

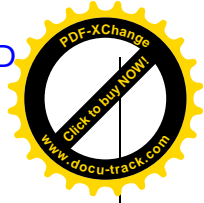
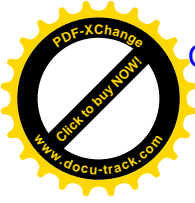
1 KAMALA D. HARRIS
 Attorney General of California
 2 MARK R. BECKINGTON
 Supervising Deputy Attorney General
 3 JONATHAN M. EISENBERG
 Deputy Attorney General
 4 State Bar No. 184162
 300 South Spring St., Ste. 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 897-6505
 6 Fax: (213) 897-1071
 E-mail: jonathan.eisenberg@doj.ca.gov
 7 *Attorneys for Defendant California Attorney
 General Kamala D. Harris*

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

13 **CHARLES NICHOLS,**
 14 Plaintiff,
 15 v.
 16 **EDMUND G. BROWN JR., in his
 official capacity as Governor of
 California, KAMALA D. HARRIS, in
 17 her official capacity as Attorney
 General of California, CITY OF
 18 REDONDO BEACH, CITY OF
 REDONDO BEACH POLICE
 19 DEPARTMENT, CITY OF
 REDONDO BEACH POLICE
 20 CHIEF JOSEPH LEONARDI and
 21 DOES 1 to 10,**
 22 Defendants.

2:11-cv-09916-SJO-(SS)
**REQUEST FOR JUDICIAL
 NOTICE IN SUPPORT OF
 MOTION FOR JUDGMENT ON
 THE PLEADINGS UNDER FED. R.
 CIV. P. 12(C)**
 Date: Dec. 17, 2013
 Time: 10:00 a.m.
 Crtrm.: 23 – 3rd Flr.
 Judge: Hon. Suzanne H.
 Segal
 Trial Date: Not Yet Set
 Action Filed: Nov. 30, 2011

24 Under Federal Rule of Evidence 201(c)(2), Defendant Kamala D. Harris,
 25 Attorney General of the State of California (the “Attorney General”), requests that
 26 the Court take judicial notice of an adjudicative fact in connection with the motion
 27 for judgment on the pleadings of the instant case adverse to Plaintiff Charles
 28



1 Nichols (“Nichols”).

2 The fact is as follows: in May 2013, Nichols pleaded no contest to a criminal
3 count, and was found guilty and convicted, of violating Redondo Beach Municipal
4 Code Title 4-35.20(a), in an incident that occurred on May 21, 2012. This fact is
5 reflected on pages 10 and 17-18 of the pleading in this case titled “Opposition of
6 Defendant City of Redondo Beach to Plaintiff’s Ex Parte Application for Stay
7 Pending Appeal; Declaration of T. Peter Pierce in Support,” and filed herein as
8 Document 119 on July 16, 2013, a true and correct copy of which pleading is
9 attached hereto as Exhibit A.

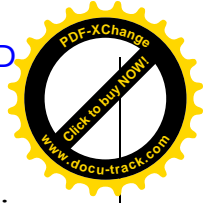
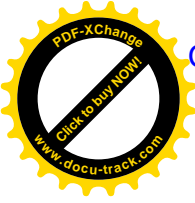
10 Additionally, attached hereto as Exhibit B is a true and correct copy of the
11 text of California Penal Code section 25850, as downloaded from the Internet site
12 www.leginfo.ca.gov on November 7, 2013.

13 Additionally, attached hereto as Exhibit C is a true and correct copy of the
14 text of California Penal Code sections 26150 through 26225, as downloaded from
15 the Internet site www.leginfo.ca.gov on November 7, 2013.

16 Additionally, attached hereto as Exhibit D is a true and correct copy of the
17 text of California Penal Code section 26350, as downloaded from the Internet site
18 www.leginfo.ca.gov on November 7, 2013.

19 Additionally, attached hereto as Exhibit E is a true and correct copy of the
20 text of California Penal Code section 26350, as downloaded from the Internet site
21 www.leginfo.ca.gov on November 7, 2013.

22
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

These copies of statutes are presented for the Court's ease of reference.

Dated: November 12, 2013

Respectfully submitted,

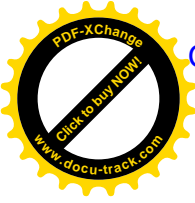
KAMALA D. HARRIS
Attorney General of California
MARK R. BECKINGTON
Supervising Deputy Attorney General

/s/ Jonathan M. Eisenberg
JONATHAN M. EISENBERG
Deputy Attorney General
*Attorneys for Defendant California
Attorney General Kamala D. Harris*

SUPPORTING DECLARATION OF JONATHAN M. EISENBERG

I, Jonathan M. Eisenberg, declare as follows:

1. I have personal knowledge of the following facts and, if called as a witness, could and would testify competently to the facts.
2. I am an attorney admitted to practice law in California and before the instant Court. I am a deputy attorney general in the Office of the California Attorney General. I am one of the attorneys of record for Defendant Kamala D. Harris, Attorney General of the State of California, in the instant lawsuit adverse to Plaintiff Charles Nichols.
3. The pleading marked as Exhibit A herein is a true and correct copy of the pleading filed herein as Document 119.
4. The document marked as Exhibit B herein is a true and correct copy of a document that I downloaded from the Internet site www.leginfo.ca.gov to my work computer at the Office of the California Attorney General on November 7, 2013.
5. The document marked as Exhibit C herein is a true and correct copy of a document that I downloaded from the Internet site www.leginfo.ca.gov to my work computer at the Office of the California Attorney General on November 7, 2013.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. The document marked as Exhibit D herein is a true and correct copy of a document that I downloaded from the Internet site www.leginfo.ca.gov to my work computer at the Office of the California Attorney General on November 7, 2013.

7. The document marked as Exhibit E herein is a true and correct copy of a document that I downloaded from the Internet site www.leginfo.ca.gov to my work computer at the Office of the California Attorney General on November 7, 2013.

I declare under the penalty of perjury that the foregoing is true and correct and that I signed this document on November 12, 2013, at Los Angeles, California.

/s/ Jonathan M. Eisenberg
JONATHAN M. EISENBERG

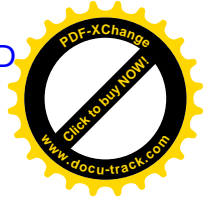
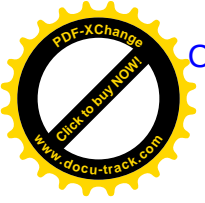
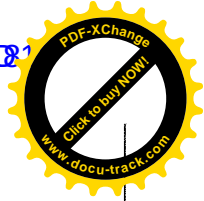
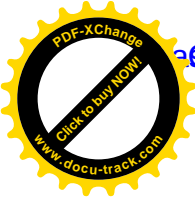


Exhibit A



1 T. PETER PIERCE (Bar No. 160408)
ppierce@rwglaw.com
2 LISA BOND (Bar No. 172342)
lbond@rwglaw.com
3 RICHARDS, WATSON & GERSHON
A Professional Corporation
4 355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
5 Telephone: 213.626.8484
Facsimile: 213.626.0078

6 Attorneys for Defendant.
7 City of Redondo Beach

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

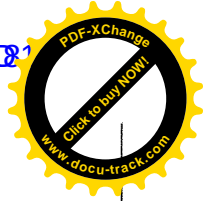
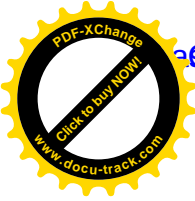
11 CHARLES NICHOLS,
12 Plaintiff,
13 vs.
14 KAMALA D. HARRIS, Attorney
General, in her official capacity as
15 Attorney General of California, CITY
OF REDONDO BEACH and DOES 1 to
16 10,
17 Defendants.

Case No. CV-11-9916 SJO (SS)
**OPPOSITION OF DEFENDANT
CITY OF REDONDO BEACH TO
PLAINTIFF'S EX PARTE
APPLICATION FOR STAY
PENDING APPEAL; DECLARATION
OF T. PETER PIERCE IN SUPPORT**
Judge: Hon. S. James Otero

18 Defendant City of Redondo Beach submits the following memorandum of
19 points and authorities in opposition to the ex parte application for stay pending
20 appeal filed by Plaintiff Charles Nichols:

21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

RW RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION



MEMORANDUM OF POINTS AND AUTHORITIES

I. Preliminary Statement

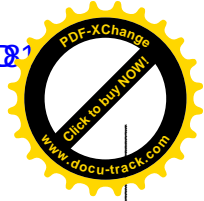
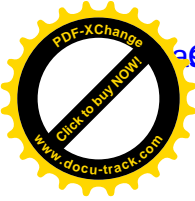
Defendant City of Redondo Beach (the “City”) opposes on the following grounds the ex parte application for a stay pending appeal filed by Plaintiff Charles Nichols (“plaintiff”):

First, plaintiff has not provided an adequate explanation as to why he cannot seek a stay through a noticed motion.

Second, plaintiff cannot show that he would be prejudiced by the noticed motion procedure; his request for a stay has no merit in the first place. Plaintiff appeals from an order denying a preliminary injunction with respect to enforcement of three California statutes. Plaintiff did not seek a preliminary injunction with respect to enforcement of the City’s prohibition on firearms in public parks. The constitutional validity of California’s statutes is an issue entirely separate from the validity of the City’s regulation. This Court may continue to exercise jurisdiction over plaintiff’s claims against the City without concern for running afoul of any decision of the Ninth Circuit with respect to enforcement of California law.

Third, still pending before the Court is the City’s Motion to Dismiss all of the claims asserted against it in the operative Second Amended Complaint. A stay of the proceedings would prejudice the City by depriving it of the opportunity to have its legal defenses adjudicated now, and would leave the City in legal limbo for the duration of the stay.

Fourth, well after the City filed its Motion to Dismiss, plaintiff pled no contest to a misdemeanor criminal complaint filed against him in California state court arising from the same course of conduct underlying his claims against the City here. After researching the potential impact of that plea on plaintiff’s claims here, the City has concluded that it has additional grounds to move for judgment against plaintiff. The City is drafting a detailed Rule 7-3 pre-meeting letter to plaintiff in an effort to



1 convince him to dismiss his claims against the City in the wake of his plea in state
2 court. A stay by this Court would further prejudice the City by depriving it of an
3 opportunity to obtain a resolution on the merits now.

4 In summary, the City’s continued efforts to obtain a favorable judgment
5 should not be derailed by an appeal that has nothing to do with plaintiff’s claims
6 against the City.

7

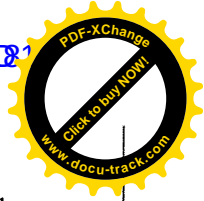
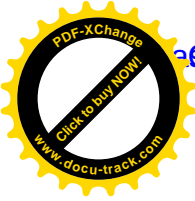
8 **II. The Ex Parte Application Should Be Denied Because Plaintiff Has Not**
9 **Adequately Explained Why A Noticed Motion Would Be Ineffective.**

10 The Court’s Initial Standing Order advises: “Ex parte applications are
11 discouraged. *Mission Power Eng’g Co. v. Cont’l Casualty Co.*, 883 F.Supp. 488
12 (C.D.Cal. 1995) [*Mission Power*].” (Standing Order, p. 12, lines 1-2). “Many ex
13 parte motions are denied, not because the underlying request is unwarranted, but
14 because the papers do not show that bypassing the regular noticed motion procedure
15 is necessary.” *Mission Power*, 883 F.Supp. at 492. Plaintiff has not explained why
16 his request for a stay cannot be accommodated through a regularly noticed motion.
17 There is no reason why plaintiff cannot file a noticed motion and set it for hearing in
18 advance of the September 4 deadline for the filing of the answering brief in the Ninth
19 Circuit, which will be months in advance of the Ninth Circuit deciding the appeal.
20 The ex parte application should be denied for this reason alone.

21

22 **III. The Ex Parte Application Should Be Denied Because Plaintiff Has Not**
23 **Shown Irreparable Prejudice.**

24 Plaintiff must show (1) he “will be irreparably prejudiced if the underlying
25 motion is heard according to regular noticed motion procedures”; and (2) he “is
26 without fault in creating the crisis that requires ex parte relief.” *Mission Power*, 883
27 F.Supp. at 492. Plaintiff fails to satisfy the first factor, rendering superfluous any
28 discussion of the second.

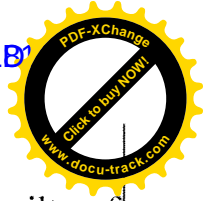
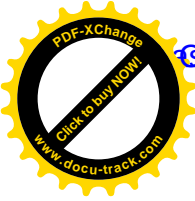


IRMA RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

1 “To show irreparable prejudice, it will usually be necessary to refer to the
 2 merits of the accompanying proposed motion, because if it is meritless, failure to
 3 hear it cannot be prejudicial.” *Mission Power*, 883 F.Supp. at p. 492. Plaintiff
 4 contends that this Court, by continuing to assert jurisdiction over plaintiff’s claims
 5 against the City, could interfere with the Ninth Circuit’s jurisdiction over plaintiff’s
 6 pending appeal. Plaintiff is mistaken. This Court refused to enjoin enforcement of
 7 California statutes on the ground that plaintiff was not likely to succeed on his *facial*
 8 challenges to those statutes under the Second, Fourth and Fourteenth Amendments.
 9 (*See* Order, Document 109, at pp. 4-10). The statutes, collectively, prohibit the
 10 carrying of loaded and unloaded firearms, including handguns, in public places. The
 11 *facial* validity of those statutes has nothing to do with plaintiff’s *as-applied*
 12 challenges to the City’s regulation under the Second, Fourth and Fourteenth
 13 Amendments. (*See* Second Amended Complaint, Document 83, at ¶¶ 45, 70-82).
 14 The City criminally prosecuted plaintiff for violating the City’s prohibition on
 15 firearms in public parks. (*See* Exhibit “A” attached, Declaration of T. Peter Pierce at
 16 ¶ 2; *See also* Second Amended Complaint, Document 83, at ¶ 45). Plaintiff has not
 17 shown that the validity of the City’s enforcement will be affected by the Ninth
 18 Circuit’s decision on the facial validity of California law.

19 To the extent plaintiff tries to state a facial Second Amendment claim against
 20 the City, he does not show that this Court, by retaining jurisdiction over that claim,
 21 would interfere with the Ninth Circuit’s jurisdiction. Nor could he show that. A
 22 ruling by this Court upholding the City’s regulation under the Second Amendment
 23 would not interfere with a Ninth Circuit ruling striking down one of the challenged
 24 California statutes on that ground. More importantly, for the reasons stated in this
 25 Court’s order denying a preliminary injunction, it is highly unlikely that the Ninth
 26 Circuit would invalidate any of the state statutes.

27 Separately and independently, plaintiff recently pled no contest in California
 28 state court to violating the City’s prohibition on firearms in public parks. (*See*




1 Exhibit “B” attached at p. 7; Pierce decl. at ¶ 3). Accordingly, he was found guilty of
 2 the misdemeanor charge, and convicted. (See Exhibit “B” attached at pp. 7-8; Pierce
 3 decl. at ¶ 3). The City is preparing a letter to plaintiff, under Local Rule 7-3,
 4 explaining that plaintiff’s conviction forecloses his claims against the City under
 5 *Heck v. Humphrey*, 512 U.S. 477, 486-87, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994),
 6 and its progeny. Plaintiff’s claims against the City are now foreclosed *regardless of*
 7 *the Ninth Circuit’s decision in the pending appeal* involving California law. Unless
 8 plaintiff agrees to dismiss his claims against the City in the Rule 7-3 process, the
 9 City soon will be filing a motion for judgment on the pleadings or for summary
 10 judgment. The pending appeal should not derail that motion.

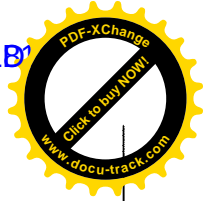
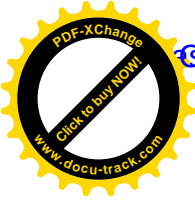
11
12 **IV. Conclusion**

13 For all of the foregoing reasons, the Court should deny plaintiff’s ex parte
14 application.

15
16 Dated: July 16, 2013

RICHARDS, WATSON & GERSHON
A Professional Corporation
T. PETER PIERCE
LISA BOND

17
18
19 By: 
20 T. PETER PIERCE
21 Attorneys for Defendant
22 City of Redondo Beach
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF T. PETER PIERCE

I, T. Peter Pierce, declare:

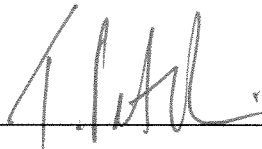
1. I am an attorney admitted to practice before this Court and licensed to practice in all courts of the State of California. I am one of the attorneys responsible for representing defendant City of Redondo Beach in this case. I have personal knowledge of the matters in this declaration.

2. Attached here as Exhibit "A" is a true and correct certified copy of the operative charging complaint filed in *People v. Charles Nichols*, which I obtained from the California Superior Court.

3. Attached here as Exhibit "B" is a true and correct certified copy of the complete docket sheet in *People v. Charles Nichols*, which I obtained from the California Superior Court. I have drawn a box around the parts of the docket sheet on pages 7 and 8 recounting Mr. Nichols' plea of no contest, the California Superior Court's finding of guilt, and its conviction of Mr. Nichols.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 16, 2013 at Los Angeles, California.



T. Peter Pierce

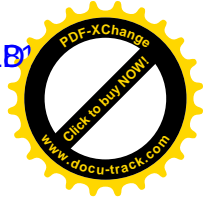
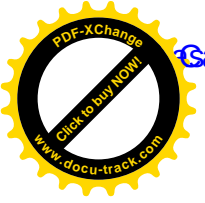


EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SOUTHWEST JUDICIAL DISTRICT

PEOPLE OF THE STATE OF CALIFORNIA

COURT CASE # 2SY05163

FILED

PLAINTIFF
v.
DEFENDANT

COMPLAINT - MISDEMEANOR/ U.S. ARRESTS SUPERIOR CO
INFRACTION

MAY 10 2013

CHARLES ERWIN NICHOLS
16810 HAWTHORNE BLVD.
LAWNDALE, CA 90260

1st.
" AMENDED COMPLAINT"
"MODIFY WORDING IN CTI"

THOMAS A. CLARKE, CLERK
William Milligan
BY M. MILLIGAN, DEPUTY

DOB 03-12-60 SEX M HAIR BRO EYES BLU HGT 5'2" WGT 250 RACE W

OPR LIC # N6978836 ST CA

LPD/DR 12-3245

MAIN NUMBER

SOC SEC

VEH LIC ST

CII M91667305

ARRESTED CHGS 4-35.20(a) RBMC

FBI

BKG NUMBER

CITE # FOR LETTER

OCA # CA0195600

DATE OF ARREST MAY 21, 2012

VIO CITY REDONDO BEACH

AKA

FIRST

MID

LAST

SFX

The undersigned declarant and complainant states that he is informed and believes and upon such information and belief declares that on or about **MAY 21, 2012** the above named Defendant, at and in the Southwest Judicial District in the County of Los Angeles, State of California, committed the crime(s) of:

COUNT 1

A misdemeanor violation of the **Redondo Beach Municipal Code Section 4-35.20(a)**, in that the above named Defendant did carry a weapon across, in, or into a park.

I declare under penalty of perjury that the foregoing is true and correct. Executed on **MAY 09, 2013** in the County of Los Angeles, State of California

[Signature]
Declarant and Complainant

Investigating Agency: Redondo Beach Police Department

THIS VERIFIED COMPLAINT INCORPORATES BY REFERENCE THE POLICE
REPORT DR # 12-3245

B# FOR LETTER

DK/ DA/BM

PURSUANT TO PENAL CODE SECTION 1054.3 THE PEOPLE HEREBY MAKE AN INFORMAL REQUEST FOR DISCOVERY TO BE DISCLOSED BY THE DEFENDANT AND HIS/HER ATTORNEY TO THE PEOPLE WITHIN 15 DAYS OF THE RECEIPT OF THIS COMPLAINT.



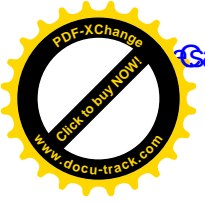
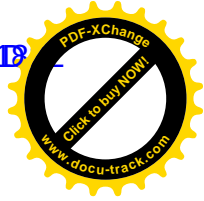
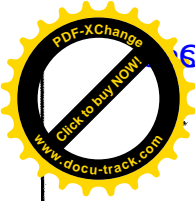


EXHIBIT B



SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

PAGE NO. 1
CURRENT DATE 07/15/13

NO. 2SY05163
THE PEOPLE OF THE STATE OF CALIFORNIA VS.
DEFENDANT 01: CHARLES ERWIN NICHOLS
LAW ENFORCEMENT AGENCY EFFECTING ARREST: REDONDO BEACH POLICE DEPT.

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
-----------------------	----------------	-------------	---------------------	----------------	-----------------

CASE FILED ON 07/13/12.
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 05/21/12 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 4-35.20(A) RBM MISD
NEXT SCHEDULED EVENT:
07/25/12 830 AM ARRAIGNMENT DIST TORRANCE COURTHOUSE DEPT 005

ON 07/25/12 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT
PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)
THE CELIA BERNAL (REP) SYDNE S. MICHEL (CP)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MICHAEL F SISSON PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY MICHAEL F SISSON PRIVATE COUNSEL
DEMURRER TO COMPLAINT FILED BY THE CITY OF REDONDO BEACH FILED.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/22/12 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 08/17/12 AT 830 AM :

DEFENDANT CHARLES NICOLS DEMURRER TO COMPLAINT.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

NEXT SCHEDULED EVENT:
08/22/12 900 AM MOTION DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

ON 08/22/12 AT 900 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR MOTION
PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)
THE CELIA BERNAL (REP) SYDNE S. MICHEL ()
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY MICHAEL F SISSON PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY MICHAEL F SISSON PRIVATE COUNSEL
MOTION CONTINUED UNTIL 09/13/2012.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
09/13/12 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 005

CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 2
DATE PRINTED 07/15/13

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 09/13/12 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)
CELIA BERNAL (REP) SYDNE S. MICHEL (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MICHAEL F SISSON PRIVATE COUNSEL

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

09/27/12 830 AM ARRAIGNMENT AND PLEA DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/27/12 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR ARRAIGNMENT AND PLEA

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)
CELIA BERNAL (REP) SYDNE S. MICHEL (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MICHAEL F SISSON PRIVATE COUNSEL

CASE IS TAKEN UNDER SUBMISSION. RULING ON MOTION IS CONTINUED.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

10/24/12 830 AM MOTION DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/24/12 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR MOTION

PARTIES: DAVID SOTELO (JUDGE) PATRICIA SOTO (CLERK)
CELIA BERNAL (REP) SYDNE S. MICHEL (CP)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MICHAEL F SISSON PRIVATE COUNSEL

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 4-35.20(A) RBM.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
DEMURRER IS DENIED.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

12/11/12 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 11/07/12 AT 800 AM :

PAYMENT OF \$1.50 RECEIVED FOR PHOTOCOPIES.

CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 3
DATE PRINTED 07/15/13

RECEIPT # SBA468645008
MATTER REMAINS ON CALENDAR FOR PRETRIAL HEARING DUE ON
12/11/12 DEPT. 5.
PRETRIAL HEARING

ON 12/11/12 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) SHIRLEY LINARES (CLERK)
WILLIAM BARNES (REP) SYDNE S. MICHEL (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY MICHAEL F SISSON PRIVATE
COUNSEL
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
01/14/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/14/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) SYDNE S. MICHEL (CP)
PUBLIC DEFENDER APPOINTED. JOHN MATTINGLY - P.D.
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC
DEFENDER
ATTORNEY MICHAEL SISSON IS RELIEVED.

NOTICE OF ASSESSMENT OF APPOINTED COUNSEL REGISTRATION FEE PER
\$1987.5 SIGNED AND FILED
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
02/25/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 01/30/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR FURTHER PROCEEDINGS
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) SYDNE S. MICHEL (CP)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY JOHN MATTINGLY DEPUTY
PUBLIC DEFENDER
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
JOHN MATTINGLY DEPUTY PUBLIC DEFENDER
ORDER TO PREPARE TRANSCRIPT SIGNED.
NEXT SCHEDULED EVENT:
02/25/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005

ON 02/25/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 4
DATE PRINTED 07/15/13

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) SYDNE S. MICHEL (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:

03/18/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/18/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER

OPPOSITION TO DEFENSE MOTION TO CONTINUE FILED.

DEFENSE MOTION FOR CONTINUANCE DENIED WITHOUT PREJUDICE.

NEXT SCHEDULED EVENT:

04/03/13 830 AM PRETRIAL HEARING DIST TORRANCE COURTHOUSE DEPT 005
DAY 15 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/03/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR PRETRIAL HEARING

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
CARMEN J. GARROD (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER

NEXT SCHEDULED EVENT:

04/16/13 830 AM TRIAL/OR MOTION DIST TORRANCE COURTHOUSE DEPT 005
DAY 28 OF 30

NEXT SCHEDULED EVENT:

BY STIPULATION CAUSE CONTINUED TO
04/18/13 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 005
DAY 30 OF 30

ON 04/05/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR TRIAL/OR MOTION

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) SYDNE S. MICHEL (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER

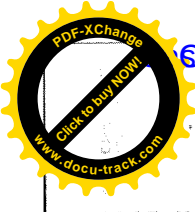
4/16/13 AND 4/18/13 DATES ARE VACATED.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:



CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 5
DATE PRINTED 07/15/13

UPON MOTION OF DEFENDANT
04/30/13 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 005
DAY 00 OF 10

ON 04/11/13 AT 1000 AM IN TORRANCE COURTHOUSE DEPT REU

CASE CALLED FOR 987.8 - ATTORNEY FEES PAYMENT
PARTIES: NONE (JUDGE) NONE (CLERK)

NONE (REP) MELANIE CHAVIRA (
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
PAYMENT RECEIVED FROM GC SERVICES FOR THE OUTSTANDING APPOINTED
COUNSEL REGISTRATION FEE IN THE AMOUNT OF \$50.00 ON INVOICE
#04132161.

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 04/30/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER
IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID
MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE
TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.
CASE CALLED FOR JURY TRIAL

PARTIES: CHET L. TAYLOR (JUDGE) VIKKI JOHNSON (CLERK)
WILLIAM BARNES (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC
DEFENDER

PEOPLE'S OPPOSITION TO MOTION TO DISMISS FILED AND SET FOR
04-30-13 IN DEPT. 5.

MOTION TO DISMISS AND MARSDEN CONTINUED TO 05-03-13 IN DEPT. 5.

*****NO NUNC PRO TUNC ORDER REQUIRED*****

NEXT SCHEDULED EVENT:
05/03/13 830 AM MOTION DIST TORRANCE COURTHOUSE DEPT 005

DAY 03 OF 10

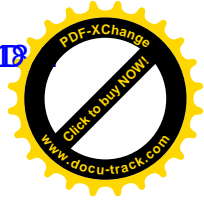
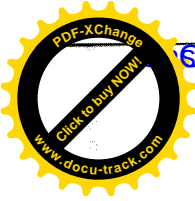
CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/03/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR MOTION
PARTIES: CHET L. TAYLOR (JUDGE) VIKKI JOHNSON (CLERK)
WILLIAM BARNES (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC
DEFENDER

OUT OF THE PRESENCE OF THE PEOPLE, WITH THE COURT STAFF ONLY,
THE DEFENDANT'S MARSDEN MOTION IS HEARD AND DENIED.
THE COURT ORDERS THE NOTES OF THE REPORTER SEALED AND NOT TO
BE TRANSCRIBED UNLESS ORDERED BY THE COURT.

DEFENDANT'S MOTION TO DISMISS IS ARGUED AND DENIED.



CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 6
DATE PRINTED 07/15/13

THIS MATTER IS CONTINUED FOR JURY TRIAL TO 05/08/2013.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
NEXT SCHEDULED EVENT:
05/08/13 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 005
DAY 08 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/06/13 AT 800 AM :

PAYMENT OF \$25.00 RECEIVED FOR CERTIFICATION.
RECEIPT # SBA468645008.
MATTER REMAINS ON CALENDAR FOR JURY TRIAL DUE ON 5/8/13 DEPT. 5.
JURY TRIAL

ON 05/08/13 AT 800 AM :

\$25.00 PAID FOR CERTIFICATION. RECEIPT#SBA500815010.
JURY TRIAL

ON 05/08/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

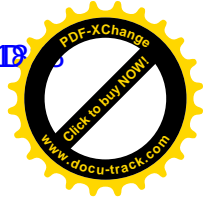
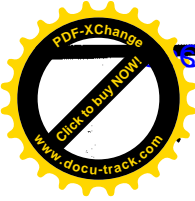
CASE CALLED FOR JURY TRIAL
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
WILLIAM BARNES (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
NEXT SCHEDULED EVENT:
05/10/13 830 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 005
DAY 08 OF 10

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/10/13 AT 830 AM IN TORRANCE COURTHOUSE DEPT 005

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.
CASE CALLED FOR JURY TRIAL
PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
CHRISTINE CHEATHAM (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER
MATTER IS CALLED FOR JURY TRIAL.

DEFENDANT'S MOTION TO DISMISS BECAUSE PROSECUTION VIOLATES
RIGHT GUARANTEED BY THE BILL OF RIGHTS IS HEARD, ARGUED AND



CASE NO. 2SY05163
DEF NO. 01

DENIED.

DEFENDANT'S MOTION TO CONTINUE IS DENIED.

A PANEL OF 30 PROSPECTIVE JURORS IS BROUGHT INTO THE COURTROOM AND IS GIVEN THE PERJURY ADMONISHMENT REGARDING QUALIFICATIONS.

VOIR DIRE COMMENCES.

THE JURORS ARE ADMONISHED, EXCUSED, AND ORDERED TO RETURN ON MAY 13, 2013 AT 11:00 A.M.

TRIAL IS RECESSED TO THE DATE AND TIME SHOWN BELOW.
COURT ORDERS AND FINDINGS:

-THE INITIAL JURY PANEL IS ADMONISHED.

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
NEXT SCHEDULED EVENT:

05/13/13 1100 AM JURY TRIAL DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/13/13 AT 1100 AM IN TORRANCE COURTHOUSE DEPT 005

CASE CALLED FOR JURY TRIAL

PARTIES: CHET L. TAYLOR (JUDGE) MICHELLE MILLIGAN (CLERK)
CARMEN J. GARROD (REP) MELANIE CHAVIRA (CP)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JOHN MATTINGLY DEPUTY PUBLIC DEFENDER

DEFENDANT ADVISED OF AND PERSONALLY AND EXPLICITLY WAIVES THE FOLLOWING RIGHTS:
WRITTEN ADVISEMENT OF RIGHTS AND WAIVERS FILED, INCORPORATED BY REFERENCE
HEREIN

TRIAL BY COURT AND TRIAL BY JURY
CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES;
SUBPOENA OF WITNESSES INTO COURT TO TESTIFY IN YOUR DEFENSE;
AGAINST SELF-INCRIMINATION;

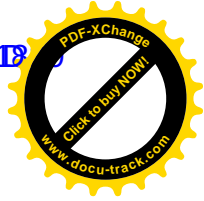
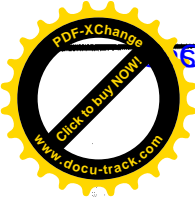
DEFENDANT ADVISED OF THE FOLLOWING:
THE NATURE OF THE CHARGES AGAINST HIM, THE ELEMENTS OF THE OFFENSE IN THE

COMPLAINT, AND POSSIBLE DEFENSES TO SUCH CHARGES;
THE POSSIBLE CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE, INCLUDING
THE MAXIMUM PENALTY AND ADMINISTRATIVE SANCTIONS AND THE POSSIBLE LEGAL
EFFECTS AND MAXIMUM PENALTIES INCIDENT TO SUBSEQUENT CONVICTIONS FOR THE
SAME OR SIMILAR OFFENSES;
THE EFFECTS OF PROBATION;

IF YOU ARE NOT A CITIZEN, YOU ARE HEREBY ADVISED THAT A CONVICTION OF THE
OFFENSE FOR WHICH YOU HAVE BEEN CHARGED WILL HAVE THE CONSEQUENCES OF
DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF
NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.
THE COURT FINDS THAT EACH SUCH WAIVER IS KNOWINGLY, UNDERSTANDINGLY, AND
EXPLICITLY MADE; COUNSEL JOINS IN THE WAIVERS

THE DEFENDANT PERSONALLY WITHDRAWS PLEA OF NOT GUILTY TO COUNT 01 AND PLEADS
NOLO CONTENDERE WITH THE APPROVAL OF THE COURT TO A VIOLATION OF SECTION
4-35.20(A) RBM IN COUNT 01. THE COURT FINDS THE DEFENDANT GUILTY.





CASE NO. 2SY05163
DEF NO. 01

PAGE NO. 8
DATE PRINTED 07/15/13

COUNT (01) : DISPOSITION: CONVICTED

*

COURT ACCEPTS PLEA
PEOPLE VS. WEST.

NEXT SCHEDULED EVENT:
SENTENCING

DEFENDANT WAIVES ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT BE PRONOUNCED. THE COURT ORDERED THE FOLLOWING JUDGMENT:

AS TO COUNT (01):
IMPOSITION OF SENTENCE SUSPENDED

DEFENDANT PLACED ON SUMMARY PROBATION

FOR A PERIOD OF 003 YEARS UNDER THE FOLLOWING TERMS AND CONDITIONS:
PAY A FINE OF \$150.00

PLUS A STATE PENALTY FUND ASSESSMENT OF \$420.00
PLUS \$30.00 CRIMINAL FINE SURCHARGE (PURSUANT TO 1465.7 P.C.)
\$40.00 COURT OPERATIONS ASSESSMENT (PURSUANT TO 1465.8(A)(1) P.C.)
\$30.00 INSTALLMENT & ACCOUNTS RECEIVABLE FEE (PURSUANT TO 1205(D)PC)
\$30.00 CRIMINAL CONVICTION ASSESSMENT (PURSUANT TO 70373 G.C.)

DEFENDANT TO PAY FINE TO THE COURT CLERK
DEFENDANT SHALL PAY A RESTITUTION FINE IN THE AMOUNT OF \$120.00 TO THE COURT
TOTAL DUE: \$820.00

IN ADDITION:

- OBEY ALL LAWS AND ORDERS OF THE COURT.
 - DEFENDANT ACKNOWLEDGES TO THE COURT THAT THE DEFENDANT UNDERSTANDS AND ACCEPTS ALL THE PROBATION CONDITIONS, AND DEFENDANT AGREES TO ABIDE BY SAME.
- SENTENCE AND ORDER GRANTING SUMMARY PROBATION SIGNED AND FILED.

DEFENDANT REFUSES COMMUNITY SERVICE.

DO NOT COMMIT THE SAME OR ANY SIMILAR OFFENSE.
COUNT (01): DISPOSITION: CONVICTED

DMV ABSTRACT NOT REQUIRED
NEXT SCHEDULED EVENT:

09/13/13 830 AM FINES/FEES DIST TORRANCE COURTHOUSE DEPT 005

CUSTODY STATUS: ON PROBATION

ON 05/13/13 AT 1130 AM IN TORRANCE COURTHOUSE DEPT CLK

CASE CALLED FOR FINES/FEES

PARTIES: NONE (JUDGE) NONE (CLERK)
 NONE (REP) NONE (DDA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT APPEARS IN PRO PER
PAYMENT IN THE AMOUNT OF \$820.00 PAID ON 05/13/13 RECEIPT # SBA468645011

NEXT SCHEDULED EVENT:

PROBATION IN EFFECT

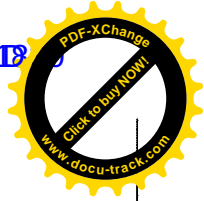
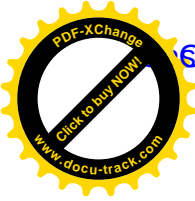
NEXT SCHEDULED EVENT:

PROCEEDINGS TERMINATED

CUSTODY STATUS: ON PROBATION.

05/17/13 ARREST DISPOSITION REPORT SENT VIA FILE TRANSFER TO DEPARTMENT OF JUSTICE





1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Clotilde Bigornia, declare:

I am a resident of the state of California and over the age of eighteen years and not a party to the within action. My business address is 355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101. On July 16, 2013, I served the within document(s) described as:

OPPOSITION OF DEFENDANT CITY OF REDONDO BEACH TO PLAINTIFF'S EX PARTE APPLICATION FOR STAY PENDING APPEAL; DECLARATION OF T. PETER PIERCE IN SUPPORT

on the interested parties in this action as stated below:


Charles Nichols
P.O. Box 1302
Redondo Beach, CA 90278
Tel: (424) 634-7381

(BY OVERNIGHT EXPRESS MAIL DELIVERY) By placing the document(s) listed above in a sealed envelope with Express Mail postage thereon fully prepaid, addressed as set forth above, and causing the envelope to be deposited with the United States Postal Service.

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 16, 2013, at Los Angeles, California.

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



Clotilde Bigornia

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

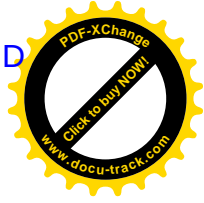
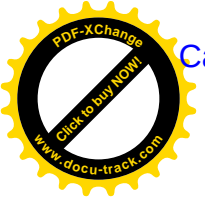


Exhibit B

PENAL CODE SECTION 25850

25850. (a) A person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory.

(b) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on the person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to this section constitutes probable cause for arrest for violation of this section.

(c) Carrying a loaded firearm in violation of this section is punishable, as follows:

(1) Where the person previously has been convicted of any felony, or of any crime made punishable by a provision listed in Section 16580, as a felony.

(2) Where the firearm is stolen and the person knew or had reasonable cause to believe that it was stolen, as a felony.

(3) Where the person is an active participant in a criminal street gang, as defined in subdivision (a) of Section 186.22, under the Street Terrorism Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1), as a felony.

(4) Where the person is not in lawful possession of the firearm, or is within a class of persons prohibited from possessing or acquiring a firearm pursuant to Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, as a felony.

(5) Where the person has been convicted of a crime against a person or property, or of a narcotics or dangerous drug violation, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(6) Where the person is not listed with the Department of Justice pursuant to Section 11106 as the registered owner of the handgun, by imprisonment pursuant to subdivision (h) of Section 1170, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or both that fine and imprisonment.

(7) In all cases other than those specified in paragraphs (1) to (6), inclusive, as a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed one thousand dollars (\$1,000), or by both that imprisonment and fine.

(d) (1) Every person convicted under this section who has previously been convicted of an offense enumerated in Section 23515, or of any crime made punishable under a provision listed in Section 16580, shall serve a term of at least three months in a county jail, or, if granted probation or if the execution or imposition of sentence is suspended, it shall be a condition thereof that the person be imprisoned for a period of at least three months.

(2) The court shall apply the three-month minimum sentence except in unusual cases where the interests of justice would best be served by granting probation or suspending the imposition or execution of sentence without the minimum imprisonment required in this section or by granting probation or suspending the imposition or execution of sentence with conditions other than those set forth in this section, in which case, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(e) A violation of this section that is punished by imprisonment in a county jail not exceeding one year shall not constitute a conviction of a crime punishable by imprisonment for a term exceeding one year for the purposes of determining federal firearms eligibility under Section 922(g)(1) of Title 18 of the United States Code.

(f) Nothing in this section, or in Article 3 (commencing with Section 25900) or Article 4 (commencing with Section 26000), shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a greater penalty than this section.

(g) Notwithstanding paragraphs (2) and (3) of subdivision (a) of Section 836, a peace officer may make an arrest without a warrant:

(1) When the person arrested has violated this section, although not in the officer's presence.

(2) Whenever the officer has reasonable cause to believe that the person to be arrested has violated this section, whether or not this section has, in fact, been violated.

(h) A peace officer may arrest a person for a violation of paragraph (6) of subdivision (c), if the peace officer has probable cause to believe that the person is carrying a handgun in violation of this section and that person is not listed with the Department of Justice pursuant to paragraph (1) of subdivision (c) of Section 11106 as the registered owner of that handgun.

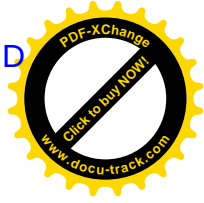
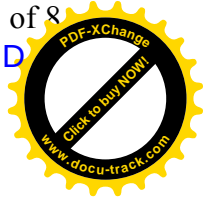
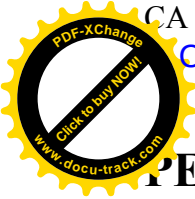


Exhibit C



PENAL CODE

SECTION 26150-26225

26150. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the sheriff of a county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.

(3) The applicant is a resident of the county or a city within the county, or the applicant's principal place of employment or business is in the county or a city within the county and the applicant spends a substantial period of time in that place of employment or business.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The sheriff may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

26155. (a) When a person applies for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person, the chief or other head of a municipal police department of any city or county may issue a license to that person upon proof of all of the following:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.
- (3) The applicant is a resident of that city.

(4) The applicant has completed a course of training as described in Section 26165.

(b) The chief or other head of a municipal police department may issue a license under subdivision (a) in either of the following formats:

(1) A license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Where the population of the county in which the city is located is less than 200,000 persons according to the most recent federal decennial census, a license to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) Nothing in this chapter shall preclude the chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, pursuant to this chapter.

26160. Each licensing authority shall publish and make available a

Written policy summarizing the provisions of Section 26150 and subdivisions (a) and (b) of Section 26155.

26165. (a) For new license applicants, the course of training for issuance of a license under Section 26150 or 26155 may be any course acceptable to the licensing authority, shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

(b) Notwithstanding subdivision (a), the licensing authority may require a community college course certified by the Commission on Peace Officer Standards and Training, up to a maximum of 24 hours, but only if required uniformly of all license applicants without exception.

(c) For license renewal applicants, the course of training may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm. No course of training shall be required for any person certified by the licensing authority as a trainer for purposes of this section, in order for that person to renew a license issued pursuant to this article.

(d) The applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.

26170. (a) Upon proof of all of the following, the sheriff of a county, or the chief or other head of a municipal police department of any city or city and county, may issue to an applicant a license to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person:

- (1) The applicant is of good moral character.
- (2) Good cause exists for issuance of the license.

(3) The applicant has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 by that sheriff or that chief of police or other head of a municipal police department.

(b) Direct or indirect fees for the issuance of a license pursuant to this section may be waived.

(c) The fact that an applicant for a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person has been deputized or appointed as a peace officer pursuant to subdivision (a) or (b) of Section 830.6 shall be considered only for the purpose of issuing a license pursuant to this section, and shall not be considered for the purpose of issuing a license pursuant to Section 26150 or 26155.

26175. (a) (1) Applications for licenses, applications for amendments to licenses, amendments to licenses, and licenses under this article shall be uniform throughout the state, upon forms to be prescribed by the Attorney General.

(2) The Attorney General shall convene a committee composed of one representative of the California State Sheriffs' Association, one representative of the California Police Chiefs Association, and one representative of the Department of Justice to review, and as deemed

appropriate, revise the standard application form for licenses. The committee shall meet for this purpose if two of the committee's members deem that necessary.

(b) The application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license.

(c) The standard application form for licenses described in subdivision (a) shall require information from the applicant, including, but not limited to, the name, occupation, residence, and business address of the applicant, the applicant's age, height, weight, color of eyes and hair, and reason for desiring a license to carry the weapon.

(d) Applications for licenses shall be filed in writing and signed by the applicant.

(e) Applications for amendments to licenses shall be filed in writing and signed by the applicant, and shall state what type of amendment is sought pursuant to Section 26215 and the reason for desiring the amendment.

(f) The forms shall contain a provision whereby the applicant attests to the truth of statements contained in the application.

(g) An applicant shall not be required to complete any additional application or form for a license, or to provide any information other than that necessary to complete the standard application form described in subdivision (a), except to clarify or interpret information provided by the applicant on the standard application form.

(h) The standard application form described in subdivision (a) is deemed to be a local form expressly exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Any license issued upon the application shall set forth the licensee's name, occupation, residence and business address, the licensee's age, height, weight, color of eyes and hair, and the reason for desiring a license to carry the weapon, and shall, in addition, contain a description of the weapon or weapons authorized to be carried, giving the name of the manufacturer, the serial number, and the caliber. The license issued to the licensee may be laminated.

26180. (a) Any person who files an application required by Section 26175 knowing that any statement contained therein is false is guilty of a misdemeanor.

(b) Any person who knowingly makes a false statement on the application regarding any of the following is guilty of a felony:

(1) The denial or revocation of a license, or the denial of an amendment to a license, issued pursuant to this article.

(2) A criminal conviction.

(3) A finding of not guilty by reason of insanity.

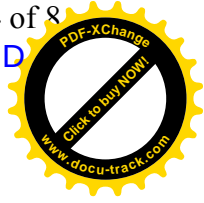
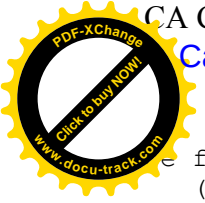
(4) The use of a controlled substance.

(5) A dishonorable discharge from military service.

(6) A commitment to a mental institution.

(7) A renunciation of United States citizenship.

26185. (a) (1) The fingerprints of each applicant shall be taken and two copies on forms prescribed by the Department of Justice shall



e forwarded to the department.

(2) Upon receipt of the fingerprints and the fee as prescribed in Section 26190, the department shall promptly furnish the forwarding licensing authority a report of all data and information pertaining to any applicant of which there is a record in its office, including information as to whether the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(3) No license shall be issued by any licensing authority until after receipt of the report from the department.

(b) Notwithstanding subdivision (a), if the license applicant has previously applied to the same licensing authority for a license to carry firearms pursuant to this article and the applicant's fingerprints and fee have been previously forwarded to the Department of Justice, as provided by this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional application form or fingerprints shall be required.

(c) If the license applicant has a license issued pursuant to this article and the applicant's fingerprints have been previously forwarded to the Department of Justice, as provided in this section, the licensing authority shall note the previous identification numbers and other data that would provide positive identification in the files of the Department of Justice on the copy of any subsequent license submitted to the department in conformance with Section 26225 and no additional fingerprints shall be required.

26190. (a) (1) Each applicant for a new license or for the renewal of a license shall pay at the time of filing the application a fee determined by the Department of Justice. The fee shall not exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 26185.

(2) After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

(3) The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice.

(b) (1) The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, including any required notices, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury.

(2) The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

(c) The licensing authority may charge an additional fee, not to exceed twenty-five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury.

(d) These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(e) (1) In the case of an amended license pursuant to Section 26215, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), for processing the amended license.

(2) This fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) The licensing authority shall transmit the fee to the city, city and county, or county treasury.

(f) (1) If psychological testing on the initial application is required by the licensing authority, the license applicant shall be referred to a licensed psychologist used by the licensing authority for the psychological testing of its own employees. The applicant may be charged for the actual cost of the testing in an amount not to exceed one hundred fifty dollars (\$150).

(2) Additional psychological testing of an applicant seeking license renewal shall be required only if there is compelling evidence to indicate that a test is necessary. The cost to the applicant for this additional testing shall not exceed one hundred fifty dollars (\$150).

(g) Except as authorized pursuant to this section, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant, or requires the applicant to obtain liability insurance, may be imposed by any licensing authority as a condition of the application for a license.

26195. (a) A license under this article shall not be issued if the Department of Justice determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(b) (1) A license under this article shall be revoked by the local licensing authority if at any time either the local licensing authority is notified by the Department of Justice that a licensee is prohibited by state or federal law from owning or purchasing firearms, or the local licensing authority determines that the person is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(2) If at any time the Department of Justice determines that a licensee is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, the department shall immediately notify the local licensing authority of the determination.

(3) If the local licensing authority revokes the license, the Department of Justice shall be notified of the revocation pursuant to Section 26225. The licensee shall also be immediately notified of the revocation in writing.

26200. (a) A license issued pursuant to this article may include any reasonable restrictions or conditions that the issuing authority deems warranted, including restrictions as to the time, place, manner, and circumstances under which the licensee may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) Any restrictions imposed pursuant to subdivision (a) shall be indicated on any license issued.

26202. Upon making the determination of good cause pursuant to Section 26150 or 26155, the licensing authority shall give written notice to the applicant of the licensing authority's determination. If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165. If the licensing authority determines that good cause does not exist, the notice shall inform the applicant that the request for a license has been denied and shall state the reason from the department's published policy, described in Section 26160, as to why the determination was made.

26205. The licensing authority shall give written notice to the applicant indicating if the license under this article is approved or denied. The licensing authority shall give this notice within 90 days of the initial application for a new license or a license renewal, or 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied.

26210. (a) When a licensee under this article has a change of address, the license shall be amended to reflect the new address and a new license shall be issued pursuant to subdivision (b) of Section 26215.

(b) The licensee shall notify the licensing authority in writing within 10 days of any change in the licensee's place of residence.

(c) If both of the following conditions are satisfied, a license to carry a concealed handgun may not be revoked solely because the licensee's place of residence has changed to another county:

(1) The licensee has not breached any of the conditions or restrictions set forth in the license.

(2) The licensee has not become prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

(d) Notwithstanding subdivision (c), if a licensee's place of residence was the basis for issuance of a license, any license issued pursuant to Section 26150 or 26155 shall expire 90 days after the licensee moves from the county of issuance.

(e) If the license is one to carry loaded and exposed a pistol, revolver, or other firearm capable of being concealed upon the person, the license shall be revoked immediately upon a change of the licensee's place of residence to another county.

26215. (a) A person issued a license pursuant to this article may apply to the licensing authority for an amendment to the license to do one or more of the following:

(1) Add or delete authority to carry a particular pistol, revolver, or other firearm capable of being concealed upon the person.

(2) Authorize the licensee to carry concealed a pistol, revolver, or other firearm capable of being concealed upon the person.

(3) If the population of the county is less than 200,000 persons

According to the most recent federal decennial census, authorize the licensee to carry loaded and exposed in only that county a pistol, revolver, or other firearm capable of being concealed upon the person.

(4) Change any restrictions or conditions on the license, including restrictions as to the time, place, manner, and circumstances under which the person may carry a pistol, revolver, or other firearm capable of being concealed upon the person.

(b) If the licensing authority amends the license, a new license shall be issued to the licensee reflecting the amendments.

(c) An amendment to the license does not extend the original expiration date of the license and the license shall be subject to renewal at the same time as if the license had not been amended.

(d) An application to amend a license does not constitute an application for renewal of the license.

26220. (a) Except as otherwise provided in this section and in subdivision (c) of Section 26210, a license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed two years from the date of the license.

(b) If the licensee's place of employment or business was the basis for issuance of a license pursuant to Section 26150, the license is valid for any period of time not to exceed 90 days from the date of the license. The license shall be valid only in the county in which the license was originally issued. The licensee shall give a copy of this license to the licensing authority of the city, county, or city and county in which the licensee resides. The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence. Any application to renew or extend the validity of, or reissue, the license may be granted only upon the concurrence of the licensing authority that originally issued the license and the licensing authority of the city, county, or city and county in which the licensee resides.

(c) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed three years from the date of the license if the license is issued to any of the following individuals:

(1) A judge of a California court of record.

(2) A full-time court commissioner of a California court of record.

(3) A judge of a federal court.

(4) A magistrate of a federal court.

(d) A license issued pursuant to Section 26150 or 26155 is valid for any period of time not to exceed four years from the date of the license if the license is issued to a custodial officer who is an employee of the sheriff as provided in Section 831.5, except that the license shall be invalid upon the conclusion of the person's employment pursuant to Section 831.5 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

(e) A license issued pursuant to Section 26170 to a peace officer appointed pursuant to Section 830.6 is valid for any period of time not to exceed four years from the date of the license, except that the license shall be invalid upon the conclusion of the person's

appointment pursuant to Section 830.6 if the four-year period has not otherwise expired or any other condition imposed pursuant to this article does not limit the validity of the license to a shorter time period.

26225. (a) A record of the following shall be maintained in the office of the licensing authority:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(b) Copies of each of the following shall be filed immediately by the issuing officer or authority with the Department of Justice:

- (1) The denial of a license.
- (2) The denial of an amendment to a license.
- (3) The issuance of a license.
- (4) The amendment of a license.
- (5) The revocation of a license.

(c) (1) Commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers pursuant to Section 26170, and to judges pursuant to Section 26150 or 26155.

(2) The Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.

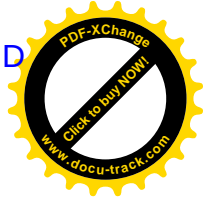


Exhibit D

PENAL CODE SECTION 26350

26350. (a) (1) A person is guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(2) A person is guilty of openly carrying an unloaded handgun when that person carries an exposed and unloaded handgun inside or on a vehicle, whether or not on his or her person, while in or on any of the following:

(A) A public place or public street in an incorporated city or city and county.

(B) A public street in a prohibited area of an unincorporated area of a county or city and county.

(C) A public place in a prohibited area of a county or city and county.

(b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subparagraph (A) of paragraph (1) of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if both of the following conditions exist:

(A) The handgun and unexpended ammunition capable of being discharged from that handgun are in the immediate possession of that person.

(B) The person is not in lawful possession of that handgun.

(c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.

(2) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

(d) Notwithstanding the fact that the term "an unloaded handgun" is used in this section, each handgun shall constitute a distinct and separate offense under this section.

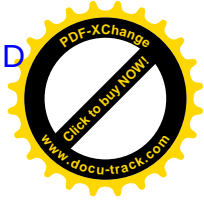
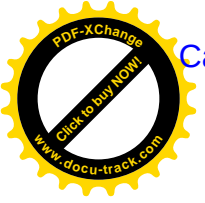


Exhibit E

PENAL CODE SECTION 26400

26400. (a) A person is guilty of carrying an unloaded firearm that is not a handgun in an incorporated city or city and county when that person carries upon his or her person an unloaded firearm that is not a handgun outside a vehicle while in the incorporated city or city and county.

(b) (1) Except as specified in paragraph (2), a violation of this section is a misdemeanor.

(2) A violation of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed one thousand dollars (\$1,000), or by both that fine and imprisonment, if the firearm and unexpended ammunition capable of being discharged from that firearm are in the immediate possession of the person and the person is not in lawful possession of that firearm.

(c) (1) Nothing in this section shall preclude prosecution under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9, Section 8100 or 8103 of the Welfare and Institutions Code, or any other law with a penalty greater than is set forth in this section.

(2) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of law shall not be punished under more than one provision.

(d) Notwithstanding the fact that the term "an unloaded firearm that is not a handgun" is used in this section, each individual firearm shall constitute a distinct and separate offense under this section.
