

IN THE COURT OF COMMON PLEAS OF THE
39th JUDICIAL DISTRICT OF PENNSYLVANIA
FRANKLIN COUNTY BRANCH

Gregory R. Rotz
Appellant-Petitioner

v.

Sheriff of Franklin County,
Robert B. Wollyung
Appellee-Respondent

: Appeal

: No. 2007-4202

: Honorable Judge R. Walker

RESPONSE

- 1. Acknowledged
- 2. Acknowledged
- 3. Acknowledged
- 4. Acknowledged
- 5. Acknowledged
- 6. Acknowledged
- 7. Acknowledged
- 8. Acknowledged

9. Denied in part. The License to Carry was revoked by the Sheriff under Section 6109 (i) which states in part "A license to carry firearms shall be revoked by the issuing authority for any reason stated in subsection (e)(1) which occurs during the term of the permit.".... The revocation was made pursuant to 6109 (e)(1)(i) in that the individual ignored a caution given by a Constable at the New Franklin Polling Place for elections on November 6, 2007 when he entered that place with an obvious firearm carried on his belt that was not completely hidden by his coat. The Appellant's actions were an alarm to others present at a voting precinct and thereby became evidence of a deficiency of character. The subsequent notice made to the Appellant gave the notice required by law of the reason for the revocation, ie: Section 6109 (e)(1)(i)

10. Acknowledged

11. Denied. Appellant's action as described above constituted a violation of the law in that he ... "with the intent to harass, annoy or alarm another, the person....engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose....(Section 2709(a)(3) Harrassment. The Appellant also could be considered to have violated Section 5503 (Disorderly Conduct) in that he engaged in action that... "created a hazardous or physically offensive condition by any act which serves no legitimate purpose..."

12. Acknowledged

13. Denied.

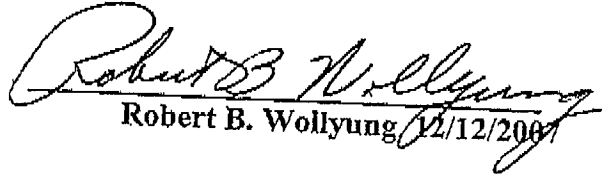
DEPUTY
LINDA L. BEARD
PROTHONOTARY
D.H.

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PROTHONOTARY
FRANKLIN COUNTY PA

- 14. Denied.
- 15. Wherefore, the respondent respectfully requests the Court to uphold the action of the Sheriff in that the Appellant did display poor judgment in carrying a firearm into a Polling Place which caused alarm, at a minimum, to the Constable and members of the election team at that location.

Respectfully submitted


Robert B. Wollyung 12/12/2007

VERIFICATION

The facts herein are verified subject to penalties for unsworn falsification to authorities under 18 Pa. C.S.A. 4904