

1 IN THE COURT OF COMMON PLEAS OF THE  
2 39TH JUDICIAL DISTRICT, PENNSYLVANIA  
3 FRANKLIN COUNTY BRANCH

4 Gregory Rotz : CIVIL ACTION  
5 :  
6 VS :  
7 Sheriff of Franklin County :  
Appeal for Review of License to :  
8 Carry Firearms : No. 2007 4202  
9

10 TRANSCRIPT OF PROCEEDINGS  
11

12 BEFORE: HONORABLE JOHN R. WALKER, P.J.  
13

14 DATE: January 8, 2008; 2:00 p.m.  
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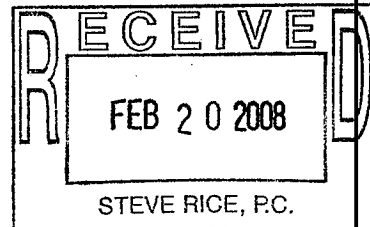
16 PLACE: Courtroom No. 1  
17 Franklin County Courthouse  
18 Chambersburg, PA 17201

19 APPEARANCES:

20 Steve Rice, Esquire, appears on behalf of the  
21 petitioner.

22 Patrick J. Redding, Esquire, appears on behalf of  
Dane Anthony, Sheriff of Franklin County.

23  
24 MELISSA J. LITTLE  
25 Official Court Reporter  
39th Judicial District  
Chambersburg, PA 17201



A stamp with the word "COPY" in large, bold, capital letters. To the left of the word is a small square icon containing the letter "C".

1 (Thereupon, the following proceedings were held in  
2 open court:)

3 THE COURT: Does someone have a copy of the  
4 papers?

5 (Thereupon, a discussion was held off the record at  
6 sidebar.)

7 (Thereupon, the discussion at sidebar was concluded  
8 and the following occurred in open court:)

9 THE COURT: We're going to recess for five  
10 minutes.

11 (Thereupon, a recess was taken at 2:05 p.m.)

12 AFTER RECESS

13 (Thereupon, the following occurred in open court at  
14 2:29 p.m.):

15 THE COURT: Would counsel approach the bar there.  
16 What we did was in the interest of getting this concluded  
17 this afternoon, I met with counsel and they filled me in on  
18 what's alleged to have happened here. So I don't care if  
19 Mr. Rice or Redding, one of you state on the record what the  
20 facts in this particular incident were.

21 MR. REDDING: Your Honor, I can speak to the  
22 technical aspect of what happened.

23 THE COURT: Well, I don't care what you speak to.  
24 Let's get the facts out, what the law is and make a decision  
25 in this case.

1 MR. REDDING: We'll let Mr. Rice speak to the  
2 actual -- as far as his client.

3 MR. RICE: Your Honor, my client went to the  
4 polling place because he wanted to exercise the right to vote  
5 and at the same time he was carrying his firearm, something  
6 he believed he could do pursuant to the second amendment of  
7 the Constitution.

8 THE COURT: Had he had a license?

9 MR. RICE: He did have a license. It was valid.

10 THE COURT: Was it a firearm or pistol?

11 THE DEFENDANT: Yes, it was a pistol.

12 THE COURT: Was it concealed or exposed?

13 THE DEFENDANT: It was exposed.

14 THE COURT: Okay.

15 MR. RICE: So there had been a conversation between  
16 him and a constable who had been present basically talking  
17 about whether or not he was permitted to go into the polling  
18 place with the firearm.

19 At no time did the constable tell him that he  
20 actually was prohibited, but basically he indicated that he  
21 was uncomfortable with my client doing that. There being no  
22 specific on his prohibition doing so, my client entered the  
23 polling place in a peaceful manner, exercised his right to  
24 vote, and left, and shortly thereafter he ended up having his  
25 permit to carry taken from him.

1 THE COURT: Now, there is a law that you can't  
2 take your firearm into a courthouse. You can't take it on  
3 to school property, elementary school, high school, junior  
4 high. You can't walk in even if you are a parent.

5 Was either counsel able to find anything regarding  
6 the law of taking a firearm into a polling place?

7 MR. REDDING: Your Honor, 18 Pa.C.S.A. 913, again,  
8 as you said, can't carry it into a court facility. Next  
9 section says schools. I have found absolutely nothing that  
10 says that you would not be able to carry an open firearm into  
11 a polling place as long as it's not part of a court facility  
12 or a school.

13 THE COURT: Right. Well, it was exposed, so he  
14 wouldn't have even needed a permit to carry unless he drove  
15 there in his car; in which case, he would have needed and he  
16 had a permit.

17 MR. RICE: That is correct. In fact, I saw it  
18 earlier today.

19 MR. REDDING: What happened then, Your Honor, based  
20 upon all that, Franklin County Sheriff's Department had been  
21 contacted. They were not involved in the initial contact  
22 with Mr. Rotz. They were contacted later and Sheriff  
23 Wollyung at the time -- for whatever reason he's not here  
24 today, I don't believe, to explain himself to that -- took it  
25 upon himself, as best I can investigate and understand, to

1 revoke or pull the gentleman's firearm license.

2 MR. RICE: What my client found most troubling,  
3 Your Honor, basically there were also made in response to the  
4 petition to be filed about my client not having the right  
5 kind of character for bearing a firearm.

6 THE COURT: Well, he had a license, Mr. Rice, so  
7 if he had the license, we're not going to go back as to  
8 whether or not he should have got a license.

9 MR. RICE: Oh, I understand.

10 THE COURT: I want to make this as simple, yet  
11 make a fair and just ruling, so it appears to me that he had  
12 the firearm exposed. Wouldn't have needed a license. He'd  
13 have needed to drive a license -- a car with a license.  
14 There were no signs up or anything.

15 Personally, I'm going to contact my legislator and  
16 see if they will write a law, because if you have people  
17 walking around voting polls with firearms, you are beginning  
18 to look like a third world country down in Venezuela or  
19 somewhere.

20 But what I understand the law is, there was no  
21 prohibition against it at the time, so he should have his  
22 permit to carry a firearm restored.

23 MR. REDDING: Your Honor, as you well know, Sheriff  
24 Anthony has taken over as of yesterday, and it's not going to  
25 be the policy of Sheriff Anthony's administration to

1 arbitrarily use the power of the sheriff lightly. And with  
2 regards to this particular situation, I don't know that the  
3 same result would have affected if, in fact, Sheriff Anthony  
4 had been in charge.

5 THE COURT: If someone is convicted of a crime,  
6 then I think the sheriff -- in a court of due process, the  
7 sheriff, then I think he is entitled to revoke the license if  
8 they have been convicted of a crime.

9 MR. REDDING: There are criteria.

10 THE COURT: What are we wasting time for?

11 (Thereupon, an order of court was made, it being a  
12 separate and distinct document.)

13 THE COURT: Court's adjourned.

14 (Thereupon, the above-entitled matter was concluded  
15 at 2:35 p.m.)

1                                    2-18-08, I hereby certify that the  
2 foregoing is a true and correct transcript of testimony taken  
3 by me in the above-entitled matter.  
4

5                                    MS/Melissa J. Little  
6                                    Melissa J. Little  
7                                    Official Court Reporter  
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Melissa J. Little  
Official Court Reporter