



GEORGIA CARRY.ORG, INC.

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June 10, 2008

Chief Matt Doering
Glynn County Police Department
157 Public Safety Boulevard
Brunswick, GA 31525

Re: Stephen P. Belt

Dear Chief Doering:

As the President of GeorgiaCarry.org, I am writing to inform you that some of your officers may be taking the idea behind the Gun Bounty Program too far, resulting in the repeated harassment of law abiding individuals who possess a firearm. I am writing on behalf of GeorgiaCarry.Org and Stephen P. Belt, a GeorgiaCarry.Org member and Brunswick resident who has twice been detained by Glynn County police officers in the complete absence of any probable cause or reasonable suspicion to believe that Mr. Belt was involved in any illegal activity whatsoever. The purpose of this letter is to request that your officers cease harassing Mr. Belt and any other law abiding Georgians who are carrying a firearm but not suspected of any illegal conduct.

DENNYS

The most recent incident occurred late Saturday evening at the Denny's restaurant at Exit 38 off Interstate 95. Officer K. Mason (#191), who was off duty dining in the restaurant with two other officers, approached Mr. Belt while he was dining with his father, who was visiting from out of town. Officer Mason interrupted the pleasant family meal to ask Mr. Belt for his firearms license. Even though he had no obligation to do so, Mr. Belt showed Officer Mason the firearms license in the hope that it would defuse Officer Mason and permit him to continue dining with his relative in peace.

Officer Mason did not intend to let that happen. After obtaining Mr. Belt's firearms license, he demanded that Mr. Belt exit the restaurant and put his firearm in his car. Mr. Belt refused. No representative of the restaurant asked Mr. Belt to leave the restaurant at anytime.

The two additional police officers then joined Officer Mason, presumably as "backup." These were Officer Echols (female) and Officer Joshua Williams. With all three officers present as a show of force, Mr. Belt was again ordered to take his firearm out to his car. He refused again and requested that they leave him alone. He informed the three officers that they had no right to detain him, which the officers denied. He also informed the officers that they had no right to ask him to leave, as only the person in control of Denny's had that right (and, as we shall see, the manager of Denny's did not wish to ask him to leave). The officers actually went so far as to make the outrageous claim that it was *illegal* for Mr. Belt to carry his firearm into Denny's.

They made the specific claim that Denny's serves alcohol, which is an assertion that is relevant until July 1, but demonstrably untrue. The establishment does not serve alcohol.

Since this was the second time Mr. Belt had been harassed by your police officers with no probable cause or reasonable suspicion whatsoever, he requested that they bring a supervisor to the scene. As a result, Officer Ellis arrived, which just happened to be the same supervisor from Mr. Belt's previous incident. Everybody met in the parking lot, and Officer Ellis compounded the confusion by attempting to claim that Denny's was a "public gathering" (see O.C.G.A. 16-11-127) by virtue of the people present in the entrance to Denny's, talking.

Mr. Belt was well aware of the Georgia Court of Appeals opinion, State v. Burns, 200 Ga. App. 16 (1991), in which the arrest of a person with a firearms license for carrying a deadly weapon to a public gathering was not upheld. The Court declared that carrying a pistol in McDonalds was not carrying to a public gathering, even if people did gather around the person carrying. If there is any difference between McDonalds and Denny's, we cannot discern it.

Officer Ellis steadfastly maintained that he has the right to stop, detain, identify, and question Mr. Belt in the absence of any suspicion of a crime, simply because Mr. Belt is in possession of a firearm. This was not true at the first encounter, and it certainly was not true at the second.

Officer Mason, the officer who started this incident, was not content to let things drop at that point, and instead went inside to see if he could pressure the manager into issuing a criminal trespass warning against Mr. Belt. Officer Mason emerged triumphant a little later, declaring that the manager had asked Mr. Belt not to carry a firearm inside.

Mr. Belt's father, who was not armed, went inside to speak with the manager on duty, who did not back up Officer Mason's declaration at all. Rather, the manager (Noel) said that he did not appreciate the disturbance, and that he had no problem with Mr. Belt or his firearm until the three police officers created the disturbance. I have attached the Guest Assurance and Employee Response Incident Report that the manager signed attesting to the officer's rude behavior.

Chief Doering, please inform your officers that Denny's is not a "public gathering." Please ask that they quit threatening law abiding Georgians with false arrest. Please ask that they do not go out of their way to pressure local business owners and managers when the officers run out of other legal options.

BOOKS A MILLION

The earlier incident occurred outside Books a Million on May 17, 2008 with Officers Jump and Varnadoe, who stated that they were responding to a call from a customer (not a call from the store). Mr. Belt presented his firearms license. These officers demanded that Mr. Belt disarm and demanded that he open the trunk of his car. When Mr. Belt plainly told both officers that he did not consent to a search, Officer Jump responded that Mr. Belt "had better" do what he says.

Afraid of what the officer might do following this not-so-veiled threat, Mr. Belt opened his trunk. The officers ordered him to put his gun in his trunk, and he did. One of the officers then ordered him to step over to where they were standing. The officers then proceeded to give Mr. Belt a lengthy lecture on their understanding of Georgia law. They claimed it was illegal for Mr. Belt to carry a firearm outside of his "yard" or "place of business." The officers informed Mr. Belt that he could not carry his firearm "in public" because that was a violation of the public gathering law.

Mr. Belt steadfastly but politely insisted that shopping at Books a Million is not carrying a deadly weapon to a public gathering, and, after about 40 minutes, they released him. Prior to releasing Mr. Belt, the officers demanded his driver's license and wrote down his identifying information.

Officer Varnadoe volunteered his opinion that Mr. Belt did not "need" a gun, "because that is what you pay the police for."

Mr. Belt drove to the Glynn County Police Department to ask for a supervisor above Officer Jump's level, and spoke with Officer Ellis for the first time. Officer Ellis warned Mr. Belt he "had better listen to their comands about disarming," hinting that Mr. Belt would suffer consequences if he did not. He also told Mr. Belt he "had better show ID to any officer asking for it."

When Mr. Belt protested that the law did not permit officers to detain people with no suspicion of a crime, Officer Ellis told Mr. Belt that the police department would have to wait until HB89 became effective to be able to know the law fully. Mr. Belt's plea that HB 89 was completely irrelevant to his unlawful seizure fell upon deaf ears.

MR. BELT'S SUBSEQUENT COMPLAINT

Mr. Belt informs us that following the Denny's incident, he called you to arrange a meeting and also called the District Attorney and an at large county commissioner (who stated he will take direct action if this happens again). Mr. Belt wants the Fourth Amendment violations to stop. He actually went to the police station to make a complaint in writing, but the female officer whom he met told him he would have to talk to another supervisor who was not present. She also told him that only this other supervisor had citizen complaint forms.

Mr. Belt informs us that you called him today and declared that it is Glynn County's official policy to forcibly detain anybody with a firearm, even when the officers are not aware of any objective facts supporting a suspicion of illegality. We suggest that Glynn County carefully consider GeorgiaCarry.Org's request in the following section.

GEORGIA-CARRY.ORG's REQUEST

Mr. Belt is a member of GeorgiaCarry.Org, which vigorously defends the right to bear arms in Georgia. As I am sure you are already aware, a police officer may not detain a person absent probable cause or reasonable suspicion that the person is committing or is about to commit a crime. GeorgiaCarry.Org is concerned about your officers making threats to unlawfully detain anybody with a firearm absent reasonable suspicion of a crime. GeorgiaCarry.Org asks that you respond in writing with your intentions regarding the training of your police force with respect to search and seizure. For a firearm in a car, please see the recent case of State v. Jones, 289 Ga. App. 176 (2008), which declares that a police officer does not have carte blanche authority to secure all weapons at a traffic stop.

On the issue of whether a firearm, by itself, justifies detaining and investigating a person, there are many federal cases addressing the issue. United States v. Ubiles, 224 F.3d 213 (3d Cir. 2000) declares that possession of a firearm in public, with no other circumstances present, does not justify a stop. "For all the officers knew, even assuming the reliability of the tip that Ubiles possessed a gun, Ubiles was . . . lawfully exercising his right . . . to possess a gun in public." See also United States v. Dudley, 854 F. Supp. 570 (S.D.Ind. 1994), in which the court declared that a report of persons with guns did not justify an investigative stop. "In short, the Government failed to establish . . . that some reasonable suspicion of criminal activity, based on articulable facts, justified this seizure. And, if the stop itself is unlawful, neither Terry nor Michigan v. Long authorize the police to search the suspects or the suspect's vehicle for weapons, even if the officers reasonably fear for their safety."

Likewise, the U.S. Supreme Court in Florida v. J.L., 529 U.S. 266 (2000), declared that there is no "gun exception" to the Fourth Amendment.

GeorgiaCarry.Org asks that your officers stop harassing law abiding Georgians with unlawful detention. Absent reasonable suspicion of a crime, the person stopped is under no obligation to cooperate with an unlawful detention. Since so many of your officers are being trained to detain all persons in possession of a firearm, even in the absence of any suspicion of illegality, then the results of this Glynn County policy could be disastrous.

Please put a stop to this conduct at once. We look forward to hearing from you in writing regarding how you intend to address the conduct of your officers and department supervisors in Glynn County.

Sincerely,

Edward A. Stone
President
GEORGIA-CARRY.ORG, INC.