," Thompson said. "That's been the end result of this."

<http://www.securityinfowatch.com/news/12348603/pennsylvania-lawmaker-co-sponsors-bill-that-would-loosen-firearm-restrictions-on-members-of-congress>

MEMORIZE THESE SAFETY RULES

1. Always treat all guns as though they are loaded
2. Always keep your firearm pointed in a safe direction
3. Always keep your finger off the trigger until you are ready to shoot
4. Be sure of your target and what is beyond it

QUOTABLE QUOTES

"A smart man only believes half of what he hears. A wise man knows which half." - Col. Jeff Cooper (U.S.M.C. Ret.)

If you'd like to contribute to this newsletter, please send your brief article to tom.campione@2a-lvtp.org

US Constitution 2nd Amendment

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

PA Constitution Article 1 Section 21

"The right of the citizens to bear arms in defense of themselves and the State shall not be questioned."