

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

GEORGIACARRY.ORG, INC.,	and	)	
IZIAH SMITH,		)	
Plaintiff,		)	
		)	Civil Action No.
v.		)	
		)	
HARRY B. JAMES III, individually and		)	
in his official capacity		)	
as Judge of the Probate Court of Richmond		)	
County,		)	
Defendant		)	

**VERIFIED COMPLAINT**

Plaintiff states the following as his Complaint:

1. This is a Complaint for mandamus, and declaratory and injunctive relief, seeking to order Defendant to issue temporary renewal Georgia weapons carry licenses (“GWLs”) to eligible Plaintiffs.
2. Plaintiff Izhiah Smith is a natural person who resides in Richmond County, Georgia.
3. Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit Georgia corporation whose purpose is to foster the rights of its members to keep and bear arms.
4. Smith is a member of GCO.
5. Defendant is the Judge of the Probate Court of Richmond County and has offices at 735 James Brown Blvd., Suite 1000; Augusta, Richmond County, Georgia 30901.
6. On or about January 6, 2014, Smith applied to Defendant for a GWL pursuant to O.C.G.A. § 16-11-129.

7. At the time of his application, Smith also applied for a temporary renewal GWL (“TRGWL”) and offered to pay \$1 for it.
8. Defendant refused to issue the TRGWL.
9. Defendant told Smith he has never issued a TRGWL and never intends to.
10. At the time of Smith’s application, less than 90 days remained before expiration of Smith’s then-current GWL.
11. Also at the time of Smith’s application, Defendant did not know and was not made aware of any fact which would make Smith ineligible for a five-year renewal GWL.
12. On or about January 13, 2014, Smith was (apparently mistakenly) informed that Defendant would begin issuing TRGWLs.
13. Smith therefore returned to Defendant’s office to request the TRGWL again.
14. Defendant told Smith that he would not issue Smith anything and told Smith to stop harassing Defendant’s staff.
15. As a result of Defendant’s failure to issue Smith a TRGWL, Smith’s GWL expired before Smith’s renewal GWL was issued.
16. Smith’s GWL will expire in another five years and he will once again request a TRGWL at the time of his application for a renewal GWL.
17. GCO has other members who live in Richmond County and who request and desire TRGWLs when they apply for renewal of their GWLs.

**Count 1 – Violations of O.C.G.A. § 16-11-129(i)(2)**

18. By failing to issue Smith and other renewal GWL applicants TRGWLs upon request, Defendant violated O.C.G.A. § 16-11-129(i)(2).

**Count 2 – Violation of Georgia Constitution Art. I, Sec. I, Par. VIII**

19. By denying Smith a TRGWL, Defendant made it prohibitive for Smith and other renewal  
GWL applicants to carry a pistol outside their homes, automobiles, or places of business.
20. The handgun or pistol is the quintessential firearm for self defense in the United States.
21. By denying Smith and other renewal GWL applicants a TRGWL, Defendant has violated  
Plaintiffs' constitutional rights under Georgia Constitution Art. I, Sec. I, Par. VIII.

**Count 3 – Violation of Second Amendment to Constitution of the United States**

22. By denying Smith and other renewal GWL applicants a TRGWL, Defendant has violated  
Plaintiffs' constitutional rights under the Second Amendment to the Constitution of the  
United States.

**Relief Demanded**

Plaintiff demands the following relief:

23. A writ of mandamus compelling Defendant to issue a TRGWL to eligible renewal GWL  
applicants.
24. A declaration that Defendant is required to issue TRGWL to eligible renewal GWL  
applicants upon request and payment of \$1.
25. The costs of bringing and maintaining this action, including reasonable attorney's fees,  
pursuant to O.C.G.A. § 16-11-129(j) and 42 U.S.C. § 1988.
26. A jury to try this case.
27. Any other relief the court deems proper.

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John R. Monroe,  
Attorney for Plaintiff  
9640 Coleman Road  
Roswell, GA 30075  
678-362-7650  
State Bar No. 516193

**VERIFICATION**

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

\_\_\_\_\_  
Iziah Smith

The above-named Iziah Smith appeared before me on February \_\_\_\_, 2014 in  
\_\_\_\_\_ County, \_\_\_\_\_ and swore to and subscribed to this document.

\_\_\_\_\_  
Notary Public

My commission expires: