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VIA U.S. CERTIFIED MAIL

Anthony Mata
Chief of Police
San Jose Police Department
201 W. Mission Street
San Jose, CA 95110

**Re: FINAL WARNING TO COMPLY WITH THE SUPREME
COURT'S *BRUEN* RULING; PRE-LITIGATION DEMAND**

Dear Chief Mata:

Our firm represents the California Rifle & Pistol Association (CRPA), which was founded in 1875 and has been working to uphold the right of Californians to keep and bear arms for nearly 150 years. We write to you today because numerous individuals have contacted CRPA to report that various police and sheriffs' departments, including yours, have been delaying conceal carry weapon permit issuance. Such obstruction constitutes open defiance of the Supreme Court's recent landmark ruling in *N.Y. State Rifle & Pistol Association v. Bruen*. The issues we have heard CRPA members repeatedly raise include unclear processes on how to apply for permits, endless wait times, subjective requirements, application procedures that violate applicants' privacy, and in some cases, the refusal to even accept applications for processing.

This may not be the first time we have contacted you, as prior letters that were sent to most departments laid out a summary of the Supreme Court's ruling, and also corrected several misstatements of the law issued in a legal alert by Attorney General Bonta. In addition, since our last letter the California Legislature tried and failed to pass Senate Bill 918¹, which would have added a number of unconstitutional limitations on the right to bear arms.² To the extent that your

¹ According to a few elected officials, a bill similar to SB 918 is going to be reintroduced in the next legislative session. CRPA had a drafted lawsuit ready to challenge SB 918, and should it return in any form, CRPA will file that lawsuit before the Governor's signature is dry.

² A law in New York that just took effect is quite similar to what SB 918 would have been, and it is already facing several lawsuits. While there has so far been only one federal court ruling on that law, and that ruling was a dismissal on standing grounds, the court in that matter did also

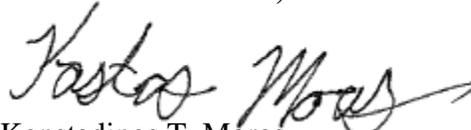
department was stalling until that bill passed, it is past time to cease such bad faith delays and begin issuing permits in a timely fashion.

Attached to this letter you will find guidance on why certain policies and practices in handling CCW permit applications are unconstitutional. To the extent your department is engaging in some or all of these, it must cease doing so immediately. As a public official that took the oath to uphold the Constitution, it is your solemn vow to follow the rule of law, uphold the foundations of the Constitution as ordered by the Supreme Court, and issue concealed carry licenses to those meeting the non-subjective requirements in California law.

In our earlier letters we stated that CRPA would be patient as departments transitioned to shall-issue permitting systems. So long as your department was acting in good faith to quickly honor the *Bruen* ruling, we would not institute legal action. We have received enough complaints from CRPA members to know that you have not significantly moved to comply with *Bruen* in the nearly three months since the Court's ruling. This is your final warning to quickly implement a permitting process in accordance with both California law as well as the Supreme Court's ruling. CRPA requests that you promptly respond in the next week with a detailed and reasonable plan of how you intend to bring your department into compliance within the next **45 days**. As long as this plan is in line with the *Bruen* decision and the Constitution generally, we will support your department and offer assistance in working with you to bring about the appropriate change. If you continue to delay the issuance of concealed carry permits in violation of the law as outlined in the attached summary, CRPA is giving notice that legal action will be taken against these violations.

Should you have any questions regarding this letter or the attached Summary of Constitutionality of California's Gun Laws and Practices Post-*Bruen*, please feel free to reach out to our office.

Sincerely,
Michel & Associates, P.C.


Konstadinos T. Moros

give its thoughts on the merits of New York's law in the event its ruling as to standing was reversed on appeal. *Antonyuk v. Bruen*, No. 1:22-CV-0734 (GTS/CFH), 2022 U.S. Dist. LEXIS 157874, at *102 (N.D.N.Y. Aug. 31, 2022) ("*Antonyuk*"). Portions of the *Antonyuk* ruling are referenced in this letter's attachment, as it is the earliest persuasive authority we have post-*Bruen* in regard to the right to carry.