ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHRISTOPHER BAKER, Plaintiff, vs. LOUIS KEALOHA, as an individual and in his official capacity as Honolulu Chief of Police; STATE OF HAWAII; CITY AND COUNTY OF HONOLULU; HONOLULU POLICE DEPARTMENT; NEIL ABERCROMBIE, in his official capacity as Hawaii Governor, Defendants.	CASE NO. _____ SUPPORTING DECLARATION OF CHRISTOPHER BAKER

SUPPORTING DECLARATION OF CHRISTOPHER BAKER

1. My name is Christopher Baker. I am the Plaintiff in the above-styled case.

2. I am 27 years old.

3. I have no criminal convictions or even arrests. I have no outstanding judgments against me. I have never been arrested, criminally charged, in any manner, or through any instrument, including, citation, complaint, information, or indictment, nor have I ever had any criminal conviction, whether petty misdemeanor, misdemeanor, of felony or however so denominated, set aside, vacated, overturned, remanded, set-aside, expunged or pardoned.

4. I have never had a restraining order issued against me.

5. I have never been adjudged insane, am not mentally deranged, nor have I suffered from any psychological, psychiatric, behavioral, emotional, or mental disorder or condition that would preclude me from exercising my right to keep and bear arms and ammunition. Further, I have never been acquitted of a criminal charge by reason of any psychological, behavorial, emotional, or mental disorder or condition that would preclude me from exercising my right to keep and bear arms and ammunition.

6. I do not abuse and am not addicted to or dependent upon alcohol or drugs. I have never been diagnosed as suffering from any addiction to, dependency upon, or abuse of alcohol or drugs. I have never been treated for addiction, dependency, or abuse of alcohol or drugs.

7. I am an active member of the United States Navy. I have received two service awards for honorable conduct.

8. I have received extensive training in the responsible use of firearms. I have also been trained in the safe and proper use of extendable batons. I have also received training regarding the appropriate escalation of force – training designed to ensure that no weapon is used prematurely and that lethal force is used only as a last resort, when all lesser means have failed or could not be reasonably employed.

9. I received much of this training from the United States Department of Defense because of my service with the Navy.

10. In addition to my military training, I have attended various seminars and classroom training pertaining to the safe and effective use of firearms and self-defense, logged many hours of range time, and have been trained in tactical engagement in close quarter and urban combat scenarios.

11. I am certified as a pistol instructor for the National Rifle Association of America. I am a firearms instructor with the Hawaii Defense Foundation and the Lessons in Firearm Education organizations. I have assisted in training hundreds of Hawai‘i residents in the safe and responsible use of firearms.

12. I also hold a service medal for Expert Pistol Marksmanship and was awarded, "Top Gun", for a three-week military police training academy.

13. I possess a license to carry a concealed firearm from the State of Georgia.

14. I am a licensed process server. In 2010, I served court documents on persons faced with foreclosure, eviction, divorce, civil suits, and other unpleasant court proceedings at the direction of local process servers, with whom I had contracted, on the island of Oahu.

15. I was at risk of attack, on a daily basis, by the person or persons upon whom the court documents were being lawfully served. I frequently interacted

with and was confronted by irate and hostile persons while lawfully conducting this business.

16. In several instances, I was placed in imminent danger of suffering harm to himself or his property. I had no means to defend myself in those situations.

17. In several of these imminently dangerous events, the Honolulu Police Department responded. It would take up to ten minutes or more for officers to arrive. While waiting for officers to arrive, I was terrorized and faced immediate threats of death and/or serious injury to myself, my family and my property.

18. I stopped serving court documents due to the danger associated with the lawful duties of a licensed process server and my inability to defend myself in these dangerous situations. I have the opportunity to and will resume these duties when afforded a viable means of self-defense.

19. Even if I were not engaged in serving process or any other dangerous profession, I would still wish to exercise my fundamental constitutional rights guaranteed by the Second Amendment.

20. In August of 2010, I wrote the Honolulu Police Department requesting a license to carry pursuant to Section 134-9 of the Hawai‘i Revised Statutes.

21. I was subsequently contacted by a representative of the Defendant, Honolulu Police Department ("HPD"), who instructed me to complete an application form in person at the Honolulu Police Department.

22. On August 31, 2010, I complied with this request. This was the only time I participated in the decision to issue the requested license to carry.

23. On September 18, 2010, I received a letter dated September 16, 2010, from Chief Louis Kealoha, Chief of Police for the Honolulu Police Department. The letter informed me that my application for a license to carry had been denied.

24. The letter did not express concern over my qualifications, fitness, or my ability to safely bear firearms and ammunition for the purpose of self-defense or other protected purposes. Instead, the letter merely stated: "[w]e do not believe that the reasons you have provided constitute sufficient justification to issue you a permit. Therefore your application has been denied."

25. I would like to exercise my right to keep and bear arms. I believe I am unable to do so without the permit. Although not an attorney, I have read the various criminal offenses associated with possession or carriage of firearms and the various circumstances and locations described in said statutes, referenced in the lawsuit to which this declaration pertains. I fear criminal prosecution and thus cannot and do not carry or bear arms in order to protect myself, my family my property, and my community because of the aforementioned statutes.

I, Christopher Baker, do declare under penalty of law that the fore-going is true and correct.

DATED: Honolulu, Hawaii, August 28, 2011.

Christopher Baker