



San Diego County Sheriff Won't Appeal Second Amendment Ruling

The announcement from San Diego County Sheriff Bill Gore's office late Friday afternoon caught many observers by surprise. Said the sheriff in his letter to the county's Board of Supervisors,

On Thursday, February 13, 2014, the Ninth Circuit Court of Appeals issued an opinion ... that the State of California's requirement of "good cause" [to get a concealed carry permit] ... impermissibly infringes on the Second Amendment....

Therefore, I see no need for me to petition for a hearing or rehearing en banc in order to be able to carry out my duties as Sheriff of San Diego County.

Before champagne corks started popping, however, the sheriff made clear that he was going to delay accepting applications for concealed carry weapons permits (CCWs) until the last possible moment:

Should the decision of the Ninth Circuit become final, the Sheriff's Department will [then] begin to issue CCWs in situations where the applicant has met all other lawful qualifications and has requested a CCW for purposes of self-defense.

Those remaining "lawful qualifications" to exercise the right guaranteed in the Second Amendment are significant: pay a fee of nearly \$200, attend 16 hours of training by a certified instructor and suffer through a personal interview to determine the applicant's qualifications under the new court ruling. However, the applicant will no longer have to prove "good cause" to apply, and may now request a permit for purposes of self-defense.

There are significant potential roadblocks that could delay implementation of the ruling, including a 90-day period during which the county, or one of the other judges on the Ninth Circuit Court, could request a rehearing. And the state attorney general, who is reviewing the decision, has yet to weigh in.

The sheriff's actions, which mark an abrupt change from his previous stance, no doubt caught Bob Egelko of the *San Francisco Chronicle* by surprise, noting the day after the court ruling that the San Diego attorney who defended the permit system hadn't yet given up, "The county will ask the full appeals court for a rehearing before an 11-judge panel." Most observers were sure the case would move from there to the Supreme Court, with [at least one noting](#) that the ruling was written specifically to be treated kindly by the court when it eventually arrived there.

The news on Friday was greeted by the lead plaintiffs' attorney with satisfaction: "They can almost see the writing on the wall and [are] fold[ing] without us having to go through the motions."

David Kopel, the research director for the Independence Institute, was far more subdued, noting that the sheriff's letter "was scrupulously silent about the possibility of filing a petition for a writ of certiorari" which gives the sheriff at least until May 14 before beginning to accept CCW applications.





Written by [Bob Adelman](#) on February 24, 2014

Emily Miller smells a rat as well, writing in the *Washington Times* that “the decision by Sheriff Gore not to appeal is likely to stand because anti-gun jurisdictions don’t want the Supreme Court to weigh in on carry rights [which could] stop all ‘may issue’ state laws.”

That may also explain why Illinois’ attorney general decided against appealing the Seventh Circuit Court ruling in *Moore v. Madigan*, which overturned her state’s nearly total ban on its citizens’ rights to carry concealed.

However, there is another case inching its way up to the Supreme Court that may make the surprise acceptance of the Ninth Circuit Court’s ruling by San Diego’s sheriff moot: *Woollard v. Sheridan*. In that case the Fourth Circuit Court ruled that Maryland’s near-total ban on concealed carry is unlawful but is being allowed to stand during appeal.

It appears that the dam is breaking in favor of concealed carry, whether to avoid appeals to the Supreme Court or just because reality is finally being accepted. Orange County began accepting CCW applications on Wednesday.

Once the dam breaks, the flood of new applicants could be astonishing. In California, where just 56,000 permits have been issued in a state with 29 million people, there could shortly be more than 500,000 permits issued, according to The Calguns Foundation. Instruction in the safe and proper use of firearms in the state could rapidly become a growth industry. And, if experience elsewhere is repeated, violent crime in California may also be expected to begin dropping precipitously.

A graduate of Cornell University and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics. He can be reached at badelman@thenewamerican.com.



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