

**From:** Winchell, Steve [mailto:Steve.Winchell@sdsheriff.org]  
**Sent:** Monday, **February 09, 2009 1:06 PM**  
**To:** edperuta@amcable.tv  
**Cc:** Burns, Donna  
**Subject:** CCW Training Provider Application

Mr. Peruta,

Would it be possible to use email rather than the telephone from now on if you have any further questions. I find myself easier able to respond timely to your questions and concerns using email. Additionally, it can add clarity to the issues by having them in writing. Thanks.

As for the documents you submitted, I'm afraid they are still a bit lacking.

Regarding your written test ~ We would like to see some questions dealing with firearms safety and not virtually exclusively with firearms legal issues. Perhaps the moral aspects of deadly force usage could also be addressed ~ For example, what factors may determine whether or not a private CCW permit holder is justified in the use of deadly force?

Neither did you include a course of fire for the testing of new and renewal applicants. We are looking for what number of rounds, fired from what distance(s), under what time limit(s).

G. S. "Steve" Winchell, Deputy Sheriff  
San Diego County Sheriff's Department ~ Weapons Training Unit  
San Diego Regional Firearms Training Center  
440 Alta Road  
San Diego, CA. 92158  
[steve.winchell@sdsheriff.org](mailto:steve.winchell@sdsheriff.org)  
(Desk) 619-661-2772  
(Cell) 619-743-5617  
(Fax) 619-661-2780

*"One hundred rounds do not constitute fire power. One hit constitutes fire power."*

General Merritt Edson, U.S.M.C.

**From:** Winchell, Steve [mailto:Steve.Winchell@sdsheriff.org] **On Behalf Of** Training, Weapons  
**Sent:** Monday, **February 23, 2009 2:24 PM**  
**To:** edperuta@amcable.tv  
**Cc:** Burns, Donna  
**Subject:** FW: CCW Training Provider Application

Mr. Peruta,

The following is a copy of an email sent to you on Monday, February 9, 2009 ~

---

**From:** Winchell, Steve  
**Sent:** Monday, February 09, 2009 1:06 PM  
**To:** 'edperuta@amcable.tv'  
**Cc:** Burns, Donna  
**Subject:** CCW Training Provider Application

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G. S. "Steve" Winchell, Deputy Sheriff  
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*"One hundred rounds do not constitute fire power. One hit constitutes fire power."*

General Merritt Edson, U.S.M.C.

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**We need to resolve these issues before February 28th.** Please resubmit the requested information for consideration before February 28, 2009. If you do not submit the information or are no longer interested in being a CCW Training Provider in San Diego County **we will close your file on that date.**

Steve Winchell

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **February 23, 2009 4:18 PM**  
**To:** 'Training, Weapons'  
**Subject:** RE: CCW Training Provider Application

Steve,

I just returned from up north, and will get the additional info to you asap, no later than Wednesday by the end of the day.

Ed Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **February 23, 2009 6:42 PM**  
**To:** 'Training, Weapons'  
**Cc:** Atty Rachel M. Baird (rbaird@rachelbairdlaw.com)  
**Subject:** RE: CCW Training Provider Application

Steve,

**I have adapted the course as suggested, and attaching same to this email.**

I feel very uncomfortable teaching the use or consequences associated with the use of physical force when not required to do so by the California Penal Code.

I am not unfamiliar with the law regarding the use of physical force including the use of deadly physical force, and can discuss and suggest many different situations pro and con on the topic.

But this area is best left to the individual students and their attorneys.

The liability that attaches to information taught when not required by the penal code may outweigh any perceived benefit to the student.

If you have any questions, please feel free to contact me at any time.

Respectfully,

Edward A. Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **February 23, 2009 6:47 PM**  
**To:** 'Training, Weapons'  
**Subject:** RE: CCW Training Provider Application

Steve,

The line at the bottom of your email on the topic of "FIRE POWER" prompted me to send this to you.

## MARINE'S MARKSMANSHIP IMPRESSES ENEMY By Earl Gerheim

[Email This To A Friend](#)

[Print This Story](#)

PHU BAI Vietnam-- During World War I, an American general in France, states that the most deadly weapon in the world is a U.S. Marine and his rifle.

Half a world away, and 50 years later, a Leatherneck in Vietnam proved that observation.

**Cpl. Edward Peruta**, was serving with "K" Co., 2nd(sic) Bn., Fifth Marine Regiment during an operation south of Phu Bai.

The company was on a mountain, sweeping a peninsula in search of enemy troops, when Viet Cong were spotted in a valley approximately 2,000 meters away.

The Marines were called(sic) in an artillery fire mission on the enemy and waiting for the incoming shells.

"All of a sudden the VC started to run, so I just dinged one," stated Peruta in describing his actions.

I raised the sights on my M-14 rifle, used 'Kentucky windage' and shot.

His victim dropped to the ground as several more enemy vaulted from the bush in a dead run.

"I could barely see him," said Peruta, "I was lucky."

<http://www.kilo35-usmc.org/storeies.php?author= Earl Gerheim>

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Tuesday, **March 03, 2009 9:58 AM**  
**To:** 'Training, Weapons'  
**Cc:** 'Rachel M. Baird'; peterkuck@comcast.net; 'Keith G. Golnik'  
**Subject:** RE: CCW Training Provider Application

Steve,

I have not heard from you since responding to your recent email regarding live fire and the Use of Deadly Force.

Please provide a status on my CCW training provider application.

If there are any problems, it may be beneficial to have a meeting to discuss any remaining issues.

I am also interested in the Sheriff's Departments recommendations on how to offer instruction on the topic of Penal Code Section 12031 (e).

It seems that there was some type of gathering in Pacific Beach this weekend where approximately 60 individuals showed up and openly carried their firearms.

During the gathering, San Diego PD was present and inspected weapons being carried openly to determine if they were loaded or not.

This information is discussed at length on [www.opencarry.com](http://www.opencarry.com) in the California area of their forum.

Ed Peruta  
860-978-5455

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Thursday, **March 05, 2009 6:42 AM**  
**To:** 'Weapons.Training@sdsheriff.org'  
**Subject:** Minimum requirements for course approval

Thursday, March 05, 2009

To: San Diego Deputy Sheriff Steve Winchell  
San Diego County Sheriff's Department Weapon Unit  
From: Edward A. Peruta

Re: Your request for additional information regarding a final test and live fire

Dear Deputy Winchell,

As you know, I have had a CCW course of instruction awaiting your department's approval since submitting same to the San Diego Sheriff's Department license and permit section in **November of 2008**.

**It is my belief that the more difficult it becomes to qualify for and obtain a permit to carry a concealed firearm, the more people will begin to legally carry their firearms openly as demonstrated by the gathering at Pacific Beach this past Saturday February 28, 2009.**

Prior to submitting the San Diego CCW course to the San Diego Sheriff's Department for approval, I made it a point to familiarize and educate myself with the requirements of the California Penal Code where it pertains to firearms and permits to carry concealed firearms.

My background together with the documents submitted, verify that I am currently recognized by the California Department of Justice, State of Connecticut Department of Public Safety and the National Rifle Association as a certified instructor in various aspects of laws and safety issues pertaining to Pistols and revolvers.

I currently have no desire to obtain certification or act in the capacity of, a firearms marksmanship or proficiency instructor.

I am currently certified by the California Department of Justice as a Handgun Safety Course Instructor, and will be incorporating most, if not all, of their firearm safety requirements into any courses offered to prospective applicants for a California Concealed Carry permit in San Diego County.

There seems to be two remaining issues involving **the test I am to administer and the live fire mandated by your department.**

As to the issue regarding the contents of **a test which is being suggested and/or mandated by the San Diego County Sheriff's Department as part of the course I plan to offer.** On advice of legal counsel, (Attorney Rachel M. Baird), I am reluctant to instruct or test course participants in any aspects which are not clearly mandated in the California Penal Code.

I believe I must, ( and shall), teach the law, and will limit my instruction to supplying each student with an electronic copy of the current manual of California Firearms Laws 2007 as published by the California Attorney General's Office.

I also believe I must, (and shall), teach firearms safety, and will limit my instruction to supplying each student with an electronic copy of the current California Department of Justice Handgun Safety Course manual.

I will, where possible, explain the law and answer any questions from my students, while recommending that any course participants with questions consult with a private attorney on any questions they may have.

**I am prepared to administer any mandated test questions at the end of every course on the condition that all questions and answers are provided by the San Diego Sheriff's Department on official department stationary.**

It is my understanding that the Sheriff's Department may in fact require, in addition to any certification by a recognized outside instructor, **live fire of 15 rounds and a written test** prior to any firearms permit being issued. If this is correct, any questions suggested or mandated by the Sheriff's Department could be included in same.

The opinions and positions stated above are based in part on the fact that the process for obtaining a STATE PERMIT to carry a concealed handgun has been standardized by mandates contained in California Penal Code Section 12051, (see below), which contains provisions establishing that additional documents or information, not necessary "except to clarify or interpret information provided by the applicant on the standard application form **are not permitted.**

"(C) **An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subparagraph (A),** except to clarify or interpret information provided by the applicant on the standard application form."

**California Penal Code Section 12051.** (a)(1) The standard application form for licenses described in paragraph (3) shall require information from the applicant including, **but not limited to**, the **name, occupation, residence** and **business address** of the applicant, his or her **age, height, weight, color of eyes** and **hair**, and **reason for desiring a license to carry the weapon**. Applications for licenses shall be filed **in writing, and signed by the applicant**. Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, his or her age, height, weight, color of eyes and hair, the reason for desiring a license to carry the weapon, and shall, in addition, contain a **description of the weapon or weapons authorized to be carried**, giving the name of the **manufacturer**, the **serial number**, and the **caliber**. The license issued to the licensee may be laminated. (2) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to subdivision (f) of Section 12050 and the reason for desiring the amendment. (3)(A) **Applications for amendments to licenses, applications for licenses, amendments to licenses, and licenses shall be uniform throughout the state**, upon forms to be prescribed by the Attorney General. **The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs' Association, and one representative of the Department of Justice to review, and as deemed appropriate, revise the standard application form for licenses.** The committee shall meet for this purpose if two of the committee's members deem that necessary. The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license. (B) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application. (C) **An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in**

**subparagraph (A), except to clarify or interpret information provided by the applicant on the standard application form.** (D) The standard application form described in subparagraph (A) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedures Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. (b) Any person who files an application required by subdivision (a) knowing that statements contained therein are false is guilty of a misdemeanor. (c) Any person who knowingly makes a false statement on the application regarding any of the following shall be guilty of a felony: (1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to Section 12050. (2) A criminal conviction. (3) A finding of not guilty by reason of insanity. (4) The use of a controlled substance. (5) A dishonorable discharge from military service. (6) A commitment to a mental institution. (7) A renunciation of United States citizenship.

**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Sunday, **March 08, 2009 3:16 PM**

**To:** 'Weapons.Training@sdsheriff.org'

**Cc:** 'Rachel M. Baird'

**Subject:**

Steve,

I am still interested in obtaining Department Certification as a CCW instructor, and have been since submitting my original course outline.

The original request in Mid November, (conveyed to me verbally by Donna in permits), was that I needed to submit a course syllabus which was submitted to her in very a timely manner.

On several occasions I made inquires about the status of my course approval, and was provided by Donna with various reasons why it was taking so long.

As you know, most of our communications were via phone, and only recently was it requested by you that we communicate via email.

Having not heard from you since your email to me dated February 23, or my response on the same date, I am taking this opportunity to submit the following information which should address your concerns.

As you know, I have been attempting to resolve the issues regarding course approval since November of 2008 and have had to deal with misplaced files, your being out of state or on vacation and the communication problems which prompted you to request that we use email.

As for the February 28<sup>th</sup> deadline you reference in the Feb. 23<sup>rd</sup> email, I hope that consideration could be given considering the problems in communications since November and the fact that I responded on the same date.

Except for a 7 day trip to Connecticut in January, and a 7 day trip up to the San Francisco area in February, I have been in San Diego every day since submitting my course for approval and have been ready and willing to discuss or meet on any related topics or concerns.

The issue of test questions could have been resolved in a more timely manner had the department requested that I use the current Sheriff's Department test which consists of 20 questions on Department Stationary as revised in January of 09.

As for the **firing sequence regarding the number of rounds, distances and times**, it is my understanding that all of the one hundred rounds fired in an approved course are **practice only**, and that a final 15 round proficiency/marksmanship test is administered by the department at the San Diego Sheriff's Department's Miramar Range as part of the final approval process.

I will be dropping off a hard copy of these changes at the Sheriff's Department on Monday morning.

Respectfully,

Ed Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **March 09, 2009 1:34 PM**  
**To:** 'Donna.Burns@sdsheriff.org'  
**Subject:** FW: CCW Training Provider Application

Donna,

This is the first of several emails (Monday February 23, 2009 @ 2:24pm, I will be forwarding to you as we discussed this morning.

Ed Peruta

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**From:** Winchell, Steve [mailto:Steve.Winchell@sdsheriff.org] **On Behalf Of** Training, Weapons  
**Sent:** Monday, February 23, 2009 2:24 PM  
**To:** edperuta@amcable.tv  
**Cc:** Burns, Donna  
**Subject:** FW: CCW Training Provider Application

Mr. Peruta,

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---

**From:** Winchell, Steve  
**Sent:** Monday, February 09, 2009 1:06 PM  
**To:** 'edperuta@amcable.tv'  
**Cc:** Burns, Donna  
**Subject:** CCW Training Provider Application

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G. S. "Steve" Winchell, Deputy Sheriff  
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Steve Winchell

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **March 09, 2009 1:36 PM**  
**To:** 'Donna.Burns@sdsheriff.org'  
**Subject:** FW: CCW Training Provider Application

This is my initial response to Steve Winchell on February 23, 2009 @ 4:18 pm.

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**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, February 23, 2009 4:18 PM  
**To:** 'Training, Weapons'  
**Subject:** RE: CCW Training Provider Application

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Ed Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, **March 09, 2009 1:37 PM**  
**To:** 'Donna.Burns@sdsheriff.org'  
**Subject:** FW: CCW Training Provider Application

This is the email with the information requested, asking for contact by Steve if there were any questions.

**I have not heard from Steve since the email on February 23<sup>rd</sup>.**

Ed Peruta

---

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Monday, February 23, 2009 6:42 PM  
**To:** 'Training, Weapons'  
**Cc:** Atty Rachel M. Baird (rbaird@rachelbairdlaw.com)  
**Subject:** RE: CCW Training Provider Application

Steve,

I have adapted the course as suggested, and attaching same to this email.

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Edward A. Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Monday, **March 09, 2009 1:38 PM**

**To:** 'Donna.Burns@sdsheriff.org'

**Subject:** FW: CCW Training Provider Application

Email to Steve Winchell asking status on CCW Training provider application dated March 03, 2009, **no response**

Ed Peruta

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**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Tuesday, March 03, 2009 9:58 AM

**To:** 'Training, Weapons'

**Cc:** 'Rachel M. Baird'; peterkuck@comcast.net; 'Keith G. Golnik'

**Subject:** RE: CCW Training Provider Application

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Ed Peruta  
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**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Monday, **March 09, 2009 1:47 PM**

**To:** 'Donna.Burns@sdsheriff.org'

**Subject:** FW: Minimum requirements for course approval

Another email to Steve Winchell and no response.

The highlight areas in RED contained in my email, are for reference only, and were not highlighted in the original to Steve Winchell.

The only areas highlighted in RED in the email that went to Steve Winchell are the area contained in the referenced section of the California Penal Code.

Ed Peruta

---

**From:** Edward Peruta [mailto:edperuta@amcable.tv]  
**Sent:** Thursday, March 05, 2009 6:42 AM  
**To:** 'Weapons.Training@sdsheriff.org'  
**Subject:** Minimum requirements for course approval

Thursday, March 05, 2009

To: San Diego Deputy Sheriff Steve Winchell  
San Diego County Sheriff's Department Weapon Unit  
From: Edward A. Peruta

Re: Your request for additional information regarding a final test and live fire

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**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Monday, **March 09, 2009 1:53 PM**

**To:** Donna.Burns@sdsheriff.org

**Subject:** Most recent email to Steve Winchell

This email was sent to Steve Winchell and **like the others has not been responded to**.

Attached you will find an electronic word copy of the document I forgot to give you this morning.

Ed Peruta

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**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Sunday, March 08, 2009 3:16 PM

**To:** 'Weapons.Training@sdsheriff.org'

**Cc:** 'Rachel M. Baird'

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Having not heard from you since your email to me dated February 23, or my response on the same date, I am taking this opportunity to submit the following information which should address your concerns.

As you know, I have been attempting to resolve the issues regarding course approval since November of 2008 and have had to deal with **misplaced files**, **your being out of state or on vacation** and the **communication problems** which prompted you to request that we use email.

As for **the February 28<sup>th</sup> deadline you reference in the Feb. 23<sup>rd</sup> email**, I hope that consideration could be given considering the problems in communications since November and **the fact that I responded on the same date**.

Except for a 7 day trip to Connecticut in January, and a 7 day trip up to the San Francisco area in February, **I have been in San Diego every day since submitting my course for approval and have been ready and willing to discuss or meet on any related topics or concerns**.

The issue of test questions could have been resolved in a more timely manner had the department requested that I **use the current Sheriff's Department test which consists of 20 questions on Department Stationary as revised in January of 09**.

As for the **firing sequence regarding the number of rounds, distances and times**, it is my understanding that **all of the one hundred rounds fired in an approved course are practice only**, and that **a final 15 round proficiency/marksmanship test is administered by the department at the San Diego Sheriff's Department's Miramar Range as part of the final approval process**.

I will be dropping off a hard copy of these changes at the Sheriff's Department on Monday morning.

Respectfully,

Ed Peruta

**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Friday, **March 13, 2009 6:07 PM**

**To:** 'Burns, Donna'

**Subject:** Anything additional?

Donna,

On Wednesday March 11, 2009 I went to the Range and qualified as instructed.

While at the range several people were being advised to make an appointment with or call the permit office.

I was informed that I did not have to make a call or schedule a meeting, and just want to make sure that I have completed everything necessary.

Please advise if there is anything I must do on my permit to carry or the Instructor status.

Ed Peruta

# **ATTORNEY RETAINED**

**From:** Edward Peruta [mailto:edperuta@amcable.tv]

**Sent:** Monday, **March 16, 2009 6:34 PM**

**To:** 'Paul Neuharth'

**Cc:** 'lois@amcable.tv'; 'info@gotammo.com'

**Subject:** Possible retainer agreement

Paul,

I spoke to Mark over at the American Shooting Center this afternoon.

He is having problems in his capacity as a CCW instructor, and has begun to ask question and talk to his attorney.

Given the fact that Lois and I will soon be leaving Southern California, I would like you to be my legal representative and contact in San Diego for all correspondence from SDSO.

**I would also like a letter telling them that you have been retained to protect my interests in obtaining both a permit to carry concealed, and status as a recognized CCW instructor in San Diego.**

I was impressed with your interest in firearms law, and Mark speaks very highly of you.

Let me know if you are interested in these issues, and we can meet to firm up any agreements necessary for same.

**And I know nothing is FREE.**

Thank you in advance for your interest in my issues.

Ed Peruta

**Tuesday, November 17, 2009**

**Any delays in my application for CCW Instructor status was caused by the lack of communications with the Sheriff's Department between November of 2008 and February 28, 2009.**

**Several visits to the Sheriff's Department, phone calls and emails document this problem.**

**I have since learned that the test give by others as part of their approved course of instruction is the EXACT test given by the Sheriff's Department at the range during the live fire qualification.**

**I request that my course of instruction be approved and that I be placed on the list of approved instructors in San Diego County.**

**Failure to do so will prompt me to explore a civil remedy to this issue.**

**Edward Peruta**