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12 **IN THE UNITED STATES DISTRICT COURT**
 13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 EDWARD PERUTA, MICHELLE)
 15 LAXSON, JAMES DODD, DR. LESLIE)
 BUNCHER, MARK CLEARY, and)
 16 CALIFORNIA RIFLE AND PISTOL)
 ASSOCIATION FOUNDATION)

17 Plaintiffs,)

18 v.)

19 COUNTY OF SAN DIEGO, WILLIAM D.)
 20 GORE, INDIVIDUALLY AND IN HIS)
 CAPACITY AS SHERIFF,)

21 Defendants.)

CASE NO: 09-CV-2371 IEG (BGS)

**DECLARATION OF STEPHEN HELSLEY
 IN SUPPORT OF PLAINTIFFS' SUR
 REPLY TO DEFENDANTS' REPLY TO
 PLAINTIFFS' CONSOLIDATED
 OPPOSITION TO DEFENDANT'S MOTION
 FOR SUMMARY JUDGMENT & REPLY
 TO DEFENDANTS' OPPOSITION TO
 PLAINTIFFS' MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Date: November 15, 2010
 Time: 10:30 a.m.
 Location: Courtroom 1
 Judge: Hon. Irma E. Gonzalez
 Date Action Filed: October 23, 2009

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DECLARATION OF STEPHEN HELSLEY

I, Stephen Helsley, declare as follows:

1. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

Firearms Expert Qualifications

2. My expertise regarding firearms is an outgrowth of fifty years of studying and collecting firearms. Throughout my life I have owned approximately four hundred firearms, of which I currently own approximately two hundred and twenty. I have been an avid collector and student of firearms-related literature, and my collection contains approximately three thousand volumes.

3. In 1964, as a Criminology major at Fresno State College, I completed my first collegiate firearms course, which focused on Smith & Wesson revolvers and the .38 Special cartridge.

4. In 1967, I began my employment with the California Department of Justice (DOJ). By 1970, I was the departmental firearms instructor, a duty I was assigned until I was appointed Bureau Chief by Attorney General Deukmejian in 1979. During the years that I was the departments' firearms instructor, agents could carry any caliber cartridge they preferred. Thus, I routinely dealt with firearms and ammunition ranging from .22lr to .44 Remington Magnum.

5. In the early 1970s, I began competing in both rifle and pistol matches. By 1973 my expertise was recognized by Guns & Ammo magazine when they asked me to co-author a "Mini Manual" on *Custom .45 Automatics*. Since then I have authored at least 50 articles for thirteen other journals. The subject matter ranged from sniper rifles to tactical shotguns to civil war era cartridge conversion revolvers. I have also acted as a researcher for other authors. One example is an article by Silvio Calabi that ran in the November/December 2006 issue of *Shooting Sportsman* magazine. The article "Less is More" is the definitive work on the origin and development of the 28-g shotshell. Additionally, I recently co-authored a book, *Hemingway's Guns*, which was published by Shooting Sportsman Books.

6. During the 1970s, while employed as a DOJ Field Supervisor in San Diego, I was first

1 qualified in court as a “firearms expert”. In 1973, I took the required training to become an NRA
2 Certified Police Firearms Instructor and a California Commission on Peace Officers Standards
3 and Training certified firearms instructor.

4 7. In 1975, I attended the FBI National Academy in Quantico, VA. Included in the
5 required course work was one of firearms. In later years I took other firearms training that ranged
6 from use of the Heckler & Koch 9mm MP5 submachine gun to concealed weapons training for a
7 Nevada “carry permit.” In addition to being certified as a firearms expert, I am a member of the
8 American Academy of Forensic Sciences and a Technical Adviser to the Association of Firearm
9 and Tool Mark Examiners.

10 8. When I became DOJ Chief of the Bureau of Narcotic Enforcement, I had the overall
11 responsibility of reviewing agent-involved shootings, as well as purchasing their ammunition and
12 firearms, which included handguns and rifles.

13 9. In 1985, I became Chief of the DOJ Bureau of Forensic Services (BFS).As BFS Chief, I
14 was involved in setting standards for the casework of those doing firearm and tool mark
15 examinations. On a larger scale, I was instrumental in establishing the California Criminalistics
16 Institute (“CCI”) – which at that time was one of only two formal forensic training/research
17 institutes in the United States. CCI established a number of firearms courses that are still being
18 offered.

19 10. In 1989, I was promoted to Assistant Director of the DOJ’s Investigation and
20 Enforcement Branch, a position I held until I retired. As Assistant Director, I was deeply involved
21 in firearm issues, including the drafting of assault weapon related legislation. During this period, I
22 was able to participate in ammunition testing at the U.S. Army Wound Ballistic Laboratory at
23 Letterman Institute in San Francisco.

24 11. From 1993 until 2000, I was the State Liaison for the National Rifle Association
25 (“NRA”) in Sacramento. In that position I responded to requests from legislators and staff
26 regarding firearms and ammunition related matters. After leaving the NRA, my expertise in
27 firearms and ammunition continued to expand as I logged countless hours hunting and shooting
28 competitively, as well as reloading ammunition. New competitive disciplines that I engaged in

1 included Long Range Tactical Rifle, Black Powder Rifle Cartridge Silhouette, and Military Rifle
2 Silhouette. I also became involved in shotgun and double rifle competition. I hunted Bison in
3 North Dakota with a Sharps rifle made in 1863 and grouse in Maine with a French pinfire shotgun
4 c.1860. For all of these activities, I reloaded my own cartridges. In 2003, I visited the Yuma
5 Proving Grounds with a group of forensic scientists. I was there to have my ammunition tested
6 using Doppler radar and high-speed photography.

7 12. At various times in the past I have conducted seminars on sniper rifles and in 2007 and
8 2008, I co-taught a workshop on dangerous game rifles and the ammunition for them.

9 13. In 2003, I toured the principal gun making firms in Brescia and Gardone, Italy. In 2008,
10 I did the same in Suhl, Germany. For the past seven years, I have consulted with California-based
11 gun makers B. Searcy & Co. and John Rigby & Co. Between 2004 and 2007, I consulted with
12 GaugeMate, Inc. on the design of sub-gauge adapters for shotguns.

13 14. My consulting efforts also involve civil and criminal matters. Most recently, I have
14 been reconstructing the discharge of a pistol in a Central California training school that seriously
15 injured one of the students. During the last decade I have done fine gun photography and acted as
16 a judge in the Gold Medal Concours d'Elegance of Fine Guns. My photographs of firearms and
17 cartridges have been used for magazine ads and to support articles. Additionally, I inventory
18 firearms collections and provide valuations if requested. The most recent was a 77-gun collection
19 in Montana that I did in June. I went to Moscow, Russia on September 10, 2010. While there, I
20 toured arms manufacturers, gun shops, and museums, and shot at a local shooting range. I am
21 currently working on an article that examines shotguns and rifles made on the Needham patent of
22 1852. These firearms use "needle-fire" cartridges – a design that was used by both armies in the
23 Franco-Prussian War of 1870.

24 15. Knowledge acquired during the course of my studies and personal and professional
25 experiences described herein form the basis for my testimony in this matter.

26 **Proper Protocol for Carrying A Firearm for Self-Defense**

27 16. In my extensive experience with tactical weapons training as a law enforcement
28 officer, and as a firearm/self-defense instructor and aficionado, I have never been trained to keep

1 my firearm unloaded while carrying it for self-defense purposes. Speed, accuracy, and mental
2 preparedness are the critical elements when engaging a threat with a firearm. Thus, each second
3 spent engaging the threat can make the critical difference between the successful defense or the
4 death or injury of the person carrying the firearm. Any tactical firearms trainer would teach that
5 this means *always* keeping the firearm loaded while carrying it.

6 17. Most tactical firearms training courses instruct people how to load a magazine into a
7 semi-automatic handgun, or a speed-loader (a device designed to hold cartridges in a formation to
8 quickly insert into the cylinder of a revolver) for a revolver, while engaging a threat. However,
9 the scenario is generally when *reloading* the firearm after firing all the rounds that were already in
10 the firearm while being carried. This means the firearm has already been drawn from the holster
11 and has engaged the threat. Thus, the time it takes to reload a firearm is slightly less (maybe a
12 difference of about one (1) second or two (2) for a person competent, but not an expert, with the
13 particular firearm) than the time it would take to load a firearm that is drawn from a holster
14 unloaded and has to engage a target.

15 18. Based on my experience with firearms, I believe the entire process of drawing an
16 unloaded semiautomatic pistol from a holster, removing a magazine attached to the person's belt,
17 inserting the magazine into the magazine well of the firearm, closing the action and engaging a
18 threat would take the average person with some, but not a lot of, tactical weapons training about
19 three (3) seconds. As for revolvers, I believe the entire process of drawing an unloaded revolver,
20 removing a speed-loader attached to the person's belt, opening the cylinder, inserting the
21 cartridges with the speed-loader, closing the cylinder, and engaging the threat would take the
22 average person with some, but not a lot of tactical weapons training a little bit longer at about four
23 (4) - five (5) seconds.

24 **Trigger Locks**

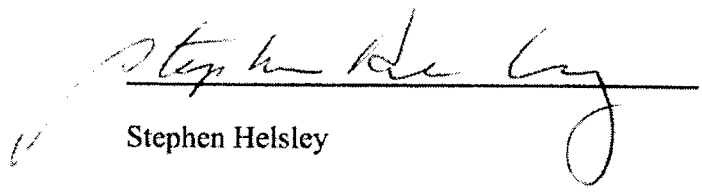
25 19. Trigger locks are generally circular metal locks that can be affixed to the trigger guard
26 of a firearm to prevent access to the trigger – similar to a boot law enforcement or repossession
27 companies place on the wheel of an automobile to prevent the owner from moving the vehicle –
28 which can be disengaged by inserting and turning a key.

1 20. Based on my experience with firearms and trigger locks, I believe a person with a
2 prepared plan for disengaging a trigger lock and engaging a threat (e.g., has the handgun in a
3 certain position near their person, along with a key in an easily accessible place, such as tied to
4 their wrist) could do so in about the same time it would take a person with some, but not a lot of,
5 tactical weapons training to draw an unloaded semiautomatic pistol from a holster, remove a
6 magazine attached to the opposite side of a belt, insert the magazine into the magazine well of the
7 firearm, close the action and engage a threat. The difference would likely be a second or two
8 either way, more likely the quicker being the loading of the firearm. And, for the reasons
9 explained, I believe it would take longer, although not much, maybe a second or two, for a person
10 with some, but not a lot of, tactical weapons training to draw an unloaded revolver, remove a
11 speed-loader attached to the person's belt, open the cylinder, insert the cartridges with the speed-
12 loader, close the cylinder, and engage the threat.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States this 7 day of November, 2010



Stephen Helsley

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA, MICHELLE)	CASE NO. 09-CV-2371 IEG (BGS)
LAXSON, JAMES DODD, DR.)	
LESLIE BUNCHER, MARK)	CERTIFICATE OF SERVICE
CLEARY, and CALIFORNIA RIFLE)	
AND PISTOL ASSOCIATION)	
FOUNDATION)	
)	
Plaintiff,)	
)	
v.)	
)	
COUNTY OF SAN DIEGO,)	
WILLIAM D. GORE,)	
INDIVIDUALLY AND IN HIS)	
CAPACITY AS SHERIFF,)	
)	
Defendants.)	

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF STEPHEN HELSLEY IN SUPPORT OF PLAINTIFFS’
SUR REPLY TO DEFENDANTS’ REPLY TO PLAINTIFFS’ CONSOLIDATED
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT &
REPLY TO DEFENDANTS’ OPPOSITION TO PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 8, 2010.

/s/ C.D. Michel
C. D. Michel
Attorney for Plaintiffs