

IN THE CIRCUIT COURT FOR HARFORD COUNTY
PETITION OF STEPHEN E. UHRIG

FOR JUDICIAL REVIEW OF THE DECISION OF THE
HANDGUN PERMIT REVIEW BOARD
6776 Reisterstown Road, Suite 313
Baltimore, MD 21215-2341

IN THE CASE OF STEPHEN E. UHRIG
CASE NO. 04-4035 (MSP No. 438-60558)

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CIVIL
ACTION
No. 12-C-05-000835

STATEMENT IN LIEU OF RECORD

Petitioner **Stephen E. Uhrig**, by his attorney, John J. Condliffe, Esq. and Respondent, Maryland State Police, by its attorney, Mark H. Bowen, Assistant Attorney General, pursuant to Md. Rule 7-206(b) jointly submit this Statement In Lieu of Record. The parties offer the following facts relevant to this appeal:

1. On February 19, 2004, Mr. Stephen E. Uhrig filed an application with the Maryland State Police ("MSP") to renew his handgun carry permit pursuant to Title 5, Subtitle 3 of the Public Safety Article, Annotated Code of Maryland.

2. During the processing of the renewal application, it was determined that Mr. **Uhrig** **was convicted of the offense of common law battery on July 9, 1982.**

3. On June 30, 2004, Uhrig's application was denied on the basis that his 1982 battery conviction disqualified him from possessing a firearm under federal law.

4. On March 16, 2005, a hearing on the MSP determination to deny Mr. Uhrig's renewal application was held before the Board.

5. Trooper Cusimano testified the decision to deny Uhrig's concealed weapon permit renewal by the Maryland State Police was based solely and entirely on the state's interpretation of U.S. v. Coleman. Trooper Cusimano testified absent this change in policy, both he personally

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as the trooper conducting the investigation on Mr. Uhrig's renewal as well as the Maryland State Police as an agency would have renewed Mr. Uhrig's concealed weapon permit which he has held more or less continuously for approximately 25 years. Trooper Cusimano further testified on cross examination Maryland State Police recognized and approved the factual basis of Mr. Uhrig's need for a concealed weapon permit. Trooper Cusimano also agreed Maryland State Police had granted Mr. Uhrig's permit on the basis of possible danger due to his work for well over 20 years. Mr. Uhrig has held a concealed weapons permit longer than state police has been keeping records of permit holders.

6. Mr. Uhrig testified before the board there have been no complaints in any manner regarding his carrying of a weapon for the decades he has had a concealed weapons permit from Maryland State Police. He also explained his work in law enforcement agency technical services, and the classified/restricted electronic surveillance and intelligence gathering products he manufactures, services, instructs upon and transports for governments, law enforcement and military agencies worldwide. All these products are manufactured originally in Maryland.

Mr. Uhrig further produced numerous letters of reference from local, state and federal law enforcement, governments and military agencies from several countries attesting to his responsibilities, ethics, character, and the fact they both know he is armed and in fact require him to be armed in order for him to work for them in his specialized areas. Specific reference was made to Uhrig's providing the electronics needed to track the ransom payment in a high profile kidnap/hostage recovery operation of a political figure.

Mr. Uhrig also presented a letter from Senator Hooper who is familiar with Uhrig's business, stating refusing Uhrig's handgun permit renewal would deny much needed technical resources to the numerous Maryland law enforcement agencies who depend heavily upon his

services in the furtherance of their duties.

Uhrig further testified as to the circumstances regarding the 1982 (some 23 years ago) battery conviction which resulted in this series of appeals, explaining he discovered a naked man having broken into his home at 2AM. Uhrig merely ordered the naked man out of his house, however Uhrig, in his own home for his own protection against a proven threat, had armed himself before confronting the housebreaker and ordering him to leave the premises. At no time was there physical contact between the parties much less shots fired, nor did Uhrig even point his weapon at the intruder. However the housebreaker subsequently charged Uhrig with battery. Uhrig improperly accepted the advice of a fledgling group legal service attorney and pled guilty to the charge which remains to this day as the only criminal charge on his record. Uhrig testified his probation was converted to unsupervised and he was discharged early from probation, and the handgun confiscated by police was returned to him in spite of his having been convicted. This simple, nonviolent act is the heart of this entire matter. Uhrig commented he has received numerous handgun permit renewals from Maryland State Police subsequent to the incident, and in fact had a handgun carry permit (not needed as he was inside his home during the entire incident) at the time of the incident which was not withdrawn during or after and was renewed as normal at the time it expired.

Uhrig also commented his lack of a handgun permit substantially affects his ability to accept work from certain clients, impacting his ability both to serve his clients and to earn his living. Uhrig testified he also holds an explosives' shooter's license from the Maryland State Police Bomb Squad which authorizes him to transport entertainment pyrotechnics, be lead shooter and control all aspects of handling and shooting these pyrotechnics (fireworks) at large public fireworks shows such as are held on the 4th of July. Uhrig's position can task him with

escorting the transport of hundreds of pounds of explosives in placarded/marked trucks, undoubtedly drawing the attention of potential terrorists. Uhrig noted he has passed every screening of DHS and ATF and all background checks they require of those who transport and conduct fireworks shows. Absent the gun permit and the ability to be armed while responsible for hundreds, perhaps thousands of pounds of explosives in transit to a public viewing, Uhrig is uncomfortable with both his safety, that of his contracted employees, and the public should the wrong people decide they wish to seize the explosives.

7. Mr. Robert Hoffman, a Maryland State Police-licensed private detective and former President of the Maryland Investigators and Security Association (MISA) testified he has known Uhrig both personally and professionally, and used his services for over 20 years. Hoffman further testified he knows of many other private detectives and security firms who have used Uhrig's products and services to solve investigations and protect property in ways which would be unworkable or impractical absent Uhrig's services. Hoffman also mentioned Mr. Uhrig holds the position of Technology Manager with MISA, a position giving him access to confidential investigative information at high levels.

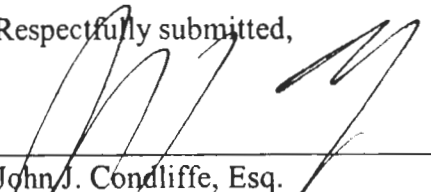
8. Patrick M. Scolla PhD, a Principal Research Scientist for the U.S. Army Edgewood Arsenal is assigned to the Chemical and Biological Defense Information Analysis Center. Dr. Scolla testified he has known Mr. Uhrig professionally and later personally, for several years. Dr. Scolla stated County Executive Jim Harkins has named Uhrig as the new appointee to a position known as RACES Officer, with Dr. Scolla appointed as Uhrig's deputy in a Harford County Government position having to do with backup radio communications support in case of an emergency declared by Governor Ehrlich or County Executive Harkins affecting Harford County. Dr. Scolla mentioned he had recommended Uhrig for the position, with himself (Scolla)

to be appointed as Uhrig's deputy. Uhrig will work directly for the **Emergency Manager of the Harford County Division of Emergency Operations at the Emergency Operations Center in Hickory, Maryland. This is a DHS/FEMA appointment.** In this position, Uhrig has full **unescorted access** to and is responsible for all backup radio communications equipment at the **county Emergency Operations Center,** controls and approves access of personnel to the EOC, is responsible for funding, maintenance and ultimately to operate his portion of the EOC if activated by the government. **Dr. Scolla testified the EOC is a secure area,** is the governor's regional office and the county's nerve center of emergency management. Dr. Scolla testified he recommended Uhrig for the position based on his observation and confidence in Uhrig/s judgement, morals, ethics and responsibility.

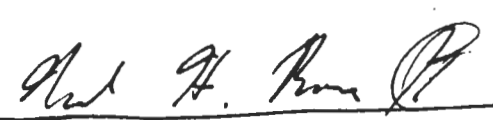
9. The board asked several questions about Uhrig's background and work which he answered to their satisfaction. Questioning by several board members implied a desire to determine whether the new policy under U.S. v. Coleman had to be applied in this case.

10. On March 23, 2005, the Board issued its decision **upholding the denial** of Mr. Uhrig's renewal application. See attached Decision of Handgun Permit Review Board.

Respectfully submitted,



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