

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER DAVIS; WILLIAM J.
THOMPSON, JR.; WILSON LOBAO;
ROBERT CAPONE; and COMMONWEALTH
SECOND AMENDMENT, INC.,

Plaintiffs,

-against-

RICHARD C. GRIMES, in his Official Capacity as
Chief of the Weymouth Police Department; and
ROBERT L. CHAMPAGNE, in his Official
Capacity as Chief of the Peabody Police
Department,

Defendants.

CIVIL ACTION NO.
1:13-cv-10246

DECLARATION OF WILSON LOBAO

I, Wilson Lobao, declare as follows:

1. I reside in Peabody, Massachusetts and am 72 years of age. I am married, have 10 grown children, and am retired. I have been trained as a range officer. I am competent to testify on my own behalf.

2. I applied for a license to carry firearms ("LTC") in November 2008 from the Peabody Police Department.

3. When I contacted the Police Department to apply for my LTC, the Police Department provided me with an application form and instructions. I completed the application form and returned both it and other items of required documentation (such as identification and documentation of firearms safety training) to the Police Department. A copy of the paper

application form that I filled out and submitted is attached as Exhibit 1. As indicated on the application form, I requested the issuance of a Class A LTC. I filled out the section of the form that requested "Reason(s) for requesting the issuance of a card or license" with, "carry to and from home to club range and boat – self protection."

4. Pursuant to the instructions that I received from the Police Department, I also submitted a letter setting forth my specific reasons for requesting a Class A LTC without restrictions with my application. I was told that I would only be issued a Class B LTC unless I submitted this letter. This letter is attached as Exhibit 2. As indicated in my letter, the specific reasons I stated were that I wanted to be able to transport "large capacity" rifles to the Haverhill Hound Rod and Gun Club, where I am a member, and that I wanted to be able to carry a handgun for protection while traveling to, from, and on my boat.

5. On December 5, 2008 the Peabody Police Department issued me a Class B LTC with the annotation, "Restrictions: Target & Hunting". A copy of this LTC is attached as Exhibit 3.

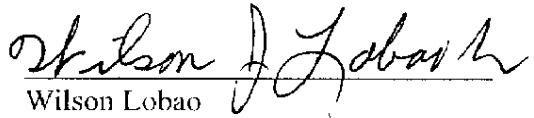
6. The Peabody Police Department did not provide me with any guidance regarding what activities this "Target & Hunting" restriction did or did not allow.

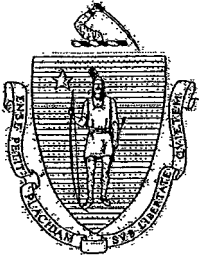
7. After I received my LTC, I contacted the detective who handled gun licensing issues at the time. He told me that I could wait and re-apply, but that the chief of police did not like to issue LTC's.

8. I would carry a handgun for protection but for my fear that I would be charged with violating my LTC restriction and that my LTC might be suspended or revoked.

I affirm all of the foregoing statements under penalty of perjury under the laws of the United States of America.

Dated: June 26, 2013


Wilson Lobao



Criminal History Systems Board

LIC #: _____

Firearms Record Bureau
200 Arlington Street, Suite 2200
Chelsea, MA 02150

Application

FOR NEW/RENEWAL OF A FIREARMS IDENTIFICATION CARD OR
LICENSE TO CARRY FIREARMS OR LICENSE TO POSSESS A MACHINE GUN
(MGL C.140, s.129B AND s.131)

Please Check One

- New Applicant
- Renewal - Most Recent License to Carry/FID Number: _____
- Issued from Which City/Town? _____ MA Expiration Date: _____

*NOTE: If application is for first firearms identification card or license to carry firearms, a copy of the Firearms Safety Certificate or Hunter Safety Course Certificate must be attached to this application.

Please Check the Type of License for Which You are Applying
(Please Check Only One)

- Firearms Identification Card - Restricted (mace and pepper spray)
- Firearms Identification Card
- Class B License to Carry - Non-Large Capacity
- Class A License to Carry - Large Capacity
- License to Possess a Machine Gun
- Check if a Class A Gun Club License *NOTE: Only the Colonel of the State Police can issue a club license.

Except for Signature, Print or Type all Requested Information

LOBAD WILSON JOHN JR.
Last Name First Name Middle Name Suffix

[Redacted] PEABODY MA. 01960
Residential Address City State Zip Code Telephone Number

REDACTED

Gun Club Address (if Applicable) City State Zip Code Telephone Number

1941, PEABODY MA.
Date of Birth Place of Birth

DELPHINE SILVA WILSON LOBAD
Mother's First Name Mother's Maiden Name Father's First Name Father's Last Name

5'9" 160 lbs MED. FAIR BROWN
Height Weight Build Complexion Hair Color Eye Color

CNC MACHINIST
Occupation Social Security Number (Optional) Drivers License Number

SEABROOK INTERNATIONAL LLC, 15 WOODWORKERS WAY,
Employed By Business Address

SEABROOK, NH 03874
City/Town State Zip Telephone Number

REDACTED

Please Answer the Following Questions Completely and Accurately

1. Are you a citizen of the United States? YES
If naturalized give date, place and naturalization number _____
Date Place Naturalization No.
2. Have you ever used or been known by another name? NO
If yes, provide name and explain: _____

3. What is your age? *You must be 21 years of age to apply for a License To Carry Firearms, 18 years of age to apply for a Firearms Identification Card, 15 years of age but less than 18 years of age with submission of a certificate of parent or guardian granting permission to apply for a Firearms Identification Card. 67
4. Have you ever been convicted of a felony? NO
5. Have you ever been convicted of the unlawful use, possession, or sale of narcotic or harmful drugs as defined in M.G.L. c. 94C sec. 1? NO
6. Have you ever been convicted of a crime punishable by incarceration by more than one (1) year? NO
7. In any state or federal jurisdiction have you ever been convicted as an adult or adjudicated a youthful offender or delinquent child for the commission of (a) a felony; (b) a misdemeanor punishable by imprisonment for more than 2 years; (c) a violent crime as defined in MGL C140.s.121; (d) a violation of any law regulating the use, possession, ownership, sale, transfer, rental, receipt or transportation of weapons or ammunition for which a term of imprisonment may be imposed; or (e) a violation of any law regulating the use, possession or sale of controlled substances as defined in section 1 of MGL 94C? NO
8. Have you ever been confined to any hospital or institution for mental illness? NO
9. Are you or have you ever been under treatment for or confinement for drug addiction or habitual drunkenness? NO
10. Have you ever appeared in any court as a defendant for any criminal offense (excluding non-criminal traffic offenses)? NO
11. Are you now under any charge(s) for any offense(s) against the law? NO
12. Are you now or have you ever been the subject of a M.G.L. C209A restraining order or involved in a domestic violence charge? NO
13. Has any License to Carry Firearms, Permit to Possess Firearms, or Firearms Identification Card issued under the laws of any state or territory ever been suspended, revoked, or denied? NO
14. Are you currently the subject of any outstanding arrest warrant in any state or federal jurisdiction? NO

If You Answered "YES" to any of the Questions 4-14, Give Details Which Must Include Dates, Circumstances and Location

Other than Massachusetts, in what state, territory or jurisdiction have you resided? CONNECTICUT

Have you ever held a License to Carry in any other state, territory or jurisdiction? NO

If "YES", when, where and license number? _____

List the Name and Addresses of Two References

1. DANFORTH WILLIAM A.
Last Name First Name
[Redacted] BEVERLY MA. 01915
Address City/Town State Zip

2. O'BRIEN JAMES
Last Name First Name
[Redacted] PEABODY MA. 01960
Address City/Town State Zip

Reason(s) for requesting the issuance of a card or license: CARRY TO AND FROM HOME
TO CLUB RANGE AND BOAT - SELF PROTECTION

WARNING Any person who knowingly files an application containing false information shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 6 months nor more than 2 years in a house of correction, or by both such fine and imprisonment (MGL c.140, s.131).

I declare the above facts are true and complete to the best of my knowledge and belief and I understand that any false answer(s) will be just cause for denial or revocation of my License to Carry Firearms and may be used in a criminal proceeding pursuant to Massachusetts General Law Chapter 140, Section 129 and 131.

Signed under the penalties of perjury this 20th day of NOVEMBER 2008

Signature of Applicant: William J. Joban

Robert L Champagne
Chief of Police
6 Allen's Lane
Peabody, MA. 01960

Dear Chief Robert L. Champagne;

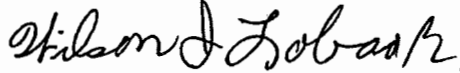
This letter is in reply to your requirement of reasons for requesting a License to Carry Firearms, Class A

As a Member of the Haverhill Hound Rod and Gun Club, the opportunity presents itself to join the pistol and rifle teams. The rifles used are of the Military type, large capacity; which requires a Class A License to transport in my vehicle. I cannot even own legally, an eleven shot clip for the twenty-two caliber rifle, which I own.

I would also like the option of being able to carry a pistol to and on my boat without anyone knowing there is one on board. There are something's best not advertised. There are occasions when we sail to remote areas, with expensive equipment on board. Not that having a weapon on board is the total answer; it does provide another option for self-defense.

My preference is for the Class A License; primarily, my belief of out of sight, out of mind. The Idea of carrying anything in a lockable case only suggests something of value, and possibly worth stealing; even without knowing what's in it; also more awkward to carry and handle.

Wilson J. Lobao Jr.




Peabody, MA. 01960

Tel

Cell

E-Mail

REDACTED



CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on 1 July 2013.

/s/ David D. Jensen
David D. Jensen, Esq.