

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

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PROthonARY, PA  
CRAWFORD COUNTY, PA

FILED

GARY A. YOUNG,  
Appellant

No. A.D. 2008-409

vs.

WALTER C. HOKE, Sheriff of  
Crawford County,  
Appellee

Answer

Filed on behalf of Appellee:  
Walter C. Hoke, Sheriff of  
Crawford County

Counsel of Record for  
this party:

Keith A. Button, Esq.  
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IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

GARY A. YOUNG, :  
Appellant :  
 : No. A.D. 2008-409  
vs. :  
 :  
WALTER C. HOKE, Sheriff of :  
Crawford County, :  
Appellee :

ANSWER

AND NOW, this 25th day of March, 2008, comes the Appellee, Walter C. Hoke, Sheriff of Crawford County, by Keith A. Button, Assistant County Solicitor, and files this Answer to the Appellant's appeal from the revocation of his right to carry a firearm, stating as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

7. Denied, and it is averred to the contrary that the facts and circumstances giving rise to the revocation of the Plaintiff's license to carry a firearm were such that the Sheriff of Crawford County could have justifiably concluded that Appellant's license should be revoked pursuant to 18 Pa. C.S.A. § 6109(i) and 6109(e)(1).

8. Denied, and it is averred to the contrary that the facts and circumstances giving rise to the revocation of the Plaintiff's license to carry a firearm were such that the Sheriff of Crawford County could have justifiably concluded that Appellant's license should be

revoked pursuant to 18 Pa. C.S.A. § 6109(i) and 6109(e)(1).

9. Admitted.

10. Denied, and it is averred to the contrary that the Appellee was not required to provide Appellant with a list of specific events giving rise to the revocation of Appellant's license to carry firearms. Rather, the reference in 18 Pa. C.S.A. § 6109(i) to the "specific reason for revocation" refers only to a need to cite to the specific subsection of 18 Pa. C.S.A. § 6109(e)(1) that formed the basis for the revocation.

11. Admitted.

12. Paragraph 12 states a conclusion of law, to which no response is required.

13. Paragraph 13 states a conclusion of law, to which no response is required.

14. Paragraph 14 states a conclusion of law, to which no response is required. By way of further answer, it is pointed out that the Pennsylvania Uniform Firearms Act specifically provides for a post-revocation hearing which is, in fact, being utilized by the Appellant in this case.

15. Admitted, and by way of further response, various courts in Pennsylvania have specifically held that persons have no right to a pre-deprivation hearing with respect to the revocation of a license to carry a firearm. *See, e.g. Potts v. City of Philadelphia, et al.*, 224 F. Supp. 919 (E.D. Pa. 2002).

16. Paragraph 16 states a conclusion of law, to which no response is required. To the extent a response is deemed necessary, it is averred to the contrary that various courts in Pennsylvania have specifically held that individuals do not have a constitutionally protected property interest in a firearm license. *See, e.g. Potts v. City of Philadelphia, et al.*, 224 F. Supp. 919 (E.D. Pa. 2002).

17. Admitted.

18. Admitted that the Appellant is not entitled to a pre-deprivation hearing for the reasons stated in paragraph 15 above, but it is denied that the Uniform Firearms Act fails to provide Appellant with a post-deprivation hearing before the Court of Common Pleas.

19. Paragraph 19 states a conclusion of law, to which no response is required.
20. Paragraph 20 states a conclusion of law, to which no response is required.
21. Denied, and it is averred to the contrary that the post-revocation appeal and hearing procedure provided in 18 Pa. C.S.A. § 6109(i) grants to the Appellant an appropriate remedy under the law.
22. Paragraph 22 states a conclusion of law, to which no response is required.
23. Paragraph 23 states a conclusion of law, to which no response is required.
24. Denied as a conclusion of law and for the reasons set forth in various paragraphs above.

WHEREFORE, the Defendant, Walter C. Hoke, Sheriff of Crawford County, requests dismissal of Appellant's Appeal, with costs.

By: Keith A. Button  
Keith A. Button, Esq.  
Asst. County Solicitor  
373 Center St.  
Meadville, PA 16335  
Attorney ID# 78258  
Attorney for Defendant

## VERIFICATION

I, Walter C. Hoke, Sheriff of Crawford County, Appellee in the foregoing action, verify that I have read the within Answer, that I am authorized to sign this Verification, and that to the best of my knowledge, information, and belief the facts contained therein are true and correct. I understand that false statements contained therein are made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Dated: 3/26/08

Walter C. Hoke  
Walter C. Hoke, Sheriff of Crawford County

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Appellee's Answer was mailed via U.S. first class mail, postage prepaid, on this 26<sup>th</sup> day of March, 2008, upon the following counsel of record, pursuant to Pa. R.C.P. 440:

J. Michael McCormick, Esq.  
314 Center Ave.  
P.O. Box 64  
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By: Keith A. Button  
Keith A. Button, Esq.  
Asst. County Solicitor  
373 Center St.  
Meadville, PA 16335  
Attorney for Defendant