



San Diego City Attorney Mara W. Elliott

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Contact: Cheryl Nolan at cngolan@sandiego.gov or (619) 533-6176

San Carlos Man Ordered to Surrender His Gun

City Attorney Obtains City's First Gun Violence Restraining Order

A San Carlos man who police arrested for firing shots into trees and at neighborhood animals while under the influence has been ordered to surrender his firearms and ammunition for one year.

Shawn Michael Erler told police he had been shooting at rats and raccoons when he was arrested in his yard on December 11, 2017. He had a blood alcohol content of .255, nearly three times the legal limit, and was on prescription medications.

Two days later, he was served with a temporary order, and on Wednesday he became the subject of the first long term Gun Violence Restraining Order obtained under California Penal Code §§18100-18205 by the City Attorney's Office on behalf of the San Diego Police Department.

The order granted by Superior Court Judge Tamila E. Ipema lasts one year. In that time, Erler is prohibited from having a firearm or ammunition in his custody or control, and from owning, possessing, purchasing, or receiving, or attempting to purchase or receive a firearm or ammunition.

Erler was brandishing a High Point .380 hand gun the afternoon police officers responded to a 911 call from a neighbor who reported hearing three gun shots.

Erler fired another three shots in the direction of his neighbor's backyard as officers arrived on the scene. He eventually relinquished his gun, and told police he should not be in possession of weapons. He was arrested for willfully discharging a firearm in a grossly negligent manner that could result in injury or death. His gun remains in police custody.

"A gun violence restraining order is a relatively new and powerful tool law enforcement can use to prevent future gun-related tragedies. This tool protects the public from individuals who are clearly a danger to themselves and to others," City Attorney Mara W.

Elliott said. “**It was grossly negligent for this individual to fire a gun in a densely populated neighborhood. This kind of conduct all too often leads to the loss of innocent lives.**”

Under the law, family members, roommates, and law enforcement officers may petition a court to deny a person’s access to firearms and ammunition if they pose an imminent danger to self or others. These orders may help prevent future firearm related tragedies resulting from mental illness, reckless use of a firearm, and gun violence in general.

After working with the San Diego Superior Court to develop procedures for obtaining such orders, the City Attorney’s Office will utilize this law whenever a person’s access to firearms threatens public safety. The City Attorney’s Office continues to prevent domestic violence offenders from owning or possessing firearms.

Deputy City Attorney Ryan Scott represented the San Diego Police Department at the hearing.

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