

CALIFORNIA PENAL CODE SECTION 12050 ESTABLISHES AND STANDARDIZES THE MINIMUM REQUIREMENTS TO OBTAIN A CONCEALED CARRY WEAPONS LICENSE, (CCW).

12050 IN PART:

(a) (1) (A) The sheriff of a county, upon proof that the person applying is of **GOOD MORAL CHARACTER**, that **GOOD CAUSE** exists for the issuance, and that the person applying satisfies **ANY ONE OF THE CONDITIONS SPECIFIED IN SUBPARAGRAPH (D)** and has completed a **COURSE OF TRAINING** as described in subparagraph (E), may issue to that person a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person in either one of the following formats:

(D) For the purpose of subparagraph (A), the applicant shall satisfy any one of the following:

(i) Is **A RESIDENT** of the county or a city within the county.

(ii) Spends a substantial period of time in the applicant's **PRINCIPAL PLACE OF EMPLOYMENT OR BUSINESS** in the county or a city within the county.

GOOD MORAL CHARACTER

vs. **Certain Negative Character Issues** as stated by members of the San Diego Sheriff's Department.

California Penal Code Section 12050 requires applicants for CCWs to be of "**GOOD MORAL CHARACTER**". The San Diego Sheriff's Department in their written denial of my application, makes the allegation that, (in their opinion), I possess "**CERTAIN NEGATIVE CHARACTER ISSUES**" without providing any documentation or evidence to substantiate the statement.

I believe that every person who questions the authority, policies or procedures regarding Concealed Carry Permits or the required course of firearm instruction will suffer the same opinion regarding their MORAL CHARACTER.

Without a clear definition of "**MORAL CHARACTER**" as stated in Section 12050 of the California Penal Code, the person or people charged with making the determination are left with only their personal opinions and observations to determine same.

The only Character issues demonstrated during my application process were related to:

1. My refusal to walk away and make my CCW application in Los Angeles County.
2. My ability to read and understand the appropriate sections of the California Penal Code.
3. The fact that I refused to accept and questioned their opinion regarding my resident status.
4. My knowledge of, and ability to explain, the difference between the words "RESIDENCE" and "DOMICILE".
5. My willingness to question authority, stand my ground and challenge existing policies and procedures.
6. My ability to express myself verbally and in writing.
7. The fact that I went over the heads of involved personnel to seek facts.
8. The fact that I appeared before the Citizens Law Enforcement Review Board.
9. The fact that I contacted a spoke with a member of the San Diego Police Department.
10. The fact that I made known my willingness to litigate the residence issue.
11. The fact that I made several visits to the Sheriff's Department without an Appointment.
12. The fact that I was completely honest and answered all questions in a complete and detailed manner.

At no time prior to or during the application process did I provide any information or demonstrate any personal characteristics that could lead to anyone to believe that I do not possess the required "MORAL CHARACTER" required to qualify for a CCW license.

To the contrary, I believe that I conducted myself in an extremely professional manner and provided references, who if contacted, could have and would have, offered opinions their professional and personal opinions on my 'CHARACTER'.

Good **moral character** is also defined as: "**A pattern of behavior that is consistent with the community's current ethical standards and that shows an absence of deceit or morally reprehensible conduct.**" according to **BLACK'S LAW DICTIONARY** 701 (7th ed. 1999).

"Certain Negative Character Issues"

What is "Good moral character"

Good moral character is a legal concept in United States law that details requirements for consideration for certain benefits or positions. It is chiefly used in immigration law but it can also be a requirement for employment positions. While not necessarily a set of character qualities it describes behaviors in which an applicant could not have been involved. A person must be of "good moral character" in order to gain U.S. citizenship. It is related to the concept of moral turpitude.

As used in immigration law determinations

Good moral character is an important aspect of immigration law and even minor violations can be the sole reason for a dismissal of a case.

United States Citizenship and Immigration Services describes "**good moral character**" as an **absence** of involvement in the following activities:

- Being convicted of **murder** **NO**
- Being **convicted** of an aggravated **felony**, which includes:
 - Murder, **rape**, or sexual abuse of a minor **NO**
 - **Illicit trafficking in controlled substances** **NO**
 - **Firearms, destructive devices, and explosive materials** offenses **NO**
 - **Money laundering** **NO**
 - **Crimes of violence** for which the term of imprisonment is at least one year **NO**
 - **Theft and burglary** offenses for which the term of imprisonment is at least one year **NO**
 - Crimes involving the demand for or receipt of **ransom** **NO**
 - Crimes involving **child pornography** **NO**
 - Crimes involving a violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) **NO**
 - A second or subsequent **gambling offense** for which a one-year or greater term of imprisonment may be imposed **NO**
 - Prostitution "managing" and transporting offenses **NO**
 - Crimes against the government **NO**
 - Offenses that jeopardize **national security** **NO**
 - Offenses that involve **fraud or deceit** in which the victims' aggregate losses exceed \$10,000 **NO**
 - **Tax evasion** involving a government loss in excess of \$10,000 **NO**
 - **Alien smuggling**, except for first offenses involving attempts to enable entry by a relative of the accused **NO**
 - Certain offenses committed by aliens who were previously deported for having committed a crime **NO**
 - **Passport fraud** offenses with a term of imprisonment of one year or greater, except for first offenses involving attempts to enable entry by a relative of the accused **NO**
 - **Failure to appear** to serve a sentence for which the underlying offense is punishable by imprisonment for five or more years **NO**
 - Offenses involving **commercial bribery, counterfeiting, forgery, or trafficking in vehicles with altered identification numbers** with a term of imprisonment of at least one year **NO**
 - Offenses involving **obstruction of justice, perjury, subornation of perjury, and witness tampering** with a term of imprisonment of at least one year **NO**
 - **Failure to appear** in court pursuant to court order to answer to a felony charge for which a sentence of two or more years' imprisonment may be imposed **NO**

- Committing or being convicted of one or more crimes involving "moral turpitude" **NO**
- Committing and being convicted of two or more offenses with a total sentence of five or more years **NO**
- Being confined to a penal institution during the statutory period (either the preceding three or five years, depending on the circumstances, or one year for Armed Forces expedited cases) for an aggregate of 180 days or more **NO**
- Committing and being convicted of two or more gambling offenses **NO**
- Earning your principal income from gambling. **NO**
- Being involved in prostitution or commercialized vice **NO**
- Being involved in smuggling illegal aliens into the United States **NO**
- Being a habitual drunkard **NO**
- Practicing polygamy **NO**
- Willfully failing or refusing to support dependents **NO**
- Giving false testimony under oath in order to receive benefits under the Immigration and Nationality Act **NO**

Additionally several other activities disqualify a person from having "good moral character":

- Failing to register for Selective Service **NO**
- Providing false information in documents **NO**
- Falsely claiming U.S. citizenship **NO**

GOOD CAUSE – (THE 1998 LOS ANGELES FACTORS)

2. Good Cause. *Good cause shall be deemed to exist, and a license will issue in the absence of strong countervailing factors, upon a showing of any of the following circumstances [emphasis added]:*

a) The applicant is able to establish that there is an immediate or continuing threat, express or implied, to the applicant's safety, or the applicants family's safety, and that no other *reasonable* means exist which would suffice to neutralize that threat. [emphasis added.]

1. There is an immediate and continuing unique threat of assault/physical violence and theft due to the fact that my wife and I live in a motor home while residents in the State of California particularly San Diego County.
2. The continuing threat exists in part because of the remote areas where we spend time such as but not limited to Interstate highway rest areas together with remote local, state and federal campsites where there is limited or no ability to reasonably summon public safety resources to neutralize any situation where there might be a threat to life or property.
3. The posted public safety flyer submitted to the San Diego Sheriff's Department provided clear and convincing evidence that residents in motor homes are exposed to criminal elements.

b) The applicant is employed in the field of security, has all requisite licenses, is employed by a security firm having all requisite licenses, and provides satisfactory proof that his or her work is of such a nature that it requires the carrying of a concealed weapon.

N/A

c) The applicant has obtained, or is a person included within the protections of, a court order which establishes that the applicant is the on-going victim of a -threat or physical violence or otherwise meets the criteria set forth in Penal Code Section 12025.5.

N/A See #3 in section a

d) The applicant establishes that circumstances exist requiring him or her to transport in public significant amounts of valuable property which it is impractical or impracticable to entrust to the protection of armored car services or equivalent services for safe transportation of valuables.

1. Part of living full time in a motor home creates the need to transport in public, possess and have available, (for emergency purposes), significant amounts of readily available cash together with our family jewelry and other valuable personal items usually found in a fixed location residence.
2. It is "impractical or impracticable" to travel and reside in a motorhome without emergency cash to cover what could be a large expenses where a credit card or check may not be accepted.

e) The applicant establishes that he or she-is subject to a particular and unusual danger of physical attack and that no *reasonable* means are available to abate that threat. [emphasis added.]

1. Unusual danger of physical attack with no means to abate the threat of same is ever present when in remote areas where there is no reasonable means to summon public safety resources or where it would take an extended period of time for public safety resources to respond if contacted.
2. The fact that individuals regularly cross border illegally while attempting illegal entry or smuggling drugs into the United States is a very real factor which at least along the Mexican Border, presents the requisite particular and unusual danger of physical attack or contact where self defense may be necessary.
3. The topic of the particular and unusual aspects of being physically attacked was first brought to our attention by family friends, past and present members of law enforcement and others who reside in Recreational Vehicles all of whom strongly suggested possessing and carrying a firearm for self defense purposes.
4. The Flyer regarding thefts from Recreational Vehicles that was submitted and has been ignored as not relevant.

FAVORABLE FACTORS FOR GOOD CAUSE (THE 1998 LOS ANGELES FACTORS)

3. **FAVORABLE FACTORS.** Among facts upon which the department will, in the exercise of its discretion, look favorably in considering applications are whether:

a) The applicant has a demonstrated record of responsible handling of firearms;

1. Evidence available upon request for periods between 1959 and present

b) The applicant has a commitment to safe and responsible handling of firearms as shown by having voluntarily taken firearms training;

1. Qualifications and status as a recognized firearms instructor available upon request.

c) The applicant **has a record** of good citizenship in general as evidenced, for instance, by service to the community through such activities as creditable service in the armed forces, including the National Guard and state militia or in the police reserves, or of active participation in charitable or public service organizations or activities or in political affairs;

1. I have honorable service in the United State Marine Corps Active Duty 1966 - 1069, United State Marine Corps Active Reserves 1973 – 1975 and the Untied States Army National Guard 1981 – 1983.

2. I received certification and served as a member of law enforcement in CT from January 1970 to November 1971.

3. I have served as an active participant and/or member of many local public service and charitable organizations and involved myself in political affairs including two times as a candidate for local public office.

4. I have a lengthy period of time as a member of the Society of Professional Journalists and the National Press Photographers Association.

5. I am a life member of both the Veteran’s of Foreign Wars and the Disabled American Veterans.

6. I have owned an operated American News and Information Services Inc. a breaking news service for the past twenty plus years.

7. I am currently involved in legal matters as a pro bono legal investigator for one or more attorneys in the state of CT.

8. I have spent the better part of my adult life helping military veterans file claims for Service Connected Compensation with the United States Veteran’s Administration and Social Security.

9. I have been recognized by the Connecticut Attorney General for exposing and ending an illegal Sales Tax practice that resulted in the identification and return of over 1 million dollars in improperly collected state sales tax to CT consumers.

10. I have contributed to or funded public interest civil law suits regarding violations of various laws or regulations.

11. I am the founder and current owner of the only government approved outdoor motocross recreational facility open to the public in the State of Connecticut.

d) The applicant is trustworthy and responsible as evidenced, for instance, by employment history, positions held in civic, political, religious or secular achievements or record of personal accomplishment in other areas of endeavor;

1. The answers to item c and facts concerning personal civic, political and humanitarian accomplishments in other areas of endeavor are available and will be provided upon request if necessary.

e) The applicant suffers under a **disability or physical handicap**; including age or obesity, which hinders the applicant's ability to retreat from an attacker.

1. I am currently sixty years of **age**, (D.O.B. 01.21.1949) **overweight** (265+ lbs) and currently suffer from **ischemic heart disease** which after a heart attack in 2001, caused the need for a currently **implanted in chest deliberator/pace maker** which hinders and prevents my **ability to retreat or physically defend** myself or my family against any threatened or real physical attack.

UNFAVORABLE FACTORS FOR GOOD CAUSE (THE 1998 LOS ANGELES FACTORS)

4. UNFAVORABLE FACTORS. Factors which will bear negatively on issuance (unless they appear to be in the remote past) are:

a) The applicant has a long-term history of mental or emotional instability, alcoholism, drug use or addiction;

N/A

b) The applicant has a history of fault in serious accidents with firearms, automobiles or other dangerous instrumentalities;

1. There are no incidents as described

c) The applicant has had a permit to own or carry a concealed weapon denied, suspended or revoked *for good cause* by any issuing authority; [emphasis added.]

1. I currently possess valid/active handgun permits issued by the states of CT, Florida and Utah after application and full disclosure of all questions required or asked during local and state permit investigations which included several local, state and National Criminal History Record checks conducted as part of each permit application process.

d) The applicant has had a driver's license denied, suspended or revoked for good cause by any issuing authority;

1. I have never had a Driver's license denied, suspended or revoked by any issuing authority.

e) The applicant has a long-term record of irresponsible and dangerous behavior with automobiles as indicated by numerous convictions of serious driving offenses;

1. I have no history of irresponsible or dangerous behavior with automobiles.

f) The applicant has a long-term history of conduct from which it appears that he or she is not now of good moral character, trustworthy or responsible. While none of the foregoing disqualify an applicant per se, a license will be denied if it appears, in the discretion of the department, that the applicant does not now have good character or that issuance of a license to him/her is not consistent with public safety.

1. There are no facts or evidence, (known to me), to support a negative finding regarding my character, trustworthiness or responsibility.

2. I currently enjoy numerous confidential relationships with members of law enforcement and government (Judicial, Legislative and Executive), as well as highly placed members of various state and National News Media organizations.

COURSE OF TRAINING

San Diego Sheriff's Department approved safety course (As required by Calif. Penal Code Sec. 12050)

History as small arms instructor U.S. Naval Academy 1969

History of advanced military firearms training (Expert pistol and rifle)

NRA Pistol Safety Course Instructor

Author of Approved Connecticut Pistol and Revolver safety course

Recognized Connecticut Pistol and Revolver Safety instructor

California handgun safety course instructor certified by DOJ

RESIDENT STATUS – City and County of San Diego

California Driver's License

California R.V. vehicle registration

California Resident I.D. card

San Diego Investment Account

San Diego Phone number 858.206.XXXX

Financial documents and records going back into the 90s documenting time(s) spent in San Diego

Tran World Airline and American Airline records of travel to and from San Diego, CA

Non Relative & Relative witnesses regarding residence at 3151 Driscoll Drive, San Diego, CA

Non Relative & Relative witnesses regarding periods of residence in private home and motorhome while in San Diego

Military issued I.D. CARD

Storage of auto/vehicle at San Diego Naval Base (2002)

Storage of RV/vehicle at U.S. Marine Corps Base - Camp Pendleton (2002)

Hospice of Father-in-Law in San Diego County

Hospice of Mother-in-Law in San Diego County

PRINCIPAL PLACE OF EMPLOYMENT OR BUSINESS

The San Diego Police Department's questionable policy of restricting and regulating recognition of members of the News Media, has played a significant part in preventing Edward Peruta and American News and Information Services from operating as a member of the media and News Gathering Organization in the City of San Diego and San Diego County.

The fear of tactical confrontation with law enforcement while operating as a member of the media together with the threat of being arrested at a spot news event has prevented any news gathering by the applicant.

This denial of First Amendment Rights may also have to be litigated in the Federal Courts in the near future.

CONCLUSION

Every opinion, fact, omission and decision involving my applications for a personal CCW and CCW Instructor status with the San Diego Sheriff's Department began with the belief that I **WAS NOT** by their **arbitrary standards**, a resident of the City and/or County of San Diego.

The audio recording of the initial interview with Donna Burns together with various internal documents and correspondence from the Sheriff's Legal advisor provided **clear and convincing evidence** of the facts that the Sheriff's Department intended from the beginning, to protect and continue their policy and procedures regardless of whether they were legally right or wrong.

The Sheriff's Department **DID NOT** make contact with or inquire to any of the named references provided who could substantiate my resident status.

The Sheriff's Department by the tone of their verbal and written comments and correspondence demonstrated their hostility to my claim of residence and the fact that I exercised my **First amendment rights** to communicate my frustration with other individuals and public agencies.

The Sheriff's Department by the tone of their written comments and correspondence demonstrated their hostility to the fact that I appeared before and spoke to the Citizens Law Enforcement Review Board on December 9, 2008.

The Sheriff's Department by the tone of their written comments and correspondence demonstrated their hostility to the fact that I went to and had communications with Officer Limon who was at the time and may still be a member of the San Diego Police Department.

“On **03/04/09**, I received information regarding a telephone call received from **SDPD** Officer **LIMON** regarding an incident at their front counter involving **PERUTA**. I called the phone number provided (619-531-2231) and spoke with Officer **ARVEY.HARVEY** stated his partner Officer **LIMON** was the one who had dealt with **PERUTA** but was out due to a family emergency. **HARVEY** stated he would be speaking to **LIMON** later in the afternoon and **would have him send me a narrative of the incident via Interoffice (see statement by LIMON)**. It should also be noted that **PERUTA** attended the **Citizens' Law Enforcement Review Board (CLERB)** meeting on December 9, 2008, and addressed the Board requesting clarification on the California Penal Code sections 12050 through 12054 pertaining to the Sheriff's Department's denial of his application for a concealed weapon permit (**see attached minutes**)”

The Sheriff's Department's verbal statements, administrative actions and written documentation, provide clear and convincing evidence that they considered my knowledge of the California Penal Code, questions, statements, honesty, openness and willingness to confront, challenge and verbally express my opinions to others (CLERB & San Diego Police), regarding my opinion on existing Sheriff's Department policy to be a character flaw.

Evidence to support these beliefs and statement may be viewed at: <http://ctgunrights.com/00.Webpages/CA.motion.to.Dismiss.htm>