

JOHN R. MONROE
ATTORNEY AT LAW

Via facsimile (404-371-7055) and email (jrrosh@co.dekalb.ga.us)

April 13, 2007

The Hon. Jeryl Debra Rosh
Probate Judge of DeKalb County
556 North McDonough Street, Room 1100
Decatur, GA 30030

RE: William Ellard
Refusal to Issue a Temporary Renewal Georgia Firearms License

Dear Judge Rosh:

I am writing you regarding my client, William Ellard, and his application for a temporary renewal Georgia firearms license (“GFL”) which your office has denied. Mr. Ellard has retained me to commence an action for mandamus against you, in order to obtain his temporary renewal GFL as required by law. I would prefer, however, to resolve this matter amicably and without resorting to litigation. I am writing to inquire whether there is some sort of misunderstanding in your office about the law, and to request that you issue Mr. Ellard and all future applicants a temporary renewal GFL when requested.

On April 12, 2007, Mr. Ellard applied at your office for a renewal GFL. At the time of his application, he requested that he be issued a temporary renewal GFL pursuant to O.C.G.A. § 16-11-129(i). The clerk that took his application told him that your office would not issue him a temporary renewal GFL.

I do not believe there is any support for that position in O.C.G.A. § 16-11-129(i). I will not restate the entire code section here, but I wish to reiterate that O.C.G.A. § 16-11-129(i)(2) says, in part, “the judge **shall** at the time of application **issue** a temporary renewal license to the applicant . . .” (Emphasis supplied).

Because the language compels issuance of a temporary renewal GFL at the time of application, which was April 12, 2007, I ask that you reconsider your decision to refuse to issue a temporary renewal GFL to Mr. Ellard. Because Mr. Ellard’s current GFL expires on Monday (April 16), I request that you reply today. If I do not hear from you by the end of the day that you will issue Mr. Ellard and future GFL renewal applicants a temporary renewal GFL upon payment of a \$1.00 fee, I shall assume that you do not intend to do so, and I shall move forward with pursuing the writ of mandamus.

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In an effort to ensure this letter is seen and addressed quickly, I am copying your staff attorney, Mark Brandenburg, at mdbrandenburg@co.dekalb.ga.us.

Sincerely,

John R. Monroe