

**People v. Anonymous** (Mon. Co. Ct., 3/22)

**MR. CORLETTA WINS RESTORAL OF CLIENT'S PISTOL PERMIT DESPITE TWO  
DWI ARRESTS.**

Unlike in the past, courts have become extremely cautious when dealing with alcohol-related arrests by holders of Pistol Permits.

This is particularly the case when the weapon is actually being carried at the time of the arrest. Such was the case in **People v. Anonymous** (Mon. Co. Ct., 3/22).

There, Mr. Corletta's client had a prior Pistol Permit suspension and restoral from a Driving While Ability Impaired conviction .

The client picked up a second Driving While Intoxicated arrest and had the gun with them in the car.

However, the client immediately alerted the arresting Deputy to the presence of the weapon, and that they had a permit. There was no issue other than the traffic-related DWI arrest, as the Deputy immediately located and secured the weapon.

Nonetheless, the issuing Court again suspended the client's Pistol Permit. It is simply not good to be arrested for drinking and driving while carrying a gun.

Tackling both cases, Mr. Corletta secured a reduction of the Driving While Intoxicated charge to Driving While Ability Impaired, a traffic infraction, in prosecution-oriented Ontario County, with minimum punishments. The Town Justice in that case was a former Police Officer.

Turning to the Pistol Permit issue, Mr. Corletta effectively represented his client by demonstrating to the licensing Court that the client had complied with all Driving While Ability Impaired sentence requirements, and that the gun was not involved in the arrest in any way. This was notwithstanding the client was upset with law enforcement due to circumstances of the arrest, and was quite vocal, which caused concern to the Court.

This was all explained to the Licensing Judge by Mr. Corletta at the Pistol Permit Hearing.

The client, a Second Amendment advocate, was counseled by Mr. Corletta that this was not the time or place to engage in political debate.

As a result, the Court required nothing further, relying upon Mr. Corletta's explanation and proffering of proof of completion of all requirements of the Court's Driving While Ability Impaired sentence, including the Impaired Driver Program and alcohol evaluation.

The Court restored the client's Pistol Permit without further punishment, but with a general admonishment, which was well within its' discretion, to follow all rules regarding possession of firearms.

The client, an avid target shooter and sportsman, was extremely grateful, but was counseled by Mr. Corletta that carrying a gun while going out socially is not a good idea.