



Court Orders North Carolina Sheriff to Stop Delaying Gun Permits

Using the Covid pandemic and surging gun sales as an excuse, Mecklenburg, North Carolina, County Sheriff Garry McFadden delayed issuing gun purchase and concealed-carry permits for up to a year. On Monday, the judge for the Superior Court [ordered him to stop delaying](#) the issuance of those permits:



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After considering the pleadings and other sworn testimony of the parties and after hearing the arguments of counsel, the Court finds as a fact the Sheriff and his office have not issued handgun permits in accordance with the time frames set forth in the applicable statutes.

As a result, the constitutional rights of the Plaintiffs to bear arms have been infringed and Plaintiffs are entitled to preliminary relief.

Those plaintiffs include Gun Owners of America (GOA) and Grass Roots North Carolina (GRNC), along with individuals whose rights were violated by the sheriff and his staff.

The judge added:

Furthermore, the Court concludes as a matter of law Plaintiffs have shown a likelihood of success on the merits and are likely to suffer irreparable harm in the absence of injunctive relief ... it is therefore ordered that the Plaintiffs' Motion is GRANTED.

The motion granted now requires the sheriff and his staff:

- 1.) to process pistol purchase permit applications within the 14 days required by North Carolina statute;
- 2.) to process concealed handgun permit applications within the 45 days required by statute;
- 3.) to request mental health records to process concealed handgun applications within 10 days as required by statute; and
- 4.) to process fingerprints for concealed handgun permits within 5 business days.

GRNC President Paul Valone celebrated the ruling:



Written by [Bob Adelman](#) on May 10, 2022

In violation of North Carolina law, Sheriff Garry McFadden has been dragging his feet in processing North Carolina pistol purchase permits and concealed handgun permits, often taking up to a year to issue permits and preventing lawful North Carolinians from buying and carrying handguns for defense of themselves and their families.

We believe this order sends a clear message to sheriffs in Guilford, Mecklenburg and Wake counties, among others, that obstructing lawful citizens from exercising the right to keep and bear arms will no longer be tolerated.

To ensure compliance by a sheriff who has so far dragged his feet, Grass Roots North Carolina advises anyone whose fingerprints are not taken within five business days of completing a concealed handgun application to contact us immediately.

The ruling fails to address the issue of the infringement built into the statutory law that a citizen of North Carolina be required to get permission in the first place. A person ought to be free to decide whether to purchase, keep, bear, and carry a firearm depending on his own personal circumstances. Where does the Constitution allow or require fingerprinting, a mental-health check, or a “background” check, before a law-abiding citizen can exercise that right spelled out in the Second Amendment?

“This case,” wrote Cam Edwards at Bearing Arms, “is yet more proof that we the people shouldn’t have to obtain a state-issued permission slip before exercising a constitutionally-protected right in the first place.” He added:

Why should our rights be put on hold because our county sheriff is having staffing issues?

That’s one thing you never have to worry about with Constitutional Carry.

At present, more than two dozen states allow constitutional carry. Perhaps this ruling in North Carolina will galvanize the state legislature to pass such a measure, make Monday’s ruling obsolete, and take sheriffs of all North Carolina counties out of the picture altogether.



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