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CITY AND COUNTY OF SAN FRANCISCO, et al.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO  
11 UNLIMITED JURISDICTION

12 PAULA FISCAL, LARRY P.  
13 BARSETTI, REBECCA KIDDER,  
DANA DRENKOWSKI, JOHN  
14 CANDIDO, ALAN BYARD, ANDREW  
15 SIRKIS, NATIONAL RIFLE  
ASSOCIATION, SECOND  
16 AMENDMENT FOUNDATION,  
CALIFORNIA ASSOCIATION OF  
17 FIREARMS RETAILERS, LAW  
ENFORCEMENT ALLIANCE OF  
18 AMERICA, and SAN FRANCISCO  
VETERAN POLICE OFFICERS  
ASSOCIATION,

19 Plaintiffs and Petitioners,

20 vs.

21 CITY AND COUNTY OF SAN  
22 FRANCISCO, SAN FRANCISCO  
POLICE CHIEF HEATHER FONG in  
23 her official capacity and SAN  
24 FRANCISCO POLICE DEPARTMENT,  
and Does 1-25,

25 Defendants and Respondents.  
26  
27  
28

Case No. 05-505960

**DECLARATION OF CATHY TYSON  
IN SUPPORT OF CITY'S  
OPPOSITION TO PETITION FOR  
WRIT OF MANDATE**

Hearing Date: February 15, 2006  
Hearing Judge: James L. Warren  
Time: 9:30 a.m.  
Place: 301

Date Action Filed: Dec. 28, 2005  
Trial Date: None Scheduled

**CC COPY**

1 I, Cathy Tyson, declare as follows:

2 1. I lost my son to gun violence in San Francisco. I submit this declaration in support  
3 of Proposition H, and in support of the City's Opposition to the Petition for a Writ of Mandate.

4 2. On December 31, 2000, at about 9:00 p.m., I received a phone call from my mother.  
5 Crying, she told me that she had heard gunshots outside her Bayview home, and that when she  
6 looked outside her window she saw my son lying on the street next to his car. My mother told me  
7 that she thought Brian had been killed.

8 3. I had been spending the evening at home with my grandson, Brian Williams Junior.  
9 Brian Junior was six years old at the time.

10 4. I immediately drove with Brian Junior to my mother's home in Bayview, not  
11 knowing for sure whether Brian was dead or alive.

12 5. When I arrived at my mother's home, the police told me to go immediately to San  
13 Francisco General Hospital. They could not tell me whether my son was dead or alive.

14 6. Before going to the hospital with my mother, I left Brian Junior at my mother's house  
15 with a friend. I did not want him to know that his father had been shot.

16 7. When I arrived at the hospital, the doctors told me my baby was still alive, but he  
17 was in surgery because the bullet had ruptured a blood vessel, and they were trying to close it to  
18 save his life.

19 8. About an hour later, the doctors came out and told me that Brian was "not going to  
20 make it." I felt as if I was in a dream. They told me that I could go in and see my son before he  
21 passed, but I did not want the last memory of my baby to be of him laying in a hospital bed dying  
22 of gunshot wounds.

23 9. For the next few days, I did not want to tell Brian Junior that his father had been  
24 killed. Just two years earlier, Brian Junior's mother had died in a car accident. I was afraid that, at  
25 six years old, losing both parents would be too much for Brian Junior to withstand.

26 10. I decided I had to tell Brian Junior what happened so he could attend his father's  
27 funeral. When I told him, he was devastated and wanted to know why God kept taking away the  
28

1 people he loved. Later, Brian Junior told me that his chest hurt him. When I asked him if it was  
2 something he ate, he said, "no, I don't think I have a heart anymore."

3 11. Later, I learned that my son had been the innocent victim of bullets intended for  
4 someone else. That evening, he walked out of my mother's house and down the street to the store.  
5 On his way back from the store, he saw an acquaintance, Curtis Layne, who asked him for a ride to  
6 his car. When they were walking towards Brian's car, outside my mother's house, two people  
7 approached them and shot at Curtis, but my son was hit as well. I was told that there had been a  
8 prior dispute between Curtis and the shooters.

9 12. Last year, two suspects were arrested for the murder of my son and Curtis Layne.  
10 They are currently awaiting trial in federal court.

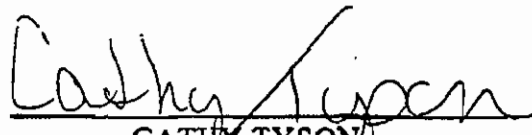
11 13. I continue to fear for my safety and for the safety of my grandson. I am afraid that  
12 people associated with Brian's killers will try to get back at us because I am trying to get justice for  
13 my son.

14 14. It has been almost five years since Brian was killed. I have been raising and caring for  
15 Brian Junior since my son died. He still goes to counseling regularly, and I go to group therapy once  
16 a month. Just the other day in therapy, I mentioned that only now is it sinking in that he is gone.

17 15. This is not the first time Brian Junior has been affected by gun violence. When he  
18 was five years old, less than a year before his father died, Brian Junior was laying in bed at his  
19 godmother's house when a stray bullet came through the window and hit him in the foot. He was  
20 hospitalized for a week, and his injury required major surgery.

21 16. It is very hard for Brian Junior to be without his parents, especially at times when he  
22 sees other children with their parents, like when his school has back-to-school night. It is very  
23 hard for me to see Brian Junior without thinking of my son. I will never recover from the death of  
24 my son, and Brian Junior will never recover from the death of his father.

25 Executed January 19<sup>th</sup>, 2006, in San Francisco, California.

26  
27   
28 CATHY TYSON