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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO. C09-2143 RS
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET) **DECLARATION OF SHELDON PAUL**
ROBINSON, NATIONAL RIFLE) **COLVIN IN SUPPORT OF MOTION FOR**
13 ASSOCIATION OF AMERICA, INC. ,SAN) **PRELIMINARY INJUNCTION**
FRANCISCO VETERAN POLICE)
14 OFFICERS ASSOCIATION,)

15 Plaintiffs)

16 vs.)

17 CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF SAN)
18 FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
19 DEPARTMENT, in their official capacities,)
and DOES 1-10,)

20 Defendants.)
21

DECLARATION OF SHELDON PAUL COLVIN

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2 1. I, Sheldon Paul Colvin, am a plaintiff in the above-entitled action. I make this
3 declaration of my own personal knowledge and, if called as a witness, I could and would testify
4 competently to the truth of the matters set forth herein.

5 2. I am a eighty-seven-year-old man and resident of the City and County of San
6 Francisco, where I currently live alone.

7 3. I am a law-abiding adult who is not prohibited from owning firearms under the laws of
8 the United States and the state of California.

9 4. I currently own at least one lawfully acquired and possessed handgun that I keep in
10 my home for self-defense purposes.

11 5. In accordance with San Francisco Police Code section 4512, my handguns are
12 currently stored in a combination-locked safe at all times when not carried on my person. I
13 presently want to store my handgun unlocked and operable for immediate self-defense and, but
14 for section 4512, I would not store my handgun in a locked container at all times. If this court
15 declares section 4512 invalid or otherwise enjoins its enforcement, I would keep my handgun
16 operable within my home, i.e., not disabled by a trigger lock or stored in a locked container.

17 6. My handgun is currently stored in a large, combination-locked safe in my garage. At
18 this time, I do not own a small, gun safe appropriate to keep in my bedroom. I am concerned
19 about my ability to quickly and effectively retrieve my handgun in time to defend myself against
20 a violent intruder. For example, if I heard an intruder break into my home in the middle of the
21 night, I would have to rise from my bed, go to the garage, remember and enter the correct
22 combination (under the stress of the emergency), open the safe, and retrieve my firearm, before
23 being in the position to defend myself. That is not an easy task, especially at my age.

24 7. San Francisco Police Code section 4512 requires me to keep my handgun in a locked
25 container or disabled by a trigger lock at all times when not carried on my person. It is impractical
26 and dangerous to keep a loaded firearm attached to my body while I sleep. Storing my handgun in
27 a locked container or disabled by a trigger lock at all times when not carried as required by the
28 law greatly impedes my ability to access an operable firearm for immediate self-defense in my

1 home.

2 8. Because San Francisco Police Code section 4512 requires me to store my handgun in a
3 locked safe or disabled with a trigger lock at all times when not carried on my person, I am
4 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
5 individual, fundamental right to keep an unlocked and loaded firearm in my home for self-defense
6 purposes.

7 9. Because San Francisco Police Code section 4512 requires me to store my handgun in a
8 locked safe or disabled with a trigger lock at all times when not carried on my person, I am
9 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
10 individual, fundamental right to have an operable firearm available for immediate self-defense in
11 my home.

12 10. But for San Francisco Police Code section 613.10(g), I presently intend to purchase
13 expanding and fragmenting ammunition that is currently prohibited from sale and purchase under
14 section 613.10(g) within the City and County of San Francisco from a licensed firearms and/or
15 ammunition retailer for the purpose of self-defense in my home. If this court declares section
16 613.10(g) invalid or otherwise enjoins its enforcement, I would immediately purchase such
17 ammunition within the City and County of San Francisco for self-defense in my home.

18 11. Because San Francisco Police Code section 613.10(g) prohibits the sale and purchase
19 of expanding and fragmenting ammunition within the City and County of San Francisco, I am
20 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
21 individual, fundamental right to acquire ammunition commonly used for in-home self-defense.

22 12. But for San Francisco Police Code section 613.10(g), I presently intend to purchase
23 ammunition in the City and County of San Francisco from a licensed firearms and/or ammunition
24 retailer for the purpose of self-defense in my home regardless of whether such ammunition serves
25 a “sporting purpose” to City’s satisfaction. If this court declares section 613.10(g) invalid or
26 otherwise enjoins its enforcement, I would purchase such ammunition within the City and County
27 of San Francisco for self-defense in my home.

28 13. Because San Francisco Police Code section 613.10(g) prohibits the sale and purchase

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of ammunition that serves "no sporting purpose" in the City and County of San Francisco, I am currently, and will continue to be, irreparably harmed by the ongoing deprivation of my individual, fundamental right to acquire ammunition commonly used for in-home self-defense.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on August 28, 2012.


Sheldon Paul Colvin

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS
5 THOMAS BOYER, LARRY BARSETTI,)
6 DAVID GOLDEN, NOEMI MARGARET)
7 ROBINSON, NATIONAL RIFLE) CERTIFICATE OF SERVICE
8 ASSOCIATION OF AMERICA, INC., SAN)
9 FRANCISCO VETERAN POLICE)
10 OFFICERS ASSOCIATION,)
11 Plaintiffs)
12 vs.)
13 CITY AND COUNTY OF SAN)
14 FRANCISCO, THE MAYOR OF SAN)
FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
DEPARTMENT, in their official capacities,)
and DOES 1-10,)
Defendants.)

15 IT IS HEREBY CERTIFIED THAT:

16 I, the undersigned, am a citizen of the United States and am at least eighteen years of age.
17 My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

18 I am not a party to the above-entitled action. I have caused service of:

19 **DECLARATION OF SHELDON PAUL COLVIN IN SUPPORT OF MOTION FOR
20 PARTIAL JUDGMENT ON THE PLEADINGS**

21 on the following party by electronically filing the foregoing with the Clerk of the District Court
22 using its ECF System, which electronically notifies them.

23 Wayne Snodgrass, Deputy City Attorney
24 Christine Van Aken, Deputy City Attorney
25 Office of the City Attorney
26 1 Drive Carlton B. Goodlett Place
27 City Hall, Room 234
28 San Francisco, CA 94102

29 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
30, 2012.

31 /s/ C. D. Michel
32 _____
33 C. D. Michel
34 Attorney for Plaintiffs