

DANA M.O. VIOLA 6095
Corporation Counsel

ROBERT M. KOHN 6291
NICOLETTE WINTER 9588
Deputies Corporation Counsel
City and County of Honolulu
530 S. King Street, Room 110
Honolulu, Hawai‘i 96813
Telephone: (808) 768-5129, 5234
Facsimile: (808) 768-5105
Email: robert.kohn@honolulu.gov,
nwinter@honolulu.gov

Attorneys for Defendant
CITY AND COUNTY OF
HONOLULU

ALAN ALEXANDER BECK 9145
Law Office of Alan Beck
2692 Harcourt Drive
San Diego, CA 92123
Telephone: (619) 905-9105
Email:
Alan.alexander.beck@gmail.com

KEVIN GERARED O’GRADY 8817
Law Office of Kevin O’Grady, LLC
1136 Union Mall, Suite 808
Honolulu, Hawaii 96813
Telephone: (808) 521-3367
Email:
Kevin@KevinOGradyLaw.Com

Attorneys for Plaintiffs
PETER ROA and
RANDALL FRANKLIN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI‘I

PETER ROA and RANDALL
FRANKLIN,

Plaintiffs,

vs.

CITY AND COUNTY OF
HONOLULU,
Defendant.

Civil No. CV 21-00333 DKW/KJM

STIPULATION AND ORDER

Trial Date: None.

STIPULATION AND ORDER

Under Hawai‘i law, nobody convicted of a felony or crime of violence may own or possess a firearm. Hawai‘i Revised Statutes (HRS) § 134-7(b). On August 8, 2021, Plaintiffs Peter Roa and Randall Chatman Franklin¹ filed a complaint against Defendant City and County of Honolulu (“City”) alleging that the Honolulu Police Department (HPD) impermissibly denied them permits to acquire a firearm based on their non-criminal violations of HRS § 711-1101 (“Disorderly Conduct”). Disorderly conduct may be either a petty misdemeanor or a violation. HRS § 711-1101(3). “A violation does not constitute a crime, and conviction of a violation shall not give rise to any civil disability based on conviction of a criminal offense.” HRS § 701-107(5).

The parties agree that a non-criminal violation of HRS § 711-1101 does not disqualify a person from owning or possessing a firearm under HRS § 134-7(b).

Therefore, it is stipulated that the Honolulu Police Department is permanently enjoined from denying a permit to acquire a firearm based on a non-criminal violation of § 711-1101.

/


/

/

¹ Randall Chatman Franklin is incorrectly identified as Randall Franklin in the caption. His surname is Chatman Franklin. *See* Complaint, ECF No. 1 ¶2.

DATED: Honolulu, Hawai'i, August 12, 2021.

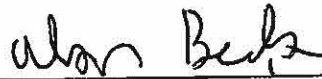
DANA M.O. VIOLA
Corporation Counsel

By 

ROBERT M. KOHN
NICOLETTE WINTER
Deputies Corporation Counsel

Attorneys for Named Defendant
CITY AND COUNTY OF HONOLULU

DATED: San Diego, California, August 12, 2021.



ALAN ALEXANDER BECK
KEVIN GERARD O'GRADY

Attorneys for Plaintiffs
PETER ROA and RANDALL FRANKLIN

IT IS APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii, August 16, 2021 _____.



/s/ Derrick K. Watson

JUDGE OF THE ABOVE-ENTITLED COURT

Peter Roa and Randall Franklin v. City and County of Honolulu; Civil No. 21-00333 DKW-KJM; Stipulation and Order