IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

SHERIFF CLAY PARKER, TEHAMA COUNTY SHERIFF, et al.,	)	
Plaintiffs and Respondents,	)	
v.	)	Case No. S215265
THE STATE OF CALIFORNIA et al.,	)	
Defendants and Appellants.	)	

Fifth Appellate District, Case Nos. F062490, F062079
Fresno County Superior Court, Case No. 10CECG02116
The Honorable Jeffrey Y. Hamilton, Judge

AMICI CURIAE BRIEF OF WESTERN STATES SHERIFFS' ASSOCIATION, LAW ENFORCEMENT ALLIANCE OF AMERICA, INTERNATIONAL LAW ENFORCEMENT EDUCATORS AND TRAINERS ASSOCIATION, LAW ENFORCEMENT LEGAL DEFENSE FUND, LAW ENFORCEMENT ACTION NETWORK, CALIFORNIA RESERVE PEACE OFFICERS ASSOCIATION, AND TWENTY-ONE INDIVIDUAL CALIFORNIA COUNTY SHERIFFS (LISTED ON NEXT PAGE) IN SUPPORT OF PLAINTIFFS AND RESPONDENTS

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STATEMENT OF THE CASE

Amici adopt the Statement of the Case set forth in the Brief of Plaintiffs/Respondents.

INTRODUCTION

Plaintiffs/Respondents have challenged several Penal Code sections ("the Challenged Provisions"),[1] which place numerous restrictions on the display, sale, and transfer of "handgun ammunition," including a prohibition on transfers that are not made in "face to face" transactions with identification presented and recorded. Most or all mail order and internet purchases will therefore effectively be banned. Recordkeeping requirements are imposed on vendors of "handgun ammunition," including requirements that a thumbprint be obtained from the purchaser, and that detailed information about the purchaser and ammunition be recorded and be subject to police inspection.

The Challenged Provisions were originally to have gone into effect in 2011, but they were declared to be unconstitutionally vague under the Due Process Clause by both the Superior Court and the Court of Appeal, and

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[1] As originally passed in Assembly Bill No. 962 (2009-2010 Reg. Sess.), the Challenged Provisions were codified as Penal Code §§ 12060, 12061, and 12318. These have since been recodified in a somewhat complex manner, described by the Court of Appeal in the Slip Opinion ("Slip. Op.") at 2-4. In this brief, *Amici* will use the current Penal Code sections as recodified. Unless otherwise noted, all statutory section numbers refer to the California Penal Code.

their enforcement has been continuously enjoined. The operation of this statutory scheme depends on the definition of "handgun ammunition" in § 16650, subd. (a). That section defines "handgun ammunition" as "ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, notwithstanding that the ammunition may also be used in some rifles."

A major reason why vague statutes must be stricken as unconstitutional is the absence of guidance for law enforcement and the consequent risk of unequal application of the law. The "principally for use" language provides no ascertainable standard for law enforcement personnel to determine what ammunition is handgun ammunition and what is not. As described below, there are at least five different interpretations that can be given to that language. Even if it could be determined which of these possible interpretations were to be considered correct, major uncertainties remain under all of them, and there is no adequate data for law enforcement to rely on in implementing the Contested Provisions. In addition, this vague statute will create legal risks for law enforcement personnel, engender mistrust between law enforcement and the public, and waste scarce enforcement resources.

ARGUMENT

I. A CRITICAL REASON THAT VAGUE LAWS MUST BE HELD UNCONSTITUTIONAL IS THAT THEY CANNOT BE APPLIED BY LAW ENFORCEMENT IN A UNIFORM MANNER.

The void-for-vagueness doctrine often focuses on the requirement that a statute must provide notice of the prohibitions or requirements imposed on individuals whose conduct is affected by the statute. This Court quoted that familiar and important principle in *People v. Barksdale*, 8 Cal.3d 320, 327, 105 Cal.Rptr. 1 (Cal. 1972):

> "(A) statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law." [*citing Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926), and later federal and California cases].[2]

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[2] *Barksdale* also noted that "'stricter standards of permissible statutory vagueness may be applied to a statute having a potentially inhibiting effect' on fundamental rights." *Id.* (citations omitted). That principle is in accord with U.S. Supreme Court precedent:

> [P]erhaps the most important factor affecting the clarity that the Constitution demands of a law is whether it threatens to inhibit the exercise of constitutionally protected rights. If, for example, the law interferes with the right of free speech or of association, a more stringent vagueness test should apply.

Hoffman Estates v. Flipside, Hoffman Estates, 455 U.S. 489, 499 (1982). The right to keep and bear arms is an enumerated, fundamental right. *McDonald v. City of Chicago*, 130 S.Ct. 3020, 3036-37, 3042, 3050 (2010). That right extends to possessing ammunition. *Herrington v. United States*, 6 A.3d 1237, 1243, 1246 (D.C. 2010) ("the right to keep and bear arms extends to the possession of handgun ammunition in the home" and a ban on such

Less frequently noted, but at least as important, is the principle that a statute must be sufficiently definite for law enforcement personnel, prosecutors, and courts to apply it in a fair and uniform manner. As the Supreme Court has explained, the void-for-vagueness doctrine "requires that a penal statute define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and *in a manner that does not encourage arbitrary and discriminatory enforcement.*" *Kolender v. Lawson,* 461 U.S. 352, 357 (1983) (emphasis added). The Court emphasized that "[a]lthough the doctrine focuses both on actual notice to citizens and arbitrary enforcement," the Court has:

> recognized recently that the more important aspect of the vagueness doctrine "is not actual notice, but the other principal element of the doctrine — *the requirement that a legislature establish minimal guidelines to govern law enforcement.*" *Smith* [*v. Goguen*, 415 U.S. 566 (1974)] at 574. Where the legislature fails to provide such minimal guidelines, a criminal statute may permit "a standardless sweep [that] allows policemen, prosecutors, and juries to pursue their personal predilections." *Id.*, at 575.

Kolender, 461 U.S. at 357-58 (emphasis added).

More recently, the Court has held that, "even if an enactment does not reach a substantial amount of constitutionally protected conduct, it may be impermissibly vague because it fails to establish standards *for the police and*

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possession "is not just incompatible with the Second Amendment but clearly so.").

public that are sufficient to guard against the arbitrary deprivation of liberty interests." *Chicago v. Morales*, 527 U.S. 41, 52 (1999) (emphasis added).

Thus, in addition to providing notice to persons who must conform their conduct to a statutory proscription, it is essential that the legislature "establish minimal guidelines to govern law enforcement." *Kolender*, 461 U.S. at 358. Front line law enforcement personnel cannot correctly and uniformly enforce a statute when no one—not themselves, the public, prosecutors, juries, or judges—knows what it means. As shown below, the Challenged Provisions would place law enforcement in that very quandary.

II. THE CHALLENGED PROVISIONS PROVIDE NO ASCERTAINABLE STANDARD TO GUIDE LAW ENFORCEMENT PERSONNEL.

Peace officers in general are, of course, charged with enforcement of the California Penal Code. Further, § 30357 expressly states that the records ammunition vendors are required to keep under the Challenged Provisions "shall be subject to inspection at any time during normal business hours by any peace officer employed by a sheriff, city police department," and by certain others. Peace officers and other law enforcement personnel would also be charged with making enforcement decisions when, for example, ammunition is encountered that has been "delivered" or "transferred" in a transaction that is not "face to face" and without the required proof of identity. Such a transaction would violate § 30312, but only if the

ammunition is *handgun ammunition*.[3] How are law enforcement officers to determine whether particular ammunition legally constitutes "handgun ammunition?"

For officers acting in all good faith, the answer is: they cannot. They may have a subjective impression or personal belief, but the statute provides no objective standard by which they can make this determination.

The heart of the problem, as the Court of Appeal recognized, is that ammunition can very often be used interchangeably in either a handgun or a rifle. Slip Op. 35. The Court noted that "there are over a thousand different cartridges" and accepted "the *undisputed* premise that almost all of them can be used interchangeably with handguns and rifles...." *Id.* (emphasis added).

The "test" provided by the statute only muddies the waters, and requires resort to factual information that no one, including law enforcement officers, possesses. Section 16650, subd. (a) defines "handgun ammunition" as "ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, notwithstanding that the ammunition may also be used in some rifles." This test is subject to multiple interpretations, and the necessary data to reach valid conclusions under any of those interpretations does not exist.

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[3] As the Court of Appeal noted, "section 30312...., which regulates the delivery or transfer of ownership of 'handgun ammunition,' applies to all citizens and not just 'handgun ammunition vendors.'" Slip Op. 36.

First, does "principally for use" depend on the intent of the manufacturer or distributor as to how the ammunition will be used? Few if any cartridges carry a headstamp indicating whether the ammunition is to be used in a rifle or a handgun, so a police officer cannot tell by looking at the particular cartridge. The State notes that some ammunition vendors may sometimes characterize particular types of ammunition as handgun or rifle ammunition. AOB at 26. That is an unpredictable, unclear, and undependable test, however, because different vendors may characterize the ammunition differently, or may not characterize it at all. Even if they do, are police officers, prior to making an arrest, to be required to undertake a survey of manufacturers or vendors to determine whether they consider a particular cartridge to be "principally for use" in handguns? Which manufacturers or vendors are to be sampled to arrive at an authoritative conclusion? How is that information to be communicated by law enforcement agencies to the public, and to be reconciled between agencies? Is determination of criminal liability really to be founded on the marketing practices of some unknown vendors located inside or outside the state, and yet to be determined? No; the determinations regarding what is handgun ammunition must be in the statute, not in individualized and likely different conclusions reached by vendors, police officers, or local police departments.

Or, as a second possibility, does it mean the type of firearm for which the ammunition was originally introduced? Ammunition is often first put on

the market in connection with the introduction of a particular firearm chambered to fire it. Otherwise, there would be no firearms capable of using the new ammunition. But the fact that ammunition might first be introduced in connection with a rifle or a handgun does not mean that its usage stays that way. *See* Declaration of Steven Helsley, at Joint Appendix, Volume VIII ("J.A. VIII") 2025-2030, for numerous examples of cartridges initially introduced for use in handguns being later used in rifles, and vice versa. This has been true since the widespread adoption of metallic cartridges in the latter part of the 1800s. For example, it was common in the Old West for an individual to possess both a rifle and a handgun chambered for the same cartridge, to avoid the necessity of obtaining, keeping on hand, and carrying different types of ammunition. Indeed, that situation is not unusual today. As noted by a standard reference work on ammunition, the .44-40 Winchester cartridge:

> was the original cartridge of the famous Winchester Model 1873 lever-action repeating *rifle*. By 1878, Colt's began offering *revolvers* in .44-40 caliber. At one time or another, just about every American arms manufacturer has offered some kind of gun chambered for this cartridge.

Frank C. Barnes, *Cartridges of the* World 95 (13th ed. 2012) (emphasis added). In other words, the .44-40 almost immediately migrated from use in rifles to frequent use as a revolver cartridge. It is still produced today, and is popular in certain sporting circles. J.A. VIII 2025-26. The initial use of a

given cartridge introduced decades or more than a century ago cannot determine its current usage.

Third, does "principally for use" mean the subjective intent of the purchaser regarding the type of firearm in which he or she intends to use the ammunition? In most cases, that intent cannot be known either by the vendor or by law enforcement personnel, and can easily be misrepresented by the purchaser or possessor. Does it depend on the type of firearm owned by the purchaser? What if the purchaser owns both a handgun and a rifle in that particular caliber, or doesn't own a firearm chambered for that cartridge at all (people do purchase ammunition for a firearm that they may plan to acquire in the future, for a friend, hunting partner, or relative, or for other reasons apart from immediate use by themselves in a particular firearm). For internet or mail order sales, which are only banned for "handgun ammunition," how can the vendor reliably know whether the purchaser intends to use the ammunition in a handgun instead of a rifle? The effect of a test based on the subjective intent of the purchaser or transferee will be to cause immense uncertainty in law enforcement against vendors and purchasers alike.

Or, fourth, does it mean the number of rounds of that cartridge that are actually used, or fired, in handguns as opposed to rifles? That is certainly a possible interpretation of "principally for use." But *amici* are aware of no database of how many rounds of particular cartridges are actually fired

through handguns and rifles in California, the United States, or elsewhere. Indeed, such a database would be impossible to compile. That interpretation could not possibly be implemented by law enforcement because the necessary information does not exist.

It is also not the approach espoused by the State's own expert, who rejected that interpretation, and instead considered a fifth approach to be dispositive: the number of firearms in existence that are chambered for a particular cartridge. When asked whether the "principally for use" language required consideration of whether any particular ammunition might be fired more often through a handgun than a rifle, Appellants' expert responded:

> I would say [its] *not much of a factor* because principally for use really deals with the kind of firearm its going to go into, *in my – in my est- -- in my understanding*, so if you have one weapon that can shoot a million rounds a second and then you have 500,000 rounds – or handguns out there that shoot ten rounds a minute, that weapon is actually – or the ammunition is principally for use in *the larger pool of – of weapons*."

Undisputed Material Fact ("UMF") No. 100 (J.A. XI 2963, citing J.A. V 1385-1386) (emphasis added).

Thus, Appellants' expert's understanding of the standard appears to indicate that the actual use of the ammunition in a handgun versus a rifle does not matter; what matters, *to him*, is whether there are more handguns in circulation that fire the ammunition in question than rifles that fire that same ammunition. UMF No. 98 (J.A. XI 2961, citing J.A. V 1385-1386).

When asked to clarify whether he would consider the number of total firearms or the number of models of those firearms to be the determining criterion, he stated:

> Given the *available information in the amount of time I had*, I *tried* to compare the *number of manufacturers* that may have produced a weapon in a particular caliber, *the number of models that each manufacturer used in that caliber*, and then, *perhaps*, the length of time that a particular gun has been available in a particular caliber.

UMF No. 101 (J.A. XI 2965, citing J.A. V 1417) (emphasis added). So even under the expert's purported test, the actual number of handguns as opposed to rifles in the pool was not ascertained, but just the number of *manufacturers* and the *models* they have placed on the market. That is not even the roughest kind proxy for the number of *firearms*, because some models are manufactured in the millions, whereas others may be sold in modest or tiny numbers.

Ultimately, therefore, Appellants' expert's methodology (the fifth method described so far) for determining what ammunition is "principally" used in handguns was an extensive research process that involved looking at handgun sales records and reviewing manufacturers information. UMF Nos. 43-47, 61-65, 85-87, 93.[4] Appellants apparently believe that the

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[4] UMF 43 (J.A. XI 2935, citing J.A. V 1374-1375, 1420); UMF 44 (J.A. XI 2935, citing J.A. V 1200); UMF 45 (J.A. XI 2935, citing J.A. V 1200, 1289-1290, 1302); UMF 46 (J.A. XI 2935-2937, citing J.A. V 1200, 1293-1294, 1340-1341); UMF 47 (J.A. XI 2937, citing J.A. V 1340-1341, 1374-1375);

enforcement of the law should be based upon law enforcement officers undertaking a similar (or perhaps very different) extensive research process to attempt to determine what is covered by the law. Such research is neither feasible, nor likely to return uniform results. That is because the determination as to what is "handgun ammunition" is properly a *legislative determination*, not a *law enforcement* determination. The constitutional flaw in a vague criminal statute is that it "necessarily entrusts lawmaking to the moment-to-moment judgment of the policeman on his beat." *Chicago v. Morales*, 527 U.S. 41, 60 (1999). That flaw pervades the Challenged Provisions.

III. LAW ENFORCEMENT PERSONNEL ARE NOT EXPERTS IN MAKING DETERMINATIONS REGARDING WHAT CONSTITUTES HANDGUN AMMUNITION.

Law enforcement officers are not experts on the thousand or more types of cartridges in existence. They are not experts on manufacturing statistics, the number of makes and models of handguns and rifles in

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UMF 61 (J.A. XI 2943, citing J.A. V 1200); UMF 62 (J.A. XI 2943, citing J.A. V 1367-1368, 1375-1376); UMF 63 (J.A. XI 2943, citing J.A. V 1250-1252, 1282, 1285-1286); UMF 64 (J.A. XI 2945, citing J.A. V 1250-1251, 1272-1273, 1361, 1364, 1366-1367); UMF 65 (J.A. XI 2945, citing J.A. V 1376); UMF 85 (J.A. XI 2955, citing J.A. V 1359-1361); UMF 86 (J.A. XI 2955, citing J.A. V 1244-1245, 1248, 1298, 1352, 1355, 1359, 1381); UMF 87 (J.A. XI 2957, citing J.A. V 1244-1245, 1309-1310); UMF 93 (J.A. XI 2959, citing J.A. V 1200).

existence,[5] or the amount of ammunition fired in particular types of firearms. They also have no special access to this information, if it should exist. In such technical matters, where the risk of inconsistent determinations is omnipresent, officers need specificity as much as the public and the courts do.

In *Harrot v. County of Kings*, 108 Cal.Rptr.2d 445, 25 P.3d 649, 25 Cal.4th 1138 (Cal. 2001), this Court quoted a letter from Senator Don Rogers to the governor requesting the governor's signature on Senate Bill No. 2444, the bill which required the Attorney General to produce an "Identification Guide" for so-called "assault weapons." Letter to Governor Deukmejian Re: Sen. Bill No. 2444 (1989-1990 Reg. Sess.) Aug. 23, 1990. In that letter, Sen. Rogers stated:

> [A] great many law enforcement officers who deal directly with the public are not experts in specific firearms identification . . . . [¶] There are numerous makes and models of civilian military-looking semi-automatic firearms which are not listed by California as "assault weapons" but which are very similar in external appearance. This situation sets the stage for honest law-enforcement mistakes resulting in unjustified confiscations of non-assault weapon firearms. Such mistakes, although innocently made, could easily result in unnecessary, time-consuming, and costly legal, actions both for law enforcement and for the lawful firearms owners affected.

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[5] It has been estimated that there are over 300 million civilian firearms in the United States. William J. Krouse, *Gun Control Legislation* (Congressional Research Service) 8 (Nov. 14, 2012). There is no inventory of what cartridges those firearms use.

Harrot, 108 Cal.Rptr.2d at 452, n.4.

Senator Rogers thus saw it as necessary to "assur[e] that law enforcement officers are assisted in the proper performance of their duties through having at their disposal a reliable means of accurately identifying each listed 'assault weapon.'" *Id.* Without the "Identification Guide," it was too likely that law enforcement officers would interpret and apply the law in an arbitrary and discriminatory manner because each officer's understanding of what constitutes an "assault weapon" could too easily differ from the next officer's understanding.

This Court agreed, stating that "[n]ot only would ordinary citizens find it difficult, without the benefit of the Identification Guide, to determine whether a semiautomatic firearm should be considered an assault weapon, ordinary law enforcement officers in the field would have similar difficulty." *Id.*

The problem posed for law enforcement by the Challenged Provisions is even more severe. Law enforcement officers would be required to be able to identify a thousand or more cartridges, and also to somehow know the characteristics of the pool of rifles and handguns in existence, and how frequently those cartridges were used or intended to be used in such firearms.

Testimony in this case explicitly established that they do not know those things. Plaintiff Sheriff Clay Parker, a highly experienced and respected law enforcement officer, testified under oath in this case:

> I am responsible for determining the policies of the Tehama County Sheriff's office, including a determination of what ammunition is regulated as "handgun ammunition" under [the Challenged Provisions]. I do not know what types of ammunition are "principally for use in'" a handgun....
> Without any further guidelines as to what types of ammunition are "handgun ammunition" under [the Challenged Provisions], I am unable to enforce these laws equitably because I do not know what types of ammunition are "handgun ammunition."

J.A. VIII 2071.

Similarly, as noted by the Court of Appeal, Stephen Helsley, the former Chief of the California Department of Justice (DOJ) Bureau of Forensic Services and former Assistant Director of the DOJ Investigation and Enforcement Branch, could also not make such a determination:

> Mr. Helsley attested that virtually all modern ammunition can be used interchangeably in a rifle or a handgun, and whether a given cartridge is used in one or the other is ultimately determined by the "needs and desires of the end user." He further declared: "There is no generally accepted definition of 'handgun ammunition,' nor any commonly understood delineation between 'handgun ammunition' and other ammunition used in the firearms industry, let alone one that allows [a person] to determine whether certain cartridges are 'principally for use' in handguns."

Slip Op. 8. Other declarations by law enforcement officials and local and internet ammunition vendors confirmed that persons with extensive knowledge and experience regarding ammunition and firearms cannot make

a determination as to whether certain cartridges are "principally for use" in handguns. Slip Op. 8-9. If these individuals cannot make such a determination, the average police officer cannot do so, either. Requiring them to do so without a sufficient legislative definition is a formula for inconsistent and arbitrary enforcement, despite the best of intentions.

IV. THE CHALLENGED PROVISIONS CREATE POTENTIAL LIABILITY FOR LAW ENFORCEMENT AND WILL WASTE ENFORCEMENT RESOURCES.

The Challenged Provisions also create risk and waste for law enforcement. If in applying the vague definition in § 16650, subd. (a) an officer makes what is later believed to be a wrong determination, he or she may be subject to suit for wrongful arrest. At minimum, attempts by law enforcement to apply this vague definition to vendors and citizens will generate mistrust with the citizenry, since every enforcement officer and every person against whom the law is enforced will have their own view as to whether particular ammunition is "principally for use" in handguns. This is especially true when citizens believe (correctly) that they are exercising a fundamental, enumerated constitutional right.

There is also a considerable risk of failed prosecutions and waste of law enforcement resources. The Fifth Appellate District Court of Appeal decided a case that, although it was depublished and no longer has precedential value, illustrates exactly some of the harms from which *amici* are interested in protecting law enforcement personnel. In that case, *People*

v. Saleem, 180 Cal.App.4th 254, 102 Cal. Rptr. 3d 652 (Cal. App. 2009), a previously convicted felon was appealing his subsequent conviction for violation of California's prohibition on felons wearing "body armor."[6] This court deemed the statute under which *Saleem* was convicted to be void for vagueness, explaining that, if "only an expert would know if any particular protective body vest was proscribed by section 12370," "then we do not see how, without providing something like an official list of prohibited vests, the statute can be said to provide either fair notice to a defendant or meaningful guidelines to the officer on the street." *Saleem*, 180 Cal.App.4th at 274.

Body armor consists of a fairly limited universe, but cartridges run into the thousands. Since in every prosecution only one or two kinds of cartridges are likely to be involved, it will take decades for the courts to consider on a case-by-case basis which particular cartridges are "principally for use" in a handgun. During that time, the law will remain uncertain, and extensive useless litigation will result.

Police officers will also have to go through the thumbprinting and other recordkeeping requirements when they purchase ammunition from a vendor for their personal training or use. *See* § 30352, subd. (b) (no exception for individual law enforcement officers). The Challenged

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[6] *Saleem* was depublished because it was appealed to this Court but, before the case could be heard, legislation was passed redefining "body armor" and the State did not pursue the appeal further, considering the matter moot.

Provisions may also prevent, or at least complicate and make more expensive, the acquisition of bulk ammunition over the internet for training purposes. Although there is an exception to the "face to face" requirement for transfers made to peace officers, that exception may well not apply to training organizations, training facilities, clubs, and other organizations through which law enforcement officers often maintain proficiency. (There is also no exception to the "face to face" requirement for transfers *by* peace officers). Indeed, there is a real risk that internet vendors will cease shipping ammunition to or within California altogether, to avoid the uncertainties and possible criminal liability created by the vagueness of the Challenged Provisions.

CONCLUSION

The decision of the Court of Appeal, holding the Challenged Provisions to be unconstitutionally vague, should be affirmed.

Respectfully submitted,

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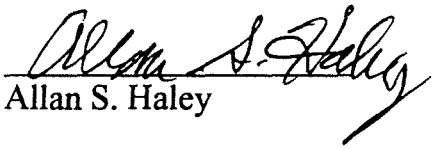
Date: October 29, 2014

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 8.204, subdivision (c)(1), of the California Rules of Court, I hereby certify that the attached Respondents' Brief is double spaced, typed in Times New Roman proportionally spaced 13-point font, and the brief contains 4,288 words of text, including footnotes, as counted by the Microsoft Word word-processing program used to prepare the brief.

Dated: October 29, 2014



Allan S. Haley

Counsel for *Amici Curiae*

[PROPOSED] ORDER

Upon consideration of the application of Western States Sheriffs' Association *et al.* for leave to file an *Amici Curiae* Brief in support of Plaintiffs and Respondents, the Court orders as follows:

The application of Western States Sheriffs' Association *et al.* for leave to file its *Amici Curiae* Brief is granted, and the Brief is hereby filed.

Date: _____ _____

Chief Justice

PROOF OF SERVICE

SHERIFF CLAY PARKER ET AL.
v.
THE STATE OF CALIFORNIA ET AL.

Supreme Court of California, Case No. S215265

I, Janet O. Rossman, declare as follows:

I am employed with Haley & Bilheimer, 505 Coyote Street, Ste. A, Nevada City, CA 95959. I am over the age of eighteen years, and am not a party to the within action.

On October 29, 2014, I served the following: described as

APPLICATION OF WESTERN STATES SHERIFFS' ASSOCIATION, LAW ENFORCEMENT ALLIANCE OF AMERICA, INTERNATIONAL LAW ENFORCEMENT EDUCATORS AND TRAINERS ASSOCIATION, LAW ENFORCEMENT LEGAL DEFENSE FUND, LAW ENFORCEMENT ACTION NETWORK, CALIFORNIA RESERVE PEACE OFFICERS ASSOCIATION, AND TWENTY-ONE INDIVIDUAL CALIFORNIA SHERIFFS TO FILE *AMICI CURIAE* BRIEF; *AMICI CURIAE* BRIEF OF WESTERN STATES SHERIFFS' ASSOCIATION ET AL. IN SUPPORT OF PLAINTIFFS AND RESPONDENTS

on the interested parties in this action by placing a true and correct copy thereof enclosed in sealed envelope(s) addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

X (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Nevada City, California.
Executed on October 29, 2014, at Nevada City, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on October 29, 2014, at Nevada City, California.

Janet O. Rossman

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