

1 FROM THE STATUTE AND THE SHERIFF HAS NO DISCRETION, NO  
2 DISCRETION, TO MAKE A DETERMINATION OF GOOD CAUSE THAT'S HE  
3 OBLIGATED TO DO BY STATUTE AND BY A HUNDRED YEARS OF HISTORY  
4 OF 12050.

5 THE *SHALL ISSUE* AND *MAY ISSUE* ISSUES ARE NOT REALLY  
6 RELEVANT. THE STATUTE --

7 THE COURT: I KNOW.

8 MR. CHAPIN: -- 12050, CARVES OUT COUNTIES OF LESS  
9 THAN 200,000 AND MAKES A DISTINCTION BETWEEN THE TWO OF THEM,  
10 AND YOU CAN READ THAT YOURSELF. MOST OF THE STATES THAT HAVE  
11 *SHALL ISSUE* LAWS ARE RURAL STATES. SAN DIEGO HAS A VERY, VERY  
12 LARGE, COMPACTED POPULATION, AND THE NUMBER, INCREASING THE  
13 NUMBER OF CONCEALED, LOADED FIREARMS IN A LARGE METROPOLITAN  
14 AREA ON THE BORDER IS NOT WHAT WE WANT TO DO IN SAN DIEGO.

15 THANK YOU.

16 THE COURT: ANYTHING ELSE? I'LL LET YOU SAY YOUR  
17 LAST WORDS.

18 MR. MICHEL: I GUESS JUST A MINOR -- WELL, NOT A  
19 MINOR POINT, BUT A FAIRLY CRITICAL POINT. THERE IS NO  
20 FUNDAMENTAL INDIVIDUAL RIGHT TO CARRY A CONCEALED FIREARM.  
21 THERE'S A FUNDAMENTAL INDIVIDUAL RIGHT TO CARRY A FIREARM FOR  
22 SELF-DEFENSE. THE LEGISLATURE GETS TO CHOOSE HOW.

23 IN OUR STATE, THE LEGISLATURE HAS CHOSEN CONCEALED AS  
24 THE PREFERRED MECHANISM. CARRYING A LOADED FIREARM IS VERY,  
25 VERY LIMITED AND REALLY ONLY ALLOWED IN THOSE LIMITED

1 CIRCUMSTANCES WITHOUT A PERMIT. THE LEGISLATURE COULD GO BACK  
2 AND SAY, WE'RE GOING TO BAN CONCEALED CARRY ENTIRELY AND  
3 INSTEAD ALLOW OPEN LOADED CARRY. IT COULD DO THAT, BUT IT  
4 HASN'T.

5 AND THE POLICY CHOICE THERE, YOU KNOW, IS BETWEEN THE  
6 UNKNOWN NATURE OF THE CONCEALED CARRY, BUT IN SOME SITUATIONS  
7 THEY DEEM THAT PREFERABLE BECAUSE IT'S DISCRETE AND IT DOESN'T  
8 ALARM PEOPLE THE WAY OPEN CARRY AT STARBUCKS DOES, AND SO  
9 THAT'S THE POLICY CHOICE.

10 BUT THIS IS BASICALLY THE NUNN CASE. IF THAT CASE IS  
11 READ CAREFULLY, WHICH THIS COURT HAS, BECAUSE IT DISCUSSED IT,  
12 AND ACCURATELY, IN THE DENIAL OF THE MOTION TO DISMISS, THAT  
13 THAT ISSUE IS CLARIFIED THERE.

14 THE COURT: THANK YOU.

15 AS I SAID EARLIER, THIS IS A VERY IMPORTANT CASE. I  
16 KNOW THAT BOTH SIDES FEEL PASSIONATELY ABOUT THEIR POSITIONS.  
17 I WILL VERY CAREFULLY RECONSIDER EVERYTHING YOU'VE SAID HERE,  
18 CONSIDER EVERYTHING YOU'VE SAID HERE TODAY, AND ALSO THE  
19 PAPERS THAT YOU'VE SUBMITTED.

20 SO I WILL ISSUE A WRITTEN ORDER HOPEFULLY WITHIN THE  
21 NEXT THREE OR FOUR WEEKS, HOPEFULLY WITHIN THE NEXT THREE  
22 WEEKS.

23 OKAY.

24 MR. MICHEL: THANK YOU, YOUR HONOR.

25 MR. CHAPIN: THANK YOU, YOUR HONOR.

1 (PROCEEDINGS ADJOURNED AT 11:55 A.M.)

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3 (END OF TRANSCRIPT)

4

5 I, FRANK J. RANGUS, OFFICIAL COURT REPORTER, DO  
6 HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND  
7 ACCURATE TRANSCRIPTION OF MY STENOGRAPHIC NOTES.

8

9 S/FRANK J. RANGUS

10 FRANK J. RANGUS, OCR

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