

SEILER EPSTEIN ZIEGLER & APPEGATE LLP
Attorneys at Law

1 George M. Lee (SBN 172982)
Douglas A. Applegate (SBN 142000)
2 **SEILER EPSTEIN ZIEGLER & APPEGATE LLP**
601 Montgomery Street, Suite 2000
3 San Francisco, California 94111
Phone: (415) 979-0500
4 Fax: (415) 979-0511

5 Raymond M. DiGuseppe (SBN 228457)
LAW OFFICES OF RAYMOND MARK DIGUISEPPE, PLLC
6 4002 Executive Park Blvd., Suite 600
Southport, NC 28461
7 Phone: (910) 713-8804
Fax: (910) 672-7705

8 Attorneys for Plaintiffs
9 WILLIAM WIESE, JEREMIAH MORRIS,
LANCE COWLEY, SHERMAN MACASTON,
10 ADAM RICHARDS, CLIFFORD FLORES,
L.Q. DANG, FRANK FEDEREAU, ALAN NORMANDY,
11 TODD NIELSEN, THE CALGUNS FOUNDATION,
FIREARMS POLICY COALITION,
12 FIREARMS POLICY FOUNDATION,
and SECOND AMENDMENT FOUNDATION

13
14 UNITED STATES DISTRICT COURT

15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 WILLIAM WIESE, et al.,

18 Plaintiffs,

19 vs.

20
21 XAVIER BECERRA, in his official capacity as
Attorney General of California, et al.,

22 Defendants.
23
24

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF MASSAD AYOOB IN
SUPPORT OF PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY INJUNCTION**

[FRCP 65; E.D. L.R. 231]

Date: TBA
Time: TBA
Courtroom 5
Judge: Hon. William B. Shubb

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DECLARATION OF MASSAD AYOOB

I, Massad Ayoob, declare as follows:

1. I am over 18 years of age, have personal knowledge of the contents of this declaration, and could competently testify thereto.

2. I have been a firearms and deadly force instructor since 1972. I have written approximately twenty books on the subject of self-defense, weapons, and management of violent criminal threats, including two recognized authoritative texts on judicious use of defensive deadly force: “In the Gravest Extreme” (Police Bookshelf, 1980) and “Deadly Force” (FW Media, 2014). I have written the forewords for numerous books in these and related fields, including two analyzing mass murders: “Surviving A Mass Killer Rampage” by Chris Bird, and “Warnings Unheeded” by Andy Brown. I have been intensively trained in homicide investigation and officer-involved shooting investigation, and have taught the latter topic in police training settings. I have also served as chair of the Firearms and Deadly Force Training Committee of the American Society of Law Enforcement Trainers for 19 years, and on the advisory board of the International Law Enforcement Educators and Trainers Association for 14 years. I have been an expert witness on firearms, firearms training standards, deadly force training standards, the dynamics of violent encounters, homicide cases, and related subject matters since 1979, and have served on a part-time basis as a sworn, armed police officer for 43 years. Exhibit A is my curriculum vitae describing the full extent of my experience in the field.

3. I have been retained by the plaintiffs to render expert opinions in this case, which are based upon my training and experience in the field and the knowledge and information I have obtained through research and study of the related topics as a self-defense and weapons expert.

The Self-Defense Utility of Large-Capacity Magazines

4. Based on my experience with and understanding of the common customs and practices of citizens licensed to carry guns in public, they often carry *only* the gun, without spare ammunition. Carrying a concealed weapon is an inconvenience, and carrying spare ammunition

1 compounds that inconvenience for many people. Average citizens are also likely to have access
2 to only to a single firearm, with a single magazine, in a home invasion situation. The average
3 citizen may be able to retrieve the loaded firearm in attempting to meet the sudden threat, but
4 will likely be unable to properly equip himself or herself with spare ammunition. In such
5 desperate moments, time is very short: awakened from sleep, clad in pajamas or nude, or
6 otherwise caught completely off guard, the person will generally have no place to put spare
7 ammunition on their person, or any time to retrieve some; it will likely be all they can do to
8 manage a pistol in one hand and a phone to call 9-1-1 in the other.

9 5. Indeed, uniformed police officers are traditionally armed against the very same
10 criminals with not just a loaded gun but also two additional magazines on their duty belt; today,
11 each of those magazines hold seventeen rounds of 9mm or fifteen rounds of .40 caliber
12 cartridges. Collective law enforcement experience has determined this to be critical to allowing
13 the officer to survive a gunfight with armed criminals. The average citizen is not trained like law
14 enforcement personnel and is thus generally not readily prepared, mentally or physically, for
15 combat with an armed criminal. As noted, they are likely to have a single firearm loaded with a
16 single magazine available, and they are more susceptible to the psychological effects of fear,
17 anxiety, and stress that naturally occur when faced with the threat of deadly violence and tend to
18 deprive one of the focus and clarity of mind necessary to make accurate shots at the attacker.

19 6. For these reasons, having a large-capacity magazine at one's disposal certainly
20 could, and likely would, make a difference in self-defense situations by providing a greater level
21 of protection in a self-defense, especially during home invasions and when facing armed
22 attackers. Thus, in my opinion, average, law-abiding citizens will be left at a severe disadvantage
23 in such situations should California's large-capacity magazine ban become effective.

24 7. This disadvantage would obviously be even more significant for anyone with a
25 physical handicap or disability hindering his or her ability to quickly and appropriately respond
26 with the movements necessary to mount a counterattack to violence. This would include those
27 disabled in military combat serving our country, injured in the line of duty as a law enforcement
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1 officer, the aged and infirm, and anyone else further compromised in the ability to defend
2 himself or herself on account of a physical limitation that interferes with his or her ability to
3 carry spare ammunition, or load or reload a defensive firearm during an attack.
4

5 **The Ineffectiveness of Large-Capacity Magazine Bans**

6 8. I have concluded after much research and consideration based upon my
7 experience that bans on the possession of large-capacity magazines are generally ineffective in
8 reducing the prevalence of mass shootings or the injuries inflicted during such incidents.

9 9. While many seem to believe or assume that large-capacity magazines are a key
10 feature or causal factor in mass shootings, the facts do not bear that out. In reality, mass shooters
11 either have not used or have not needed to use large-capacity magazines to carry out their plots,
12 because the advantages they gain through planning and attacking at the victims' most vulnerable
13 moments mean they can simply use multiple smaller capacity magazines, multiple guns, or just
14 reload during their shooting, and thus that they have been or would have been able to inflict the
15 same degree of harm without 'high capacity' magazines." The documented evidence of such
16 instances shows the rate of the shooters' firing (the period between each shot) has generally been
17 as long as it would take to reload a gun.

18 10. One of the leading researchers on mass murders and police response to such
19 incidents is Ron Borsch of the Southeast Area Law Enforcement Academy (SEALE Academy).
20 Mr. Borsch has articulated the "Stopwatch of Death" factor in such incidents, through which he
21 has explained that the effective time-to-murder ratio may range from seven to eight per minute or
22 as low as only one every two minutes. *See* [https://www.policeone.com/police-products/police-
23 technology/Emergency-Response/articles/1349058-The-Stopwatch-of-Death/](https://www.policeone.com/police-products/police-technology/Emergency-Response/articles/1349058-The-Stopwatch-of-Death/). In either case, this
24 is ample time for an armed attacker to exchange an empty ten-round magazine for a full one.
25 Unfortunately, it is possible for the homicidal criminal to rack up a horrendous body count with a
26 two-shot capacity. Indeed, over a hundred years ago in the infamous Brunswick Massacre in
27 Georgia, the murderer tragically shot 32 people, seven fatally, with a double-barrel shotgun. *See*
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1 <https://americanhandgunner.com/the-brunswick-massacre/>.

2 11. Additionally, one theory that has been advanced in favor of magazine bans is that,
3 theoretically, a mass murderer would have to reload more often and could perhaps be jumped
4 and disarmed while reloading. While this has been known to be successful on occasion, it has
5 also failed dramatically and tragically in the past. See my article on this topic:

6 <https://americanhandgunner.com/disarming-mass-murderers/>.

7 12. What the actual research and statistics bear out is that the incidence of mass
8 shootings and the harm their perpetrators inflict is not the product of the existence of the pre-
9 2000 large-capacity magazines that California seeks to ban, or the existence of large-capacity
10 magazines in general. Rather, the facts and my research and experience in this field demonstrate
11 that the occurrence of these tragic, though fortunately rare, incidents and the harm they inflict, is
12 the product of the perpetrators' homicidal state of mind bent upon killing their targets with
13 calculated and deliberate steps carefully designed to achieve that goal regardless of their ability
14 to access or use large-capacity magazines.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on
16 June 11, 2017.

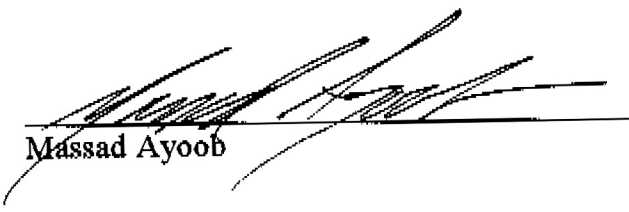
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20 Massad Ayoob
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EXHIBIT A

Curriculum Vitae, **Massad F. Ayoob**

D.O.B. 7/20/48

Areas of Expertise: Dynamics of violent encounters, training standards for safe weapons handling (law enforcement/civilian), training standards of firearms and use of force (police/civilian), homicide/use of force investigation, personal and professional security, weapon retention/disarming, law enforcement internal investigation/discipline.

Teaching Experience:

Director, Massad Ayoob Group, 2009-present.

Director, Lethal Force Institute, 1981-2009.

Chair of firearms committee, American Society of Law Enforcement Trainers (ASLET), 1987-2007. Also served on Ethics Committee. Led annual Panel of Experts on firearms/deadly force issues at ASLET's international seminars.

Special Instructor, Chapman Academy, 1981-88.

International Instructor, PR-24 baton; has lectured several times at annual international seminar. Trains other instructors and trainers of instructors.

Advisory Board member, International Law Enforcement Educators' and Trainers' Association, has lectured there on investigation and management of police use of force cases since the organization's inception.

National Instructor, Weapon Retention & Disarming, National Law Enforcement Training Center. Trains other instructors and trainers of instructors. 1990-2009.

Assistant professor teaching weapons and chemical agents, Advanced Police Training Program of New Hampshire, 1974-77.

Co-instructor (w/former world pistol champion Ray Chapman) of Advanced Officer Survival Seminars through Police Marksman Assn., in the 1980s.

International Instructor, Persuader Mini-Baton, certified by Joe Truncale.

Instructor, Kubotan self-defense, certified by Soke Takayuki Kubota.

National Instructor, Telescoping baton, certified by CASCO.

Instructor, straight baton, certified by COPSTK.

Has taught on relevant topics for National, International, and Regional seminars of International Association of Law Enforcement Firearms Instructors; regional seminars for CLE credit on defending deadly force cases (NACDL, MA. CDL Assn); International Homicide Investigators' Seminar (investigation of officer-involved shootings and characteristics of self-defense shootings); McGill University School of Medicine (medico-legal aspects of gunshot and knife wounds); officer survival tactics (Ordnance Expo, Los Angeles; National Tactical Invitational; New England SWAT Seminar; DEA National Academy; Metro-Dade Police Academy; DEA/Miami).

Personal Training

Smith & Wesson Academy: Advanced Combat Shooting (1st in class), Instructor course; Instructor Update (twice); Officer Survival Course (1st in class); Weapon Retention instructor course; advanced revolver shooting course.

Glock: Glock Instructor Course; Glock Armorer Course.

Firearms Instructor Courses: National Rifle Association.

Ordnance Expo: Firearms and Ballistic Evidence; Officer Involved Shooting Investigation; Advanced Officer Involved Shooting Investigation; Officer Survival; Management of Barricaded Suspects.

International Police Academy: Defensive Tactics (Unarmed Combat and Restraint) Instructor Course, rated Master Instructor by sensei James Morell.

NYPD: "Hostage Negotiation for Supervisors", "Post Shooting Tactics", "House Clearing Techniques", "Off Duty Confrontation Tactics", "Summary of Violent Encounter Patterns", "Police Shotgun Program."

Advanced Homicide Investigator school, by Vern Geberth, NYPD Ret., author of "Practical Homicide Investigation."

International Homicide Investigators' Seminar (2 occasions)

Medical/Legal Death Investigation (Dade County Medical Examiner's Office)

AELE: "Police Civil Liability Seminar"

PPCT: Pressure Point Control Tactics, taught by Bruce Siddle.

Federal Law Enforcement Training Center: BOSS program including officer survival, intelligence briefings on outlaw bike gangs, booby traps, counter-ambush tactics, arrest techniques.

Escrima (stick- and knife-fighting), Grandmaster Remy Presas.

Knife/Counter-Knife courses: Master Paul Vunak, Hank Renhardt, Sensei Jim Maloney, Michael de Bethencourt.

Has studied personally with world handgun champions Ray Chapman, Rob Leatham, Jerry Miculek, and Frank Garcia in advanced shooting programs.

Has studied special units and their training on-site, including but not limited to:

NYPD Firearms & Tactics Unit, Emergency Services Unit, Armed Robbery Stakeout Unit.
LAPD SWAT, Firearms Training Unit.

FBI Firearms Training Unit.

Metro-Dade Police Firearms/SWAT Training Unit

Illinois State Police Ordnance Section.

NH State Police SWAT, EVOC, Firearms Training.

Kentucky State Police, Firearms Training and SRT Training.

Arizona Highway Patrol Firearms Training.

London, England Metropolitan Police firearms training and special services unit (D.11, PT-17, SO-19).

Has reviewed or audited numerous other law enforcement firearms training programs.

Publication Credits

Books:

“Fundamentals of Modern Police Impact Weapons,” Charles C. Thomas, Publishers, 1978.

“In the Gravest Extreme: the Role of the Firearm in Personal Protection,” Police Bookshelf, 1979.

“Hit the White Part,” Police Bookshelf, 1982.

“The Truth About Self Protection,” Bantam, 1983.

“StressFire,” Police Bookshelf, 1984.

“StressFire II,” Advanced Combat Shotgun,” Police Bookshelf, 1992.

“The Semiautomatic Pistol in Police Service and Self Defense,” Police Bookshelf, 1988.

“Ayoob Files: the Book,” Police Bookshelf, 1995.

“Complete Book of Handguns,” Volume 10 (1993) with completely new volume produced annually through 2009, Harris Publications.

“Gun Digest Book of Combat Handgunnery, Fifth Edition,” Krause Publications, 2002.

“Gun Digest Book of SIG-Sauer Pistols,” Krause Publications, 2004.

“Gun Digest Book of Beretta Pistols,” Krause Publications, 2005.

“Gun Digest Book of Combat Handgunnery, Sixth Edition,” Krause Publications, 2007.

“Gun Digest Book of Concealed Carry,” Krause Publications, 2008.

“Massad Ayoob’s Greatest Handguns of the World,” Krause Publications, 2010.

“Combat Shooting With Massad Ayoob,” FW Media, 2011

“Massad Ayoob’s Greatest Handguns of the World, Volume II,” FW Media, 2012.

“Gun Digest Book of SIG-Sauer, Volume II,” FW Media, 2014.

“Gun Safety in the Home,” FW Media, 2014.

“Deadly Force: Understanding Your Right to Self-Defense,” FW Media, 2014.

“Armed Defense: What the Experts Want You to Know,” Gun Digest Publications, 2017.

Monographs:

“Gunproof Your Children,” Police Bookshelf/Potshot Press

“Handgun Primer,” Police Bookshelf/Potshot Press.

“The Police View of Gun Control,” Second Amendment Foundation.

“Armed and Alive,” Second Amendment Foundation.

Forewords for Authoritative Texts:

“Mu Tau: The Modern Greek Karate” by James Arvanitis

“Realistic Defensive Tactics” by John Peters

“Modern Centerfire Handguns” by Stanley Trzoniec

“You Can’t Miss” by John Shaw

“MasterTips” by Jon Winokur

“Effective Defense” by Gila May-Hayes

“In Self Defense” by Michael Izumi

“The Tactical Pistol” by David Lauck
“The Tactical Rifle” by David Lauck
“Personal Defense for Women” by Gila Hayes
“Lessons From Armed America” by Mark Walters and Kathy Jackson
“Armed Response” by Dave Kenik
“Rule the Night/Win the Fight” by Ed Santos
“Law of Self-Defense” by Attorney Andrew Branca
“Defend Yourself” by Rob Pincus
“The Newhall Shooting: a Tactical Analysis” by Michael Wood
“Surviving a Mass Killer Rampage” by Chris Bird
“Gun Digest Book of the Revolver” by Grant Cunningham

Periodicals

Handgun Editor, *Guns* magazine
Law Enforcement Editor, *American Handgunner* magazine
Contributing Editor, *Shooting Industry* magazine
Contributing Editor, *On Target* magazine
Firearms Editor, *Backwoods Home* magazine
Associate Editor, *Combat Handguns* magazine
Associate Editor, *Guns & Weapons for Law Enforcement* magazine
Associate Editor, *Gun Week*

Has published thousands of articles in various professional journals and newsstand periodicals, the overwhelming majority related to law enforcement, weaponry, martial arts and personal defense. Firearms articles have appeared in *Guns*, *American Handgunner*, *Handguns*, *GUNsport*, *Handgunner*, *Home Defense*, *Glock Annual*, *Colt Annual*, *Magnum*, *Gun World*, *Combat Handguns*, and others. Martial arts/unarmed combat articles have appeared in *Black Belt*, *Official Karate*, *Inside Kung-fu*, *Inside Karate*, *Warriors*, *Fighting Stars*, and other such publications. Law enforcement articles have been published in *American Police Beat*, *Law & Order*, *Police*, *Police Product News*, *Sentinel*, *Trooper*, *Patrolman*, *Police Marksman*, *Guardian*, *Guns & Weapons for Law Enforcement*, *Guns & Ammo Law Enforcement Annual*, and other police professional journals and law enforcement related periodicals. Has also been published in *Car & Driver*, *Gentlemen’s Quarterly*, *Man’s Magazine*, *Modern Jeweler*, *New Hampshire Outdoorsman*, *New Hampshire Times*, *Prism*, *Sexology*, *Sports Afield*, and assorted other general interest publications.

Training Films

“StressFire Handgun,” 2002
“StressFire Shotgun,” 2002
“StressFire Rifle,” 2002
“Deadly Force Cases,” ALI-ABA, 2001
“Judicious Use of Deadly Force,” 1990
“Post Violent Event Trauma,” 1990

“LFI Handgun Safety,” 1990
“Off Duty Survival,” 1993
“Shoot to Live,” 1986
“How Close is Too Close,” 1986
“Cute Lawyer Tricks,” 1986
“Physio-Psychological Aspects of Violent Encounters,” 1981
Has appeared in various other training films.

Quoted as authoritative reference in:

FBI Journal
“Law Enforcement Handgun Digest” (Grennell)
“Gun Digest Book of Combat Handgunnery, 1st edition (Lewis & Mitchell), 2nd and 3rd editions (Karwan)
“Shooting Schools: An Analysis” (Winter)
“Street Survival: Tactics for Armed Encounters,” (Adams, McTernan, Remsberg)
“Tactical Edge: Tactics for High Risk Patrol” (Remsberg)
“Handgun Retention System” (Lindell)
“The Street Smart Gun Book” (Farnam)
“Police Handgun Manual” (Clede)
“Police Shotgun Manual” (Clede)
“High Tech SWAT Weapons” (Bane)
“PR-24 Baton Manual” (Starrett)
“Police Officers Guide” (Clede)

Cited as authoritative reference in numerous other publications.

Career Accomplishments

Voted Outstanding American Handgunner of the Year, 1998.

Winner of first annual National Tactical Advocate Award, 1995, awarded by American Tactical Shooting Association.

Winner of the Roy Rogers Award for promotion of firearms safety.

Winner of first George C. Nonte Award for excellence in firearms journalism, 1978.

Firearms Qualifications and Awards

Combat Master, NRA Police Revolver

First 5-gun Master, International Defensive Pistol Association

Master, Revolver, National Marksman Sports Society

Master, Automatic, National Marksman Sports Society

Class A, International Practical Shooting Confederation

Grand Mastershot, UK Practical Shooting Association

Master Blaster, Second Chance

Expert, NRA Action Shooting

Honorary Distinguished Expert, Federal Law Enforcement Training Center

Several times top shooter in statewide NH police combat matches, 1973-2003

Five times New England Regional champion in various handgun disciplines

Co-winner with daughter Justine, National Champion Parent/Child Team, National Junior Handgun Championships, 1998

Has won numerous individual/local combat shooting tournaments, has completed successfully in five countries.

Law Enforcement Experience

Hooksett (NH) Police Dept.: 1972-73, auxiliary policeman. 1973-1980, fully sworn Police Officer. Duties under four chiefs included patrol, firearms training, community relations and crime prevention assignments, dept. firearms instructor for most of this period. Served in part time capacity with full police authority.

Deerfield (NH) Police Dept.: 1982-1990. Fully sworn officer, rank of Sergeant ('82-'84) in charge of all police training, and Lieutenant ('84-'90), in charge of police training and crime prevention activities. Served in part time capacity with full police authority.

Grantham (NH) Police Dept.: 1990-2017. Fully sworn Captain and Police Prosecutor, in charge of training, research, and other administrative functions. Served in part time capacity with full police authority.

References available upon request.

Massad Ayoob
PO Box 1477
Live Oak, FL 32064
(386) 688-1932
massadayoob@aol.com