

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

GUN OWNERS OF AMERICA, INC.,)
GUN OWNERS FOUNDATION, and)
RICHARD HUGHES,)
)
Plaintiffs,)

v.)

Civil Action No. _____

SHERIFF KEITH PEARSON, in his official)
capacity as Sheriff of St. Lucie County, the)
ST. LUCIE COUNTY SHERIFF'S OFFICE,)
THOMAS BAKKEDAHL, in his official capacity)
as the State Attorney for the 19th Judicial Circuit of)
Florida, and the STATE ATTORNEY'S OFFICE)
for the 19th Judicial Circuit of Florida,)
)
Defendants.)

_____)

DECLARATION OF RICHARD HUGHES

1. My name is Richard Hughes. I am a U.S. citizen and resident of the State of Florida, and I live in Jupiter, Palm Beach County, Florida.

2. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

3. I am a law-abiding person, eligible to possess firearms under state and federal law. I am an avid gun owner and supporter of the right to keep and bear arms. I am a member of Gun Owners of America and a supporter of Gun Owners Foundation. I currently hold a valid, unexpired Florida Concealed Weapon License.

4. I routinely carry a firearm with me as I go about my daily life. However, I am forced by Florida law to conceal that firearm from public view, or else risk arrest and prosecution. That is because Florida has a statute that restricts the ability of a law-abiding citizen to carry a firearm openly. Notwithstanding the fact that I already have obtained a Concealed Weapon License, and thus have been through the background check and other attendant requirements proving my law-abiding status and eligibility to carry a concealed firearm, Florida sees fit to restrict my Second Amendment right to carry a firearm openly.

5. Living in Florida, it is at times difficult for me to carry a concealed firearm due to the often-extreme heat. This typically means either that I must wear larger, baggier clothing to effectively conceal my firearm, or carry a smaller, less effective (less capacity, decreased controllability, etc.) handgun to protect myself and my family while I am outside of my home.

6. Oftentimes, I desire to carry a full-size handgun, however I cannot reasonably conceal such a firearm while wearing Florida-appropriate clothing. If I were to carry a full-size handgun, I would have to either wear additional layers of clothing to conceal the firearm on my person, or carry the firearm in some sort of pack worn about my person. Neither is a reasonable solution.

7. First, wearing a pack constantly on my body during Florida summer days is sweaty and extremely uncomfortable. Carrying a firearm in a backpack is also a terrible option due to the “bag check” policy of many Florida stores.

8. But more importantly, a pack is not a reasonable way to carry a firearm, because it significantly delays my ability to employ my handgun for self-defense, if the need arose. In other words, a pack slows my response time to effectively draw my handgun from concealment.

9. Moreover, carrying a firearm in a pack poses a security risk, as a snatch-and-run thief could separate me from my handgun rather easily. Indeed, the best and safest place for me to carry is on my person, where I maintain constant control over my firearm.

10. I have engaged in a significant amount of firearms training over the years. I recently took a course focused on grappling, weapons retention, and close-quarters shooting provided by Larry Stevenson, a former member of the Gang Unit at the Denver Police Department, a certified weapons instructor who specializes in close-quarters combat.

11. As a result of my training, I am able to draw and fire an aimed shot within two seconds, while carrying a firearm concealed on my body. And when openly carrying that same firearm outside of my clothing, I can accomplish the same task in just over one second. But when that same firearm is stowed inside a pack worn on my body, my time to access it would increase to nearly three to five seconds – or perhaps more, depending. Simply put, carrying a firearm openly, while perhaps presenting other disadvantages, is the quickest way to respond effectively to a deadly threat.

12. Nevertheless, Florida has chosen to deny its residents one of the most efficient methods of defending themselves from harm, including from criminals who do not obey the law.

13. In other words, due to Florida's ban on the open, visible carry of firearms, I am left with concealed carrying a smaller, less effective handgun. My right to bear arms is infringed, and my ability to defend myself and my family is impeded. And even if I carried openly pursuant to any of the limited exceptions available, I am aware that these exceptions are actually "affirmative defenses" to my prosecution and not true exceptions for the purpose of openly carrying firearms.

14. Were it not for the statute challenged in this case, I would at times choose to openly carry a firearm in public. Carrying a concealed firearm in Florida is at times difficult for the reasons

stated above, and if I were allowed to exercise my Second Amendment right to carry a firearm openly, this would enable me to carry in a way that is best for me, including the ability to carry a full-size handgun rather than a smaller handgun which is a less effective option.

15. Although I live in Palm Beach County, and engage in much of my daily life there, I also routinely find myself in St. Lucie County for shopping, events, restaurants, gun shows, etc.

16. For instance, I visit the Oxbow Eco-Center in Port St. Lucie with my dogs at least once a month. In Jupiter, Florida, where I live, there are not many “dog friendly” places that I can visit with my pets so that we can enjoy the outdoors together. While visiting Oxbow, a fairly rural park, I am able to walk the trails with my dogs who enjoy running around and playing outdoors. Given how hot it is outside, and since I must keep my firearm concealed at all times, I usually carry a smaller firearm when I visit. Oftentimes that is a subcompact firearm carried in a holster in a pocket. However, given that my dogs and I are outdoors, and that Florida has a large animal population, I would greatly prefer to carry a full-size handgun that can be more effectively employed. For example, I know that there are black bears, alligators, and deadly snakes in the area, including potentially near, around, and within the Oxbow Eco-Center.

17. In fact, I am aware that, last year, an 85-year-old woman was killed by an alligator while walking near a lake in St. Lucie County.¹ Florida is apparently the “third-deadliest state for animal attacks” in the United States and is also the home to bears² and, in some locations, even a type mountain lion – the Florida panther.³

¹ Peter Burke & Dave Bohman, *Family of Woman, 85, Killed by Alligator at Spanish Lakes Fairways Sues Community*, *WPTV 5* (Jan. 25, 2024), <https://tinyurl.com/4k225yhj>.

² Joshua Ceballos, *Florida's the Third Deadliest State for Animal Attacks*, *Miami New Times* (Sept. 22, 2021), <https://tinyurl.com/z49eatdz>.

³ *Florida's Mountain Lions*, *Mountain Lion Found.*, <https://tinyurl.com/2zx5dusn> (last visited Aug. 1, 2024).

18. Being as my dogs are small (Chihuahua and Dachshund mixes), they are little more than bite-sized morsels for the large predators I may encounter while out in nature with them. While in such rural areas, but for the challenged statute, I would choose to openly carry a full-size .45 or 10mm⁴ caliber firearm for self-defense – *i.e.*, a handgun that is effective for defense against large animals, but too large for me to carry concealed.

19. I also regularly attend the Great American Port St. Lucie Gun Show, and plan on attending the next gun show on September 21st through the 22nd, 2024. During my past visits to the gun show, sometimes I would rent a table, and other times I would attend just to look around. I usually go to the gun show to buy and sell. When I visit the gun show, my firearm is unloaded and a zip tie is placed through the barrel to demonstrate that it is unloaded. However, it is still illegal under Florida law for me to carry this firearm openly, and thus, I am required to carry my unloaded firearm in some other concealed manner. I would rather carry my firearm in a holster, even unloaded, but cannot because it is illegal to do so. If it were not illegal, I would attend gun shows openly carrying a firearm.

20. Additionally, I often stop for gas on the Florida Turnpike at the Port St. Lucie Fort Pierce Service Plaza, such as when heading to a gun show or bringing my dogs to the Oxbow Eco-Center. I would carry my firearm openly while pumping my gas or otherwise using the facilities at the Service Plaza, but I refrain as it is illegal to openly carry there.

21. I am aware that the St. Lucie County Sheriff's Office recently made a public posting on social media declaring that open carry remains illegal across Florida, despite becoming a so-called "constitutional carry" state for concealed carry only. Thus, I fear that, should I openly carry a

⁴ See, e.g., Sam Kezar & Andrew McKean, *Charged by a Grizzly: A 10mm Glock (and Serious Practice) Saved My Life*, Outdoor Life (Aug. 25, 2022), <https://tinyurl.com/2t5dau8c>.

firearm in St. Lucie County (open for all to see), I will be stopped by law enforcement, arrested, and criminally charged for exercising my constitutionally enumerated right to keep and bear arms.

22. If openly carrying a firearm were legal in Florida, I would openly carry my firearm, at various times of my choosing for a variety of reasons, including as a preventative measure to dissuade would-be attackers. However, I currently refrain from openly carrying my larger firearms due to the fact that it is illegal, and thus, due to fear of arrest and prosecution, I must carry a smaller, less effective handgun to comply with Florida's unconstitutional law.

I, Richard Hughes, declare under penalty of perjury that the foregoing is true and correct.

8/1/2024
DATE


RICHARD HUGHES