

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CRAIG PHILIPS;
GUN OWNERS OF AMERICA, INC.; and
GUN OWNERS FOUNDATION,

Plaintiffs,

v.

LT. COL. GEORGE L. BIVENS, in His
Official Capacity as Acting Commissioner
of the Pennsylvania State Police; and
SHERIFF MICHAEL T. SLUPE, in His
Official Capacity as the Butler County Sheriff,

Defendants.

Civil Action No. _____

DECLARATION OF CRAIG RICHARD PHILIPS

1. My name is Craig Richard Philips. I am a U.S. citizen and resident of Pennsylvania. 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.

2. I am an adult individual who resides in Butler County, Pennsylvania.

3. My date of birth is July 28, 1969.

4. I served in the United States Air Force and was honorably discharged in 1992.

5. I was previously employed by the U.S. Department of Veterans Affairs for approximately 12 years and recently retired in good standing.

6. I am a member of Gun Owners of America in good standing.

7. I am familiar with and am a supporter of Gun Owners Foundation.

8. In 1992 I was convicted of Driving Under the Influence of Alcohol, a misdemeanor of the second degree. That conviction does not impact my firearms rights under Pennsylvania or federal law.

9. In 1994 I was convicted of Driving Under the Influence of Alcohol, a misdemeanor of the second degree. That conviction does not impact my firearms rights under Pennsylvania or federal law.

10. In that same case, I was also convicted of Possession of a Small Amount of Marijuana.

11. By letter dated October 18, 2024, the Butler County Sheriff's Office denied my application for a License to Carry Firearms ("LTCF") based solely on a Pennsylvania Instant Check System ("PICS") denial issued by Pennsylvania State Police ("PSP").

12. Upon information and belief, the sole reason PSP denied my PICS check was my 1994 conviction for Possession of a Small Amount of Marijuana.

13. I am eligible to own and possess firearms under Pennsylvania law.

14. I am eligible to own and possess firearms under federal law.

15. I have previously purchased firearms through a Federal Firearms Licensee ("FFL") in Pennsylvania, and thus, have passed PICS checks in that context.

16. Without an LTCF, I am substantially restricted from carrying or transporting a firearm in a vehicle, carrying a firearm in the City of Philadelphia, carrying a firearm for protection during a declared state of emergency, and otherwise bearing arms in ordinary public life. See 18 Pa.C.S. §§ 6106, 6107, 6108, 6109.

17. Despite being eligible under both state and federal law to acquire and possess firearms, I remain unable to obtain an LTCF, and thus unable to bear arms in public for lawful self-defense, solely because of my 1994 conviction for Possession of a Small Amount of Marijuana.

18. That conviction triggers a § 6109(e)(1) disqualification but does not render me ineligible to possess firearms.


19. I do not present any current, individualized evidence of dangerousness, and remain a law-abiding citizen entitled to the protections of the Second Amendment.

20. But for the challenged disqualification and the criminal penalties associated with carrying a firearm without a license, see 18 Pa.C.S. §§ 6106, 6107, 6108, I would obtain a License to Carry Firearms and would carry a firearm in public for lawful self-defense throughout Pennsylvania.

21. Namely, but for the challenged disqualification and the criminal penalties associated with carrying a firearm without a license, I would obtain a License to Carry Firearms and carry a concealed firearm for lawful self-defense, carry and transport a firearm in my vehicle for lawful purposes beyond the enumerated exceptions, carry a firearm in Philadelphia for lawful self-defense, and carry a firearm for lawful protection during a declared state of emergency.

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

DATE



CRAIG RICHARD PHILIPS