

APPENDIX

APPENDIX

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App. 1

APPENDIX A

SUPREME COURT OF NEW JERSEY

**C-822 September Term 2018
082155**

[Filed May 3, 2019]

In re Application for)
Permit to Carry a)
Handgun of Mark)
Cheeseman.)
)
(Mark P. Cheeseman -)
Petitioner)

ORDER

A petition for certification of the judgment in A-002412-17 having been submitted to this Court, and the Court having considered the same;

It is ORDERED that the petition for certification is denied, with costs.

WITNESS, the Honorable Stuart Rabner, Chief Justice, at Trenton, this 30th day of April, 2019.

/s/

CLERK OF THE SUPREME COURT

APPENDIX B

**NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION**

This opinion shall not “constitute precedent or be binding upon any court.” Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited.

R. 1:36-3.

**SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION**

DOCKET NO. A-2412-17T2

[Filed November 8, 2018]

IN RE APPLICATION FOR)
PERMIT TO CARRY A HANDGUN)
OF MARK CHEESEMAN.)
)

Submitted October 22, 2018 – Decided
November 8, 2018

Before Judges Gooden Brown and Rose.

On appeal from the Superior Court of New
Jersey, Law Division, Gloucester County.

Mark P. Cheeseman, appellant pro se.

Charles A. Fiore, Gloucester County Prosecutor,
attorney for respondent (Dana R. Anton, Senior
Assistant Prosecutor, on the brief).

PER CURIAM

Applicant Mark Cheeseman appeals from the December 13, 2017 Law Division order denying his application for a permit to carry a firearm pursuant to N.J.S.A. 2C:58-4. We affirm.

Obtaining a permit to carry a firearm “is the most closely-regulated aspect of gun-control laws.” In re Preis, 118 N.J. 564, 568 (1990). Pursuant to N.J.S.A. 2C:58-4, an applicant must first submit an application “to the chief police officer of the municipality in which the applicant resides, or to the superintendent,” if there is no chief of police in the municipality. N.J.S.A. 2C:58-4(c). Under N.J.S.A. 2C:58-4(c):

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in [N.J.S.A. 2C:58-3(c)], that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun.

Justifiable need is defined in the regulations adopted pursuant to N.J.S.A. 2C:58-1 to -19 as, “urgent necessity for self-protection, as evidenced by serious threats, specific threats, or previous attacks, which demonstrate a special danger to the applicant’s life that cannot be avoided by reasonable means other than by issuance of a permit to carry a handgun.” N.J.A.C. 13:54-2.4(d)(1). This codification of the “justifiable need” standard closely mirrors an earlier explanation of “need” that was laid out by our Supreme Court in Siccardi v. State, 59 N.J. 545, 557 (1971).

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Upon receiving the approval of the chief of police or superintendent, as the case may be, the application is then presented to a judge of the Superior Court of the county in which the applicant resides who “shall issue” the permit after being satisfied that the applicant is qualified and has established a “justifiable need” for carrying a handgun. N.J.S.A. 2C:58-4(d). However, if the application is denied by the chief of police or the superintendent, pursuant to N.J.S.A. 2C:58-4(e), the applicant “may request a hearing in the Superior Court of the county in which he resides . . . by filing a written request for such a hearing within [thirty] days of the denial.”

Here, Cheeseman submitted his application to the Chief of Police of Glassboro Township, where he resided. On September 27, 2017, the Chief denied the application after concluding that Cheeseman did not demonstrate “a justifiable need to carry a handgun” under the standard enunciated in Siccardi. Thereafter, Cheeseman filed a timely appeal of the Chief’s denial to the Gloucester County Superior Court.

During a hearing conducted on December 13, 2017, the Chief testified that after reviewing the application, he concluded that Cheeseman’s basis for seeking the permit was for “personal protection.” However, according to the Chief, although Cheeseman referred to “some crimes” occurring in the area where he lived, including “drug activity” and a “stabbing” in the entrance of a mini-mart, Cheeseman made no mention of any specific threat made towards him that led the Chief “to believe that [Cheeseman] was in jeopardy of any immediate violence.”

After the hearing, in an oral decision, the trial court upheld the Chief's denial, finding Cheeseman failed to demonstrate "a justifiable need" to carry a handgun. The court found no "articulated threat" was made towards Cheeseman and noted that while Cheeseman did cite to "incidences . . . in [his] general neighborhood and [his] extended neighborhood, . . . nothing [] specifically point[ed] to [his] justifiable need to carry a firearm outside of [his] home." The court also rejected Cheeseman's contention that denying his application based on his "generalized" fears violated his constitutional right under the Second Amendment. The court entered a memorializing order and this appeal followed.

On appeal, Cheeseman argues that New Jersey's system of either granting or denying carry permits "on a case-by-case basis" is contrary to the Supreme Court's holding in District of Columbia v. Heller, 554 U.S. 570 (2008), and its progeny. According to Cheeseman, "[t]he historical explanation that [N.J.S.A.] 2C:58-4's 'justifiable need' is synonymous with [Heller's] lawful purpose simply allows the [c]ourt to sever the [Siccardi] [r]ule and [N.J.A.C. 13:54-2.4(d)(1)] from the statute which would follow the precedent set forth by SCOTUS." In In re Pantano, 429 N.J. Super. 478 (App. Div. 2013), we rejected similar arguments, and concluded that "Heller would not affect the constitutionality of N.J.S.A. 2C:58-4." Id. at 487. We discern no basis to reach a different conclusion here.

The issue in Heller was whether the Second Amendment protects only the right to possess and carry a firearm in connection with military

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service or also protects an individual's right to possess a firearm for other purposes such as self-defense and hunting. The Court held that the Second Amendment protects an individual right to keep and bear firearms, and that this holding required invalidation of District of Columbia statutes that totally prohibited handgun possession in the home and required any lawful firearm in the home to be disassembled or bound by a trigger lock, thus rendering it inoperable.

[In re Dubov, 410 N.J. Super. 190, 196-97 (App. Div. 2009) (citations omitted).]

The United States Supreme Court later held that the Second Amendment right is “fully applicable” to the states through the Fourteenth Amendment. McDonald v. City of Chicago, 561 U.S. 742, 750 (2010).

Beginning “with the premise that ‘statutes are presumed constitutional,’” in Pantano, we hesitated “to find a constitutional infirmity absent clear expression of the law from the United States Supreme Court, particularly where it would disturb settled law.” 429 N.J. Super. at 487 (quoting Whirlpool Props., Inc. v. Dir., Div. of Taxation, 208 N.J. 141, 175 (2011)). We noted that federal district courts, including New Jersey's, and other courts have “concluded that our state law governing permits to carry handguns does not ‘burden any protected conduct’ under the Second Amendment,” id. at 488 (quoting Piszczatoski v. Filko, 840 F. Supp. 2d 813, 829 (D.N.J. 2012), aff'd, Drake v. Filko, 724 F.3d 426 (3d Cir. 2013)), and “a statute prohibiting carrying a handgun outside the home without a permit was not at odds with Heller or

McDonald.” Ibid. (citing Williams v. State, 10 A.3d 1167, 1169, 1177 (Md. 2011)). Rather, “Heller addressed only the right to bear arms in the home,” and “[t]he language of Justice Scalia’s majority opinion deliberately limited the scope of the right recognized to the home.” Ibid. (quoting Piszczatoski, 840 F. Supp. 2d at 821).

We acknowledged that “[o]ther courts have observed that the application of the Second Amendment to possession of firearms outside the home is at least uncertain.” Id. at 489. We also recognized that in Kachalsky v. County of Westchester, 701 F.3d 81, 93-101 (2d Cir. 2012), the Second Circuit upheld the constitutionality of a New York law requiring a person seeking an unrestricted permit to carry a concealed handgun in public to show “proper cause,” despite the burden placed on the permit applicant. Pantano, 429 N.J. Super. at 489-90. We noted the similarity between “New York’s ‘proper cause’ requirement” and “New Jersey’s statutory requirement of ‘justifiable need.’” Id. at 489.¹

Since we decided Pantano, the Third Circuit upheld the constitutionality of the justifiable need requirement in Drake, 724 F.3d at 429, concluding that it was a “‘longstanding’ regulation” that “does not burden

¹ We also acknowledged that the Seventh Circuit Court of Appeals extended the Second Amendment right to carry a handgun outside the home in Moore v. Madigan, 702 F.3d 933, 942 (7th Cir. 2012). There, “[i]n setting aside an Illinois law that banned concealed carrying of weapons, the court contrasted the Illinois law with New York’s law held constitutional in Kachalsky.” Pantano, 429 N.J. Super. at 490 n.2.

conduct within the scope of the Second Amendment’s” protections. Acknowledging that its inquiry could simply stop there, the Third Circuit expounded that “New Jersey’s schema takes into account the individual’s right to protect himself,” through “careful case-by-case scrutiny of each application,” and though “[o]ther states have determined that it is unnecessary to conduct the careful, case-by-case scrutiny . . . before issuing a permit to publicly carry a handgun,” New Jersey’s “individualized, tailored approach” would pass constitutional muster. Id. at 439.

Thus, here, as in Pantano, we conclude that “given the presumption of our law’s constitutionality, the lack of clarity that the Supreme Court in Heller intended to extend the Second Amendment right to a state regulation of the right to carry outside the home, and the Second [and Third] Circuit’s explicit affirmation,” N.J.S.A. 2C:58-4’s case-by-case schema, requiring a showing of justifiable need, withstands constitutional scrutiny post-Heller and its progeny. Pantano, 429 N.J. Super. at 490. See also In re Wheeler, 433 N.J. Super. 560, 613 (App. Div. 2013) (holding that the “justifiable need” requirement does not violate the Second Amendment).

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.

/s/

CLERK OF THE APPELLATE DIVISION

APPENDIX C

PREPARED BY: THE COURT

**SUPERIOR COURT OF NEW JERSEY
COUNTY OF GLOUCESTER
LAW DIVISION - CRIMINAL PART**

CRIMINAL ACTION

[Filed December 13, 2017]

APPLICATION FOR PERMIT)
TO CARRY HANDGUN)
)
Mark Cheeseman)
34 State Street)
Glassboro, NJ 08028)
)

**ORDER DENYING PERMIT TO
CARRY HANDGUN**

THIS MATTER, having come before the Court on the appeal of the application of **Mark Cheeseman**, Pro Se and **Michael Mellon**, Assistant Prosecutor, appearing on behalf of the State of New Jersey; and the Court having considered the applicant's papers, and the Prosecutor's comments; and for good cause shown;

IT IS, on this 13th day of December, 2017, ORDERED as follows:

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1. The application for a New Jersey Firearms Permit to Carry of **Mark Cheeseman**, is hereby ***Denied***; and

2. This order shall be filed with the Clerk in the Office of Criminal Case Management in Gloucester County, and a copy served upon the applicant, and Deputy Chief Franklin Brown of the Glassboro Police Department.

/s/Kevin T. Smith

Kevin T. Smith, J.S.C.

Gloucester County Justice Complex,
70 Hunter Street, 3rd Floor
Woodbury, NJ 08096; 856-686-7540

Name: Mark Cheeseman

DOB: XX/XX/1964

SS#: XXX-XX-7225

SBI#: 491369D

APPENDIX D

**CONSTITUTIONAL PROVISIONS,
STATUTES AND REGULATIONS INVOLVED**

U.S. Const. amend. II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

U.S. Const. amend. XIV, §1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

N.J. Stat. Ann. §2C:39-5

Unlawful possession of weapons

b. Handguns. (1) Any person who knowingly has in his possession any handgun, including any antique handgun, without first having obtained a permit to carry the same as provided in N.J.S.2C:58-4, is guilty of a crime of the second degree. (2) If the handgun is in the nature of an air gun, spring gun or pistol or other

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weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person it is a crime of the third degree. . . .

N.J. Stat. Ann. §2C:39-6

Exemptions

e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where the firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice,

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carrying firearms necessary for target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

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(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section; . . .

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard.

g. Any weapon being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances. . . .

N.J. Stat. Ann. §2C:58-4

Permits to carry handguns

a. Scope and duration of authority. Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in all parts of this State, except as prohibited by subsection e. of N.J.S.2C:39-5. One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit.

All permits to carry handguns shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of his employment by the company occurring prior thereto whichever is earlier in time, and they may thereafter be renewed every two years in the same manner and subject to the same conditions as in the case of original applications.

b. Application forms. All applications for permits to carry handguns, and all applications for renewal of permits, shall be made on the forms prescribed by the superintendent. Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant, and any other information the superintendent may prescribe for the determination of the applicant's eligibility for a permit and for the proper enforcement of this chapter. The application shall be signed by the applicant under oath, and shall be indorsed by three reputable persons who have known the applicant for at least three years preceding

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the date of application, and who shall certify thereon that the applicant is a person of good moral character and behavior.

c. Investigation and approval. Each application shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent, (1) if the applicant is an employee of an armored car company, or (2) if there is no chief police officer in the municipality where the applicant resides, or (3) if the applicant does not reside in this State. The chief police officer, or the superintendent, as the case may be, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification. He shall also determine and record a complete description of each handgun the applicant intends to carry.

No application shall be approved by the chief police officer or the superintendent unless the applicant demonstrates that he is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun.

Each application form shall be accompanied by a written certification of justifiable need to carry a handgun, which shall be under oath and, in the case of a private citizen, shall specify in detail the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a

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special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. Where possible, the applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of the incidents to the appropriate law enforcement agencies.

If the application is not approved by the chief police officer or the superintendent within 60 days of filing, it shall be deemed to have been approved, unless the applicant agrees to an extension of time in writing.

d. Issuance by Superior Court; fee. If the application has been approved by the chief police officer or the superintendent, as the case may be, the applicant shall forthwith present it to the Superior Court of the county in which the applicant resides, or to the Superior Court in any county where he intends to carry a handgun, in the case of a nonresident or employee of an armored car company. The court shall issue the permit to the applicant if, but only if, it is satisfied that the applicant is a person of good character who is not subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe handling and use of handguns, and that he has a justifiable need to carry a handgun in accordance with the provisions of subsection c. of this section. The court may at its discretion issue a limited-type permit which would restrict the applicant as to the types of handguns he may carry and where and for what purposes the handguns may be carried. At the time of issuance, the applicant shall pay to the county clerk of the county where the permit was issued a permit fee of \$20.

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e. Appeals from denial of applications. Any person aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which he resides or in any county in which he intends to carry a handgun, in the case of a nonresident, by filing a written request for a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent, the county prosecutor, and the chief police officer of the municipality where the applicant resides, if he is a resident of this State. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination at the hearing shall be in accordance with law and the rules governing the courts of this State.

If the superintendent or chief police officer approves an application and the Superior Court denies the application and refuses to issue a permit, the applicant may appeal the denial in accordance with law and the rules governing the courts of this State.

f. Revocation of permits. Any permit issued under this section shall be void at the time the holder thereof becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and the holder of a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority.

Any permit may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the

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issuance of a permit. The county prosecutor of any county, the chief police officer of any municipality, the superintendent, or any citizen may apply to the court at any time for the revocation of any permit issued pursuant to this section.

N.J. Admin. Code §13:54-2.4

Application for a permit to carry a handgun

(a) Every person applying for a permit to carry a handgun shall furnish such information and particulars as set forth in the application form designated SP 642. The application shall be signed by the applicant under oath and shall be endorsed by three reputable persons who have known the applicant for at least three years preceding the date of application, and who shall also certify thereon that the applicant is a person of good moral character and behavior. Applications can be obtained at police departments and State Police stations.

(b) Each applicant shall demonstrate a thorough familiarity with the safe handling and use of handguns by indicating in the space provided therefor on the application form, and on any sworn attachments thereto, any relevant information. Thorough familiarity with the safe handling and use of handguns shall be evidenced by:

1. Completion of a firearms training course substantially equivalent to the firearms training approved by the Police Training Commission as described by N.J.S.A. 2C:39-6j;

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2. Submission of an applicant's most recent handgun qualification scores utilizing the handgun(s) he or she intends to carry as evidenced by test firings administered by a certified firearms instructor of a police academy, a certified firearms instructor of the National Rifle Association, or any other recognized certified firearms instructor; or

3. Passage of any test in this State's laws governing the use of force administered by a certified instructor of a police academy, a certified instructor of the National Rifle Association, or any other recognized certified instructor.

(c) The information in (b) above shall be accompanied and validated by certifications of the appropriate instructor(s).

(d) Each application form shall also be accompanied by a written certification of justifiable need to carry a handgun, which shall be under oath and which:

1. In the case of a private citizen, shall specify in detail the urgent necessity for self-protection, as evidenced by specific threats or previous attacks, which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. Where possible, the applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of such incidents to the appropriate law enforcement agencies; or

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2. In the case of employees of private detective agencies, armored car companies and private security companies, that:

i. In the course of performing statutorily authorized duties, the applicant is subject to a substantial threat of serious bodily harm; and

ii. That carrying a handgun by the applicant is necessary to reduce the threat of unjustifiable serious bodily harm to any person.

(e) The completed application together with two sets of the applicant's fingerprints and fees as established by N.J.A.C. 13:59 in accordance with N.J.S.A. 53:1-20.5 et seq., four photographs (1 1/2 x 1 1/2 square), a consent for mental health records search form designated S.P. 66, and a permit fee of \$ 20.00 payable to the County Clerk where the permit is to be issued shall be submitted to the chief police officer of the municipality in which the applicant resides, or the Superintendent:

1. If there is no chief police officer in the municipality where the applicant resides; or

2. If the applicant is a non-resident of this State or if the applicant is an employee of an armored car company.

(f) An application for a permit to carry a handgun shall be prioritized and be investigated on an expedited basis and approved or disapproved without undue delay, within 14 days if possible, under the following circumstances:

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1. The applicant is a private citizen who applies for a permit to purchase a handgun and/or a firearm purchaser identification card contemporaneously with the application for a permit to carry a handgun or who has previously obtained a handgun purchase permit from the same licensing authority; and

i. Has been the victim of an act of violence that resulted in the infliction of serious or significant bodily injury, or was credibly threatened with an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or subjected to an incident in which the actor was armed with and used a deadly weapon or threatened by word or gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1.c against the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form (S.P. 398), and any other information revealed in the investigation of the application, that the applicant will in the foreseeable future be subjected to another such incident; or

ii. Is protected by a court order or under a condition imposed by the court restraining another person from contact with the applicant, and there is a substantial likelihood, based on the information presented in the applicant's State of New Jersey Request for Expedited Firearms Application form and any other information revealed in the investigation of the

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application, that the applicant will in the foreseeable future be subjected to an act of violence that if carried out would result in the infliction of serious or significant bodily injury, or be subjected to an incident in which the actor is armed with and would use a deadly weapon or threaten by word or gesture to use a deadly weapon as defined in N.J.S.A. 2C:11-1.c against the applicant;

2. An applicant who meets the criteria in (f)1i or ii above shall be deemed to have demonstrated justifiable need (as set forth in N.J.A.C. 13:54-2.3(a)3); and

3. Approval of an expedited firearms application request does not automatically denote approval for a permit to carry a handgun. All applicants are subject to the provisions set forth in this chapter for final approval and issuance of cards and permits.

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APPENDIX E

GLASSBORO POLICE DEPARTMENT

**1 SOUTH MAIN STREET GLASSBORO, NJ 08028
RECEPTION: (856) 881-1501 FAX: (856) 881-6872**

September 27, 2017

Mark P. Cheeseman
34 State Street
Glassboro, New Jersey

Dear Mr. Cheeseman:

I have received your application for a permit to carry a handgun and the documentation that you have provided to support this request. Upon my review of your application, supporting documents and the firearms background investigation report, I have concluded that you have not demonstrated a justifiable need to carry a handgun; therefore, I am denying your application.

The courts have determined the following as a result of *Siccardi v. State of NJ*:

“The applicant shall specify in detail the **urgent necessity for self-protection, as evidenced by specific threats or previous attacks** which demonstrate a special danger to the applicant’s life that cannot be avoided by means other than by issuance of a permit to carry a handgun. Where possible, the

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applicant shall corroborate the existence of any specific threats or previous attacks by reference to reports of such incident to the appropriate law enforcement agencies.”

I do not believe that your “notarized certification of need” meets the requirement as established by the courts.

Under New Jersey 2C:58-4e you have thirty (30) days to appeal this denial by writing to the Superior Court of Gloucester County and requesting a hearing.

Respectfully,

/s/Franklin S. Brown, Jr.

Franklin S. Brown, Jr.

Chief of Police