

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF FRESNO

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EDWARD W. HUNT, in his official
capacity as District Attorney of
Fresno County, and in his personal
capacity as a citizen and taxpayer,
et. al.,

CERTIFIED COPY

Plaintiffs,

vs.

No. 01CECG03182

STATE OF CALIFORNIA; WILLIAM
LOCKYER, Attorney General of
State of California; CALIFORNIA
DEPARTMENT OF JUSTICE; Does 1-100,
Defendants.

Deposition of

BRENT GEORGE

Wednesday, February 27, 2008

Reported by:

TRACY LEE MOORELAND

CSR No. 10397

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1 BE IT REMEMBERED, that on Wednesday, February
2 27, 2008, commencing at the hour of 2:48 p.m., thereof,
3 at the offices of Phillips Legal Services, 350
4 University Avenue, Suite 270, Sacramento, California,
5 before me, TRACY LEE MOORELAND, a Certified Shorthand
6 Reporter in the State of California, there personally
7 appeared

8 BRENT GEORGE,
9 called as a witness herein, who, having been duly sworn
10 to tell the truth, the whole truth, and nothing but the
11 truth, was thereupon examined and interrogated as
12 hereinafter set forth.

13 --o0o--

14 EXAMINATION BY MR. DAVIS

15 Q. Could you please state and spell your name for
16 the record.

17 A. First name is Brent, B-r-e-n-t, last name is
18 George, G-e-o-r-g-e, middle initial L.

19 Q. Do you understand that you just took the oath?

20 A. Yes, I do.

21 Q. And that has the same weight and effect as if
22 it was taken in a court of law?

23 A. Yes, I do.

24 Q. And the court reporter is going to be writing
25 down everything that we say, so if we could try not to

1 step on each other while we're talking, it makes it a
2 little easier for her. Would you agree to that?

3 A. Of course.

4 Q. If you don't understand a question, ask me to
5 rephrase it.

6 A. Absolutely.

7 Q. I'm going to ask you some questions at some
8 point that are going to ask you to estimate. I would
9 like your estimate, but I would not like you to guess.
10 If you can't estimate or if you don't know the exact
11 number, just tell me.

12 A. Fine.

13 Q. You'll have a chance to review your transcript
14 after the deposition and make changes. If you do, I may
15 comment to the jury about any corrections that are made
16 at the time of trial. Okay?

17 A. Okay.

18 Q. Have you take any drugs or medication within
19 the past 24 hours that may affect your ability to
20 testify?

21 A. I took some DayQuil this morning because I'm
22 getting over a flu. I don't know that that would affect
23 me, but I took some DayQuil. It's just a daytime cold
24 medicine.

25 Q. Do you feel that that's going to affect your

1 ability to testify?

2 A. No, I feel like myself.

3 Q. Is there any physical reason you can't give
4 your best testimony today?

5 A. No.

6 Q. Did you bring any documents with you today?

7 A. Only a copy of the deposition that I was sent.

8 MR. BECKINGTON: Jason, Mr. George has provided
9 some documents to me to produce to you today, so I'm
10 going to give you a set.

11 These are copies of e-mails that have been
12 redacted to remove private or personal e-mail addresses,
13 telephone numbers, addresses or other personal
14 information. And I'll let the record reflect that I'm
15 handing you --

16 I would also just add that I believe some of
17 these -- at least some of these are ones that have
18 already been provided to you, but I'm providing you the
19 complete set of what we've been provided by Mr. George
20 in an abundance of caution.

21 The one other thing I would add is that we are
22 going to withhold certain documents which we consider to
23 be attorney/client or confidential investigative
24 matters, just a few pages of e-mails. Again, the basis
25 of withholding them would be attorney/client or

1 confidentiality.

2 MR. DAVIS: And you'll be providing me with a
3 log?

4 MR. BECKINGTON: I can provide you with
5 information.

6 MR. DAVIS: Can you give me like 10 minutes off
7 the record?

8 MR. BECKINGTON: If you want to take a short
9 break to read them, that's fine.

10 (Recess taken.)

11 Q. BY MR. DAVIS: So you brought some documents
12 with you today?

13 A. Just a copy of the deposition that I was sent
14 from your office.

15 Q. Did you provide your attorney with some
16 documents that I have today?

17 A. Yes, last night I provided him with copies of
18 e-mails that were after the PRA request had expired, you
19 know, the 10 days.

20 Q. Would you like to verify that these are those
21 documents?

22 A. Yeah, sure.

23 Q. Minus the sticky notes.

24 A. These appear to be the same e-mails that I gave
25 counsel yesterday evening.

1 Q. I'm going to attach these as A.

2 (Exhibit A was marked.)

3 Q. BY MR. DAVIS: Did you bring any other
4 documents with you other than that?

5 A. No.

6 Q. I'm going to mark as Exhibit B your notice of
7 taking deposition.

8 (Exhibit B was marked.)

9 Q. BY MR. DAVIS: Have you had a chance to look at
10 that?

11 A. Yes, I have.

12 Q. You read all the requests for production of
13 documents?

14 A. Yes, I read the deposition notice in its
15 entirety.

16 Q. Did you understand all the requests?

17 A. Yes, I believe I did.

18 Q. Did you do a thorough search of all your files
19 for responsive documents?

20 A. Yes, I did, absolutely.

21 Q. And the documents you provided are all you
22 have?

23 A. That's all I have after the PRA requests. The
24 PRA requests would have been all-inclusive up until that
25 point, and those e-mails have been sent by the

1 Department since the PRA request expired.

2 Q. The PRA request from our office?

3 A. I'm actually not sure about that, but I would
4 assume your office, yes.

5 Q. On behalf of any particular clients do you
6 know --

7 A. No.

8 Q. -- what the original requests were in response
9 to?

10 A. I have no idea.

11 Q. So how are you determining what's already been
12 provided based on the Public Records Act request and
13 excluding those?

14 A. Okay. I understand your question.

15 Whenever we got a PRA request from your office,
16 we did a thorough search of all our files, I myself did
17 that as well as all my other co-workers, and then when I
18 got this, we did a search of all the files as well. But
19 this includes everything after prior requests from your
20 office is all I'm saying. Sorry for the
21 misunderstanding.

22 Q. I wasn't sure when you said PRA requests --

23 A. No, I understand.

24 Q. Have you ever been deposed before?

25 A. No.

1 Q. Did you talk with anybody other than your
2 attorney about this case?
3 A. No.
4 Q. Do you know anything about this case?
5 A. Very little. I know some.
6 Q. Only what your attorneys told you?
7 A. And what is mentioned in the deposition
8 obviously, yes.
9 Q. The deposition notice?
10 A. Deposition notice, yes. I'm sorry.
11 Q. Have you ever appeared as an expert before?
12 A. No.
13 Q. Are you an expert in firearms?
14 A. No.
15 Q. You ever testified at trial?
16 A. No.
17 Q. What's your highest level of education?
18 A. I hold a four-year degree in journalism, that's
19 a bachelor's degree.
20 Q. Where from?
21 A. California State University Sacramento.
22 Q. Did you study firearms for that degree?
23 A. No, I did not.
24 Q. Did you take any courses related to firearms?
25 A. As part of my employment with the Department of

1 Justice, I have taken a PC 832 firearms familiarization
2 course.

3 Q. What is that?

4 A. Basically it's an introductory course to the
5 use of firearms, just the loading and actual firing of a
6 semiautomatic handgun in an indoor target range.

7 Q. When you say PC 832, that's the penal code?

8 A. Yes, the penal code.

9 Q. Is that a POST requirement?

10 A. It's not a requirement for my position at all.
11 For my position it was more to familiarize me with
12 semiautomatic handguns.

13 It is a POST requirement -- for a person who is
14 going to pursue a sworn peace officer position, it would
15 be a requirement. Not a requirement for me. For me it
16 was just familiarization.

17 Q. Do you know what kind of firearm you fired?

18 A. Yes, I do.

19 Q. What kind?

20 A. It was a semiautomatic Smith & Wesson
21 9-millimeter handgun.

22 Q. Did it have a threaded barrel?

23 A. No, it did not.

24 Q. Did it have the capacity to accept a detachable
25 magazine?

1 A. As most automatic handguns do, yes, it accepted
2 a detachable magazine.

3 Q. Outside the pistol grip?

4 A. No.

5 Q. Was it an assault weapon?

6 A. It was not, by my understanding, an assault
7 weapon, no.

8 Q. Is that the only course relating to firearms
9 you've taken?

10 A. Yes.

11 Q. What did you study in that course other than
12 firing a 9-millimeter Smith & Wesson?

13 A. Basically it was just an introductory course of
14 firearms safety and the safe operation of a firearm and
15 how to aim and properly hit your target. You know, it
16 was just an introductory course, like I said.

17 Q. Are you currently employed?

18 A. Yes.

19 Q. Where?

20 A. By the California Department of Justice.

21 Q. What division?

22 A. The Division of Law Enforcement.

23 Q. What bureau?

24 A. Bureau of Firearms.

25 Q. How long have you been employed by the Bureau

1 of Firearms?

2 A. I've been employed by the Bureau of Firearms --
3 it's kind of broken because I left and came back.
4 Currently since May -- I'm thinking back here -- I want
5 to say May of 2005. Sounds right.

6 Q. Until present?

7 A. Until present, yes. I had worked for Firearms
8 before that, but I left for a couple of years.

9 So basically let's go back. I started with
10 Firearms, it was then the Firearms Program, in July of
11 1999, and I worked for the Firearms Program up through
12 January 1st of 2003, at which point, while remaining a
13 Department employee, I accepted a position with part of
14 the Department of Justice that was outside of the
15 Firearms Program. It was a different part of DOJ.

16 Q. Which part was that?

17 A. That was the BCII, applicant response.

18 Q. What is BCII?

19 A. Bureau of Criminal Identification and
20 Intelligence, I think. I'm not exactly sure on that.

21 Q. Do you know when you worked there?

22 A. Yes, January 1st, 2003, to -- it would have
23 been late April of 2005.

24 Q. Where did you work before the Firearms Program?

25 A. Before the Firearms Program, for the six months

1 prior to July of 1999 I was the mail clerk for BCIA,
2 Bureau of Criminal Identification and Analysis, and I
3 was the mail clerk for six months. Prior to that I did
4 not work for the Department of Justice.

5 Q. Where did you work prior to that?

6 A. Prior to that I worked for the Sacramento Bee.

7 Q. Newspaper?

8 A. Yes. I'm sorry.

9 Q. And before that?

10 A. Before that -- thinking back in the years
11 here -- I worked for Domino's Pizza. I was putting
12 myself through college.

13 Q. I think I'll stop there.

14 As a mail clerk for BCIA, what were your tasks
15 or your duties?

16 A. To hand out the mail, collect outgoing mail and
17 collect confidential, destroy and take it down to the
18 warehouse.

19 Q. You did that for six months?

20 A. I did that for six months, yes.

21 Q. And then you moved over to the BCII?

22 A. Yes, in July of 1999 I was promoted.

23 Q. What were you promoted to?

24 A. Program Technician I.

25 Q. What's a Program Technician I?

1 A. Basically you just run inquiries on a computer
2 and prepare files for the analysts.

3 Q. What kind of inquiries?

4 A. Criminal history inquiries.

5 Q. Meaning like looking up criminal histories of
6 people who have applied for a firearm?

7 A. They may have applied for a firearm, it may
8 have been another type of application. But, yes,
9 looking up people's criminal histories.

10 Q. What kind of files did you prepare for
11 analysts?

12 A. Basically, like I said, we would just basically
13 take a folder, if a person had a folder, and we would
14 run those inquiries that I indicated and clip them to
15 the top of that folder and give it to the analyst. It
16 was that simple.

17 Q. You said if a person had a folder, meaning if
18 they had a criminal past?

19 A. If this was a documented, on paper -- a little
20 bit complicated. But if there was a paper record of a
21 person's criminal history, then, yes, I would pull that
22 folder. That would be in a folder. I would pull the
23 folder, run the computer inquiries, clip the results to
24 the folder and give it to the analyst.

25 Q. Any other duties as a BCII -- or while you

1 worked for BCII?

2 A. That was BCIA. That was after I became a mail
3 clerk.

4 Q. BCIA?

5 A. After I became a mail clerk, I went to work for
6 BCIA. That would have been July '99.

7 Q. As a program technician?

8 A. Correct.

9 Q. For the BCIA?

10 A. For the BCIA.

11 Q. Any other duties as a program technician?

12 A. That was a while ago. To assist in training of
13 new program technicians. That would be about it.

14 Q. Did you hold any other title there?

15 A. No. I mean, not during that time period.

16 Q. And then you moved over to the BCII?

17 A. BCII. And that was January 1st, 2003.
18 Correct.

19 Q. What was your title there?

20 A. Program Technician II.

21 Q. What were your duties as a Program Technician
22 II?

23 A. The same type of inquiries, but a little bit
24 more detailed in that we would make a copy of the
25 response. This is something that I wouldn't have gotten

1 into in my prior position as PT I.

2 As a PT II we would make a copy of the criminal
3 history record and release edited portions of that
4 record as the law allowed to applicant agencies. It was
5 called the applicant response unit.

6 Q. And you did that from '99 to 2003?

7 A. No.

8 Q. 2003 is when you began doing it?

9 A. 2003 is when I began, correct.

10 Q. Any other duties as a Program Technician II?

11 A. No, that's all we did.

12 Q. And you did that until when?

13 A. Until late April. I'm sorry, I can't give you
14 a specific date. Late April of 2005.

15 Q. And then what did you do?

16 A. I did what was called a lateral transfer, which
17 is I remained a PT II but resigned my position with the
18 applicant response unit and did this lateral transfer to
19 the Bureau -- I'm sorry, at that time it was the
20 Firearms Division.

21 Q. Is that the first time you began working for
22 the Firearms Division?

23 A. No, remember I had --

24 Q. BCIA.

25 A. Right, BCIA. BCIA I was just a mail clerk.

1 July 1999 was the first time I went to work for
2 Firearms.

3 In late April of 2005 was when I went to
4 work -- back to work, shall we say, for the Firearms
5 Division, as it was known then, as a Program Technician
6 II, so I came back in a different capacity than I had
7 been there before.

8 Q. And what did you do as a Program Technician II
9 within the Division of Firearms?

10 A. I specifically processed the law enforcement
11 gun release applications.

12 Q. Was that your only task?

13 A. Other than -- well, yes, because processing the
14 checks would be part of the law enforcement gun release
15 applications.

16 Q. You mean background checks?

17 A. No, I'm sorry, by the checks I mean the actual
18 money, the actual fees. We had to process those and
19 send them off to accounting. That was actually part of
20 the application process. So that is what we did.

21 Q. Is that your current title?

22 A. No, it is not.

23 Q. What did you do after that then?

24 A. After law enforcement gun release, I came over
25 to the River Park office, and after a temporary -- it

1 was basically a temporary lateral transfer, and then I
2 accepted a promotion to my current position, which is
3 staff services analyst.

4 Q. During the period when it was a temporary
5 lateral transfer, what did you do?

6 A. Basically I just answered the phones and
7 answered e-mails.

8 Q. Answered the phones relating to public
9 inquiries?

10 A. Public inquiries as well as law enforcement and
11 dealers, yes.

12 Q. And what are your duties now as a staff
13 services analyst?

14 A. A staff services analyst now, projects as
15 assigned from time to time, but the primary duties are
16 still providing information through e-mails, phone calls
17 and written correspondence, meaning letters, to the
18 public, to firearms dealers and to law enforcement
19 agencies as they inquire with the Department of Justice.

20 Q. About how many phone calls do you receive a
21 month as inquiries from the public, law enforcement or
22 dealers?

23 MR. BECKINGTON: I'll just object. Vague and
24 ambiguous.

25 You're limiting your question to the deponent?

1 MR. DAVIS: Yes.

2 MR. BECKINGTON: Okay.

3 THE WITNESS: So how many phone calls do I
4 personally receive?

5 MR. DAVIS: Yeah.

6 THE WITNESS: Okay. It's around 30 to 40 a
7 day, so however you wanted to work out the math on that.

8 Q. BY MR. DAVIS: About how many e-mails do you
9 personally receive relating to inquiries from the public
10 about firearm laws?

11 MR. BECKINGTON: Objection. Vague and
12 ambiguous as to the time frame you're talking about.

13 Per day? Per month?

14 MR. DAVIS: Per day.

15 THE WITNESS: How many e-mails per day? Okay.
16 It's an estimate, but I would say 15. That's an
17 educated estimate. I would say 15 a day.

18 Q. BY MR. DAVIS: And how many written letters or
19 other written correspondence inquiries do you get from
20 the public, law enforcement or dealers per day?

21 A. I would say less than one because about two to
22 three of those per week. Not a lot of written
23 correspondence. We're not talking e-mails obviously.
24 When I say written correspondence, I mean a written
25 letter on paper.

1 Q. E-mails is about 15 a day, correct?

2 A. Correct.

3 Q. And this is all you personally?

4 A. This is me personally, that is correct.

5 Q. What section within the Bureau are you in?

6 A. Training, information and compliance section.

7 Q. How many people respond to public inquiries

8 within the training, information and compliance section

9 as part of their duties?

10 A. There are -- there are three staff services

11 analysts currently that do so, and then all of the field

12 reps. I believe that there are seven field reps. I'd

13 have to count them. It's either seven or eight.

14 Q. Do you have their names?

15 A. Yes.

16 Q. What are their names?

17 A. Of the --

18 Q. Field reps.

19 A. Of the field reps. The field reps would be

20 Robert Berthold, Renee Lewis.

21 Q. Could you spell them all.

22 A. Robert Berthold, B-e-r-t-h-o-l-d; Renee with

23 two Es, Lewis; Alice, with a "C," Galindo,

24 G-a-l-i-n-d-o -- I'm going have go through the rooms

25 mentally -- Bonnie Wells, two Ns; Sally Carney,

1 C-a-r-n-e-y; Dana McKinnon, M-c-K-i-n-n-o-n; Kathy, with
2 a "K," Quinn, Q-u-i-n-n.

3 I feel like I'm forgetting somebody. Let me
4 think for just a moment. Without having their names in
5 front of me, I believe that's all of them.

6 Q. You say there's three other people within
7 the --

8 A. Yes, including myself.

9 Q. Including yourself?

10 A. So there would only be two besides myself,
11 right.

12 Q. Who are those people?

13 A. Justin Phillips and Leslie McGovern, like it
14 sounds.

15 Q. And you three are the people who respond to
16 public inquiries as part of your duties or all of you?

17 A. To one extent or another we all do, but the
18 three SSAs, that's our primary responsibility is
19 responding to the public, law enforcement agencies and
20 dealers.

21 Q. Do you have any other duties in your current
22 position?

23 A. And the supervisor may occasionally assign a
24 project for me to work on.

25 Q. Who is the supervisor?

1 A. Karen Milami.

2 Q. Do you know what percentage of the e-mails you
3 get are related to assault weapon inquiries?

4 A. I do not have that information in front of me.

5 Q. Can you estimate?

6 A. No, I can't. I would be guessing.

7 Q. Do you get any inquiries relating to assault
8 weapons?

9 A. Yes, we do. I just don't have the percentage.

10 Q. What do you do with the e-mail inquiries that
11 come in?

12 A. They all come in to my computer.

13 Q. All of them from the main DOJ web page?

14 A. Everything that comes from the web page comes
15 directly to my computer, that's correct, and then I
16 assign them, and then they are stored on the computer of
17 whoever they are assigned to. Obviously if I answer
18 them, they're stored on my computer.

19 Q. And you answer them directly from your
20 computer?

21 A. Yes.

22 Q. Do other people answer them directly, or do
23 they go through some sort of filter?

24 A. They answer them directly.

25 Q. What about the phone calls, how are those

1 processed?

2 A. Can you clarify the question, please.

3 Q. Phone call comes in, someone asks you a
4 question.

5 A. Okay. If I'm understanding your question
6 correctly, we all have our personal lines, of course,
7 like any office, but there's one main line and we all
8 pick up that main line and then that person starts
9 talking, and if they have a question, we answer it to
10 the best of our abilities.

11 Q. What about written correspondence?

12 A. Written correspondence meaning not e-mails,
13 right?

14 Q. Correct.

15 A. You mean letters.

16 Q. Tangible documents.

17 A. Those are handled by -- almost exclusively by
18 the three of us analysts. We will often request input
19 from other individuals. That can be the case with any
20 e-mails, phone calls or written correspondence. But we
21 will often request input from either the supervisor or
22 somebody else before we send out a letter because they
23 have to be signed by certain individuals obviously.

24 Q. What kind of e-mails require you to get
25 supervisor approval?

1 A. There are no types of e-mails that require me
2 to get supervisory approval. However, if I do not
3 understand the question or if I don't know the answer to
4 the question, then I would go to a supervisor.

5 Q. When you receive a letter or an e-mail, do you
6 look to see who the sender is, see maybe if it's an
7 attorney or not?

8 A. I try, yes.

9 Q. And if it's an attorney, what do you do?

10 A. If it's an attorney, we usually -- I mean, if
11 it's something simple like requesting a penal code
12 section or something, we might give that answer
13 directly, but usually we will refer that e-mail or phone
14 call or letter to -- directly to our supervisor to
15 handle as she feels appropriate.

16 Q. And if it's law enforcement, is there any --

17 A. No, law enforcement we usually answer directly.
18 Again, if we don't know the answer or if we feel we need
19 input from management, then we can refer it to
20 management, but certainly on law enforcement calls, we
21 don't have to.

22 Q. And if it's a dealer?

23 A. And a dealer, same thing as law enforcement.

24 Q. Are there written protocols regarding inquiries
25 within the Bureau?

1 A. Yes, there are.

2 Q. Do you know what they're called?

3 A. I don't know that they have a title.

4 Q. Do you have a copy?

5 A. No, I do not.

6 Q. Do you know who has a copy?

7 A. Like a paper copy, I wouldn't know of a copy.

8 I wouldn't know of a written copy of protocols

9 regarding -- are you talking specifically about e-mails?

10 Q. About e-mails or -- let's deal with e-mails

11 first.

12 A. We should separate them. There's no written

13 protocol that I know of for phone calls, but there is

14 written protocol for e-mails, yes.

15 Q. What's the written protocol for e-mails? What

16 are they?

17 A. Basically since we're not attorneys, we do not

18 give legal advice. That's the biggest thing. We can

19 direct them to a penal code section and tell them what

20 that penal code section says, but we cannot interpret

21 the law for them and we cannot give them legal advice.

22 If they are seeking that, then they have to basically go

23 through their own counsel.

24 Q. Anything else?

25 A. Like I said, I don't have it in front of me.

1 That's the No. 1 biggest thing is we're not attorneys --
2 I mean, I'm not an attorney, I should say. I'm not an
3 attorney, so I can't give legal advice and I can't
4 interpret the law for people over the phone or in
5 writing, so we have those guidelines. We can basically
6 tell them --

7 Q. Who did those guidelines come from?

8 A. I heard about those guidelines from Alison.

9 Q. Alison Merrilees?

10 A. Yes. Sorry.

11 Q. She verbally told you?

12 MR. BECKINGTON: Objection. I think you're
13 getting into attorney/client communications.

14 I'll instruct the witness not to answer.

15 Q. BY MR. DAVIS: Do you have any protocols
16 relating to letters, written correspondence, tangible
17 documents?

18 MR. BECKINGTON: You can answer the question
19 yes or no.

20 THE WITNESS: I'm sorry, can you repeat the
21 question?

22 Q. BY MR. DAVIS: Are there any protocols relating
23 to written correspondence?

24 A. I would say yes.

25 MR. BECKINGTON: Can we take a quick break?

1 MR. DAVIS: Sure.

2 (Recess taken.)

3 MR. DAVIS: Could you read back the last
4 question.

5 (Record read.)

6 Q. BY MR. DAVIS: What are those protocols?

7 A. The same as they are for e-mails.

8 Q. Does it matter who the attorney is in order for
9 it to be routed to Alison, or does it only apply to
10 specific attorneys?

11 A. I don't quite understand your question.

12 Q. You stated earlier that inquiries from
13 attorneys are routed to Alison Merrilees.

14 MR. BECKINGTON: Objection. Misstates his
15 testimony.

16 Q. BY MR. DAVIS: Is that correct?

17 A. That's not what I said.

18 Q. Okay. Which inquiries are routed to Alison
19 Merrilees?

20 MR. BECKINGTON: I'm going to object to the
21 question the way it's now phrased because now you're
22 infringing on attorney/client communication the way you
23 phrased the question, so I'm going to instruct him not
24 to answer that question.

25 Q. BY MR. DAVIS: Is there a policy that certain

1 communications are routed to Bureau of Firearms counsel?

2 A. Specifically we are to route them to a
3 supervisor. That's the problem. I had with your
4 question. We route them to a supervisor. The
5 supervisor and managers will decide if they need to go
6 to counsel. I don't make that decision.

7 Q. Does it matter who the attorneys are, or is it
8 all attorneys that have to be routed to supervisors?

9 A. Any attorney. Doesn't matter. We don't
10 discriminate, if that's what you're saying. No, any
11 attorney communication would be routed to a supervisor,
12 unless it's something really, really simple, a direct
13 question that there wouldn't be any question about, you
14 know.

15 Q. Would whether or not a device is a flash
16 suppressor be something you would route to a supervisor?

17 A. Yes.

18 Q. Would whether or not a magazine is modified so
19 that it's permanently altered so that it cannot accept
20 more than 10 rounds a question that you would route to a
21 supervisor?

22 MR. BECKINGTON: Objection. It's vague and
23 ambiguous.

24 Are you simply limiting your questions to
25 communications from attorneys?

1 MR. DAVIS: No, general public.

2 THE WITNESS: It depends on the way the
3 question was phrased. For that matter, with flash
4 suppressors, it depends on the way the question was
5 phrased, for that matter.

6 MR. BECKINGTON: Can we take just one second?

7 MR. DAVIS: Sure.

8 (Discussion held off the record.)

9 MR. BECKINGTON: Okay. Go ahead.

10 Q. BY MR. DAVIS: Can you give me an example of
11 what you mean by it depends on the way the question is
12 phrased.

13 A. I'm able to give them applicable penal code
14 sections, what the law has to say about their question.
15 If they want a legal opinion, then, yes, it has to go to
16 management.

17 Q. That applies to?

18 A. Any type of correspondence. That's what I mean
19 by it depends.

20 Q. Does that apply to any type of device, for
21 instance, whether or not a gun is an assault weapon or
22 whether or not a device is a flash suppressor?

23 A. Can you be more specific with your question?
24 I'm sorry.

25 MR. DAVIS: Would you read back his response to

1 two questions ago.

2 (Record read.)

3 Q. BY MR. DAVIS: If you want a legal opinion as
4 to whether or not a firearm is an assault weapon, does
5 that go to management all the time?

6 MR. BECKINGTON: Objection. Incomplete
7 hypothetical.

8 Q. BY MR. DAVIS: If you receive an inquiry via
9 the e-mail system that the DOJ has in place inquiring
10 whether or not a firearm is an assault weapon.

11 A. I will attempt to answer a question like that
12 by giving them the applicable penal code section and
13 basically within those parameters describe how the law
14 applies to his question, and that's how I would answer a
15 question like that.

16 If the person wants more, then I would inform
17 them that I cannot give them a legal opinion or a legal
18 interpretation, and that would be basically the -- I
19 mean, that would basically be how I would end the call.

20 If they're insistent, then I might, depending
21 on the call and depending on who it was -- not depending
22 on who it was from, but depending on the type of call,
23 let's say, I might inform them that legal opinions have
24 to be garnered through a law enforcement agency and so
25 they could contact their local law enforcement agency

1 and try to pursue a legal opinion. I might say
2 something like that.

3 Q. What do you mean it depends on the type of
4 call?

5 A. Again, if I can answer it -- if I can answer
6 their question by simply pointing them to the applicable
7 penal code section and explaining to them how the law
8 applies to their question without going into legal
9 opinions or legal interpretations, then I will do so.

10 If they are, in fact, asking for a legal
11 interpretation or a legal opinion, I will tell them that
12 because I'm not an attorney, I can't do that for them
13 and they would need to go to their own personal attorney
14 or if they, in fact, do insist or warrant a DOJ legal
15 opinion, then that request has to come from a law
16 enforcement agency and they would need to pursue it that
17 way.

18 Q. I'm going to show you a letter -- an e-mail
19 response from you dated December 24th, 2007 --

20 A. Okay.

21 Q. -- with the subject line re web mail to Bureau
22 of Firearms.

23 A. Uh-huh.

24 Q. Take a look at that.

25 A. Sure.

1 Q. Is that a typical response?

2 MR. BECKINGTON: Objection. Vague and
3 ambiguous as to the term "typical."

4 Q. BY MR. DAVIS: Do you understand the question?

5 A. I'm sorry, could you repeat it?

6 Q. I said, is that your typical response?

7 MR. BECKINGTON: Objection. Vague and
8 ambiguous as to the term "typical."

9 THE WITNESS: There is no such thing as a
10 typical response. If you're asking if I have a canned
11 response, no, I don't.

12 Q. BY MR. DAVIS: May I see it?

13 A. Sure. I was addressing the specific question
14 that that individual asked.

15 Q. And the individual asked a question about the
16 legality of a magazine locking device?

17 A. Uh-huh. I'm sorry, yes. I said uh-huh. I
18 should be clear. I said yes.

19 Q. If used in conjunction with thread lock
20 adhesive or similar method, correct?

21 MR. BECKINGTON: Are you asking him to confirm
22 what the document says?

23 THE WITNESS: Can I see it?

24 MR. DAVIS: Yeah.

25 THE WITNESS: Oh, that was his question, was it

1 thread lock or adhesive.

2 MR. DAVIS: Yes.

3 THE WITNESS: I misunderstood you. Yes, I was
4 answering his question the way that I thought was most
5 appropriate.

6 Q. BY MR. DAVIS: And in that answer there was
7 no -- in your response you state that they're asking for
8 a legal interpretation of a configuration that is not
9 specifically addressed, it would therefore fall to the
10 agencies that would be responsible for enforcing state
11 laws at the level of a local jurisdiction; is that
12 correct?

13 A. Yeah.

14 Q. So in that situation you don't provide an
15 actual opinion as to whether or not that is a legal
16 modification?

17 MR. BECKINGTON: Object. The question is vague
18 and ambiguous as to the term "situation."

19 Q. BY MR. DAVIS: In this e-mail response you
20 don't provide an actual opinion as to whether or not
21 that modification is legal?

22 A. Of course not. I don't provide legal opinions.

23 Q. Have you ever?

24 MR. BECKINGTON: Objection. Vague and
25 ambiguous as to time.

1 Q. BY MR. DAVIS: With regard to capacity to
2 accept magazines -- excuse me, capacity to accept a
3 detachable magazine, have you ever provided a legal
4 opinion to somebody in response to one of these e-mail
5 inquiries?

6 MR. BECKINGTON: Objection. Vague and
7 ambiguous.

8 (Interruption in the proceedings.)

9 Q. BY MR. DAVIS: In response to a public inquiry
10 within the past two years, have you provided a legal
11 opinion relating to a firearm's capacity to accept a
12 detachable magazine?

13 A. In that question I don't know how you're
14 defining legal opinion. But if you're asking if in the
15 past two years I have supplied an answer that might
16 differ from the way I would answer a question now --
17 would that be a fair way of interpreting your question?

18 Q. Yes.

19 A. Then, yes, I have.

20 Q. How would that question differ from the way you
21 would answer it now?

22 A. In the past under a different administration
23 you may have seen analysts, meaning staff services
24 analysts, having a bit more discretion in the way they
25 answered questions.

1 Q. And that's changed?

2 A. Yes.

3 Q. When?

4 A. I can't give you an exact date, but I would say
5 that it was under the new administration, meaning a new
6 attorney general.

7 Q. So prior to the new attorney general, the
8 previous attorney general would allow analysts such as
9 yourself to provide opinions and interpretations?

10 MR. BECKINGTON: Objection to the extent that
11 it calls for speculation.

12 Q. BY MR. DAVIS: Would allow you to provide
13 opinions and interpretations?

14 MR. BECKINGTON: Same objection.

15 THE WITNESS: Should I answer it?

16 MR. BECKINGTON: You can answer it if you can.

17 THE WITNESS: Again, I don't know how you're
18 defining your terms as far as a legal opinion. A legal
19 opinion, no, because I'm not an attorney. An opinion,
20 yes, possibly.

21 MR. BECKINGTON: I was just going to state a
22 belated objection to the term "legal opinion" as being
23 vague and ambiguous.

24 MR. DAVIS: I didn't say "legal opinion" in
25 that situation.

1 THE WITNESS: Oh, I thought you did. That's my
2 mistake.

3 I don't even know if "opinion" is the right
4 word. But might I go a little bit more towards
5 interpretation than I would now, yes, that is possible
6 in the past.

7 Q. BY MR. DAVIS: What kind of training -- did you
8 receive any training in order to respond to requests
9 from the public?

10 A. Not training specifically, more like briefing
11 or instruction.

12 Q. Written instruction?

13 A. Yes.

14 Q. What kind of written instruction?

15 A. There was a -- there was instruction from the
16 management of the Bureau of Firearms as to how
17 correspondence was to be handled under the new -- both
18 the new AG and actually under the new Bureau of Firearms
19 and the chief -- I think it was signed by the chief
20 anyways, how correspondence was to be handled.

21 Q. Any other instructions with regard to
22 responding to inquiries?

23 A. Well, this goes back to what we were talking
24 about before, just that with the new administration that
25 we don't get -- we're not going to give legal advice or

1 any sort of legal opinion. Stick to the penal code and
2 just stick to what sections of law are applicable to the
3 person's question and leave it at that. Clarify terms,
4 if they require, within those parameters of not giving
5 legal advice or not giving any opinions.

6 Q. I think what I was referring to was if I called
7 up and asked you what an assault weapon was, were you
8 trained on where to look for what an assault weapon is?

9 A. Where to look, sure.

10 Q. How were you trained on knowing how to answer
11 these questions, not the procedures?

12 A. Okay. I think I misunderstood your question
13 then a little bit then.

14 Not so much as to the guidelines of what we
15 could and couldn't say but more of just how to do the
16 job is basically your question.

17 Q. Yes.

18 A. Okay. Within those guidelines, part of that
19 sort of came with the territory. I mean, I think the
20 Bureau of Firearms tries to hire qualified individuals
21 for a position like the staff services analyst position
22 that are already familiar with firearms, at least to
23 some extent, tries to. That's obviously a management
24 decision, so I can't speak for them, but I would make
25 that assumption anyways.

1 And then, of course, there's -- and then, of
2 course, there's -- I don't know, it's kind of hard to
3 say because I was largely familiar with like the assault
4 weapons sections of the law already. Obviously if we
5 didn't know which sections, then we would be given
6 training, and by training I mean a manager would sit in
7 our cubicle with us and go over how to answer question
8 by question if that was necessary.

9 In my case, not a lot of that was necessary
10 because from prior jobs I already knew a lot of the code
11 sections, I already knew some of the applicability, so I
12 was just given general guidance by management, this
13 applies here, this applies there. Is there a guide
14 book? No, there's not. It's one-on-one training.

15 Q. What resources do you use to answer these
16 questions or inquiries?

17 A. I use our own web page. That's the most
18 convenient resource for me. I'm sure you're familiar
19 with the Bureau of Firearms website, and on that web
20 page is the Summary Booklet of -- I'm sorry, the
21 California Summary -- California Firearms Law Summary
22 Booklet. There we go. Knew I'd get it out. The
23 California Firearms Law Summary Booklet, the Assault
24 Weapons Identification Guide and the Dangerous Weapons
25 Control Laws, which is the text of the law itself as

1 they apply to firearms.

2 Q. Anything else?

3 A. Sure, FAQs are on our website, frequently asked
4 questions. I refer to those. Pretty much I would
5 answer your question to include anything and everything
6 on the Bureau of Firearms' website.

7 Q. Anything other than what's on the website?

8 A. Penal code book itself. We all keep a penal
9 code book handy. We have other publications available
10 to us which we don't use very often but they're there in
11 case we need them. Federal regulations, if we need to
12 look up a particular federal regulation, we have the
13 ability to do that. Curio and relic laws, there's a
14 separate booklet that we use for curio and relic laws.
15 Handgun safety guide, I keep a copy of that.

16 Q. Anything else?

17 A. Other than a good old-fashioned dictionary.

18 Q. What do you use the dictionary for?

19 A. Well, let's just say that I don't trust spell
20 check 100 percent.

21 Q. Do you ever refer to letters written by agents
22 within the Department for clarification?

23 A. I'm sorry, can you just repeat the question?

24 Q. For example, if an agent or if the -- if the
25 Bureau of Firearms in a letter opinion stated that a

1 certain firearm such as the SA58 by DS Arms was legal
2 and someone inquired about that, would you ever refer to
3 that letter? Do you have letters that you refer to?

4 MR. BECKINGTON: Objection. Calls for
5 speculation. Incomplete hypothetical.

6 THE WITNESS: We don't refer -- I don't really
7 understand your question. Are you asking if we refer to
8 other correspondences?

9 MR. DAVIS: Yes.

10 THE WITNESS: No. I don't say last May I told
11 Joe Smith this. We don't say that. No, we do not refer
12 to other correspondences in that context.

13 Q. BY MR. DAVIS: Do you ever attend any meetings
14 within the Bureau?

15 A. Could you be more specific? Obviously --

16 Q. Formal meetings where minutes are taken.

17 A. Yes, sure. Well, minutes? Well, I honestly
18 don't know if minutes are taken or not. That, I
19 couldn't speak to. That's a legal responsibility that I
20 just don't know anything about.

21 Q. But you do attend formal meetings within the
22 Bureau?

23 MR. BECKINGTON: I'll object to the phrase
24 "formal meetings" as vague and ambiguous.

25 THE WITNESS: We have meetings that are only

1 Department of Justice employees where we discuss state
2 business. I'll answer your question that way. I'm not
3 sure what you mean by "formal meetings."

4 Q. BY MR. DAVIS: Meetings where policy is set.
5 For instance, a meeting where they tell you that the DS
6 Arms SA58 is a firearm that is legal to possess.

7 MR. BECKINGTON: Objection. Are you asking
8 specifically whether he was at a meeting?

9 MR. DAVIS: No, I'm asking him if he attends
10 meetings where they identify certain firearms that are
11 approved or not approved.

12 MR. BECKINGTON: I'm just going to state an
13 objection that to the extent any of the meetings that
14 the witness might have attended that may have been
15 attended by counsel would be protected by the
16 attorney/client privilege. The witness should answer
17 regarding meetings where attorneys were not present.

18 THE WITNESS: Okay. The only types of meetings
19 I can think of that might apply to your question is I am
20 on the committee for the handgun roster. All of the
21 times it would be a meeting where they inform us of what
22 had happened in the type of meeting you're talking
23 about. We might have a meeting -- we might have a
24 meeting where they inform us what some new policy is.
25 That's certainly possible.

1 But the only time I'm in on a meeting where
2 actual policy is set would be the handgun roster
3 committee, and I am a backup on that.

4 Q. BY MR. DAVIS: In those meetings where they
5 inform you of what policies were set, did any of them,
6 without counsel being present, involve assault weapons?

7 A. Yes.

8 Q. Do you recall when the last one was?

9 A. Not by a specific date, no.

10 Q. An approximation?

11 A. I would say approximately one year ago.

12 Q. What was that meeting about?

13 MR. BECKINGTON: I just want to -- I think this
14 is implied by your question -- but object to the extent
15 that you were not qualifying it to limit this to
16 meetings not involving attorney/client communications.

17 MR. DAVIS: Correct.

18 THE WITNESS: I'm sorry, repeat the question.

19 Q. BY MR. DAVIS: What was the subject matter of
20 that meeting?

21 A. It was a simple familiarization meeting talking
22 about different types of firearms, including, but not
23 limited to, assault weapons. It was basically to
24 familiarize us with that is what we mean by this type of
25 rifle and we had exemplars.

1 It was not a policy meeting in any way, shape
2 or form. It was a meeting to show us what we mean when
3 we're talking about this kind of rifle, this is a
4 semiautomatic rifle, this is a bolt action rifle. It's
5 that simple.

6 Q. Do you recall any of the exemplars?

7 A. Yes.

8 Q. What were they?

9 A. There was an SKS. That's the one that sticks
10 out in my mind for some reason. And I will say there
11 were AR-type weapons. I can't say that there was an
12 AR-15 there specifically. It was basically a
13 familiarization meeting, and I do remember having that
14 meeting. It was not a policy meeting.

15 Q. Any meetings prior to that?

16 A. We have meetings like that occasionally.
17 Actually, I should say we have had meetings like that
18 occasionally, meaning not more than once a year, that
19 specific type of meeting.

20 Q. Why do you say "have had"?

21 A. Well, we haven't had one in a while.

22 Q. Do you know why?

23 A. I'm not sure it's necessary at this point.

24 Q. But the previous ones were necessary?

25 MR. BECKINGTON: Objection. Vague and

1 ambiguous.

2 Q. BY MR. DAVIS: Were the previous ones
3 necessary?

4 MR. BECKINGTON: Same objection.

5 THE WITNESS: The question speaks to policies
6 that I have nothing to do with. I don't get to set what
7 kind of meetings we have and when.

8 Q. BY MR. DAVIS: I'm not asking if you had to set
9 them, I'm asking if you knew the reason why.

10 A. I really don't. I just attend the meetings.

11 Q. Were there any other meetings relating to
12 assault weapons that did not involve counsel that you
13 were part of other than the one a year ago?

14 A. Again, yes, there's been more than one.

15 Q. Do you know about how many?

16 A. I can specifically recall three. There may
17 have been more. We have meetings often, but
18 firearms-related meetings where there were actual
19 exemplars present, I can only remember three of them.

20 Q. How about that involved assault weapons where
21 there were not actual exemplars present?

22 A. Same answer, three. If the meeting is about
23 assault weapons, they want us to see what they're
24 talking about, so I would say same answer, three
25 meetings.

1 Q. And does that include the one a year ago or
2 approximately a year ago?

3 A. Yes. And, again, these are just to familiarize
4 the line staff with what they're talking about, not a
5 policy meeting in any way, shape or form.

6 Q. What did the one before the one year ago one --

7 A. It was the same exact type of thing.

8 Q. And the first one?

9 A. Again, all three meetings were basically --
10 were basically just exemplars of different types of
11 firearms. In some cases it may have just been a
12 receiver.

13 Q. Did any of the meetings discuss whether or
14 not -- or provide examples of what capacity to accept a
15 detachable magazine means?

16 A. Can you clarify your question, please.

17 Q. In order for a firearm to be a Category 3
18 assault weapon that's a rifle, it has to be a
19 semiautomatic center-fire rifle with the capacity to
20 accept a detachable magazine and any of certain
21 enumerated features or shorter than a certain length,
22 correct?

23 A. Right. So you're asking did they give us
24 examples of those?

25 Q. Did they give you examples of capacity to

1 accept a detachable magazine at any of those meetings?

2 A. Again, I don't quite understand the question.

3 If you're asking did they give examples of a firearm
4 that had the capacity to accept a detachable magazine,
5 then I would say yes.

6 Q. Okay. Did they give you any examples of
7 firearms that had been modified so as to not have the
8 capacity to accept a detachable magazine?

9 A. Yes.

10 Q. What kind of firearms were those?

11 A. The prior administration we did have one
12 meeting where we talked about the sealed magazines.
13 There simply was no magazine on the rifle. It was just
14 gone.

15 Q. Is that what you mean by "sealed magazine"?

16 A. That was how I was using that phrase, yes.

17 Q. Do you have an example of a firearm that had a
18 sealed magazine?

19 MR. BECKINGTON: I'm going -- objection. Vague
20 and ambiguous.

21 MR. DAVIS: Let me rephrase that.

22 Q. Do you know the make and model of any firearms
23 that have a sealed magazine?

24 MR. BECKINGTON: I'm going to object. Vague
25 and ambiguous.

1 You led him into the question by asking him
2 about this meeting. Are you limiting to what he was
3 shown at the meeting?

4 MR. DAVIS: Actually, that was a broader
5 question. But if you'd like me to start off with that.

6 Q. What was shown at the meeting with a sealed
7 magazine?

8 A. I don't have it in front of me. I would have
9 to actually have the make and models in front of me.

10 All I can say is basic- -- I just don't
11 remember the make and model, other than to say that it
12 was -- how would I describe it -- the magazine was gone.
13 There was a magazine, of course, but it's internal to
14 the firearm.

15 Do you understand what I'm saying? There would
16 be no way to attach a magazine to the rifle and
17 whether -- I won't get into that. There would be no way
18 to attach a magazine to the firearm. The magazine is an
19 internal component of the firearm, and that's the
20 difference that we were shown in these exemplars.

21 I want to say that the Bushmaster makes one.
22 Bushmaster carbine 15 top loader I believe is one. But
23 I'm not saying that's a legal firearm, I'm saying that
24 that was an example in the meeting as something that
25 doesn't have an external magazine. That was one of the

1 exemplars that were given. They weren't giving these as
2 examples of legal firearms. In other words, they were
3 giving them as examples of what's out there. Big
4 difference.

5 Q. Do you know of any other ones that have sealed
6 magazines? And I'm using your term.

7 A. There are other ones, I just don't know the
8 make and model off the top of my head. That's the only
9 one I can actually think of.

10 Q. Have any of the inquiries, to the best of your
11 knowledge, requested clarification on whether a device
12 is a flash suppressor?

13 A. I believe we've gotten e-mails something to
14 that effect, yes.

15 Q. And do you recall what you responded?

16 A. I would have responded something along the
17 lines of a flash suppressor is one of the Category 3
18 characteristics, and any semiautomatic center-fire rifle
19 with the capacity to accept a detachable magazine cannot
20 have any Category 3 characteristics. That's how I would
21 have handled a question like that.

22 So if the question was is this a flash
23 suppressor, then I would just direct them to -- you
24 know, a flash suppressor is one of the Category 3
25 characteristics. But if they pressed us for an answer,

1 no -- hypothetically -- let's say hypothetically they
2 sent us a picture or something like that or directed us
3 to a web page where there is one -- that's a good
4 example -- say could you go to the web page and look at
5 this and tell me if it's a flash suppressor, we would
6 say, no, we can't give you a legal opinion, all I can
7 tell you is that a flash suppressor is a Category 3
8 characteristic so you need to determine whether or not
9 this is a flash suppressor and this is the applicable --
10 these are the applicable laws and these are the
11 applicable penal code sections.

12 I can't recall any instance where I sent an
13 e-mail back to a person saying, oh, yeah, that's a flash
14 suppressor or, no, that is not a flash suppressor. I
15 don't recall an instance of ever doing that. We would
16 give them the applicable penal code sections.

17 Q. Has anybody ever inquired, to the best of your
18 knowledge, whether or not a device has been permanently
19 altered so that it does not have the capacity to accept
20 more than 10 rounds?

21 A. Yes, we've gotten both e-mails and phone calls
22 like that.

23 Q. How do you respond to something like that?

24 MR. BECKINGTON: Objection. Vague and
25 ambiguous.

1 Q. BY MR. DAVIS: How have you responded to a
2 question like that?

3 A. I have responded in the past to that type of
4 question saying that the maximum capacity for any
5 magazine with -- there's one exception, but that's an
6 internal tube magazine. The maximum capacity for
7 magazines in California is 10 rounds, so at no time --
8 and I have told people this -- at no time can that
9 magazine ever have a capacity of more than 10 rounds.

10 Q. That's your response if they're asking how to
11 permanently alter a magazine?

12 A. I don't tell people how to build a magazine,
13 no.

14 Q. Does it matter what kind of rounds are used
15 when testing to see whether or not it can accept more
16 than 10 rounds?

17 MR. BECKINGTON: Objection. Calls for a legal
18 opinion.

19 Q. BY MR. DAVIS: Do you know?

20 A. Could you repeat the question.

21 Q. Does it matter the caliber of rounds used to
22 determine whether or not a magazine has the capacity to
23 accept more than 10 rounds?

24 A. I just don't know. I don't know what the
25 answer to that question would be.

1 We tell them that it can never have the
2 capacity to accept more than 10 rounds. That's how I
3 answer that question.

4 Q. Do you know what a 22 cartridge is?

5 A. Yes, I do.

6 Q. Do you know what a 45 cartridge is?

7 A. Yes, I do.

8 Q. Do they differ in size?

9 A. Yes, they do.

10 Q. A 45 cartridge had the capacity -- if a
11 magazine that accepted 45-caliber cartridges had the
12 capacity to accept 10 rounds, could you put more than 10
13 22 cartridges in that same magazine?

14 MR. BECKINGTON: Objection. Calls for
15 speculation. Incomplete hypothetical.

16 Q. BY MR. DAVIS: Do you understand the question?

17 A. I understand the question. I see where you're
18 going with it.

19 It has to be -- well, that is not stated
20 anywhere. I think that I would have just made the
21 assumption that they're going to be -- when I say that
22 it can only accept 10 rounds, that means 10 rounds that
23 are going to be fired out of that firearm, in other
24 words, it has to be the correct caliber. You're not
25 going to be able to -- for the sake of arguing, you're

1 not going to be able to fire a 22 long rifle round out
2 of a 45-caliber chamber. It's simply not going to work.
3 So I would have made the assumption, even without
4 thinking about it, I think, that they were talking about
5 the rounds that would be appropriate for any given
6 firearm.

7 That's not a question I've ever thought about,
8 to tell you the truth. I would just assume that it's
9 going to be the right caliber for that gun, right
10 caliber ammunition.

11 MR. DAVIS: We can take a quick break.

12 (Recess taken.)

13 Q. BY MR. DAVIS: Do you know what a Category 1
14 assault weapon is?

15 A. Yes, I do.

16 Q. What is a Category 1 assault weapon?

17 A. What we call a Roberti-Roos weapon. It's a
18 weapon that would appear on a specific list of firearms
19 by make and model, and that is called the Category 1
20 list.

21 Q. Who made the Category 1 list?

22 A. Again, this is the kind of question where I
23 would actually kind of need something in front of me to
24 refer to. I know that it goes back specifically to the
25 Roberti-Roos case and the Roberti-Roos control

1 weapons -- Weapons Control Act, if that's the right name
2 for it.

3 Q. I guess what I was asking, is that list
4 legislatively defined as opposed to --

5 MR. BECKINGTON: I'm going to object to the
6 question as calling for a legal conclusion.

7 THE WITNESS: As far as like the legislature
8 and what legislator wrote the law, if that's what you're
9 asking, I don't know.

10 Q. BY MR. DAVIS: What I was asking, is that list
11 created by the legislature itself as opposed to a list
12 of firearms created by the Department of Justice?

13 MR. BECKINGTON: Again, objection. Calls for a
14 legal conclusion.

15 THE WITNESS: You're talking about how the law
16 was written and who that list came from, and I simply
17 don't know.

18 Q. BY MR. DAVIS: Okay. Do you know what a
19 Category 2 assault weapon is?

20 A. Yes, I do.

21 Q. What is that?

22 A. A Category 2 weapon is, again, a weapon that
23 would appear on a list of weapons by specific make and
24 model that is -- that list is related to the Kasler
25 versus Lockyer case and specifically looking at AR-15

1 type and AK-47 -- I'm sorry, strike that, AK series
2 types of weapon, but, again, it's by specific make and
3 model.

4 Q. A Category 3 assault weapon, do you know what
5 those are?

6 A. Yes.

7 Q. What is that?

8 A. A Category 3 assault weapon is pursuant to
9 12276.1 of the California Penal Code as opposed to 12276
10 which applied to Category 1 and 2. Category 3 is
11 basically an assault weapon that would be defined as
12 outlined in 12276.1 by generic characteristics.

13 Q. What are those generic characteristics with
14 regard to a rifle?

15 MR. BECKINGTON: Objection. Calls for a legal
16 conclusion.

17 THE WITNESS: Again, I can refer to 12276.1 and
18 I'm familiar enough with that law that I can say that,
19 as I think you pointed out earlier yourself, a rifle
20 with the capacity to accept a detachable magazine cannot
21 have any of the Category 3 characteristics.

22 Would you like me to read the Category 3
23 characteristics?

24 Q. BY MR. DAVIS: Is one of those Category 3
25 characteristics a flash suppressor?

1 A. Yes, it is.

2 Q. Do you know what a flash suppressor is?

3 A. I know what function a flash suppressor
4 performs.

5 Q. Do you know how California defines flash
6 suppressor?

7 MR. BECKINGTON: Objection. Vague and
8 ambiguous.

9 Q. BY MR. DAVIS: Do you know how the regulations
10 define flash suppressor?

11 A. I can't give you like a word-for-word
12 description. I'd have to research that. I believe it's
13 something along the lines of a flash suppressor
14 maintains the shooter's visual acuity, and I may be
15 paraphrasing here, but maintain the shooter's visual
16 acuity and disperses -- let me start over.

17 Disperses the flash in such a way that the
18 flash from the muzzle -- dispersing the flash in such a
19 way to maintain the shooter's visual acuity. There,
20 that sounds better. That is not a legal definition,
21 that is simply my paraphrased understanding of the
22 definition.

23 Q. I'll provide you with a copy of the California
24 Assault Weapons Guide.

25 A. Sure. Oh, it's right there. The Assault

1 THE WITNESS: I don't know the answer to your
2 question.

3 Q. BY MR. DAVIS: Do you have to be an expert in
4 firearms to answer the question I asked, in your
5 opinion?

6 MR. BECKINGTON: Objection. Vague and
7 ambiguous.

8 THE WITNESS: I simply don't know. It says
9 what it has to do, and I don't know if that would do
10 that or not.

11 Q. BY MR. DAVIS: Why do you not know?

12 A. Because it's a piece of metal sitting on a
13 table.

14 Q. Would you need to test fire it in order to
15 tell?

16 MR. BECKINGTON: Objection. Calls for
17 speculation.

18 Q. BY MR. DAVIS: In your opinion.

19 MR. BECKINGTON: Incomplete hypothetical.

20 THE WITNESS: I'm just not -- I'm not a
21 firearms expert and I could not make the kind of
22 determination you're asking for on something like that.

23 I could see how it comes out of the end of the
24 barrel, but that may or may not tell me anything at all.
25 I just don't know.

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(Exhibit D was marked.)

Q. BY MR. DAVIS: Okay. I'm going to give you Exhibit D.

A. What do you want me to do with these?

Q. That's yours. Take a look at the device I'm handing you right now. Tell me whether or not you believe that's the same device or appears to be the same device as depicted in Exhibit D.

A. Again, I'm not enough of an expert to be able to give any kind of opinion that would be anything other than a wild guess.

Q. As to whether or not that's the same device depicted?

A. Oh, I'm sorry. Yes, that is the same device depicted in the picture. I'm sorry.

Q. Now getting to the question. Do you believe --

A. I jumped the gun. I'm sorry.

Q. In your opinion would that be a flash suppressor as defined in the Assault Weapon Identification Guide?

MR. BECKINGTON: Objection. Calls for a legal opinion.

THE WITNESS: I just don't have the expertise to know.

(Exhibit E was marked.)

1 Q. BY MR. DAVIS: I'm giving you Exhibit E and
2 handing you a device.

3 A. Okay.

4 Q. If you could take a look at the device and tell
5 me whether or not it appears to be the same item as
6 depicted in Exhibit E.

7 A. Picture is a little fuzzy, but, yes, I would
8 say that it appears to be the same device that's in the
9 picture.

10 Q. If that device were made out of metal, in your
11 opinion would that be a flash suppressor --

12 MR. BECKINGTON: Objection. Calls for a legal
13 conclusion.

14 Q. BY MR. DAVIS: -- as defined in the Assault
15 Weapon Identification Guide?

16 MR. BECKINGTON: Same objection.

17 THE WITNESS: I don't have the expertise to be
18 able to answer that question, plus you're asking me if
19 it was made of a material that it's clearly not made of,
20 so that requires speculation. I just don't know. I
21 don't have the expertise to answer the question.

22 (Exhibit F was marked.)

23 Q. BY MR. DAVIS: If you could take a look at
24 Exhibit F. Just gave you a device marked CJD 0002.

25 Is that the same -- does that appear to be the

1 same device as depicted in Exhibit F?

2 A. It has a tag with that same number on it. The
3 picture is vague enough that I can't tell for sure if
4 it's the same device, but it appears to be. It does
5 have the same tag number.

6 Q. If that device were made out of metal, in your
7 opinion would that be a flash suppressor as defined in
8 the Assault Weapon Identification Guide?

9 MR. BECKINGTON: Objection. Calls for a legal
10 opinion.

11 THE WITNESS: I don't have the expertise to be
12 able to answer that question.

13 (Exhibit G was marked.)

14 Q. BY MR. DAVIS: Giving you an item marked
15 Exhibit G and a device marked CJD 0003. If you could
16 take a look at that and tell me whether or not it
17 appears to be the same device depicted in Exhibit G.

18 A. Yes, I would say that appears to be the same
19 device as depicted in the photographs.

20 Q. In your opinion, if that were made out of
21 metal, would that be a flash suppressor as defined in
22 the Assault Weapon Identification Guide?

23 MR. BECKINGTON: Objection. Calls for a legal
24 conclusion.

25 THE WITNESS: I have no idea. I just don't

1 have the expertise to be able to answer that question.

2 (Exhibit H was marked.)

3 Q. BY MR. DAVIS: Give you an item marked Exhibit

4 H.

5 A. Uh-huh.

6 Q. And a device marked CJD 0004. If you could

7 look at that and tell me whether or not that's the same

8 item as depicted in Exhibit H.

9 A. Yes, it appears to be.

10 Q. In your opinion, if that were made out of

11 metal, would that be a flash suppressor as defined in

12 the Assault Weapon Identification Guide?

13 MR. BECKINGTON: Objection. Calls for a legal

14 opinion.

15 THE WITNESS: Again, looking at it, I really

16 don't have the expertise to be able to answer that

17 question.

18 Q. BY MR. DAVIS: Take a look at the definition of

19 flash suppressor once again.

20 A. Sure.

21 Q. While you're reading that, consider whether or

22 not a pair of sunglasses would be deemed a flash

23 suppressor under the definition in the Assault Weapon

24 Identification Guide.

25 MR. BECKINGTON: Objection. Calls for a legal

1 opinion. Also incomplete hypothetical and taking the
2 definition out of context.

3 MR. DAVIS: Taking the definition out of
4 context?

5 MR. BECKINGTON: Taking the "definition" out of
6 context from the statute.

7 THE WITNESS: Answer it?

8 MR. BECKINGTON: If you think you can answer
9 it, go ahead and give your answer. I'm objecting that
10 it calls for a legal conclusion and is vague and
11 ambiguous for the reasons stated.

12 THE WITNESS: A pair of sunglasses is not
13 something you would normally attach to a firearm, so I
14 don't understand the relevance of your question.

15 Q. BY MR. DAVIS: Within the definition of flash
16 suppressor --

17 A. No, it's not.

18 Q. -- is there a requirement that a device be
19 attached to the firearm?

20 MR. BECKINGTON: Objection. Incomplete
21 hypothetical and calls for a legal conclusion and is
22 vague and ambiguous in failing to account for the
23 statute itself.

24 Q. BY MR. DAVIS: Is there a requirement that --

25 A. Maybe I don't understand your question.

1 Q. Is there a requirement that --

2 A. No, there -- I'm sorry.

3 Q. Is there a requirement that a device be
4 attached to a firearm within the definition of flash
5 suppressor?

6 A. No, there is not.

7 Q. Is there a requirement that a device be
8 attached to the end of a barrel within the definition of
9 flash suppressor?

10 A. No, not that I read.

11 MR. BECKINGTON: I'd just ask the witness to
12 pause a little bit so that if I want to throw in an
13 objection, I'll have the opportunity to do that.

14 THE WITNESS: Sure.

15 Q. BY MR. DAVIS: Based on that definition alone,
16 would a pair of sunglasses fit within that definition?

17 MR. BECKINGTON: Objection. Calls for a legal
18 conclusion. It's also vague and ambiguous and an
19 incomplete hypothetical in that it's taking the
20 regulation out of context from the statutory scheme.

21 MR. DAVIS: How is it taking the regulation out
22 of context from the statutory scheme?

23 MR. BECKINGTON: I've stated my objection for
24 the record.

25 THE WITNESS: Within just the context of the

1 definition of a flash suppressor, I wouldn't know how to
2 answer your question. I was applying a broader
3 definition, and that was my mistake.

4 MR. DAVIS: I don't understand what you mean.

5 THE WITNESS: I was saying that a -- I was
6 saying that a -- just within that specific definition --
7 that was your question, within that specific definition?

8 MR. DAVIS: Correct.

9 THE WITNESS: I misunderstood your question.

10 Within just the specific definition of a flash
11 suppressor would a pair of sunglasses be a flash
12 suppressor, I can't really answer the question. I don't
13 know how to answer that question because it's -- the
14 question just doesn't make a lot of sense to me.

15 Q. BY MR. DAVIS: Do sunglasses reduce light from
16 the shooter's field of vision if the shooter is wearing
17 sunglasses at the time he's shooting?

18 A. I don't know.

19 Q. Okay.

20 A. They reduce sunlight.

21 Q. Have you ever heard the term Browning BOSS?

22 A. Not together, no. I've heard the term
23 Browning.

24 Q. Do you know what a Browning BOSS is?

25 A. No, I do not.

1 Q. Have you heard of a firearm called the
2 Springfield Armory M1A?

3 A. Yes, I have.

4 Q. Do you know if the Department of Justice has
5 approved any muzzle attachments for the Springfield
6 Armory M1A as not being a flash suppressor?

7 A. I'm not aware of any specific example of that
8 happening.

9 Q. Are you aware of any devices that have been
10 approved by the Department of Justice as not being flash
11 suppressors?

12 A. Since that's not something that my job would
13 entail is to approve or not approve flash suppressors,
14 you're asking about things that I'm not going to
15 necessarily have knowledge of, so I don't have any
16 specific knowledge of such an incident because it's
17 outside the scope of my job.

18 Q. Do you know if any device -- if the Department
19 of Justice has a list of devices that have been deemed
20 not flash suppressors?

21 A. Same answer. It's outside of the scope of my
22 job, so I'm not aware of any particular example of that
23 because it's not something that I would personally
24 handle.

25 Q. Do you know of any large-capacity magazines

1 that have been permanently altered so that it cannot
2 accommodate more than 10 rounds?

3 A. Can you repeat the question, please.

4 Q. Do you know of any large-capacity magazines
5 that have been permanently altered so that they cannot
6 accommodate more than 10 rounds?

7 A. If you're asking for a specific example, no, I
8 can't recall a specific example. I'm sure it's been
9 tried.

10 Q. Do you know if "permanently altered" is defined
11 by regulation?

12 A. I'm not sure, to tell you the truth.

13 Q. What does "permanently altered" mean to you?

14 MR. BECKINGTON: Objection. Vague and
15 ambiguous. Calls for a legal conclusion.

16 THE WITNESS: It means to me -- my own personal
17 interpretation would be just -- permanently altered
18 means that it's permanent.

19 Q. BY MR. DAVIS: Like an irreversible change?

20 MR. BECKINGTON: Objection. Vague and
21 ambiguous. Calls for a legal conclusion.

22 THE WITNESS: I think I have a pretty good
23 understanding of what the word "permanent" means, so to
24 me it means -- if it was permanently altered, that means
25 that whatever alteration was done to the magazine must

1 be permanent.

2 Q. BY MR. DAVIS: "Irreversible," is that
3 synonymous with "permanent" in your opinion?

4 MR. BECKINGTON: Objection. Vague and
5 ambiguous. Calls for speculation.

6 THE WITNESS: I can't speculate on that.

7 Q. BY MR. DAVIS: Are you familiar with the DS
8 Arms SA58?

9 A. Not specifically off the top of my head, just
10 by the model number. I'm familiar with DS Arms as a
11 firearms manufacturer, but not with that specific model.

12 Q. Do you know if any DS Arms firearms have been
13 modified so that they no longer have the capacity to
14 accept a detachable magazine?

15 A. I don't know that for sure.

16 Q. Do you know if the Department of Justice has
17 approved any DS Arms models as not having the capacity
18 to accept a detachable magazine?

19 A. Without having my notes at work in front of me,
20 no, I couldn't say that.

21 Q. Does it sound familiar to you?

22 MR. BECKINGTON: Objection. Vague and
23 ambiguous.

24 What are you referring to?

25 MR. DAVIS: The DS Arms SA58.

1 MR. BECKINGTON: You're asking him if that's
2 the name of the weapon or --

3 MR. DAVIS: I'm asking him if the name sounds
4 familiar to him.

5 MR. BECKINGTON: Objection. Asked and
6 answered.

7 THE WITNESS: DS Arms sounds familiar. The
8 AS58 does not in particular, no.

9 Q. BY MR. DAVIS: Do you know of any firearms that
10 have been modified so that they no longer have the
11 capacity to accept a detachable magazine?

12 A. I'm going to answer that question yes. I think
13 I already answered that, actually.

14 Q. Is there a process for submitting actual
15 devices for clarification to the Department of Justice?

16 A. No, not currently.

17 Q. I'm sorry?

18 A. Not currently, no.

19 Q. Did there used to be?

20 A. An actual process, I'm not aware of one, no.

21 MR. DAVIS: I think I'm done.

22 MR. BECKINGTON: Okay.

23 MR. DAVIS: Stipulate that we relieve the court
24 reporter of her duties, that the original will be
25 forwarded to your counsel, you'll have a chance to

1 review it and advise of any changes, a certified copy
2 can be used at trial, and you'll notify of me of any
3 changes within 30 days?

4 MR. BECKINGTON: So stipulated.

5 (The deposition adjourned at 4:43 p.m.)

6 ---o0o---

7 Please be advised that I have read the foregoing
8 deposition. I hereby state there are:

9 (check one)

10

11 _____ NO CORRECTIONS

12

13

14 _____ CORRECTIONS ATTACHED

15

16

17 _____

18 BRENT GEORGE

19

20 _____

Date Signed

21

22 Case Title: Hunt vs State of California

Date of Deposition: Wednesday, February 27, 2008

23 Job No.: 18270LR

24 ---o0o---

25

1 REPORTER'S CERTIFICATE

2
3 I certify that the witness in the foregoing
4 deposition,

5 BRENT GEORGE,

6 Was by me duly sworn to testify the truth, the whole
7 truth, in the within-entitled cause; that said
8 deposition was taken at the time and place therein
9 named; that the testimony of said witness was reported
10 by me, a duly certified shorthand reporter and a
11 disinterested person, and was thereafter transcribed
12 into typewriting.

13 I further certify that I am not of counsel or
14 attorney for either or any of the parties to said cause,
15 nor in any way interested in the outcome of the cause
16 named in said deposition.

17 IN WITNESS WHEREOF, I have hereunto set my hand
18 this 11th day of March, 2008.

19
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21 
22 TRACY LEE MOORELAND, CSR 10397
23 State of California
24
25

Exhibit A

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/21/2007 12:55 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Lee,

This is in response to your recent correspondence to the Bureau of Firearms, regarding possession of certain types of firearms in California as a member of the military. The only exemption for active duty military personnel to own an assault weapon within California applies specifically to active duty personnel permanently stationed in California. To qualify for the exemption, personnel must possess a current a valid military ID, permanent station duty orders specifying a military installation within California, and must submit an application for a Military Personnel Assault Weapons Permit to the California Department of Justice, Bureau of Firearms. This exemption does not apply to personnel stationed outside of California.

As to the portion of your question regarding the United States Constitution, keep in mind that the California Department of Justice cannot offer legal interpretations, and is not responsible for writing or passing any laws, including gun control laws. Laws are passed by the State Legislature, and any question or formal legal challenge of the validity of a specific law would need to be addressed to your local state congressman. The California Department of Justice merely plays an important role in the implementation and enforcement of state laws.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,
Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868
brent.george@doj.ca.gov

Exhibit No. A
Date: 2/27/08
Witness: GEORGE
Tracy L. Mooreland, CSR 10397

>>> "[REDACTED]" <[REDACTED]> 12/9/2007 5:51 PM >>>
Name: Michael Lee
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Hi, I was wondering how California can restrict the importation of personal property (legally purchased rifles considered assault rifles in CA for example). If I can purchase an AK-47 in one state, how can it be forbidden in another when the US Constitution specifically states in Article IV, Section 2, Clause 1 "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States"? Also, Ammendment XIV, Section 1 states "nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Need I mention the 2nd ammendment at all? Keep in mind this Constitution is the supreme Law of the Land, as described in Article VI, Clause 2 "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, sh! all be the supreme Law of

the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Being in the military stationed in another state, why can I not bring back all that I have legally purchased or aquired? There are no exemptions for this? Thank you for your time.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/24/2007 11:36 AM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Kimble,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of magazine locking devices if used in conjunction with a thread lock adhesive or similar method. Your question is not specifically addressed by the Penal Code. Category 3 generic characteristics defining assault weapons, under Section 12276.1 of the California Penal Code apply to any firearm with the capacity to accept a detachable magazine. You are basically asking for a legal interpretation of a configuration that is not specifically addressed. It would therefore fall to the agencies that would be responsible for enforcing state laws at the level of a local jurisdiction, i.e., the county district attorney's office and local law enforcement agencies in your community, to determine the legality of a specific firearm configuration at the local level.

For more information, you may want to consult the *California Assault Weapons Identification Guide*, available on the Bureau of Firearms public website, at www.ag.ca.gov/firearms, under Forms and Publications.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 12/11/2007 12:56 PM >>>

Name: Bryon Kimble

Phone Number: [REDACTED]

Email: [REDACTED]

Message: My question is regarding the "prince 50" magazine lock and the "bullet button". If these devices are installed with a permanent thread lock adhesive like the "loctite" brand which requires heating the object to a temperature of 450 degrees farenheit to disassemble it, would this be considered a permanent alteration? Trying to heat the magazine lock to such a high temperature might cause damage to the firearm and possibly render it unsafe to use. Also, if the thread lock was used and the magazine lock was unable to be disassembled, who would decide as to whether or not this was a permanent alteration to conform with the law?

se respond.

Thank you. Bryon Kimble

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/24/2007 1:34 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Walk,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of a specific rifle. In order to be considered an assault weapon, a rifle must be defined as a Category 1, 2, or 3 assault weapon, pursuant to Sections 12276 and 12276.1 of the California Penal Code, respectively. SKS rifles are Category 1 illegal assault weapons only if they have a detachable magazine. As the SKS in the detachable magazine configuration is a listed weapon, Category 3 characteristics do not apply in the case of SKS rifles, since Category 3 characteristics apply only to semi-automatic, centerfire rifles with the capacity to accept a detachable magazine.

For more information, you may want to consult the *California Assault Weapons Identification Guide*, available on the Bureau of Firearms public website, at www.ag.ca.gov/firearms, under Forms and Publications. You may also wish to consult Sections 12276 and 12276.1 of the California Penal Code, available on the website under Dangerous Weapons Control Laws.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 12/12/2007 3:34 PM >>>

Name: Kevin Walk

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I have a quick question regarding assault weapon registration. A unit arrested a person who possessed a Russian made SKS rifle which had an attached magazine with a 10 round capacity. As far as I can see, this does not fit the assault rifle definition, but does this rifle still have to be registered?

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/3/2007 5:12 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Gray,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the use of silencers on rifle. Pursuant to Section 12020(a) of the California Penal Code, a silencer is by itself a prohibited and illegal item in California, regardless of the firearm one wishes to fit it to.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 11/28/2007 9:01 AM >>>
Name: Darren Gray
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Under the below regulation it states that a flash suppressor is not allowed on centerfire rifles. It does not say anything about silencers unlike the regulation on pistols. So does this mean you can add a silencer on a centerfire rifle. Thanks

2276.1 (a) Notwithstanding Section 12276, "assault weapon" shall also mean any of the following:
A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

A flash suppressor.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/5/2007 4:58 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Kimble,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of certain devices in relation to California's assault weapons laws. Pursuant to Section 12276.1 of the California Penal Code, any semi-automatic, centerfire rifle with the capacity to accept a detachable magazine and any one of the Category 3 generic features / characteristics (pistol grip, adjustable or folding stock, flash suppressor, second handgrip, thumbhole stock, grenade launcher, etc.) is an assault weapon. The term "capacity to accept" is not further defined in the Penal Code, and as such, the legality of using devices such as the Prince 50 Kit, an allen screw kit, or a "bullet button" kit with a semi-automatic, centerfire rifle is an interpretation to be made by local law enforcement officials and / or district attorneys, on a case by case basis.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 11/30/2007 11:01 AM >>>

Name: Bryon Kimble

Phone Number: [REDACTED]

Email: [REDACTED]

Message: What is the legality of the Prince 50 lock kit and the "bullet button". In regards to an "off list" lower receiver not listed in category 1 or 2 of the California Department of Justice's assault weapons list can either of these devices be used legally with a 10 round magazine or would they violate California law. I assume they would be legal being category 3 assault weapons must have a detachable magazine.

Also, CCR979.11 says that a bullet or cartridge "is not" a tool but a few paragraphs later there is a revision to where it says that "[REDACTED]" a tool. Can you please clarify this? Thank you.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/19/2008 3:11 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Mayes,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the use of "bullet button" or "Prince 50" magazine locking kit. Section 12276.1 of the California Penal Code prohibits Category 3 Generic Characteristic on any semi-automatic, centerfire rifle with the capacity to accept a detachable magazine. Whether or not a bullet button or Prince 50 type of mag lock kit satisfies 12276.1 PC is a determination you must make for yourself. It is important to note that in so doing, you could basically be interpreting the law for yourself. Any of California's 58 district attorneys could interpret such a weapon to have the capacity to accept a detachable magazine, and that determination, as well as the interpretation and application of 12276.1 PC, may vary from one jurisdiction to another.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/14/2008 10:09 PM >>>

Name: Marshall Mayes

Phone Number: [REDACTED]

Email: [REDACTED]

Message: Can you answer a AR15 Off list receiver question? Will use of the bullet mag lock or prince 50 mag lock be legal in california? The law is fuzzy about this, i hear yes and i hear no.

thank you

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 11/27/2007 10:58 AM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Fike,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of your Ruger Mini-14 rifle with a thumbhole stock. Pursuant to Section 12276.1 of the California Penal Code - Generic Characteristics Defining Assault Weapons, any semi-automatic, centerfire rifle with the capacity to accept a detachable magazine must not feature any of the Category 3 Characteristics. A thumbhole stock is one of the Category 3 Characteristics specified in Section 12276.1 PC.

For further information regarding assault weapons in California, you may want to consult the *Assault Weapons Identification Guide*, available on the Bureau of Firearms public website, at www.ag.ca.gov/firearms, under Forms and Publications.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 11/11/2007 1:21 AM >>>

Name: Matthew Fike
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I'm currently on orders for the military in Nevada, though I am a California resident and will be returning there once my orders are through. I am looking to purchase a rifle and what to make sure it's legal to return to California with. The weapon I'm looking at is the Ruger Mini-14® Target Rifle with factory thumbhole stock. I can't find this anywhere on your banned weapons list. Could you please tell me if this is legal to bring back into the state?

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/4/2008 4:37 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Stuetze,

This is in response to your recent correspondence to the Bureau of Firearms, regarding California Firearms laws. Please refer to the *California Firearms Laws Summary Booklet*, available on the Bureau of Firearms public website at www.ag.ca.gov/firearms. This is probably the quickest way to familiarize yourself with California firearms laws.

In regard to handguns, you may bring your handguns into the state (unloaded in locked containers) as long as they are not classified as assault weapons, assault pistols, or short-barreled shotguns, and as long as they do not feature any magazines or clips with a capacity of over 10 rounds (a large capacity magazines). The handguns cannot have a threaded barrel, a shroud, or the capacity to accept a detachable magazine at any location outside of the pistol grip.

While legal handguns imported by new residents do not need to appear on the Roster of Handguns Approved For Sale in California, they do need to be reported to the Bureau of Firearms on a New Resident Handgun Ownership Report, also available on the Bureau of Firearms public website, under Forms and Publications. This requirement does not apply to legal long guns.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/2/2008 4:19 PM >>>

Name: Greg Stuetze

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I am an AZ resident with a CCW permit who is moving to CA in the next few months and would like to know what your laws are regarding my firearms. I own several rifles and shotguns, which I am sure won't be an issue. But, I also own two handguns and I believe your laws are different than ours. Please advise.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/5/2008 11:38 AM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Stuetze,

The New Resident Handgun Ownership Report must be completed within 60 days after establishing a California street address and obtaining a California Driver's Licence or California ID Card. Both of these are prerequisite to submitting the New Resident Handgun Ownership Report.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> <[REDACTED]> 2/5/2008 10:47 AM >>>

Mr. George,

Thank you for your response. With regards to the New Resident Ownership Report, how soon but this be completed relative to my arrival in CA. Should it preempt the move or can it be completed with a legal time period?

Please advise.

Greg Stuetze

----- Brent George <Brent.George@doj.ca.gov> wrote:

> Mr. Stuetze,

>

> This is in response to your recent correspondence to the Bureau of Firearms, regarding California Firearms laws. Please refer to the California Firearms Laws Summary Booklet, available on the Bureau of Firearms public website at www.ag.ca.gov/firearms. This is probably the quickest way to familiarize yourself with California firearms laws.

> In regard to handguns, you may bring your handguns into the state (unloaded in locked containers) as long as they are not classified as assault weapons, assault pistols, or short-barreled shotguns, and as long as they do not feature any magazines or clips with a capacity of over 10 rounds (a large capacity magazines). The handguns cannot have a threaded barrel, a shroud, or the capacity to accept a detachable magazine at any location outside of the pistol grip.

>

> While legal handguns imported by new residents do not need to appear on the Roster of Handguns Approved For Sale in

California, they do need to be reported to the Bureau of Firearms on a New Resident Handgun Ownership Report, also available on the Bureau of Firearms public website, under Forms and Publications. This requirement does not apply to legal long guns.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/2/2008 4:19 PM >>>

Name: Greg Stuetze

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I am an AZ resident with a CCW permit who is moving to CA in the next few months and would like to know what your laws are regarding my firearms. I own several rifles and shotguns, which I am sure won't be an issue. But, I also own two handguns and I believe your laws are different than ours. Please advise.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/5/2008 12:24 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Jehl,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the acquisition by a peace officer of a non-roster handgun. A non-roster handgun is any handgun that does not appear on the DOJ Roster of Handguns Certified For Sale in California. Handguns available for sale in California must pass safety testing and be placed on this roster.

However, full-time, active duty sworn paid peace officers are exempt from the roster restrictions. They are also allowed to purchase large capacity magazines, pursuant to Section 12020 of the California Penal Code. Therefore, any active California firearms dealer may order a non-roster handgun from out of state for sale to a qualifying peace officer. However, in order to acquire a handgun with a large capacity magazine, or to acquire large capacity magazines by themselves, the dealer must also possess a DOJ Large Capacity Magazine Permit. Without this permit, the dealer cannot acquire large capacity magazines or a handgun that comes with a large capacity magazine.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/3/2008 7:50 AM >>>

Name: William Jehl

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I am a retired, and currently a rehired Law Enforcement Deputy Sheriff in San Diego County.

I would like to purchase a handgun made by STI. The weapon is currently on a list which prevents the weapon from being sold in California.

I recently reviewed the on-line Policy change for Law Enforcement officers being allowed to purchase "non-roster" handguns and extended magazines.

I spoke with an FBI dealer who told me he could not accept the gun frame from out of state, because the weapon was on a

non-sale list.

What is a "Non-Roster" handgun?

Can I purchase the STI handgun from out of State and have it shipped to California and registered in my name?

Thank you for your time in this matter.

William Jehl

Brent George - Re: [Web Form] General Comment or Question

From: Brent George
To: [REDACTED]
Date: 2/6/2008 11:07 AM
Subject: Re: [Web Form] General Comment or Question

Mr. Williams,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the alteration of an SKS rifle. Pursuant to Section 12276.1 of the California Penal Code, Category 3 Generic Characteristics Defining Assault Weapons apply only to centerfire, semi-automatic firearms with the capacity to accept a detachable magazine. Any otherwise legal centerfire, semi-automatic rifle must be at least 30 inches in overall length, in its shortest possible configuration.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

() 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/19/2008 5:07 PM >>>

Below is the result of the feedback form.

It was submitted by [REDACTED]

=====
NEW_TYPE:
=====

TYPE: PL
First Name: Clint
Middle Initial: M
Last Name: Williams
Address Line: [REDACTED]
Address Line 2:
City: [REDACTED]
State: CA
Zip: [REDACTED]
Zip4:
Area Code: [REDACTED]
Phone Number: [REDACTED]

Comment Or Question Message: I received an e-mail from the DOJ in the summer of 2007. It was in response to questions about

changes made to a sks rifle. The changes made to the rifle were a folding stock and pistol grip. I was told that the changes were equal if the rifle measured 30 inches in length with the stock folded. could you resend the original e-mail or confirm this information.

thankyou Clint Williams

Affirm Information Accurate: Yes

Best Copy: Yes

Email: [REDACTED]

Confirm Email: [REDACTED]

End of comment or complaint information]

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/6/2008 3:37 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Hagedorn,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of a specific weapon. Pursuant to 12276.1 of the California Penal Code, any semi-automatic, centerfire weapon that has the capacity to accept a detachable magazine and any Category 3 feature, including a pistol grip, thumbhole stock, or flash suppressor, or any semi-automatic, centerfire rifle less than 30 inches long, is an assault weapon in California.

According to Beretta's CX4 Storm website, the CX4 Storm has a detachable magazine, a thumbhole stock, and measures 29.7 inches long.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/10/2008 6:19:11 PM >>>
Name: Michael Hagedorn
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Is the Beretta Cx4 Storm carbine in .40 caliber legal to purchase in CA?

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 2/6/2008 3:37 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Hagedorn,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of a specific weapon. Pursuant to 12276.1 of the California Penal Code, any semi-automatic, centerfire weapon that has the capacity to accept a detachable magazine and any Category 3 feature, including a pistol grip, thumbhole stock, or flash suppressor, or any semi-automatic, centerfire rifle less than 30 inches long, is an assault weapon in California.

According to Beretta's CX4 Storm website,, the CX4 Storm has a detachable magazine, a thumbhole stock, and measures 29.7 inches long.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/10/2008 6:19:11 PM >>>
Name: Michael Hagedorn
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Is the Beretta Cx4 Storm carbine in .40 caliber legal to purchase in CA?

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/26/2007 10:09 AM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Gomez,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the recent transfer of a handgun to your brothers. Transfers of firearms between siblings must be conducted through a federally licensed California firearms dealer, since siblings do not qualify for the intra-familial exemption to the law. It is possible that your brother's application was rejected for this reason. If you would like me to verify whether or not the application was ever received, please respond with your brother's name, date of birth, and California driver's license (if your brother is not a California resident, it will not be legal for you to permanently transfer firearms directly to him).

To obtain a list of firearms listed in your name, complete and submit an Automated Firearms System Records Request form to the Automated Firearms Unit, P.O. Box 820200, Sacramento, CA 94203-0200. The letter must be signed, notarized, and include a photocopy of your photo ID card (ie., driver's license or DMV ID). This form is available on the Bureau of Firearms public website, at www.ag.ca.gov/firearms, under Forms and Publications.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 12/13/2007 2:29 PM >>>
Name: MARTIN GOMEZ
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I sold a hand gun to my brother and all the correct paper work was sent certified to your office. My brother just found out through your office that the paper work was never received.

I would like to verify that. My name is Martin Gonzalo Gomez, California driver licence# [REDACTED] DOB [REDACTED]
The gun is a Sig Sauer model 2340 cal .40 Serial #SP0069621. I will wait for your prompt response

Thank you,

Martin G Gomez

Also, I would like to ask. Where can I obtain a report of all the weapons that I have purchased under my name.

Thank you again

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
Date: 2/6/2008 3:37 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Hagedorn,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of a specific weapon. Pursuant to 12276.1 of the California Penal Code, any semi-automatic, centerfire weapon that has the capacity to accept a detachable magazine and any Category 3 feature, including a pistol grip, thumbhole stock, or flash suppressor, or any semi-automatic, centerfire rifle less than 30 inches long, is an assault weapon in California.

According to Beretta's CX4 Storm website,, the CX4 Storm has a detachable magazine, a thumbhole stock, and measures 29.7 inches long.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 1/10/2008 6:19:11 PM >>>
Name: Michael Hagedorn
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Is the Beretta Cx4 Storm carbine in .40 caliber legal to purchase in CA?

Brent George - RE: Web Mail to Bureau of Firearms

From: Brent George
To: John Bugarin
Date: 2/5/2008 5:18 PM
Subject: RE: Web Mail to Bureau of Firearms

Mr. Bugarin,

The California Penal Code specifically prohibits the use on pistols of "a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer." Forward handgrips and silencers are illegal on pistols pursuant to 12276.1 PC and .2020 PC, respectively. The decision as to whether or not this makes a flash suppressor or compensator attached to a pistol by means other than a threaded barrel is a matter of interpretive law. I would encourage you to contact your local district attorney's office with the question. I'm sure you can understand that I cannot make legal determinations in matters of interpretive law.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> John Bugarin <[REDACTED]> 2/5/2008 3:42 PM >>>
Mr. George,

Thank you so much for the quick response. Yours was the quickest from any government agency that I have contacted.

The gunsmith I spoke with uses a pin and solder to attach the recoil compensator to the barrel. The barrel has no threads, although it is longer than the slide by 0.5 inch. Is this legal?

Regards,
John

From: Brent George [mailto:Brent.George@doj.ca.gov]
Sent: Tuesday, February 05, 2008 3:24 PM
To: John Bugarin
Subject: Re: Web Mail to Bureau of Firearms

Mr. Bugarin,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the use of a recoil compensator attached to a .40 caliber barrel. Attaching a compensator to a handgun barrel would be problematic at best without the use of a threaded barrel made for such an attachment, and any handgun with a detachable magazine and a threaded barrel is a Category

assault weapon. Outside of this, you should consult Sections 12276 and 12276.1 of the California Penal Code, and the *Assault Weapons Identification Guide*, available on the Bureau of Firearms public website at www.ag.ca.gov/firearms, under Forms and Publications, for more information.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 2/5/2008 2:38 PM >>>
Name: John Bugarin
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I am interested in joining the steel challenge training in preparation for future competition. Please let me know if a compensator attached to a .40 caliber barrel is legal or not.

Thanks,
John Bugarin

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
Date: 12/26/2007 12:40 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Gale,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the transfer of an AR-15 rifle into California by a friend and ex-police officer. If the rifle in question is an assault rifle under Category 1, 2 or 3, pursuant to Sections 12776 and 12776.1 of the California Penal Code, he must not bring the rifle into California at any time, unless he becomes a full time sworn peace officer in California (in which case there is a specific procedure). Registration of assault weapons by new residents is not allowed.

In order to verify whether or not the rifle is an illegal assault weapon in California, you may want to review the *California Assault Weapons Identification Guide*, available on the Bureau of Firearm website, at www.ag.ca.gov/firearms, under Forms and Publications. Note that any semiautomatic, centerfire rifle with a detachable magazine and any Category 3 Characteristic (pistol grip, flash suppressor, adjustable stock, etc.) is an illegal assault weapon in California.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 12/13/2007 4:01 PM >>>
Name: John Gale
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Hello,

I have a friend who is moving to California. He is an ex-police officer for the state of Texas. While he was employed in Texas he bought an AR-15 assault rifle. If he were to register it in California would he be able to keep it? Can you tell me what he needs to do to be legal.

Thank you

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
To: [REDACTED]
Date: 12/5/2007 4:58 PM
Subject: Re: Web Mail to Bureau of Firearms

Mr. Kimble,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the legality of certain devices in relation to California's assault weapons laws. Pursuant to Section 12276.1 of the California Penal Code, any semi-automatic, centerfire rifle with the capacity to accept a detachable magazine and any one of the Category 3 generic features / characteristics (pistol grip, adjustable or folding stock, flash suppressor, second handgrip, thumbhole stock, grenade launcher, etc.) is an assault weapon. The term "capacity to accept" is not further defined in the Penal Code, and as such, the legality of using devices such as the Prince 50 Kit, an allen screw kit, or a "bullet button" kit with a semi-automatic, centerfire rifle is an interpretation to be made by local law enforcement officials and / or district attorneys, on a case by case basis.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 11/30/2007 11:01 AM >>>

Name: Bryon Kimble
Phone Number: [REDACTED]
Email: [REDACTED]

Message: What is the legality of the Prince 50 lock kit and the "bullet button". In regards to an "off list" lower receiver not listed in category 1 or 2 of the California Department of Justice's assault weapons list can either of these devices be used legally with a 10 round magazine or would they violate California law. I assume they would be legal being category 3 assault weapons must have a detachable magazine.
Also, CCR979.11 says that a bullet or cartridge "is not" a tool but a few paragraphs later there is a revision to where it says that "[REDACTED]" a tool. Can you please clarify this? Thank you.

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
Date: [REDACTED]
Subject: Re: Web Mail to Bureau of Firearms

Mr. Tran,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the out of state purchase of a long gun (rifle). Bolt- action rifles are not subject to Generic Characteristics Defining Assault Weapons under Category 3 of Section 12276.1 of the California Penal Code. As bolt-action rifles with the characteristics you are describing are rare, you would want to make sure that the rifle in question does not in fact have semi-automatic capability. (Any semi-automatic, centerfire rifle that has the capacity to accept a detachable magazine and features any Category 3 characteristic is an illegal assault weapon.) Additionally, magazine capacity in any type of firearm in California is limited to a maximum capacity of 10 rounds, pursuant to Section 12020 of the California Penal Code. An exception to this would be a .22 Rimfire internal tube-fed only magazine that is not removable or detachable.

For further information, you may want to consult the *California Assault Weapons Identification Guide*, and the *2007 California Firearms Laws Summary Booklet*, available on the Bureau of Firearms public website, at www.ag.ca.gov/firearms, under Forms and Publications.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 12/9/2007 9:15 AM >>>

Name: Derrick Tran

Phone Number: [REDACTED]

Email: [REDACTED]

Page: Hi,

I have a question regarding bringing firearms into California. I have been a California resident my whole life. This past summer I drove up to Yellowstone National Park to see the park with my family. On the way back home, I went to some various outdoor shops (Cabela's Inc.) in Utah and was surprised by how big the place was. I'm an avid marksman and hunter and I was impressed by some classic bolt-action, long-barreled, rifles they had in their classic gun collections. They seemed perfectly legal to own in California because they're not assault rifles. have a peculiar looking extruding pistol grip, carry handle, hi-capacity

removable magazine , collapsible stock, flash suppressor/hider, etc. In other words, they're just traditional hunting rifles for sporting use. I was interested in buying one, but I am unsure if I could do so.

As a resident of California, can I purchase a rifle that is legal to own in California, in Utah? And suppose if I can, can I bring it into California, as long as once again, it has not been modified in any way that would make it illegal to own in California? Of course I don't intend to do any of that as I just admire fine sporting rifles.

Thank you so much

Sincerely,

Derrick

Brent George - Re: Web Mail to Bureau of Firearms

From: Brent George
Date: [REDACTED]
Subject: Re: Web Mail to Bureau of Firearms

Mr. Gray,

This is in response to your recent correspondence to the Bureau of Firearms, regarding the use of silencers on a rifle. Pursuant to Section 12020(a) of the California Penal Code, a silencer is by itself a prohibited and illegal item in California, regardless of the firearm one wishes to fit it to.

I hope this information is helpful to you. If you have any further questions or need further assistance, please contact the Bureau of Firearms at (916) 263-4887, or via e-mail.

Sincerely,

Brent George
Staff Services Analyst
California Department of Justice
Division of Law Enforcement
Bureau of Firearms
Training, Information, and Compliance Section

(916) 263 - 4868

brent.george@doj.ca.gov

>>> "[REDACTED]" <[REDACTED]> 11/28/2007 9:01 AM >>>
Name: Darren Gray
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Under the below regulation it states that a flash suppressor is not allowed on centerfire rifles. It does not say anything about silencers unlike the regulation on pistols. So does this mean you can add a silencer on a centerfire rifle. Thanks

12276.1 (a) Notwithstanding Section 12276, "assault weapon" shall also mean any of the following:
A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

A flash suppressor.

Brent George - Please advise me of the legality of my possible future purchase.

From: Sally Carney
To: [REDACTED]
Date: 11/27/2007 5:20 PM
Subject: Please advise me of the legality of my possible future purchase.
CC: Brent George

Dear Mr. Barron:

The Department of Justice, Bureau of Firearms does not provide personal legal advice and that is what your question constitutes; a request for legal advice. You need to seek an answer from your own personal attorney, or you can ask the City Attorney's or District Attorney's Office as to how they would view your purchasing this rifle. It is the local jurisdictions that would decide if a law has been broken and whether to prosecute such a case.

Sally Carney, Field Representative
Department of Justice
Division of Law Enforcement
Bureau of Firearms
(916) 263-4887

>>> "[REDACTED]" <[REDACTED]> 11/19/2007 3:13 AM >>>

Name: Robert Barron

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I am interested in purchasing a Saiga-308. It is a .308 caliber hunting carbine made in Russia. It is semi-automatic. It DOES NOT have a pistol grip. It DOES NOT have a flash suppressor. It does have a detachable 10 round magazine. By California definition it is not an assault. It is a centerfired semi-auto rifle with a detachable magazine but DOES NOT have any of the additional prohibited equipment. Please advise me of the legality of my possible future purchase. I am police officer and I cant even tell what is legal or illegal anymore.

Brent George - Re: Web Mail to Bureau of Firearms

From: Alice Galindo
To: [REDACTED]
Date: 12/21/2007 8:46 AM
Subject: Re: Web Mail to Bureau of Firearms

Dear Mr. Hernandez, this is in response to your e-mail regarding traveling to California with firearms and a high capacity magazines.

Certain rifle and shotguns may be defined as assault weapons in California and are prohibited from entering this state under most normal circumstances. Additionally, you may not bring ammunition feeding devices with a capacity greater than ten rounds, machineguns, or assault weapons into California. Failure to comply with these mandated requirements could result in criminal prosecution pursuant to Penal Code (PC) section 12072(g).

PC Section 12275.1(4) defines a "semiautomatic, pistol that has the capacity to accept a detachable magazine and any of the following" as an assault weapon: a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer, a second handgrip, a shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that enclosed the barrel, the capacity to accept a detachable magazine at some location outside of the pistol grip, a semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

For more information about the above cited PC codes, visit our Dangerous Weapons Control Laws located on our website: www.ag.ca.gov/firearms.

I hope this information is helpful to you. If you have more specific questions, please contact an attorney who is licensed to practice law in the state of California.

>>> "[REDACTED]" <[REDACTED]> 12/3/2007 6:29 AM >>>

Name: Ruben Hernandez

Phone Number: [REDACTED]

Email: [REDACTED]

Message: Good Day,

I'm e-mailing you to request some information on an upcoming trip to California.

I'm a Maryland resident(originally from California) traveling to California for the holidays. I'd very much like to bring my Springfield XD40 handgun and my Remington 700 30.06 rifle with me to take to the range. I'm aware that some recent laws prohibiting the purchase the Springfield XD40 have been passed due to the 12 round magazine capacity.

My question is does the law prohibit me from bringing my handgun to California? If not, what documentation should I have if I'm allowed to bring it? I know that I must travel with it unloaded in a locked container but are there any other items to consider? Your help with this matter is greatly appreciated.

Thank You,

Ruben Hernandez

Brent George - Re: Web Mail to Bureau of Firearms

From: Alice Galindo
To: [REDACTED]
Date: 1/8/2008 11:03 AM
Subject: Re: Web Mail to Bureau of Firearms

Dear Mr. Betz, this is in response to your e-mail regarding the legality of owning a AR-15 style rifle.

It is a felony to distribute, keep for sale, or offer or expose for sale any "assault weapon" in California pursuant to Penal Code (PC) 12280(a). California law defines the term "assault weapon" in several different ways. Firearms that are listed in PC section 12276, identified as "series" weapons by the Attorney General pursuant to PC section 12276.5, or described in PC section 12276.1 are assault weapons.

PC Section 12276.1 defines a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any of the following" as an assault weapon: a pistol grip that protrudes conspicuously beneath the action of the weapon, a thumbhole stock, a folding or telescoping stock, a grenade launcher, a flash suppressor, a forward pistol grip. (PC 12276.1, subd. (a)(1).)

For more information about the above cited PC codes, visit our Dangerous Weapons Control Laws located on our website: www.ag.ca.gov/firearms.

I hope this information is helpful to you. If you have more specific questions, please contact an attorney who is licensed to practice law in the state of California. The California Department of Justice cannot provide more specific legal advice to you.

>>> "[REDACTED]" <[REDACTED]> 12/3/2007 8:00 AM >>>

Name: Deputy Robert Betz

Phone Number: [REDACTED]

Email: [REDACTED]

Message: I would like to know if it is legal to own an AR-15 style rifle built after 2000 with an "off-list" lower receiver and the ability to accept removable magazines, and a U15 stock. Information on the U15 is as follows:

The U15 is not a "pistol grip". The U15 stock makes it physically impossible to get the web of the shooter's hand below the top of the exposed portion of the trigger.

The U15 is not a "thumbhole stock". The U15 stock does not have a hole.

The manufacture claims, "When the U15 rifle stock is attached to a rifle that does not have a flash hider, and does not have a forward (vertical) grip under the hand guard, the rifle is not an assault weapon and it may use detachable magazines."

Please contact me with clarification. Thank You.

Brent George - Re: Web Mail to Bureau of Firearms

From: Renee Lewis
To: [REDACTED]
Date: 11/28/2007 10:47 AM
Subject: Re: Web Mail to Bureau of Firearms

This email is in response to your request for a legal definition of wording in PC 12276.1(d)(2). The California Department of Justice cannot provide more specific legal advise. If you have any additional specific questions, you are urged to contact an attorney licensed to practice law in the state of California.

Sincerely,

>>> "[REDACTED]" <[REDACTED]> 11/22/2007 7:59 AM >>>

Name: H. Kim

Phone Number: [REDACTED]

Email: [REDACTED]

Message: What are the CA AG's guidelines for permanently converting a 10+ round (hi-capacity) magazine into a 10 round magazine not prohibited by the DWCL?

Section 12276.1 (d)(2) states such a conversion is possible: "Capacity to accept more than 10 rounds" shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds."

Can you clarify the meaning of "permanently altered" as stated above and describe which alterations comply with the CA DWCL?

Thanks,
H. Kim

Brent George - Firearm needs to be sent to a gun dealer

From: Sally Carney
To: [REDACTED]
Date: 11/28/2007 2:01 PM
Subject: Firearm needs to be sent to a gun dealer
CC: Brent George

Dear Mr. Campbell:

Under California law (Penal Code 12078) the transfer of a long gun that is over fifty years old does not have to be processed through a firearms dealer. If the long gun is not over 50 years old, you will need to have it sent to a fully-licensed firearms dealer in your area for him to receive and then transfer it lawfully to you.

You need to check with the Bureau of Alcohol, Tobacco, Firearms, and Explosives at the federal level to see if there are any federal laws that impact what you want to have done.

Also, you will be subject to the policies of the common carrier you use, so check with them, too, to see what they may require.

Sally Carney, Field Representative
Department of Justice
Division of Law Enforcement
Bureau of Firearms
() 263-4887

>>> "[REDACTED]" <[REDACTED]> 11/19/2007 9:01 AM >>>
Name: Gene Campbell
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I have a question. I own a M1 Carbine that was given to me years ago while I was living in another state. I have been keeping the rifle with my parents but now that I have retired from the military and will be living in San Diego permanently I would like to have the gun sent here. Do I need to do anything to have the gun shipped to me?

Thanks
Gene Campbell

Brent George - Personal Firearm Eligibility Check

From: Sally Carney
To: [REDACTED]
Date: 12/3/2007 2:43 PM
Subject: Personal Firearm Eligibility Check
CC: Brent George

Dear Mr. Johnson:

If you truly do not have a felony conviction, and this is the only item in your background that would need to be considered, you probably could purchase a firearm lawfully. But, to be sure it is lawful and your background is not prohibiting, you should request the Department of Justice to conduct a firearms eligibility background check by submitting a Personal Firearm Eligibility Check (attachment) to the Department of Justice. Directions on how to complete the form, where to mail it, applicable fees are included in the instructions.

Sally Carney, Field Representative
Department of Justice
Division of Law Enforcement
Bureau of Firearms
(916) 263-4887

"[REDACTED]" <[REDACTED]> 11/15/2007 10:10 PM >>>
From: James Johnson
Phone Number: [REDACTED]
Email: [REDACTED]

Message: (11/15/2007) More than 23 years ago, I was convicted of Sales of a Substance in Lieu of a Controlled Substance which was considered a Warbler Misdemeanor in the State of California (Tulare County). Since that time, I have received a Dismissal pursuant to 1204.3 PC and a Certification of Rehabilitation from the Tulare County Superior Court. These were completed nearly 20 years ago. Since that time, I have completed dual Master's Degrees, earned a California Teaching Credential for Secondary Education, and I presently work for the State of California Department of Corrections & Rehabilitation. I am not aware of the entirety of the stipulations regarding the possession and/or use of firearms in the State of California for persons falling into my category. The reason for the inquiry stems from an acquaintance asking if I would like to take a hunting trip some day, and I do not wish to jeopardize myself by negligently violating any law stating that I cannot own, possess, or use any firearms in the State of California. Thus, I opted to send this correspondence in hope of getting valid information pertaining to this inquiry. In closing, if there is documentation that relates specifically to this question, or if you have the answer and can reply via the e-mail address or contact telephone number provided, it would be much appreciated. In closing, I made a mistake in my life long ago in that I elected to associate myself with the wrong type of people, and for my poor judgment, I have permanently blemished my record as a citizen which is unfortunate. I will await your response, and I would like to thank you for our time and consideration regarding this inquiry. Sincerely, James L. Johnson

From: Kathy Quinn
To: [REDACTED]
Date: 12/11/2007 12:27:57 PM
Subject: Hummel - Inheritance

California Penal Code section 12078 provides that a person may gain ownership of firearms between parent & child or grandparent & grandchild as a gift or inheritance without going through a licensed firearms dealer. The person gaining ownership is required to notify DOJ by using the Operation of Law form for handguns they are acquiring. They are not required to notify us of long gun acquisition.

Assault Weapons may not be inherited or transferred to any CA resident. PC 12285(b) provides that the executor of an estate has 90 days to dispose of these firearms by removing them from the state, selling or transferring the firearm to an AW permitted firearms dealer in CA, or rendering the firearm permanently inoperable.

If you need further assistance contact the Bureau of Firearms at (916) 263-4887. Forms may be obtained on the California Department of Justice website: ag.ca.gov/firearms within Forms & Publications.

Sincerely,
Kathy Quinn, Field Representative
Bureau of Firearms

California Penal Code section

>>> "[REDACTED]" <[REDACTED]> 12/5/2007 12:41 AM >>>
Name: Chris Hummel, Sergeant Fremont Police
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I have a question regarding several rifles and handguns that were obtained after the passing of his grandfather. How do they go about getting these weapons registered. I don't believe they have any paperwork for the guns. Thank You in Advance, Chris Hummel

CC: Brent George

Brent George - Re: Web Mail to Bureau of Firearms

From: Leslie McGovern
To: [REDACTED]
Date: 2/7/2008 9:17 AM
Subject: Re: Web Mail to Bureau of Firearms

Dear Charlie:

In regard to your e-mail inquiry, possession and use of large-capacity magazines (able to accept more than 10 rounds) that you owned in California before January 1, 2000, is not prohibited. However as of January 1, 2000, it is illegal to buy, manufacture, import, keep for sale, expose for sale, give or lend any large-capacity magazine in California except by law enforcement agencies, California peace officers, or licensed dealers.

Should you have any further questions, you may contact the Bureau of Firearms at (916) 263-4887.

Sincerely,

Leslie McGovern, Analyst
Bureau of Firearms

>>> "[REDACTED]" <[REDACTED]> 1/5/2008 8:25 PM >>>

Name: Charlie

Phone Number: [REDACTED]

Email: [REDACTED]

Message: Is it legal to use a high capacity magazine that was purchased in 1990 in a new handgun?

Brent George - Re: Web Mail to Bureau of Firearms

From: Dana McKinnon
[REDACTED]
Date: 11/28/2007 2:34 PM
Subject: Re: Web Mail to Bureau of Firearms
CC: Brent George

Steven:

In response, be sure that you review California Penal Code (PC) section 12276.1(a) before building your firearm. That section defines a semi-automatic centerfire rifle that has the capacity to accept a detachable magazine as an assault weapon.

Sincerely,
Mr. Dana McKinnon
Field Representative
Bureau of Firearms
(916) 263-4881

>>> "[REDACTED]" <[REDACTED]> 11/21/07 12:18 AM >>>
Name: Steven Raymond Kelly
Phone Number: [REDACTED]
Email: [REDACTED]

Message: Good day,
my name is Steven Raymond Kelly. I have recently purchased a Remington Express 870 Magnum for home defence purposes. I have taken some classes to become acquainted with the new gun.

I recently purchased another gun, a lower receiver from Stag. Here is my main/real question to you.

Again, I am very new to weapons, I want to build, shoot and have fun with an AR15. I have registered the lower receiver, and have it in my possession. The trigger mechanism is in and I have the stock attached, I am waiting for the upper receiver. I do not own any magazines as of yet.

Am I breaking the law by building this weapon? I have what is called a bullet button which keeps the magazine permanently attached, there is no magazine release button. I do not have a flash depressant on the barrel.

The upper receiver is California legal.

I belong to calguns.net and have been reading the law and other peoples interpretation of the law concerning these weapons.

I am here this evening to ask how to build this weapon so I can go and shoot in comfort knowing that I am not breaking the law.

Once the weapon is built should I carry exact copies of the law that allow me to have and use said weapon???

RECAP; building AR15, could you please tell me how to build the weapon so I can just go and shoot at my local shooting range in comfort knowing that I am not breaking the law.

Thank you so very much for your time, information and guidance.

Steven Raymond Kelly
SSN: [REDACTED]

Brent George - Re: Web Mail to Bureau of Firearms

From: Alice Galindo
To: [REDACTED]
Date: 12/21/2007 8:46 AM
Subject: Re: Web Mail to Bureau of Firearms

Dear Mr. Hernandez, this is in response to your e-mail regarding traveling to California with firearms and a high capacity magazines.

Certain rifle and shotguns may be defined as assault weapons in California and are prohibited from entering this state under most normal circumstances. Additionally, you may not bring ammunition feeding devices with a capacity greater than ten rounds, machineguns, or assault weapons into California. Failure to comply with these mandated requirements could result in criminal prosecution pursuant to Penal Code (PC) section 12072(g).

PC Section 12275.1(4) defines a "semiautomatic, pistol that has the capacity to accept a detachable magazine and any of the following" as an assault weapon: a threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer, a second handgrip, a shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that enclosed the barrel, the capacity to accept a detachable magazine at some location outside of the pistol grip, a semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

For more information about the above cited PC codes, visit our Dangerous Weapons Control Laws located on our website: www.ag.ca.gov/firearms.

I hope this information is helpful to you. If you have more specific questions, please contact an attorney who is licensed to practice law in the state of California.

>>> "[REDACTED]" <[REDACTED]> 12/3/2007 6:29 AM >>>

Name: Ruben Hernandez

Phone Number: [REDACTED]

Email: [REDACTED]

Message: Good Day,

I'm e-mailing you to request some information on an upcoming trip to California.

I'm a Maryland resident(originally from California) traveling to California for the holidays. I'd very much like to bring my Springfield XD40 handgun and my Remington 700 30.06 rifle with me to take to the range. I'm aware that some recent laws prohibiting the purchase the Springfield XD40 have been passed due to the 12 round magazine capacity.

My question is does the law prohibit me from bringing my handgun to California? If not, what documentation should I have if I'm allowed to bring it? I know that I must travel with it unloaded in a locked container but are there any other items to consider? Your help with this matter is greatly appreciated.

Thank You,

Ruben Hernandez

Brent George - Re: Web Mail to Bureau of Firearms

From: Alice Galindo
To: [REDACTED]
Date: 1/8/2008 11:03 AM
Subject: Re: Web Mail to Bureau of Firearms

Dear Mr. Betz, this is in response to your e-mail regarding the legality of owning a AR-15 style rifle.

It is a felony to distribute, keep for sale, or offer or expose for sale any "assault weapon" in California pursuant to Penal Code (PC) 12280(a). California law defines the term "assault weapon" in several different ways. Firearms that are listed in PC section 12276, identified as "series" weapons by the Attorney General pursuant to PC section 12276.5, or described in PC section 12276.1 are assault weapons.

PC Section 12276.1 defines a "semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any of the following" as an assault weapon: a pistol grip that protrudes conspicuously beneath the action of the weapon, a thumbhole stock, a folding or telescoping stock, a grenade launcher, a flash suppressor, a forward pistol grip. (PC 12276.1, subd. (a)(1).)

For more information about the above cited PC codes, visit our Dangerous Weapons Control Laws located on our website: www.ag.ca.gov/firearms.

I hope this information is helpful to you. If you have more specific questions, please contact an attorney who is licensed to practice law in the state of California. The California Department of Justice cannot provide more specific legal advice to you.

>>> "[REDACTED]" <[REDACTED]> 12/3/2007 8:00 AM >>>
Name: Deputy Robert Betz
Phone Number: [REDACTED]
Email: [REDACTED]

Message: I would like to know if it is legal to own an AR-15 style rifle built after 2000 with an "off-list" lower receiver and the ability to accept removable magazines, and a U15 stock. Information on the U15 is as follows:

The U15 is not a "pistol grip". The U15 stock makes it physically impossible to get the web of the shooter's hand below the top of the exposed portion of the trigger.

The U15 is not a "thumbhole stock". The U15 stock does not have a hole.

The manufacture claims, "When the U15 rifle stock is attached to a rifle that does not have a flash hider, and does not have a forward (vertical) grip under the hand guard, the rifle is not an assault weapon and it may use detachable magazines."

Please contact me with clarification. Thank You.

Exhibit B

1 C. D. Michel — SBN 144258
Jason A. Davis — SBN 224250
2 TRUTANICH • MICHEL, LLP
180 East Ocean Blvd., Suite 200
3 Long Beach, CA 90802
Tel: (562) 216.4444

4 Stephen P. Halbrook
5 LAW OFFICES OF STEPHEN P. HALBROOK
10560 Main Street., Suite 404
6 Fairfax, Virginia 22030
Tel: (703) 352.7276

7 Don B. Kates — SBN 039193
8 BENENSON & KATES
22608 North East 269th Avenue
9 Battleground, Washington 98604
Tel: (360) 666.2688

10
11 Attorneys for Plaintiffs

12
13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 IN AND FOR THE COUNTY OF FRESNO

15 EDWARD W. HUNT, in his official
capacity as District Attorney of Fresno
16 County, and in his personal capacity as a
citizen and taxpayer, et. al.,

17 Plaintiffs,
18 v.

19 STATE OF CALIFORNIA; WILLIAM
20 LOCKYER, Attorney General of the State of
California; CALIFORNIA DEPARTMENT
21 OF JUSTICE; Does 1-100;

22 Defendants.

) CASE NO. 01CECG03182
)
) **NOTICE OF TAKING DEPOSITION OF**
) **CALIFORNIA DEPARTMENT OF JUSTICE**
) **EMPLOYEE BRENT GEORGE / REQUEST**
) **FOR PRODUCTION OF DOCUMENTS**

) Date: February 27, 2008
) Time: 1:00 p.m.
) Place: Phillips Legal Services
350 University Ave., Suite 270
Sacramento, CA 95825

23
24
25 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

26 NOTICE IS HEREBY GIVEN that Plaintiff EDWARD W. HUNT, in his personal
27 capacity and as citizen and taxpayer, will take the deposition, on oral examination, of California
28 Department of Justice employee BRENT GEORGE. The deposition will be taken on Wednesday,

Exhibit No. B
Date: 2/27/08
Witness: B George

1 February 27, 2008, at 1:00 p.m., at Phillips Legal Services located at 350 University Ave., Suite
2 270, Sacramento, CA 95825.

3 NOTICE IS FURTHER GIVEN that Plaintiff EDWARD W. HUNT intends to cause the
4 proceedings to be recorded stenographically. Plaintiff EDWARD W. HUNT reserves the right to
5 record the deponent's testimony by audiotape, and/or videotape pursuant to C.C.P. §2025.220,
6 stenographically, and/or by real-time transcription pursuant to C.C.P. §2025.20 and to use such
7 recorded testimony at the trial of this matter.

8 The deposition will be taken before a deposition officer who is authorized to administer an
9 oath. If the deposition is not completed on the date specified in this notice, the taking of the
10 deposition will be continued from day to day thereafter, except for Sundays and holidays, at the
11 same place, until completed.

12 NOTICE IS FURTHER GIVEN that BRENT GEORGE shall bring and produce the
13 following documents at the deposition, at the time and place specified in this notice.

14

15 **DOCUMENTS TO BE PRODUCED AT DEPOSITION**

16 **DEFINITIONS - FLASH SUPPRESSOR**

- 17 1. All WRITINGS since January 1, 1999, relating to the definition of "flash suppressor."
18 ("WRITINGS" shall mean writings as defined in Evidence Code Section 250 and shall
19 include, but not be limited to internal memoranda, inter-agency memoranda,
20 correspondence, internal correspondence, inter-agency correspondence, lists, personnel
21 rosters, emails (digital and/or printouts), meeting minutes, notes, facsimiles, facsimile
22 cover sheets, notebooks, computer files – whether on hard disk, floppy diskette, or any
23 removable-media drive, voice mail printouts, and all other papers, books, and computer
24 files.)
- 25 2. All WRITINGS since January 1, 1999, relating to the definition of "flash suppressor" as
26 defined by Title 11, Division 5, Chapter 39, Section 5469, Subsection (b).
- 27 3. All WRITINGS since January 1, 1999, relating to the definition of "flash suppressor" as
28 defined by Penal Code section 12276.1, subsection (a)(1)(E).

1 4. All WRITINGS since January 1, 1999, relating to the definition of "flash suppressor" as
2 defined by Penal Code section 12276.1, subsection (a)(4)(A).

3
4 **DEFINITIONS - PERMANENTLY ALTER**

5 5. All WRITINGS since January 1, 1999, relating to the definition of "permanently alter."

6 6. All WRITINGS since January 1, 1999, relating to the definition of "permanently alter" as
7 stated in Penal Code section 12020, subsection (b)(15).

8 7. All WRITINGS since January 1, 1999, relating to the definition of "permanently alter" as
9 stated in Penal Code section 12020, subsection (b)(25)(A).

10 8. All WRITINGS since January 1, 1999, relating to the definition of "permanently" as stated
11 in Penal Code section 12088.2, subsection (b).

12 9. All WRITINGS since January 1, 1999, relating to the definition of "permanently alter" as
13 stated in Penal Code section 12276, subsection (d)(2).

14 10. All WRITINGS since January 1, 1999, relating to the definition of "permanently
15 inoperable" as stated in Penal Code section 12285, subsection (b)(1).

16 11. All WRITINGS since January 1, 1999, relating to the definition of "permanently
17 deactivated" as stated in Penal Code section 12285, subsection (b)(3).

18 12. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept" as stated
19 in Penal Code section 12020, subsection (b)(25).

20 13. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept a
21 detachable magazine" as stated in Penal Code section 12276.1, subsection (a)(1).

22 14. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept" as stated
23 in Penal Code section 12276.1, subsection (a)(2).

24 15. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept a
25 detachable magazine" as stated in Penal Code section 12276.1, subsection (a)(4).

26 16. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept a
27 detachable magazine" as stated in Penal Code section 12276.1, subsection (a)(4)(D).

28 17. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept" as stated

- 1 in Penal Code section 12276.1, subsection (a)(5).
- 2 18. All WRITINGS since January 1, 1999, relating to the phrase "capacity to accept" as stated
3 in Penal Code section 12276.1, subsection (d)(2).
- 4 19. All WRITINGS since January 1, 1999, relating to the phrase "detachable magazine."
- 5 20. All WRITINGS since January 1, 1999, relating to the phrase "detachable magazine" as
6 defined by Title 11, Division 5, Chapter 39, Section 5469, Subsection (a).
- 7 21. All WRITINGS since January 1, 1999, relating to any request seeking clarification of the
8 term "flash suppressor."
- 9 22. All WRITINGS since January 1, 1999, relating to any request seeking clarification of the
10 term "detachable magazine."
- 11 23. All WRITINGS since January 1, 1999, relating to any request seeking clarification of the
12 phrase "capacity to accept a detachable magazine."
- 13 24. All WRITINGS since January 1, 1999, relating to any request seeking clarification of the
14 phrase "permanently alter."
- 15 25. All photographs of "flash suppressors."
- 16 26. All photographs created by the California Department of Justice, Firearms Division since
17 January 1, 1999, of any object examined for the purposes of determining whether said
18 object was a "flash suppressor," where said object was deemed by the California
19 Department of Justice, Firearms Division not to be a "flash suppressor."
- 20 27. All photographs of firearm receivers deemed by the California Department of Justice
21 Firearms Division since January 1, 1999 to have the "capacity to accept a detachable
22 magazine."
- 23 28. All photographs of firearms deemed by the California Department of Justice Firearms
24 Division since January 1, 1999, to not have the "capacity to accept a detachable
25 magazine."
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27 **EXEMPLARS - FLASH SUPPRESSORS**

- 28 29. All "flash suppressors" currently in the custody of the California Department of Justice,

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Firearms Division.

30 All "flash suppressors" exemplars currently in the custody of the California Department of Justice, Firearms Division.

EXEMPLARS - PERMANENTLY ALTER

31. All "permanently altered" magazines currently in the custody of the California Department of Justice, Firearms Division.

32. All "permanently altered" magazine exemplars currently in the custody of the California Department of Justice, Firearms Division.

33. Any device examined for the purposes of determining whether it was a "flash suppressor," where the device was deemed by the California Department of Justice, Firearms Division not to be a "flash suppressor."

34. All firearm receivers that are presently being held in the custody and/or control of the California Department of Justice's, Firearms Division as exemplars of modifications that render a receiver no longer "capable of accepting a detachable magazine."

MINUTES

35. All minutes of meetings from the California Department of Justice's, Firearms Division relating to the definition of "assault weapon."

EXPERT TESTIMONY

36. All transcripts of YOUR testimony in any criminal case relating to firearms. ("YOU" and/or "YOUR" shall mean YOU, YOUR officers, employees, principals, insurance companies, or anyone acting on YOUR behalf.)

37. All transcripts of YOUR testimony in any criminal case relating to firearms.

38. All transcripts of YOUR testimony in any criminal case relating to "assault weapons."

39. All transcripts of YOUR testimony in any criminal case relating to the definition of "flash suppressor."

- 1 40. All transcripts of YOUR testimony in any criminal case relating to the definition of
2 “detachable magazine.”
- 3 41. All transcripts of YOUR testimony in any criminal case relating to the definition of
4 “capacity to accept a detachable magazine.”
- 5 42. All transcripts of YOUR testimony in any criminal case relating to the definition of
6 “permanently alter.”
- 7 43. All transcripts of YOUR testimony in any civil lawsuit relating to firearms.
- 8 44. All transcripts of YOUR testimony in any civil lawsuit relating to “assault weapons.”
- 9 45. All transcripts of YOUR testimony in any civil lawsuit relating to the definition of “flash
10 suppressor.”
- 11 46. All transcripts of YOUR testimony in any civil lawsuit relating to the definition of
12 “detachable magazine.”
- 13 47. All transcripts of YOUR testimony in any civil lawsuit relating to the definition of
14 “capacity to accept a detachable magazine.”
- 15 48. All transcripts of YOUR testimony in any civil lawsuit relating to the definition of
16 “permanently alter.”
- 17 49. All transcripts of YOUR statements relating to firearms.
- 18 50. All transcripts of YOUR statements relating to the definition of “assault weapon.”
- 19 51. All transcripts of YOUR statements relating to the definition of “flash suppressor.”
- 20 52. All transcripts of YOUR statements relating to the definition of “detachable magazine.”
- 21 53. All transcripts of YOUR statements relating to the definition of “capacity to accept a
22 detachable magazine.”
- 23 54. All transcripts of YOUR statements relating to the definition of “permanently alter.”
- 24 55. All INVESTIGATION REPORTS (“INVESTIGATION REPORTS” are hereinafter
25 defined as any WRITING that is identified as an “investigation report” on the face of the
26 WRITING) that refer to “assault weapons.”
- 27 56. All INVESTIGATION REPORTS that refer or relate any “detachable magazine.”
- 28 57. All INVESTIGATION REPORTS that refer or relate any “flash suppressor.”

1 58. All INVESTIGATION REPORTS that refer or relate to the permanence of any
2 modification to any firearm.

3
4 **REFERENCE MATERIALS**

5 59. All WRITINGS since January 1, 1999, consisting of, regarding, referring to, and/or
6 relating in any way to any and all REFERENCE MATERIALS used by YOU in the
7 drafting of California Code of Regulations Title 11, section 5469(a), formerly section
8 978.20(a), which states:

9 "detachable magazine" means any ammunition feeding device that
10 can be removed readily from the firearm with neither disassembly of
11 the firearm action nor use of a tool being required. A bullet or
12 ammunition cartridge is considered a tool. Ammunition feeding
device includes any belted or linked ammunition, but does not
include clips, en bloc clips, or stripper clips that load cartridges into
the magazine.

13 (As used within these Requests, REFERENCE MATERIALS shall refer to any and all
14 academic, scholarly, scientific, reference or other authorities and/or investigational
15 material that YOU studied, reviewed, scrutinized, examined, or otherwise utilized in
16 performing any investigation, inquiry, or study, etc. in drafting any text which consists of,
17 relates to, refers to, or in any way regards Penal Code section 12276.1. This includes, but
18 is not limited to academic and reference works such as technical manuals, encyclopedia.,
19 Web sites, databases, books, magazines, periodicals, newsletters, reports, analyses,
20 correspondence, emails, etc.).

21 60. All WRITINGS consisting of, regarding, referring to, and/or relating in any way to any and
22 all REFERENCE MATERIALS used by YOU in the drafting of California Code of
23 Regulations Title 11, section 5469(a), formerly section 978.20(b), which states:

24 "flash suppressor" means any device designed, intended, or that
25 functions to perceptibly reduce or redirect muzzle flash from the
shooter's field of vision.

26 (As used within these Requests, REFERENCE MATERIALS shall refer to any and all
27 academic, scholarly, scientific, reference or other authorities and/or investigational
28 material that YOU studied, reviewed, scrutinized, examined, or otherwise utilized in

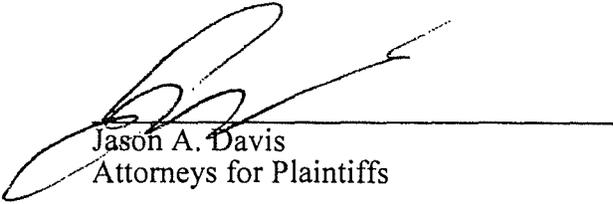
1 performing any investigation, inquiry, or study, etc. in drafting any text which consists of,
2 relates to, refers to, or in any way regards Penal Code section 12276.1. This includes, but
3 is not limited to academic and reference works such as technical manuals, encyclopedia.,
4 Web sites, databases, books, magazines, periodicals, newsletters, reports, analyses,
5 correspondence, emails, etc.).

6
7 **INVESTIGATION REPORTS**

- 8 61. All "investigation reports" identifying Ignatius Chinn as a Reporting Agent or Supervisor
9 Agent that relate to "assault weapons" as defined in Penal Code section 12276.1.
- 10 62. All "investigation reports" identifying Juan Solano as a Reporting Agent or Supervisor
11 Agent that relate to "assault weapons" as defined in Penal Code section 12276.1.
- 12 63. All "investigation reports" identifying Dale Ferranto as a Reporting Agent or Supervisor
13 Agent that relate to "assault weapons" as defined in Penal Code section 12276.1.
- 14 64. All "investigation reports" identifying Chris Abad as a Reporting Agent or Supervisor
15 Agent that relate to "assault weapons" as defined in Penal Code section 12276.1.

16 DATED: February 11, 2008

TRUTANICH • MICHEL, LLP

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19 Jason A. Davis
20 Attorneys for Plaintiffs
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

7 On February 11, 2008, I served the foregoing document(s) described as

8 **NOTICE OF TAKING DEPOSITION OF CALIFORNIA DEPARTMENT
9 OF EMPLOYEE BRENT GEORGE REQUEST FOR
10 PRODUCTION OF DOCUMENTS**

11 on the interested parties in this action by placing
12 the original
13 a true and correct copy
14 thereof enclosed in sealed envelope(s) addressed as follows:

15 Mr. Mark Beckington
16 Deputy Attorney General
17 Government Law Section
18 California Department of Justice
19 300 South Spring St., Ste. 1702
20 Los Angeles, CA 90013

21 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
22 processing correspondence for mailing. Under the practice it would be deposited with the
23 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
24 California, in the ordinary course of business. I am aware that on motion of the party
25 served, service is presumed invalid if postal cancellation date is more than one day after
26 date of deposit for mailing an affidavit.
27 Executed on February 11, 2008, at Long Beach, California.

28 X (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
collection and processing correspondence for overnight delivery by UPS/FED-EX. Under
the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for
receipt on the same day in the ordinary course of business. Such envelope was sealed and
placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for
in accordance with ordinary business practices.

(PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of
the addressee.
Executed on February 11, 2008, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of the member of the bar of this
court at whose direction the service was made.

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Exhibit C

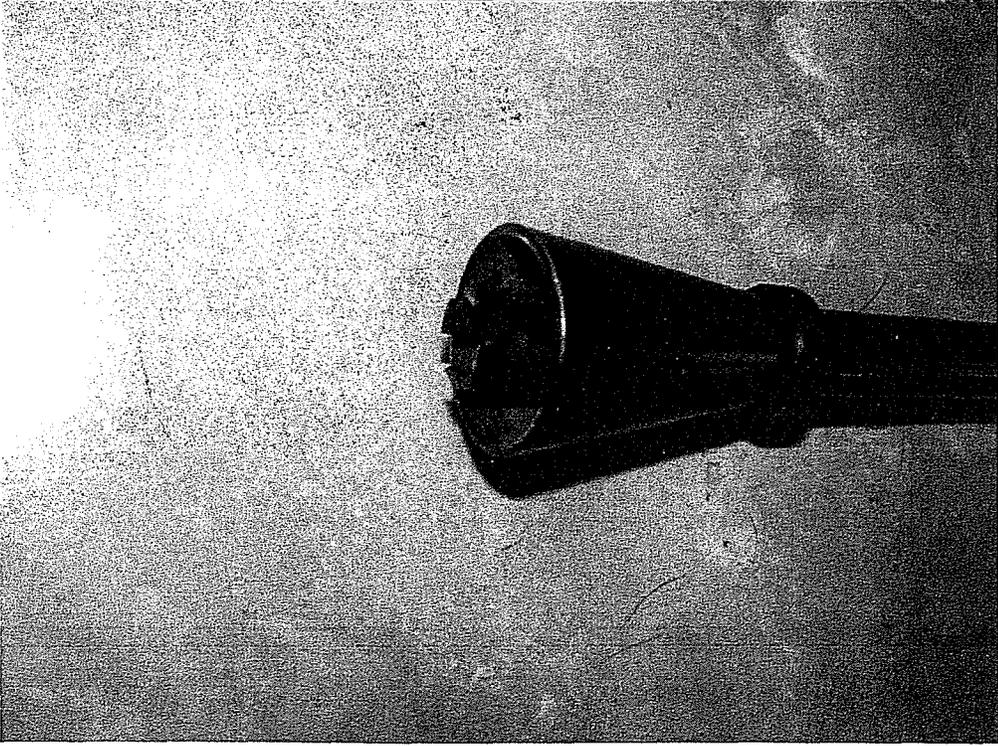
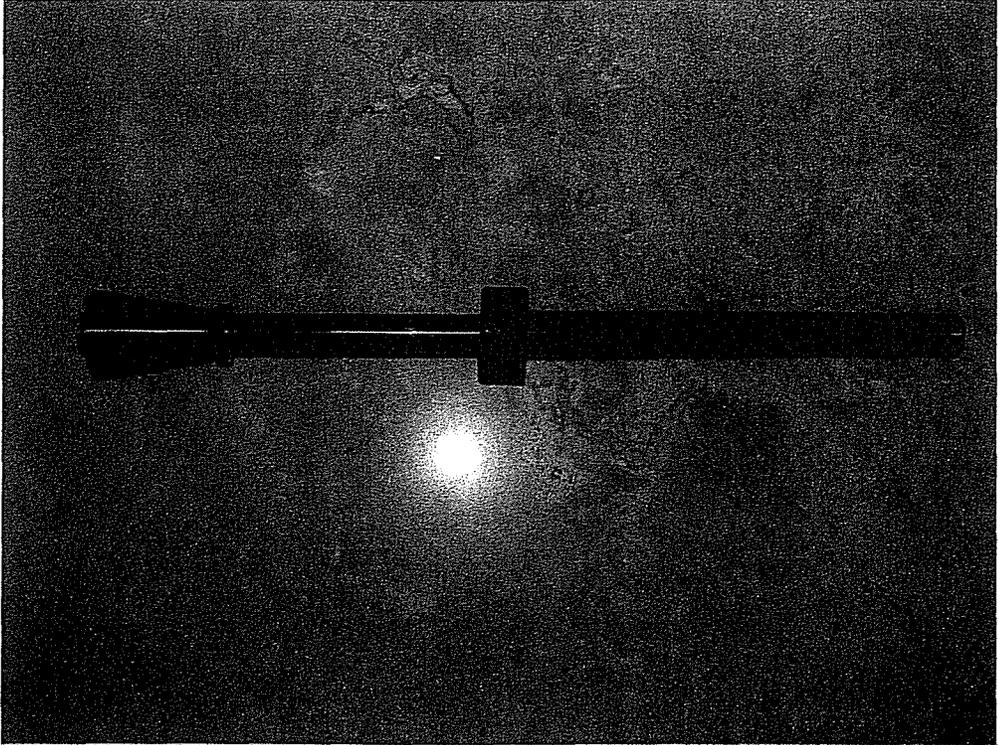


Exhibit No. C
Date: 2/27/08
Witness: GEORGE
Tracy L. Mooreland, CSR 10397

Exhibit D

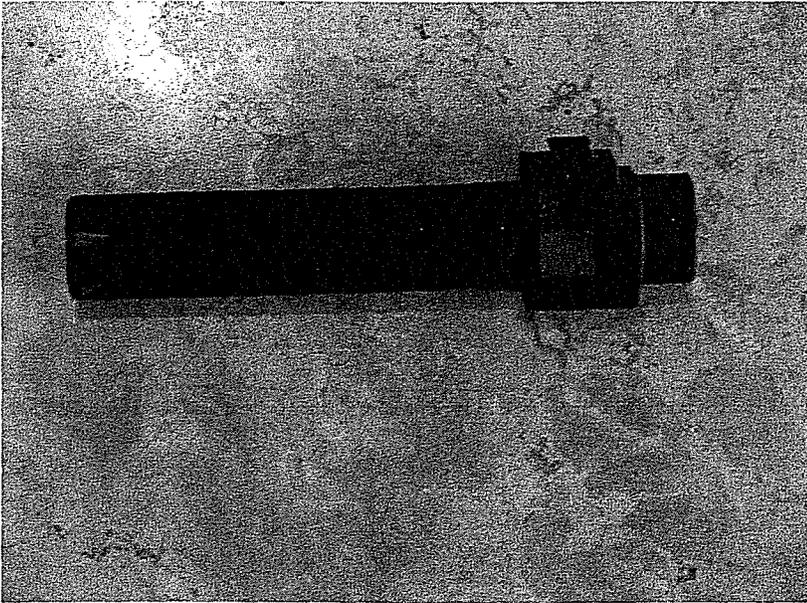
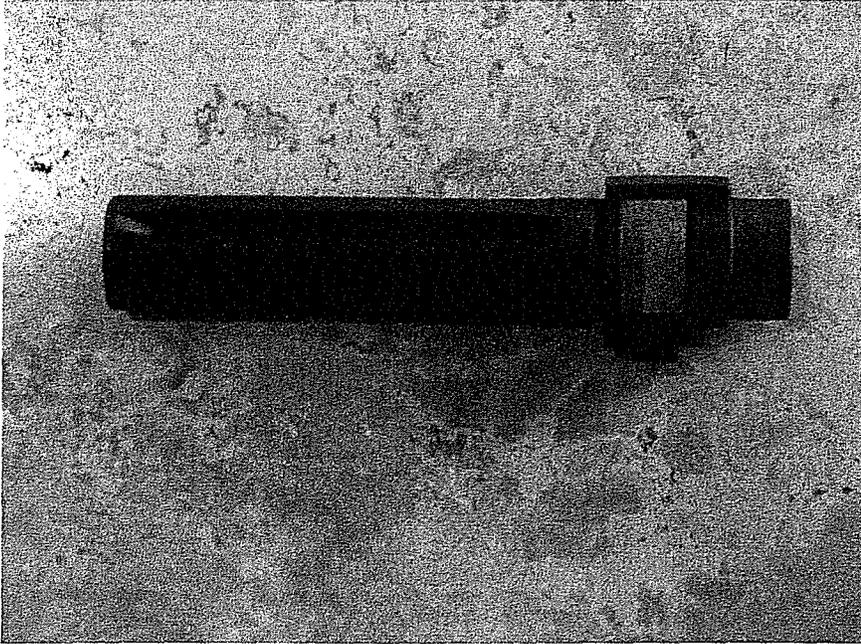


Exhibit No. 0
Date: 2/27/08
Witness: George
Tracy L. Mooreland, CSR 10397

Exhibit E

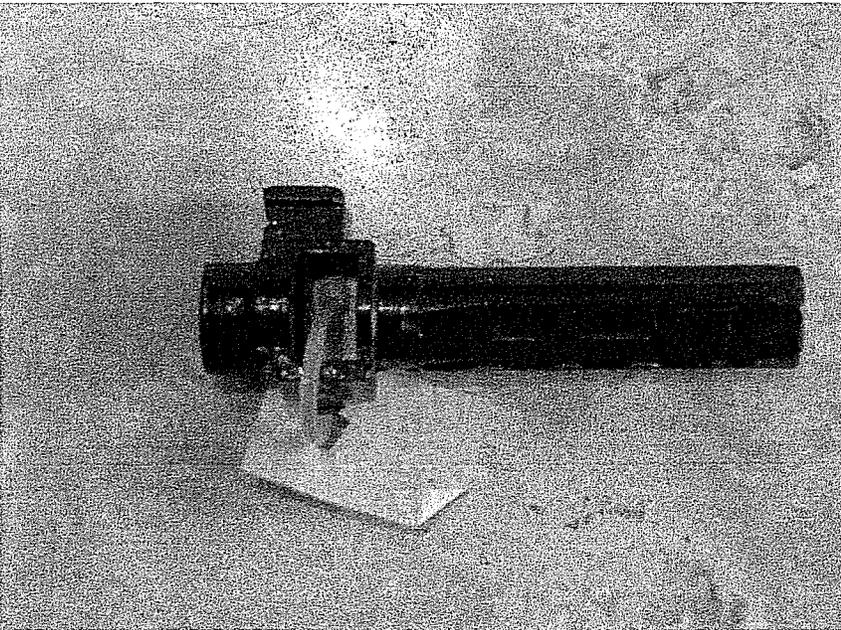
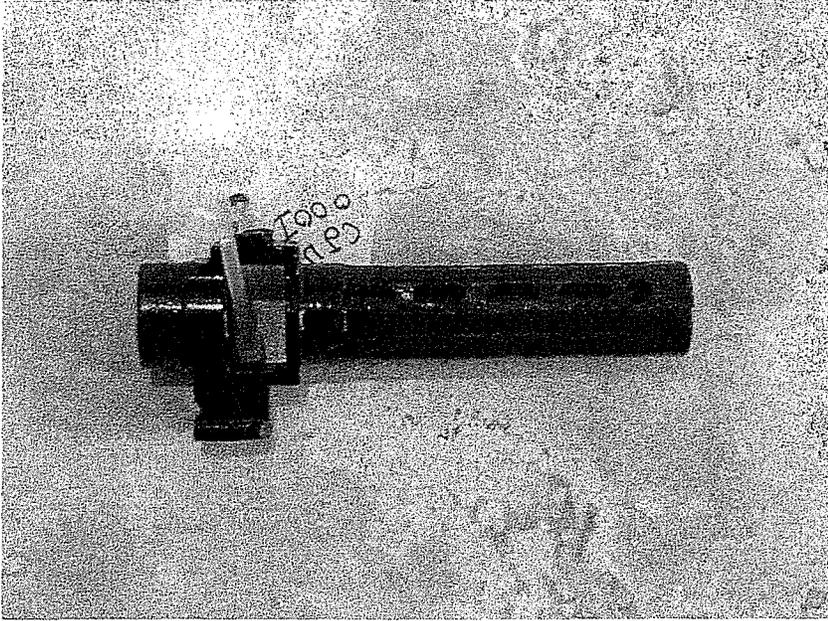


Exhibit No. E
Date: 2/27/08
Witness: George
Tracy L. Mooreland, CSR 10397

Exhibit F

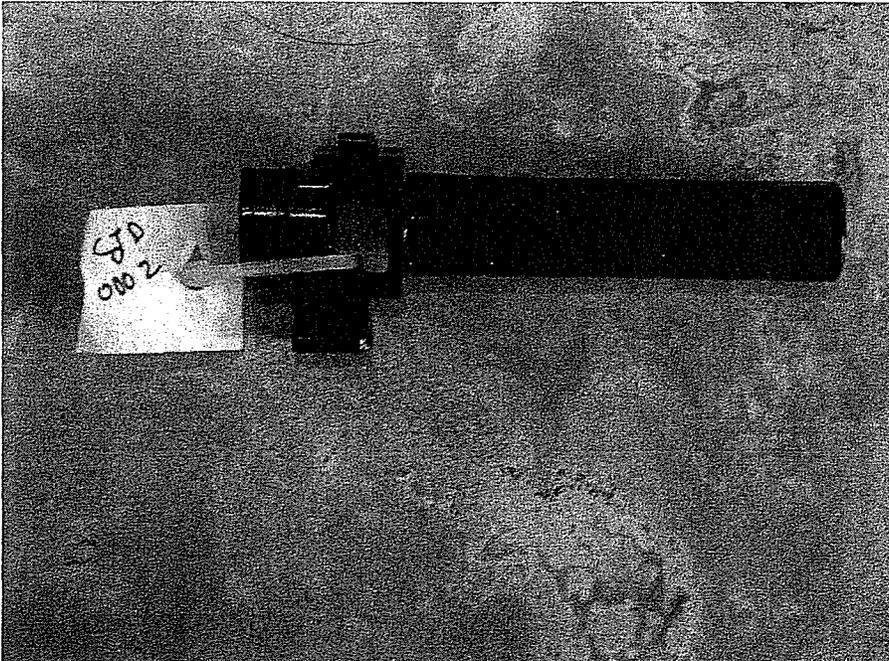
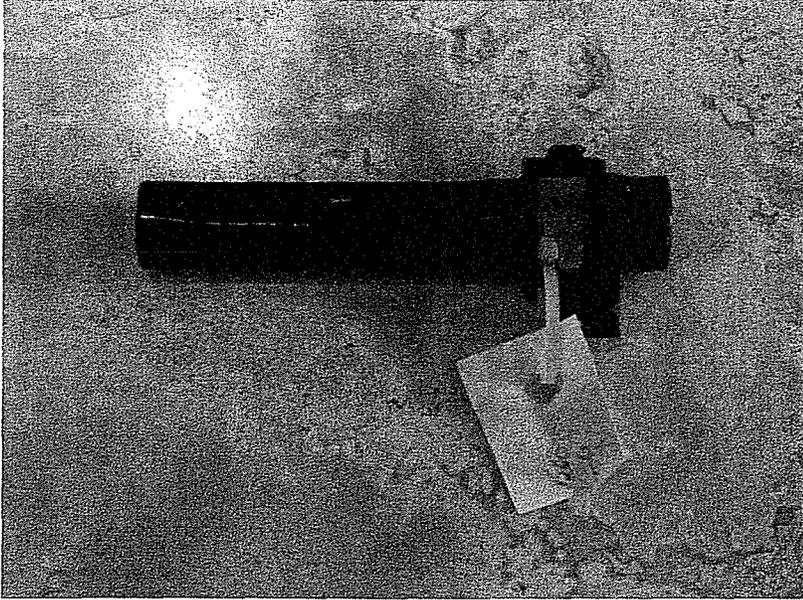


Exhibit No. F
Date: 2/27/08
Witness: George
Tracy L. Mooreland, CSR 10397

Exhibit G

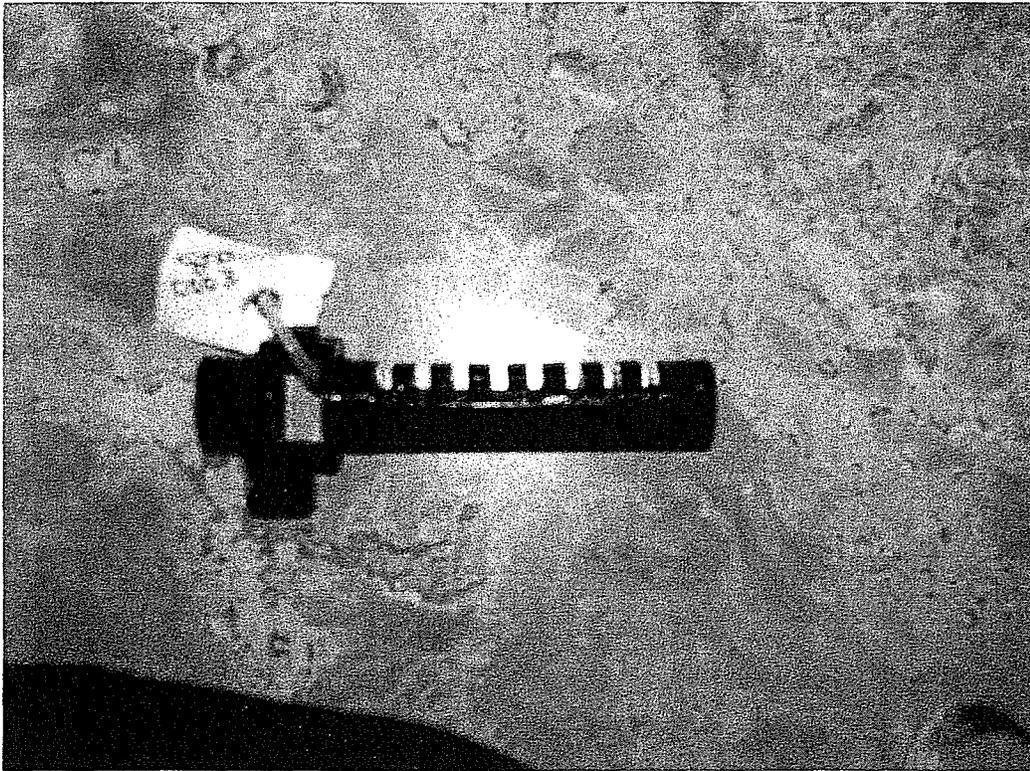


Exhibit No. 6
Date: 2/27/08
Witness: GEORGE
Tracy L. Mooreland, CSR 10397

Exhibit H

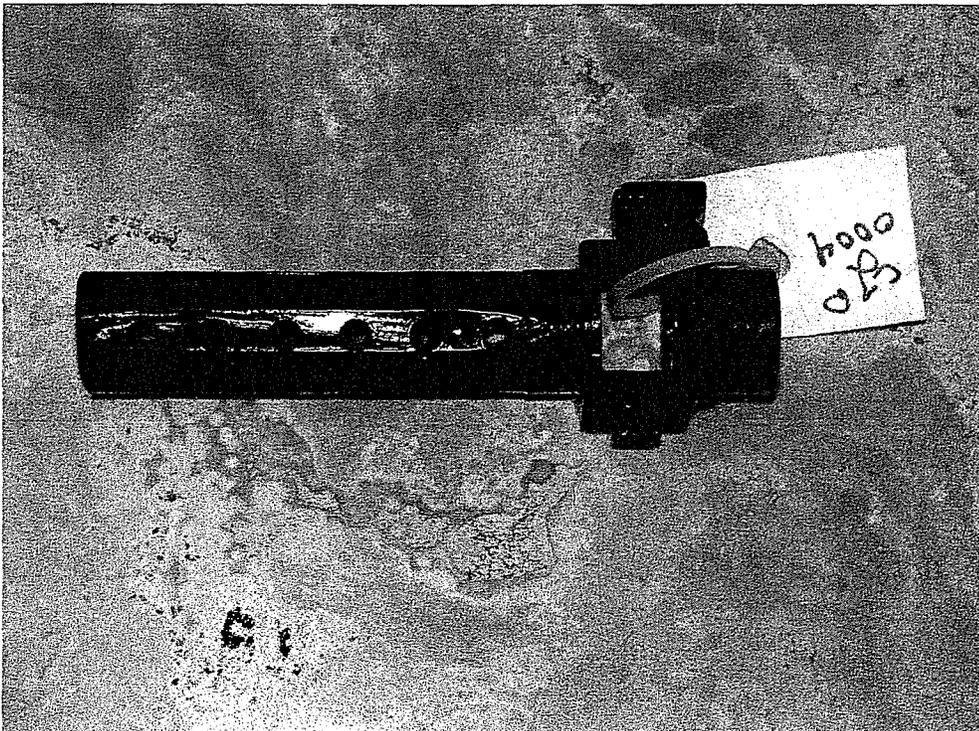
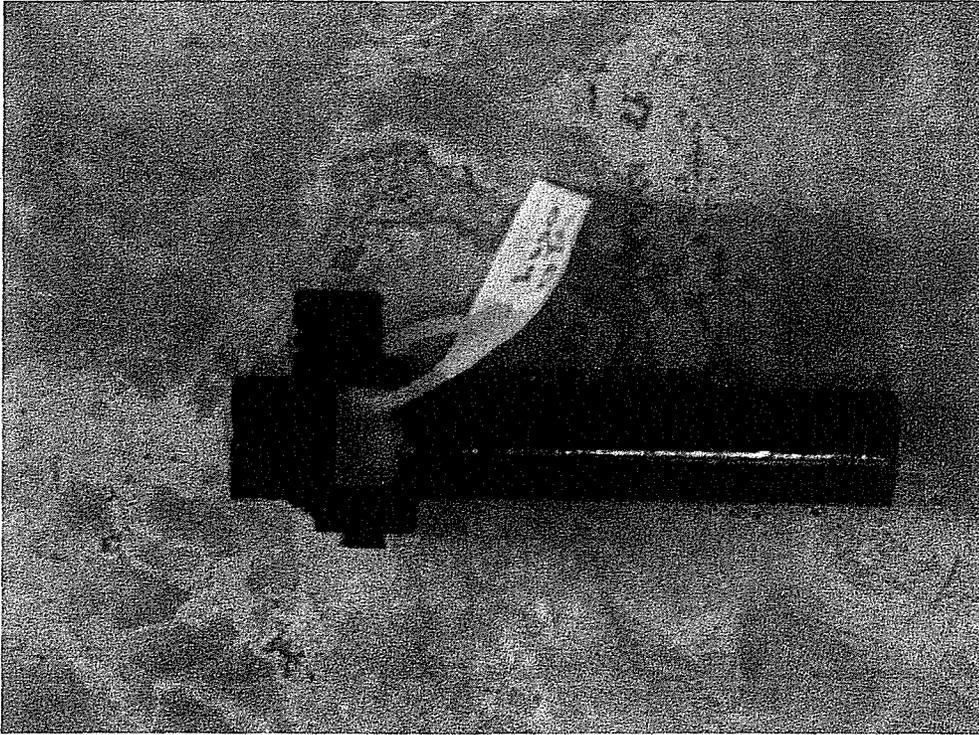


Exhibit No. H
Date: 2/27/08
Witness: GEORGE
Tracy L. Mooreland, CSR 10397