

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

PHILLIP EVANS,)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
GWINNETT COUNTY PUBLIC)	
SCHOOLS,)	
Defendant)	

VERIFIED COMPLAINT

Plaintiff states the following as his Complaint:

1. This is a Complaint for declaratory and injunctive relief, seeking a declaration that, effective July 1, 2014, it no longer was a crime in Georgia to carry a weapon on a college campus for a weapons carry licensee and an injunction preventing Defendant from arresting, citing, or prosecuting Plaintiff for carrying a firearm on Defendant's property.
2. Defendant is a county public school system in Gwinnett County, Georgia.
3. Plaintiff is a natural person who resides in Gwinnett County, Georgia and whose child attends school at Centerville Elementary School ("CES") in Snellville, Gwinnett County, Georgia.
4. CES is owned and operated by Defendant.
5. Plaintiff possesses a validly issued Georgia Weapons Carry License ("GWL") issued to him pursuant to O.C.G.A. §16-11-129.
6. CES is in a "school safety zone," as that term is defined by O.C.G.A. §16-11-127.1.
7. It generally is a crime to carry a firearm within a school safety zone.
8. During the legislative session of 2013-2014, the General Assembly passed House Bill 826.

9. The governor of Georgia signed HB 826 into law and it has been enrolled as Act 575.
10. Act 575 provides, *inter alia*, that GWL holders are exempt from the provisions against carrying a weapon in a school safety zone.
11. After Act 575 was passed, Plaintiff contacted Defendant to point out the change in the law and to inquire if, as a GWL holder, Plaintiff would be recognized by Defendant as lawfully permitted to carry a firearm in Defendant's schools.
12. On or about July 28, 2014, Jorge Gomez, the Executive Director of Administration and Policy for Defendant, responded via email to Plaintiff's inquiry.
13. In his response, Gomez told Plaintiff that it would be a crime for Plaintiff, even as a weapons carry license holder, to carry a firearm at Defendant's schools.
14. Gomez told Plaintiff that if Plaintiff carried a firearm at a Defendant school, Defendant would seek to have Plaintiff prosecuted.
15. Gomez further told Plaintiff that Defendant may issue a criminal trespass warning against Plaintiff "from entering all Gwinnett County School District property."
16. Defendant's representatives were quoted in a local Alpharetta media outlet saying that it remains a crime to carry a firearm in school safety zones, even for people with GWLs.
17. Plaintiff visits CES for the purpose of participating in the education of his child, on a frequent basis.
18. Plaintiff desires to carry a weapon at CES in case of confrontation, and he would do so if it were legal for him to do so.

19. As a result of Gomez' response to Plaintiff, Plaintiff is in fear of arrest and prosecution for carrying a weapon at CES, even though it no longer is criminal for him to do so (effective July 1, 2014).

20. Plaintiff also is in fear of receiving a criminal trespass warning for legally carrying a firearm at CES.

Count 1 – Violations of O.C.G.A. § 16-11-127.1

21. Plaintiff and Defendant have an actual controversy between them regarding the effects of Act 575 on Plaintiff.

22. Even if there were no actual controversy between Plaintiff and Defendant, Plaintiff desires to confirm his right since July 1, 2014 to carry a firearm on Defendant's property without fear of detention, prosecution, imprisonment, and fine.

Count 2 – Violation of O.C.G.A. § 16-11-173

23. O.C.G.A. § 16-11-173 preempts Defendant from regulating firearms "in any manner."

24. By threatening Plaintiff with prosecution and a criminal trespass warning for conduct that is perfectly legal, Defendant is attempting to regulate the carrying of a firearm in violation of O.C.G.A. § 16-11-173.

Relief Demanded

Plaintiff demands the following relief:

25. A declaration that as of July 1, 2014, GWL holders are exempt from the prohibition in O.C.G.A. 16-11-127.1 of carrying a weapon in a school safety zone.

26. An injunction prohibiting Defendant from arresting, citing, fining, or prosecuting Plaintiff for carrying a weapon in a school safety zone for as long as Plaintiff maintains a GWL.
27. An interlocutory injunction prohibiting Defendant from arresting, citing, fining, or prosecuting Plaintiff for carrying a weapon in a school safety zone during the pendency of this action, for as long as Plaintiff maintains a GWL.
28. Statutory damages for violation of O.C.G.A. § 16-11-173 in the amount of \$100.
29. Reasonable attorney's fees pursuant to O.C.G.A. § 16-11-173(g).
30. The costs of bringing and maintaining this action.
31. A jury to try this case.
32. Any other relief the court deems proper.

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VERIFICATION

I verify under penalty of perjury that the facts alleged in the foregoing Complaint are true.

Phillip Evans

The above-named Phillip Evans appeared before me on August ____, 2014 in
_____ County, _____ and swore to and subscribed to this document.

Notary Public

My commission expires: