

No. 12-56236 [DC# 06154-SJO]

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IN THE  
UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

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ROBERT THOMSON,

*Plaintiff-Appellant, v.*

LOS ANGELES SHERIFFS  
DEPARTMENT, et. al.,

*Defendants-Appellees.*

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APPEAL FROM THE UNITED STATES  
DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

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**APPELLANTS' REPLY BRIEF**

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**Plaintiff-Appellant  
Robert Thomson**

While Second Amendment Jurisprudence is still in its' nascency stage, in 2013 it is beyond dispute that Plaintiff has a Fundamental Right to Bear Arms for Self-Defense, that the only way to exercise that right in California is with a CCW Permit, and that Defendants refuse to issue said permits absent a showing that there is a clear, present, and documented danger to the applicant.

“Two years ago, in *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783, 171 L.Ed.2d 637, this Court held that the Second Amendment protects the right to keep and bear arms for the purpose of self-defense and struck down a District of Columbia law that banned the possession of handguns in the home. Chicago (hereinafter City) and the village of Oak Park, a Chicago suburb, have laws effectively banning handgun possession by almost all private citizens.

*McDonald v. City of Chicago, Ill.* (2010) 130 S.Ct. 3020, 3021

The trial court erroneously approved defendants' policies on the basis of public safety, despite the fact that Defendants failed to present a scintilla of evidence that CCW holders presented any risk to public policy, and Plaintiffs' expert provided irrefutable testimony that allowing concealed carry reduces crime and injury. This Circuit has rejected alleged public health and safety concerns as a substitute for objective standards and due process. *Desert Outdoor Advertising v. City of Moreno Valley* 103 F.3d 814, 819 (1996). The District Court in this case disagreed.

Date: July 5th, 2012

s/ Jonathan Birdt  
Jonathan W. Birdt (SBN# 183908)  
*For Plaintiff -Appellant*