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LOS ANGELES
SUPERIOR COURT

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 ANTHONY MARIO ASSENZA,)
et al.,)
12 Plaintiffs/Petitioners,)
13 vs.)
14 CITY OF LOS ANGELES, et al.,)
15 Defendants/Respondents,)
16)
17)

CASE NO. BC 115813
JOINT PROPOSED QUESTIONS TO BE
PROPOUNDED TO COURT APPOINTED
EXPERT

Date: September 25, 1998
Time: 9:30 a.m
Dept: 14

18 Additional Attorneys for Plaintiffs:
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1 TO THIS HONORABLE COURT:

2 It is Plaintiffs understanding that it is necessary to
3 clarify what we are not asking:

4 We are not asking the expert to evaluate whether the possible
5 harms from persons carrying firearms can ever be outweighed by the
6 benefits and particular circumstances. The Legislature has
7 already decided that they can (P.C. 12050).

8 VOIR DIRE OR PREFATORY QUESTIONS TO BE PROPOUNDED TO EXPERT:

9 1. In your capacity as _____ are
10 you called upon to determine whether "good cause" exists for
11 individuals to be authorized to carry concealed firearms?

12 a. If so, what statutory provisions authorize such
13 determination?

14 2. Have you ever had occasion to evaluate whether "good
15 cause" exists to issue a permit to carry a concealed firearm under
16 the standard set forth in California Penal Code §12050?

17 3. have you ever had occasion to evaluate whether "good
18 cause" exists to issue a permit to carry a concealed firearm under
19 the standards contained in the Judgment entered in Assenza, et al.
20 v. City of Los Angeles, et al., Case No. LASC BC 1215813?

21 4. Are you aware of any special qualifications which exist
22 which would permit any individual to make a determination of
23 whether "good cause" exists to issue a permit to carry a concealed
24 firearm under California Penal Code §12050 and which
25 qualifications would not be possessed by the Chief of Police or
26 Sheriff of the community in which the application for such a
27 permit resides?

28 a. If so, what are those special qualifications?

- 1 b. If so, do you possess such special qualifications?
- 2 5. What is threat assessment?
- 3 6. How, if at all, does threat assessment differ from an
4 evaluation of "good cause" under California Penal Code §12050?
- 5 7. Are you familiar with the process used by the Los
6 Angeles Police Department to determine whether "good cause" exists
7 to issue a concealed firearm permit?
- 8 a. If so, are you familiar with the circumstances
9 which would cause an application to be referred to the Threat
10 Assessment Unit of the LAPD as part of that process?
- 11 8. Have you ever qualified before any court as an expert on
12 what constitutes "good cause" to issue a concealed firearm/weapon
13 permit under California Penal Code §12050?
- 14 9. Are you aware of any person who has been qualified
15 before any court as an expert on what constitutes "good cause" to
16 issue a permit to carry a concealed weapon/firearm pursuant to
17 Penal Code §12050?
- 18 10. Please list all of your qualifications as a "threat
19 assessment" expert.
- 20 11. State whether you have written any books or published
21 any papers on the subject of "threat assessment".
- 22 12. Inform us if you have read the Judgment in the instant
23 case, particularly sections "E" an "F" in their entirety; in
24 particular, those portions of the Judgment that contain the
25 "criteria for licensure" and contain the five areas that
26 constitute "good cause".
- 27 13. Are you familiar with California Penal Code §12050.
- 28 14. Are you familiar with California Penal Code §12025.5.

1 15. Are you familiar with California Penal Code §§
2 12027(a)(1) and (e).

3 16. Are you familiar with California Penal Code §§
4 12031(b)(1) and (d).

5 QUESTIONS TO BE PRESENTED TO COURT APPOINTED EXPERT:

6 1. In your opinion, what, if any, difference is there in
7 the danger or threat level between the position of a victim who
8 has obtained a court order against a specific other who has
9 threatened him/her (Penal Code §12025.5) and the position of a
10 victim who cannot obtain such an order because he/she does not
11 know the name and address of the person(s) threatening or stalking
12 said person?

13 2. In your opinion, what, if any, is the difference in
14 danger or threat level between the position of a victim who has
15 obtained a court order against a specific other who has threatened
16 him/her(Penal Code §12025.5) and the position of a victim who
17 cannot obtain such an order because he/she has not been able to
18 obtain service of process on the person(s) threatening or stalking
19 said person?

20 3. In your opinion, what, if any, difference is there in
21 the danger or threat level between the position of a guard for a
22 financial institution whom Penal Code §§ 12027(a)(1) and (e) and
23 12031(b)(1) and (d)(1) exempts from the prohibition of carrying a
24 concealed, loaded firearm while transporting valuables and the
25 position of: (a) a merchant transporting his proceeds to a bank;
26 (b) a jewelry merchant transporting valuable jewels; (c) a doctor
27 or dentist transporting narcotics, syringes, etc.; (d) any other
28 reputable person whose business requires regularly transporting

1 valuables or cash?

2 4. In your opinion, what, if any, difference is there in
3 the danger or threat level between the position of a civilian,
4 who, because he is a retired police officer whom Penal Code
5 §12027(a) exempts from the prohibition against carrying a
6 concealed, loaded handgun, and the position of: (a) an active or
7 retired Judge who does regularly sit, or has regularly sat on
8 felony matters; (b) a clerk or court reporter in such a court; (c)
9 a current or former prosecutor of felonies; (d) a current or
10 former defense counsel in felony matters?

11 5. In your opinion, are there "certain situations" that
12 exist in which a person is subjected to a higher threat level
13 because of the nature of his/her occupation than other
14 occupations? If so, can you give examples?

15 6. is it reasonable to assume that if a police officer
16 serves honorably for 20 years, is honorably retired, and has never
17 had the occasion to draw his sidearm during his entire 20 years,
18 then, is it your opinion that no police officers need to carry a
19 sidearm or a concealed firearm?

20 7. In your opinion, if a person's testimony or declaration
21 brings them within one of the five categories contained in the
22 Amended Judgment at page 5, line 13 through page 6, line 7
23 (criteria for licensure ...) would that person be within a "threat
24 level" giving rise to "good cause" for a concealed carry permit.

25 8. In your opinion, if a person has made an uncontroverted
26 declaration under penalty of perjury pursuant to Section F
27 Paragraph 7 (Evidence) of the Amended Judgment in the instant case
28 (page 8, lines 5-9) indicating that the "good cause" upon which

1 applications along with the supporting declarations, that the
2 danger to Mr. Jacobson as of his initial application to and
3 including his current application is the same; greater or lesser?

4 19. Have you read and are you familiar with all of the
5 applications submitted by plaintiff Mr. Crawford and as contained
6 in the court file in this matter as Exhibits 2, 2-A, 2-B and 2-C?
7 Assume that all of the facts stated in those applications are
8 true. Assume further that plaintiff Crawford's initial
9 application for a concealed carry permit stated sufficient danger
10 to constitute "good cause" for the issuance of his concealed carry
11 permit. Is it your opinion, upon reading all of Mr. Crawford's
12 applications along with the supporting declarations, that the
13 danger to Mr. Crawford as of his initial application to and
14 including his current application is the same; greater or lesser?

15 20. Have you read and are you familiar with all of the
16 applications submitted by plaintiff Mr. Yochelson and as contained
17 in the court file in this matter as Exhibits 3, 3-A, and 3-B?
18 Assume that all of the facts stated in those applications are
19 true. Assume further that plaintiff Yochelson's initial
20 application for a concealed carry permit stated sufficient danger
21 to constitute "good cause" for the issuance of his concealed carry
22 permit. Is it your opinion, upon reading all of Mr. Yochelson's
23 applications along with the supporting declarations, that the
24 danger to Mr. Yochelson as of his initial application to and
25 including his current application is the same; greater or lesser?

26 21. Have you read and are you familiar with all of the
27 applications submitted by plaintiff Mr. Martin and as contained in
28 the court file in this matter as Exhibits 5, 5-A, and 5-B?


1 Assume that all of the facts stated in those applications are
2 true. Assume further that plaintiff Martin's initial application
3 for a concealed carry permit stated sufficient danger to
4 constitute "good cause" for the issuance of his concealed carry
5 permit. Is it your opinion, upon reading all of Mr. Martin's
6 applications along with the supporting declarations, that the
7 danger to Mr. Martin as of his initial application to and
8 including his current application is the same; greater or lesser?


9 22. Have you read and are you familiar with all of the
10 applications submitted by plaintiff Mr. Ontiveros and as contained
11 in the court file in this matter as Exhibits 6, 6-A, 6-B and 6-C?
12 Assume that all of the facts stated in those applications are
13 true. Assume further that plaintiff Ontiveros's initial
14 application for a concealed carry permit stated sufficient danger
15 to constitute "good cause" for the issuance of his concealed carry
16 permit. Is it your opinion, upon reading all of Mr. Ontiveros's
17 applications along with the supporting declarations, that the
18 danger to Mr. Ontiveros as of his initial application to and
19 including his current application is the same; greater or lesser?

20 Dated: September 3, 1998

BURTON C. JACOBSON
WILLIAM A. CRAWFORD

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23 By:


BURTON C. JACOBSON
Attorneys for
Plaintiffs/Petitioners

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BYRON R. BOECKMAN *Per B.R.B.*
Assistant City Attorney
Attorney for Defendants

1 the concealed carry permit was originally issued and renewed for
2 several years and that his "good cause" remains exactly the same;
3 and, there has been no credible evidence offered to the contrary;
4 that that person has satisfied the requirements of "good cause" in
5 that he has stated that the circumstances which gave rise to his
6 "good cause" in first instance through the reissuance of several
7 permits, remains exactly the same and that therefore, the threat
8 level enunciated by that person remains the same. If your answer
9 is no, please explain.

10 9. In your opinion, is Section F of the Amended Judgment
11 necessary in order to give meaning to Section E of the Judgment as
12 afar as the assessment of a threat level?

13 10. In your opinion, does a "threat level" vary appreciable
14 from time to time; day to day; minute to minute?

15 11. In your opinion, would the threat level be the same for
16 a person who, by the nature of his work, is required to visit all
17 areas of the City of Los Angeles, including high crime areas, be
18 the same as a person who lives in Brentwood, works in Brentwood,
19 and never has to leave Brentwood in order to perform his daily
20 functions?

21 12. In your opinion, is it possible that the danger level
22 for a person who has received a specific threat against his/her
23 life or of great bodily harm is the same, whether the threat is
24 immediately acted upon or is not acted upon immediately?

25 13. In your opinion, does the danger to a person who has
26 been a prosecutor or Judge for a number of years, and has had his
27 person and life threatened on numerous occasions disappear as time
28 passes or should that person always remain vigilant in order to

1 assure him/herself against the carrying out of that threat by the
2 threat-maker, a family member of the threat-maker, or a close
3 friend of the threat-maker?

4 14. In your opinion, are there persons who harbor a grudge
5 against certain people, e.g. prosecutors and former prosecutors,
6 without ever voicing that threat?

7 15. In your opinion is an implicit threat made when a person
8 receives anonymous phone calls, wherein no one, in spite of
9 repeated efforts, answers the greeting salutation, and eventually
10 requires the receiver to hang up; or who telephones a person and
11 reaches an answering machine and allows the entire tape on the
12 machine to go to the end without ever saying a word or hanging up?

13 16. Do you have any knowledge as to whether or not persons
14 who are the subject of lawsuits, add their dislike or hatred of
15 the person suing them to the attorney representing that person?

16 17. Assume, that the sued person adds his anger to the
17 attorney representing the person(s) suing him/her, and has
18 expressed a threat against that attorney or has carried on conduct
19 against that attorney that is aberrant; then, in your opinion
20 would that attorney have a reason to feel threatened?

21 18. Have you read and are you familiar with all of the
22 applications submitted by plaintiff Mr. Jacobson and as contained
23 in the court file in this matter as Exhibits 1, 1-A, 1-B and 1-C?
24 Assume that all of the facts stated in those applications are
25 true. Assume further that plaintiff Jacobson's initial
26 application for a concealed carry permit stated sufficient danger
27 to constitute "good cause" for the issuance of his concealed carry
28 permit. Is it your opinion, upon reading all of Mr. Jacobson's