

NJ Governor Chris Christie asked to pardon man with seven-year jail sentence for gun law violations

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In New Jersey, residents who want to transport firearms legally must request a permit from a local law enforcement office and produce a letter stating why it is necessary for them to carry a gun. In other words, New Jerseyans have to prove need before exercising what many Americans consider a constitutional right.

Twenty-seven-year-old Brian Aitken is learning that the hard way. Arrested in 2009 when police officers found two handguns locked and unloaded in the trunk of his car, Aitken was just sentenced in August to seven years in prison.

Now, protesters across the state are organizing a push for an appeal for the court's ruling. A "[Free Brian Aitken](#)" Facebook page has almost 7,000 fans, the website [briandaiken.com](#) was built and a rally will be held Dec. 12, in Toms River, N.J. Aitken's family is asking Chris Christie to grant clemency — gun control just might be the next test conservatives throw at the New Jersey governor.

A pardon from Christie is far from assured, even if he does have fairly established, conservative credentials.

During his 2009 campaign, he [told](#) Fox News host Sean Hannity, "Listen, at the end of the day, what I support are common sense laws that will allow people to protect themselves. But I also am very concerned about the safety of our police officers on the streets. Very concerned. And I want to make sure that we don't have an abundance of guns out there."

Nothing about Aitken's past or history suggests he was a threat to the safety of police, or anyone else for that matter. After separating from his wife in 2008, Aitken moved from Colorado to his native home of New Jersey the end of that year, to be closer to his son.

Shortly thereafter, in January 2009, Aitken — [according to one account](#) — "became distraught, muttered something to his mother, and left his parents' home in Mount Laurel, NJ," after his ex-wife canceled a visit with their son.

At that point, his mother, who is a trained social worker, called the police out of concern. That's when things went downhill for Aitken. After the police caught up with him, they determined he wasn't a threat to his or anyone else's safety, but proceeded to search his car anyway. Upon finding the guns, police pressed weapons charges against Aitken.

His family and supporters are arguing that not only did Aitken obtain the guns legally, but he was also exempted from New Jersey's guns laws because he was simply moving residences. They also say the judge who tried the case, Justice James Morley, ignored supporting evidence of that.

While New Jersey and Colorado are on opposite ends of the spectrum when it comes to conventional gun laws (all someone needs in Colorado is an FBI background check), the Garden State allows exemptions if a person is moving between residences. During the trial, Aitken's mother testified her son was moving out. Aitken's friend testified he was moving in with him in the town of Hoboken.

According to Aitken's lawyer, Evan Nappen, when the jury requested Morley inform them of the exemption statute, the judge refused to do so.

"I think it's a travesty for a number of reasons," Clark Neily, a senior attorney at the Institute for Justice, told The Daily Caller. "I think that New Jersey gun laws, specifically ones about concealed carry are blatantly unconstitutional ... no other constitutional right is left up to unfettered discretion of a government official."

“The second problem,” Neily added, “is that a law-abiding citizen should not have to prove they have some imminent need to exercise their constitutional right.”

Tim Lynch, president of the Cato Institute’s Project on Criminal Justice, agreed. “This is a guy who seemed at every step, was trying to do the right thing,” he told TheDC. “This was an overreaction from arrest to prosecution ... seems to be an exercise of extremely poor judgment.”

“When you look at it from the totality ... no serious person could think that he’s [Aitken] a criminal, that he was doing anything other than trying to take his lawful possessions and move with them to New Jersey,” Neily said. “What else was he supposed to do with them?”

Both Lynch and Neily said without hesitation that Christie should pardon Aitken. Neily even went so far as to say this single issue could change his entire opinion of Christie – someone he has so far supported.

“If he fails to step in, I will absolutely change my position on him in a heartbeat,” said Neily. “This is the time to put up or shut up. Governor Christie has to decide he’s going to walk the walk on this one.”

“Governors are given this responsibility,” added Lynch, “and this seems to be Exhibit A of a person who is deserving of a pardon. He could really, not only correct an injustice in this case, but he could show other governors how it’s done.”

When contacted by TheDC, a spokesperson for Christie confirmed the governor is aware of the case, and a formal application for pardon had been received. He declined to comment any further.

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