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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10 SHERIFF CLAY PARKER, TEHAMA)
COUNTY SHERIFF; HERB BAUER)
11 SPORTING GOODS; CALIFORNIA RIFLE)
AND PISTOL ASSOCIATION)
12 FOUNDATION; ABLE'S SPORTING,)
INC.; RTG SPORTING COLLECTIBLES,)
13 LLC; AND STEVEN STONECIPHER,)

14 Plaintiffs and Petitioners,

15 vs.

16 THE STATE OF CALIFORNIA; JERRY)
17 BROWN, IN HIS OFFICIAL CAPACITY)
AS ATTORNEY GENERAL FOR THE)
18 STATE OF CALIFORNIA; THE)
CALIFORNIA DEPARTMENT OF)
19 JUSTICE; and DOES 1-25,)

20 Defendants and Respondents.
21

FILED
SEP 07 2010

FRESNO COUNTY SUPERIOR COURT
By _____ TLC - DEPUTY

) CASE NO. 10CECG02116

) **DECLARATION OF STEPHEN HELSLEY**
) **IN SUPPORT OF MOTION FOR**
) **PRELIMINARY INJUNCTION**

) Date: September 29, 2010
) Time: 3:30 p.m.
) Location: Dept. 97E
) Judge: Hon. Jeff Hamilton
) Date Action Filed: June 17, 2010
) Trial Date:

FILED BY FAX

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1 *Lefauchaux* by Chris Curtis and *Paradox* by Roger Lake and David Baker. I have also acted as a
2 researcher for other authors. One example is an article by Silvio Calabi that ran in the
3 November/December 2006 issue of *Shooting Sportsman* magazine. The article "Less is More" is
4 the definitive work on the origin and development of the 28-g shotshell. Additionally, I recently
5 co-authored a book, *Hemingway's Guns*, which will be published by Shooting Sportsman Books
6 later this month.

7 6. During the 1970s, while employed as a DOJ Field Supervisor in San Diego, I was first
8 qualified in court as a "firearms expert". In 1973, I took the required training to become an NRA
9 Certified Police Firearms Instructor and a California Commission on Peace Officers Standards and
10 Training certified firearms instructor.

11 7. In 1975, I attended the FBI National Academy in Quantico, VA. Included in the
12 required course work was one of firearms. In later years I took other firearms training that ranged
13 from use of the Heckler & Koch 9mm MP5 submachine gun to concealed weapons training for a
14 Nevada "carry permit." In addition to being certified as a firearms expert, I am a member of the
15 American Academy of Forensic Sciences and a Technical Adviser to the Association of Firearm
16 and Tool Mark Examiners.

17 8. When I became DOJ Chief of the Bureau of Narcotic Enforcement, I had the overall
18 responsibility of reviewing agent-involved shootings, as well as purchasing their ammunition and
19 firearms, which included handguns and rifles.

20 9. In 1985, I became Chief of the DOJ Bureau of Forensic Services (BFS). As BFS Chief, I
21 was involved in setting standards for the casework of those doing firearm and tool mark
22 examinations. On a larger scale, I was instrumental in establishing the California Criminalistics
23 Institute ("CCI") – which at that time was one of only two formal forensic training/research
24 institutes in the United States. CCI established a number of firearms courses that are still being
25 offered.

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1 10. In 1989, I was promoted to Assistant Director of the DOJ's Investigation and
2 Enforcement Branch, a position I held until I retired. As Assistant Director, I was deeply involved
3 in firearm issues, including the drafting of assault weapon related legislation. During this period, I
4 was able to participate in ammunition testing at the U.S. Army Wound Ballistic Laboratory at
5 Letterman Institute in San Francisco.

6 11. From 1993 until 2000, I was the State Liaison for the National Rifle Association
7 ("NRA") in Sacramento. In that position I responded to requests from legislators and staff
8 regarding ammunition and firearms-related matters. After leaving the NRA, my expertise in
9 firearms and ammunition continued to expand as I logged countless hours hunting and shooting
10 competitively, as well as reloading ammunition. New competitive disciplines that I engaged in
11 included Long Range Tactical Rifle, Black Powder Rifle Cartridge Silhouette, and Military Rifle
12 Silhouette. I also became involved in shotgun and double rifle competition. I hunted Bison in
13 North Dakota with a Sharps rifle made in 1863 and grouse in Maine with a French pinfire shotgun
14 c.1860. For all of these activities, I reloaded my own cartridges. In 2003, I visited the Yuma
15 Proving Grounds with a group of forensic scientists. I was there to have my ammunition tested
16 using Doppler radar and high-speed photography.

17 12. At various times in the past I have conducted seminars on sniper rifles and in 2007 and
18 2008, I co-taught a workshop on dangerous game rifles and the ammunition for them.

19 13. In 2003, I toured the principal gun making firms in Brescia and Gardone, Italy. In 2008,
20 I did the same in Suhl, Germany. In 2005, I toured the Federal Cartridge Company in Anoka,
21 Minnesota to learn how they made ammunition. For the past seven years, I have consulted with
22 California-based gun makers B. Searcy & Co. and John Rigby & Co. Between 2004 and 2007, I
23 consulted with GaugeMate, Inc. on the design of sub-gauge adapters for shotguns.

24 14. My consulting efforts also involve civil and criminal matters. Most recently, I have
25 been reconstructing the discharge of a pistol in a Central California training school that seriously
26 injured one of the students. During the last decade I have done fine gun photography and acted as
27 a judge in the Gold Medal Concours d'Elegance of Fine Guns. My photographs of firearms and
28 cartridges have been used for magazine ads and to support articles. Additionally, I inventory

1 firearms collections and provide valuations if requested. The most recent was a 77-gun collection
2 in Montana that I did in June. I am leaving for Moscow, Russia on September 10, 2010. While
3 there, I am scheduled to hunt birds with Russian shotguns and ammunition, tour arms
4 manufacturers and museums and meet with Colonel Boez of the Moscow Police Department to
5 discuss firearm and ammunition control. I am currently working on an article that examines
6 shotguns and rifles made on the Needham patent of 1852. These firearms use "needle-fire"
7 cartridges – a design that was used by both armies in the Franco-Prussian War of 1870.

8 15. I currently load 60 different types of ammunition. They range from the common --.30-
9 06, .357 S&W Magnum and .30 Carbine to the obscure 6.5x53.5mm Daudeteau, the .44 Evans
10 and the 10.15x63mmR Serbian. I have the required tools for at least 40 more should I choose to
11 load for them. I have cast my own lead bullets since 1966 and also have experience with bullet
12 swaging. Learning how to load ammunition properly (particularly for the obscure cartridges)
13 requires extensive research. To that end my book collection contains many volumes on cartridge
14 history, fabrication and reloading.

15 16. Knowledge acquired during the course of my studies and personal and professional
16 experiences described herein form the basis for my testimony in this matter.

17 **Ammunition/Cartridge History, Distinctions, and Nomenclature**

18 17. All modern centerfire and rimfire ammunition for use in rifles and/or handguns consist
19 of the same components: a metal casing that suspends a metal projectile over a charge of powder
20 confined within the metal casing and a primer (or priming charge) to ignite the powder -
21 ("self-contained metallic ammunition"). A true and correct copy of rkba.org - Principles of
22 Firearms – Definitions "Ammunition Components" is filed concurrently herewith as Exhibit "11."

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1 18. Self-contained metallic ammunition has been available for almost 160 years. Whether
2 a particular type of ammunition is used in a handgun (pistol or revolver) or a rifle (or a shorter
3 carbine version) is determined by the needs and desires of the end user. Very large cartridges are
4 generally not used in handguns because of recoil or the weapon's bulk, not because of design or
5 strength limitations. Smaller and relatively less powerful cartridges have been, and continue to be,
6 widely used in both rifles and handguns. This is generally referred to as "cartridge inter-
7 changeability." Thus, a single box of cartridges may be consumed by use in a rifle and a pistol.

8 19. Numerous ammunition cartridges, including but not limited to .22 Short, .22 Long
9 Rifle, 32-20, .38-40, .44-40, and .45 Long Colt, can be used in identical firearms that were
10 manufactured both in or before 1898 and after 1898, and are commonly used in both rifles and
11 handguns. True and correct copies of Flayderman's Guide to Antique American Firearms (1998
12 7th ed.) p. 265-66 (hereafter Flayderman's), www.chuckhawks.com - A Brief History of .22
13 Rimfire Ammunition, and Flayderman's (1998 7th ed.) p. 85 are filed concurrently herewith as
14 Exhibits "12," "17," and "19," respectively.

15 20. After ammunition is manufactured, if stored correctly, it is likely to still work properly
16 after a century has passed. Accordingly, when ammunition is manufactured, there is no way to
17 know if it will be fired from a rifle or handgun - or will remain unused. For instance, military
18 .30 M1 Carbine ammunition made during World War II or the Korean War may yet be used in a
19 cowboy style revolver in 2015. True and correct copies of Gibson, A Pocket History of the M1
20 Carbine, and www.Ruger.com "The Ruger New Model Blackhawk Single-Action Revolver" are
21 filed concurrently herewith as Exhibits "30" and "31," respectively.

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21. The historical record is quite clear that “cartridge interchange-ability” began almost immediately after “perfection” of the Lefauchaux pinfire metallic cartridge in the early 1850s. The following paragraphs provide a chronology that details when certain cartridges were introduced, for what type of firearm they were originally used in, and how their inherent interchangeability was applied in other types of firearms. Paragraphs 22 through 46 provide examples of cartridge interchangeability, though such examples are by no means exhaustive. As this phenomenon has not been confined to the United States, examples from Europe are also included. The chronology is divided into “Obsolete Cartridges”, “Rimfire and Centerfire Cartridges” and “Single-Shot Pistols for all Sizes of Cartridges.”

Obsolete Cartridges

22. 12mm pinfire: In 1854, Eugene Lefauchaux patented and began producing a six-shot, 12mm pinfire revolver in Paris, France. In 1857, his revolver was adopted by the French military and production was instituted at the French Imperial Arms Factory at St. Etienne. Concurrently, Lefauchaux was producing revolver-carbines and single-shot rifles that used the 12mm cartridge for public sale. Lefauchaux-designed firearms (rifles and handguns) would later be made in both Belgium and Spain. True and correct copies of Firearms History, Technology & Development: Cartridges: Pinfire Cartridge, Gun & Game Forums - Collection of 12mm Pinfire Guns, and an Image of a Lefauchaux Model 1854 are filed concurrently herewith as Exhibits "13," "14," and "15," respectively.

23. .41 Volcanic: In 1855, the Volcanic Repeating Arms Company (later renamed The New Haven Arms Company and then the Winchester Repeating Arms Company) produced a caseless .41 caliber cartridge that was utilized in both a handgun and carbine rifle. A true and correct copy of an Image & Description of Volcanic Lever Action Pistols and Carbines is filed concurrently herewith as Exhibit "16."

Rimfire and Centerfire Cartridges

24. .22 Short: In 1857, Smith & Wesson introduced their Model No. 1 revolver that was chambered for the .22 rimfire Short cartridge. The .22 Short has been in continuous production since its introduction. It has been used in a range of firearms from gallery rifles to Olympic pistols

1 and in every action-type (pump, single-shot, semiautomatic, lever action, etc.). The .22 Short can
2 also be safely fired in any firearm (handgun or rifle) that is chambered for the .22 Long or .22
3 Long Rifle. A true and correct copy of www.chuckhawks.com - A Brief History of .22 Rimfire
4 Ammunition is filed concurrently herewith as Exhibit "17."

5 25. .577 Snider: In 1867, the British government adopted their first centerfire cartridge -
6 the .577 Snider. It was used in converted Pattern 1853 muzzle loading percussion rifles.
7 Commercial manufacturers produced "double-barreled" Howdah pistols for dangerous game
8 hunters that utilized this same cartridge. A true and correct copy of Orr, Tiger Tamer: A 12-Bore
9 Howda Double is filed concurrently herewith as Exhibit "18."

10 26. 44-40 Winchester: This was the original cartridge for the Winchester Model 1873
11 lever-action rifle. By 1878, Colt was using it in their Single Action Army Revolver. A true and
12 correct copy of Flayderman's (1998 7th ed.) p. 85 is filed concurrently herewith as Exhibit "19."
13 Both the Winchester and the Colt would later be chambered for the .38-40 Winchester and the
14 .32-20 Winchester cartridges. Later, the Winchester Model 1892 rifle, the Colt Lightning Slide
15 Action rifle and the Marlin Model 1894 rifle and numerous Smith & Wesson revolvers would also
16 be chambered for the same three cartridges. In the 1990s, what is generally described as "cowboy
17 action shooting" became very popular (and has remained so) and resulted in replica firearms
18 (rifles and revolvers) of the weapons previously described in this paragraph (and others) being
19 imported primarily from Italy. A true and correct copy of www.sassnet.com - What is SASS is
20 filed concurrently herewith as Exhibit "20." In addition to .32-20, .38-40 and .44-40, the imports
21 are chambered for .38 Special, .357 Magnum and .45 Long Colt. A true and correct copy
22 www.uberti.com - Uberti 1873 Rifle & 1873 Carbine is filed concurrently herewith as Exhibit
23 "21." The .38 Special was introduced in 1902 by Smith & Wesson for use in their Military and
24 Police Model revolver. The .357 Magnum was introduced in 1935 and the .45 Long Colt c. 1872.

25 27. .45-70 Government: The .45-70 was the US military's primary service cartridge for
26 rifles from 1873 until the Spanish American War. It has been used in bolt-action, single-shot,
27 lever-action and pump-action rifles. Although a large cartridge, the .45-70 has also been used in a
28 number of revolvers. Most recently, .45-70 revolvers have been made by Magnum Research and

1 Super Six Ltd. A true and correct copy of www.galleryofguns.com - Magnum Research BFR
2 Revolver is filed concurrently herewith as Exhibit "22."

3 28. .22 Long Rifle: This cartridge was likely introduced in 1887 by the Stevens Arms &
4 Tool Co. for use in their single shot rifles. It is quite likely the most popular firearm cartridge in
5 the world. It is estimated that millions of Ruger 10-22 rifles alone have been made for it since
6 1964. A pistol version of the 10-22 called "The Charger" was also made. The number and variety
7 of firearms that use the .22 Long Rifle cartridge are likely incalculable. True and correct copies of
8 www.chuckhawks.com - A Brief History of .22 Rimfire Ammunition, www.ruger.com - Ruger
9 10/22 Rifles, and www.survival-gear-guide.com - Ruger Charger, are filed concurrently herewith
10 as Exhibits "17," "23," and "24," respectively.

11 29. 9mm Luger (9x19mm Parabellum): In 1902, the 9x18mm cartridge was developed for
12 use in the American Eagle Luger pistol and other models. Luger also produced a carbine using the
13 same cartridge. The 9x19mm has been used extensively in submachine guns. Various models of
14 submachine guns have used and use the 9x19mm. It is also used in the Ruger 9mm PC carbine,
15 the Marlin 9mm Camp Carbine and Colt AR-15 style rifles with a conducive upper-receiver. True
16 and correct copies of www.best9mm.com - 9mm Carbines & Grease Guns," Marlin Model 9
17 Camp Carbine Owner's Manual, and an Image & Description of a Luger Carbine, are filed
18 concurrently herewith as Exhibits "25," "26," and "27," respectively.

19 30. 9x23mm Largo: The cartridge was developed in Belgium in 1903. It was
20 subsequently used in handguns made in Belgium (Bergman-Bayard) and Spain (Astra, Llama, Star
21 and Jo-Lo-Ar). In addition to submachine gun use, three bolt-action rifle models were made in
22 Spain (Onena, Destroyer and Ignacio Zubillaga). A true and correct copy of <http://9mmLargo.com>
23 - 9mm Largo Firearms is filed concurrently herewith as Exhibit "28."

24 31. .45 ACP: Developed for use in the Colt Model 1910 pistol and was later adopted by
25 the US military with the Model 1911 Colt pistol. It is perhaps best known for its relationship to
26 the Thompson Sub Machine Gun (Tommy Gun) and the M3A1 (Grease Gun). Harrington &
27 Richardson produced M60 and M65 semi-automatic .45 ACP Reising Guns. The British military
28 used the .45 ACP cartridge in modified No.1 Mark III Short Magazine Lee Enfield rifles to create

1 the DeLisle carbine rifle. Later, Marlin produced the .45 Camp Carbine rifle which utilized this
2 same cartridge. A true and correct copy of www.notpurfect.com – Camp Gun is filed concurrently
3 herewith as Exhibit “29.”

4 32. 30 M1 Carbine: The cartridge and rifle were adopted in 1941. By the end of the war,
5 6.2 million carbines had been made. In 1963, the Director of Civilian Marksmanship began
6 releasing the carbines for sale to members of the National Rifle Association. Increased consumer
7 interest ultimately saw new manufacturers make carbine rifles that utilized this same cartridge.
8 They included Plainfield, Universal, Iver Johnson and Marlin (M62 Levermatic). Among the
9 handguns using the .30 carbine round was the Ruger Blackhawk revolver that has been produced
10 for approximately 40 years. True and correct copies of Gibson, A Pocket History of the M1
11 Carbine, and www.Ruger.com - The Ruger New Model Blackhawk Single-Action Revolver are
12 filed concurrently herewith as Exhibits “30” and “31,” respectively.

13 33. .44 Remington Magnum: In 1955, Smith & Wesson introduced the .44 Remington
14 Magnum cartridge for use in their Model 29 revolver. In 1961, Ruger introduced the Deerstalker
15 .44 Magnum carbine -- about 250,000 of which were produced over the next 25-years. Ruger then
16 introduced the Model 96/44M lever-action rifle c. 1996. Their most current model is the Model
17 77/44 bolt-action rifle. Lever action carbines have also been made by Rossi (Model 65 SRC),
18 Browning B-92, Marlin (Model 1894) and E. M. F. (Model 1892). One pump-action carbine, the
19 Universal Vulcan 440, was also produced. A true and correct copy of www.shootingwithjim.com -
20 Ruger 44 Magnum Carbine is filed concurrently herewith as Exhibit “32.”

21 34. .22 Winchester Magnum Rimfire - Introduced in 1960, it quickly became wildly
22 popular and is now a standard chambering in both rifles and handguns. A true and correct copy of
23 www.chuckhawks.com - A Brief History of .22 Rimfire Ammunition is filed concurrently
24 herewith as Exhibit “17.”

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1 35. .256 Winchester Magnum - When introduced in 1960, no firearm was chambered for
2 it. In 1963, Marlin offered their Model 62 Levermatic (a rifle) in .256 Winchester Magnum and in
3 1966, Ruger introduced a single shot pistol called the Hawkeye, also chambered in .256
4 Winchester Magnum. A true and correct copy of www.chuckhawks.com - The .256 Winchester
5 Magnum is filed concurrently herewith as Exhibit "33."

6 36. .221 Remington Fireball: Federal law prohibits conversion of a rifle into a handgun.
7 Thus, existing bolt-action rifle actions couldn't be used to build handguns. To fill this need, in
8 1963, Remington introduced the XP-100 single-shot, bolt-action pistol that was chambered for the
9 .221 Fireball cartridge. Later they added a magazine fed version that was chambered for .223
10 Remington, .22-250, 7mm-08 Remington, .250 Savage, .308 Winchester, .350 Remington
11 Magnum and .35 Remington. A true and correct copy of <http://glenncustom.com> - PRICING -
12 Remington XP-100 is filed concurrently herewith as Exhibit "34." In 2002, Remington began
13 offering their Model 700 bolt-action rifle in the same .221 Fireball chambering. A true and correct
14 copy of www.budsgunshop.com - Remington 700 LV Light Varmint .221 Fireball is filed
15 concurrently herewith as Exhibit "35."

16 37. .41 Remington Magnum: Smith & Wesson introduced the .41 Remington Magnum
17 cartridge with their Model 57 revolver in 1964. Ruger, and others, make .41 magnum revolvers
18 and Marlin offers the cartridge in their Model 1894 lever-action carbine. A true and correct copy
19 of <http://nighthawkcustom.com> - Marlin 41 Magnum Model 1894FG 20" is filed concurrently
20 herewith as Exhibit "36."

21 38. .40 Smith & Wesson: This cartridge was the result of work by Winchester and Smith
22 & Wesson c.1989. It is used in a variety of handguns, as well as carbines, including the Beretta
23 Cx4 Storm, the Hi Point 4095, the Kel-Tec SUB-2000, the Olympic Arms K40, (a true and correct
24 copy of www.gun-tests.com - .40 S&W Carbines: We Shoot Hi-Point, Beretta, Olympic Arms is
25 filed concurrently herewith as Exhibit "37") as well as others such as the Ruger PC4 carbine.
26 (Shideler, The Gun Digest Book of Modern Gun Values (15th ed. 2009) p. 433 (hereafter Gun
27 Digest.) And, AR-15 lowers are commonly chambered in .40 S&W, which is evidenced by the
28 Federal Bureau of Investigation's sought as its officially issued carbine. A true and correct copy of

1 www.fbo.gov - Colt Pattern .40 S&W Caliber Carbines is filed concurrently herewith as
2 Exhibit "38."

3 39. 5.7x28mm: This cartridge was developed in the 1990s for dual use (handgun and
4 carbine). It can be used in only two firearm models currently available to civilians: the PS90
5 semi-automatic carbine rifle and the FN Five-Seven semi-automatic pistol. A true and correct
6 copy of FNH 5.7x28 Bulk Ammo Advertisement is filed concurrently herewith as Exhibit "39."

7 40. .17 HMR and .17 Mach 2: These two rimfire cartridges were introduced in 2002 and
8 2004 respectively. They use the .22 Magnum and .22 Long Rifle cases and smaller diameter
9 bullets. They can (and are) being used in all manner of handguns and rifles, just like .22 rimfire
10 cartridges. True and correct copies of www.chuckhawks.com - The .17 Hornady Magnum Rimfire
11 and www.excelarms.com - New Products-New Models X-22P and X-22R are filed concurrently
12 herewith as Exhibits "40" and "41," respectively.

13 **Single Shot Pistols that Utilize All Ammunition Cartridges**

14 41. Thompson/Center: In 1967, Thompson/Center introduced their Contender pistol. It is
15 a single-shot, break-action design that utilizes interchangeable barrels to accommodate all
16 cartridge sizes that can be used in rifles. T/Cs have been chambered for cartridges from the
17 diminutive .17 Mach 2 rimfire to those suitable for hunting elephants. The current model of the
18 Contender is the G-2. Their website lists 102 available chamberings. Other barrel makers offer a
19 greater selection. True and correct copies of www.tcarms.com - About Thompson Center Arms,
20 www.tcarms.com - Caliber Selection, www.matchgrenademachine.com - Chamberings Available,
21 and Taffin, *The Custom Pistols of Gary Reeder* (Mar. 2001) Guns Magazine are filed concurrently
22 herewith as Exhibits "42," "43," and "44" respectively.

23 42. BF Single Shot: The range of calibers for use in this pistol is .17 rimfire to .45-70, all
24 of which calibers can be and are used in various rifles. (Shideler. Gun Digest, *supra*, at p. 107.)

25 43. Kimber Predator Hunter: The range of calibers for use in this pistol is .221 Fireball to
26 7mm TCU, all of which calibers can be and are used in various rifles. (Shideler. Gun Digest,
27 *supra*, at p. 176.)

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1 44. Magnum Research Lone Eagle: The range of calibers for use in this pistol is .22
2 Hornet to .444 Marlin, all of which calibers can be and are used in various rifles. (Shideler. Gun
3 Digest, *supra*, at p. 185.)

4 45. Pachmayr Dominator: The range of calibers for use in this pistol is .22 Hornet to .35
5 Remington, all of which calibers can be and are used in various rifles. (Shideler. Gun Digest,
6 *supra*, at p. 196.)

7 46. Savage Striker: The range of calibers for use in this pistol is .22-250, .243 Winchester
8 and .308 Winchester, all of which calibers can be and are used in various rifles. (Shideler. Gun
9 Digest, *supra*, at p. 207.)

10 **Cannot Determine whether Cartridges Are Principally for Use in Handguns vs. Rifles**

11 47. Most ammunition cartridges can be used safely in both rifles and handguns. Modern
12 commercially produced ammunition can be used in either a rifle or a handgun.

13 48. There is no generally accepted definition of “handgun ammunition,” nor any
14 commonly understood delineation between “handgun ammunition” and other ammunition used in
15 the firearms industry that allows one to determine whether ammunition cartridges are “principally
16 for use” in handguns.

17 49. Whether a given type or caliber of ammunition is used more often in a handgun than
18 in a rifle may change and fluctuate over time, depending on the changing popularity and
19 usage of different types of firearms which utilize that ammunition, or vice-versa.

20 50. Commercial cartridges are sometimes labeled as being for “rifles” or “pistols.” For
21 instance, Eley makes .22 Long Rifle 40gr Match Pistol ammunition. Despite the “pistol”
22 designation, it can be safely and effectively used in a rifle. In fact, the name of the cartridge (.22
23 Long Rifle) adds to the confusion. Conversely, Remington .30-30 Express Core-Lokt Rifle
24 cartridges can be used in a Thompson Contender handgun that is chambered for that cartridge.

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1 51. That "dual-use" of ammunition is anticipated by the manufacturer (box markings
2 aside) can be seen by the disclaimer on a box of Remington .223 ammunition. It reads "Notice:
3 These Remington cartridges are adapted to and intended for use only in arms in good condition
4 originally chambered and designed for the cartridge." The markings on ammunition boxes are
5 interesting, but are not controlling as to how it can ultimately be used, or as to whether that
6 particular ammunition was intended to be used, or will actually be used, more often in a handgun
7 than in a rifle. Such a determination cannot be made from looking at the packaging nor from
8 consulting any other resource.

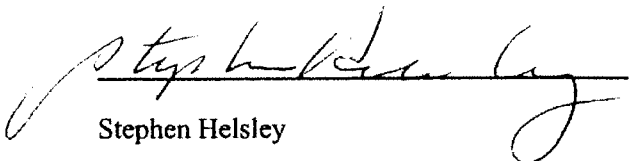
9 52. While firearms and ammunition literature sometimes make reference to "handgun
10 ammunition" and "rifle ammunition," when referencing some cartridges, I assume the authors
11 never anticipated making the technical distinctions necessitated by CA Penal Code section 12060.

12 53. Neither the academic and professional works comprising my library nor my
13 experiences qualifying me as an expert in firearms and ammunition provide me with knowledge as
14 to what cartridges are "principally for use in a handgun."

15 54. Furthermore, I do not know, and I am unable to determine, which cartridges are used
16 more often in a handgun than in a long gun.

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

18 Executed within the United States this 27th day of September, 2010

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21 
22 Stephen Helsley

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

4 I, Valerie Pomella, 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
business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On September 7, 2010, I served the foregoing document(s) described as

7 **DECLARATION OF STEPHEN HELSLEY IN SUPPORT OF**
8 **PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

on the interested parties in this action by placing

9 ☐ the original

☒ a true and correct copy

10 thereof enclosed in sealed envelope(s) addressed as follows:

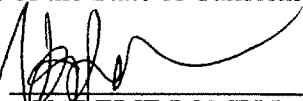
11 Edmund G. Brown, Jr.
12 Attorney General of California
13 Zackery P. Morazzini
Supervising Deputy Attorney General
14 Peter A. Krause
Deputy Attorney General (185098)
15 1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

16 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
17 processing correspondence for mailing. Under the practice it would be deposited with the
U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
18 California, in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date is more than one day after
date of deposit for mailing an affidavit.
19 Executed on February ____, 2009, at Long Beach, California.

20 (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
addressee.
21 Executed on February ____, 2009, at Long Beach, California.

22 (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used
23 complies with California Rules of Court, Rule 2003, and no error was reported by the
machine. Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a
24 transmission record of the transmission, copies of which is attached to this declaration.
Executed on February ____, 2009, California.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that
26 the foregoing is true and correct.

27 
28 VALERIE POMELLA