

**IN THE SUPERIOR COURT OF GLYNN COUNTY  
STATE OF GEORGIA**

GEORGIACARRY.ORG, INC. and )  
MICHAEL JUSTIN BELT, )

Plaintiffs, )

v. )

CRAIG BROWN, )  
HANK SCOTT, )  
DAVID HANEY, )  
And )  
DAVID O'NEAL )

Defendants. )

CIVIL ACTION FILE NO.

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**COMPLAINT**

**I. INTRODUCTION**

1. This is in action under 42 U.S.C. § 1983 for various violations of Plaintiffs' constitutional rights and analogous state law claims. Plaintiff Belt seeks damages and declaratory relief and Plaintiff GeorgiaCarry.Org, Inc. seeks declaratory relief.

2. Plaintiff Belt is a citizen of the United States and a resident of the State of Georgia. Plaintiff Belt is a member of Plaintiff GeorgiaCarry.Org, Inc.
3. Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a corporation organized under the laws of the State of Georgia whose mission is to foster the rights of its members to keep and bear arms.
4. Defendants Brown, Scott, and Haney were, for all time relevant to this Complaint, police officers with the Glynn County, Georgia, Police Department.
5. Defendant O’Neal was, for all times relevant to this Complaint, a deputy with the Glynn County, Georgia Sheriff’s Office.
6. On December 14, 2008, Plaintiff Belt went shopping at the Colonial Mall.
7. Plaintiff Belt was openly wearing a handgun in a waistband holster.
8. At the time, Plaintiff Belt had a Georgia firearms license (“GFL”) issued pursuant to O.C.G.A. § 16-11-129.
9. Mall security officer Salvatore Glorioso observed Belt approach the Mall entrance.
10. Glorioso approached Belt and told Belt the Mall has a “no-weapons” policy.
11. Belt advised Glorioso that Belt had a GFL, which Glorioso asked to see.
12. Belt declined to display his GFL to Glorioso.

13. Glorioso told Belt that Belt could not carry a firearm in the Mall, as it was against Mall policy.
14. Belt left to store his firearm in his truck in the Mall parking lot.
15. Defendant O'Neal was off-duty working security at the movie theater in the mall, and he observed Belt returning to Belt's truck while wearing a firearm.
16. Defendant O'Neal detained Belt in the Mall parking lot.
17. Defendant O'Neal asked Belt for Belt's ID and GFL.
18. Belt declined to provide either.
19. Defendants Scott and Brown, who were on duty with the Glynn County Police Department, responded and arrived on the scene.
20. Defendants Scott and Brown asked for Belt's ID and GFL.
21. Belt refused to provide them.
22. Defendant Brown told Belt that Belt was required to provide his ID upon request of law enforcement.
23. Belt denied Brown's assertion.
24. Brown placed Belt under arrest for obstruction of an officer, in violation of O.C.G.A. § 16-10-24.

- 25 . Defendant Haney signed an affidavit for Belt's arrest, based on Belt's refusal to show his ID or GFL to Brown.
- 26 . None of the Defendants had reasonable, articulable suspicion to detain Belt, or probable cause to arrest Belt.
- 27 . Defendant Haney knew, or should have known, that the facts alleged in his affidavit were insufficient to establish probable cause to arrest Belt.
- 28 . GCO has other members who live or work in Glynn County.
- 29 . GCO's other members would like to carry their firearms lawfully but are in fear of detention by Defendants for doing so.
- 30 . GCO's other members would like to carry their firearms lawfully but are in fear of arrest and prosecution by Defendants for refusing to show their IDs and GFLs (now called Georgia weapons carry licenses, or "GWLs") upon Defendants' demands.
- 31 . On October 27, 2009, the solicitor of the State Court of Glynn County filed an accusation against Belt for obstruction of an officer, in violation of O.C.G.A. § 16-10-24, based on the December 14, 2008 incident.
- 32 . The issue went to trial on August 20, 2012.

33. After jury selection, the trial court heard arguments on Belt's motion to dismiss the criminal case because the accusation failed to describe a crime.
34. The court dismissed the prosecution on August 20, 2012, concluding that it is not a crime to refuse to provide an ID to police upon demand.

**Count 1 – Violations of Georgia Constitution**

35. By detaining Belt without reasonable, articulable suspicion, and by demanding Belt's ID or GFL or both, Defendants, Brown, Scott, and O'Neal, violated Belt's right to be free from unreasonable seizures in Art. 1, Sec. 1, Par. 13 of the Constitution of the State of Georgia.
36. By arresting Belt without probable cause, Defendant Brown violated Belt's right to be free from unreasonable seizures in Art. 1, Sec. 1, Par. 13 of the Constitution of the State of Georgia.
37. By signing an affidavit to obtain an arrest warrant for Belt, under circumstances that Haney knew or should have known did not show probable cause to arrest Belt, Haney violated Belt's right to be free from unreasonable seizures in Art. 1, Sec. 1, Par. 13 of the Constitution of the State of Georgia.
38. Defendants actions have had a chilling effect on the lawful exercise of GCO's other members' rights to carry firearms openly in Glynn County, and have put

GCO's other members in fear of unlawful detention, arrest, and prosecution by Defendants.

**Count 2 – Common Law Claims.**

39. Through the actions described in Count 1 above for each Defendant, respectively, Defendants maliciously prosecuted Belt.

**Prayer for Relief**

Plaintiffs demand the following relief:

40. Damages to Belt against all Defendants in an amount to be determined at trial.

41. A declaration for Belt and GCO that a person may not be detained solely on account of that person's carrying a firearm.

42. A declaration for Belt and GCO that a person wearing a firearm may not be detained solely to see if that person has a GWL or to run a background check on such person.

43. A declaration for Belt and GCO that it is not a crime for a person to refuse to provide his ID or GWL to an officer when such officer detains such person solely on account of the person's wearing a firearm.

44. A jury to try to this case.

45. Any other relief the Court deems proper.

