

COLORADO COURT OF APPEALS  
2 East Fourteenth Avenue  
Denver, Colorado 80203

District Court of El Paso County  
Judge G. David Miller  
Case No. 2008CV6492

**Appellants:** STUDENTS FOR CONCEALED CARRY ON CAMPUS, LLC, a Texas limited liability company; MARTHA ALTMAN; ERIC MOTE; and JOHN DAVIS,

v.

**Appellees:** THE REGENTS OF THE UNIVERSITY OF COLORADO; STEPHEN LUDWIG, JOSEPH NEGUSE, MONISHA MERCHANT, MICHAEL CARRIGAN, TOM LUCERO, STEVE BOSLEY, KYLE HYBL, JAMES GEDDES, and TILMAN BISHOP, all in their official capacities as Regents; JIM SPICE, in his official capacity as Chief of Campus Police, University of Colorado at Colorado Springs; PAM SHOCKLEY-ZALABAK, in her official capacity as Chancellor, University of Colorado at Colorado Springs; DOUG ABRAHAM, in his official capacity as Chief of Campus Police, University of Colorado Denver; and M. ROY WILSON, in his official capacity as Chancellor, University of Colorado Denver.

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COURT USE ONLY

Case No.:

**NOTICE OF APPEAL**

**Nature of the Controversy:** Adults trained and licensed to carry concealed handguns are authorized by Colorado law to carry in all areas of the State, except as specifically restricted by statute, and all government regulations to the contrary are expressly prohibited. C.R.S. § 18-12-201(3) (“An action or rule that encumbers the permit process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in [the Concealed Carry Act (“CCA”)] or that creates restrictions beyond those specified in [the CCA] is in conflict with the intent of [the CCA] and is prohibited.”) (emphasis added); C.R.S. § 18-12-204(1)(b) (concealed handgun permit “is effective in all areas of the state, except as otherwise provided in section 18-12-214”); C.R.S. § 18-12-214(1)(a) (concealed handgun permittee authorized to carry a concealed handgun “in all areas of the state, except as specifically limited in this section.”).

Additionally, the right to bear arms is guaranteed by article II, section 13, of the Colorado Constitution. Firearms regulations that “involve[] a broad prohibition [that] unduly infring[es] on the personal liberty of bearing arms” or “abrogate[] [the] right to legitimately use self-defense” are not a legitimate exercise of the police power and are per se unconstitutional. *People v. Blue*, 544 P.2d 385, 391 (Colo. 1975) (citing *Lakewood v. Pillow*, 501 P.2d 744 (Colo. 1972)).

It is the policy of the Appellees, Regents of the University of Colorado (“Regents”), to ignore the statutory prohibition on concealed carry regulations and the constitutional prohibition on firearms bans. The Regents ban licensed concealed carry, as well as possession of firearms generally, in all areas under the jurisdiction of the local campus police department.

Because the Regents’ firearms ban denies the basic right of self-defense guaranteed by Colorado statute and the Colorado Constitution, Appellant Students for Concealed Carry on Campus (“SCCC”) and its members, including Appellants Martha Altman, Eric Mote, and John Davis, brought suit against the Regents to enforce their rights under the law. The Regents responded by filing a motion to dismiss, pursuant to C.R.C.P. 12(b)(5).

On April 30, 2009, the district court granted the Regents’ motion to dismiss. In so doing, the district court misapplied Colorado Supreme Court precedent, ignored key portions of the CCA and related statutes, and misinterpreted SCCC’s constitutional claims.

**Judgment or Order Being Appealed:** Order of the District Court of El Paso County, granting Regents' motion to dismiss and dismissing the case, issued April 30, 2009.

**Basis for the Appellate Court's Jurisdiction:** A final order of the District Court of El Paso County. *See* C.R.S. § 13-4-102(1).

**Whether the Order Resolved All Issues Before the Trial Court:** Yes.

**Whether the Judgment was Final in Accordance with C.R.C.P. 54(b):** No further orders were necessary for finality and C.R.C.P. 54(b) is not applicable.

**Date the Order was Entered:** April 30, 2009.

**Date of Mailing Order to Counsel:** April 29, 2009.

**Whether Extension was Granted to File Motion for Post-Trial Relief:** Not applicable.

**Date Motion for Post-Trial Relief was Filed:** Not applicable.

**Date Motion for Post-Trial Relief was Denied or Deemed Denied under C.R.C.P. 59(j):** Not applicable.

**Whether Extension was Granted to File Notice of Appeal:** Not applicable.

**Issues to Be Raised on Appeal:**

1. Whether the district court erred in granting the Regents' motion to dismiss.
2. Whether the district court erred in its interpretation and application of the law, including C.R.S. § 18-12-201 *et seq* and article II, section 13, of the Colorado Constitution.
3. Any and all issues preserved on the record.

**Whether a Transcript of Evidence is Necessary:** There were no evidentiary or other recorded proceedings.

**Whether a Preargument Conference is Requested:** A preargument conference is not requested.

**Attorney Information:**

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**Appendix to Notice of Appeal:** Final order of the district court.

Respectfully submitted this 11th day of June 2009.

/s/ James M. Manley

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**CERTIFICATE OF SERVICE**

I certify that on the 11th day of June 2009, the foregoing document was filed with the Court and true and accurate copies of same were served on all other counsel of record and the district court via U.S. Mail, first class, postage prepaid:

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