

COPY

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EUGENE EVAN BAKER  
6  
7

8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 EUGENE EVAN BAKER,  
12 Plaintiff,  
13 vs.

14 ERIC H. HOLDER, JR., in his  
official capacity as ATTORNEY  
15 GENERAL OF THE UNITED STATES,  
with offices at 950  
16 Pennsylvania Avenue, N.W.,  
Washington, D.C., 20530-0001  
17

18 Defendant.

Case No:

CV 10 3996

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

19 PRELIMINARY STATEMENT

20 1. This is an action for declaratory and injunctive relief in  
21 order that plaintiff EUGENE EVAN BAKER (hereinafter "plaintiff" or  
22 "BAKER") may lawfully own, possess and use a firearm in the exercise  
23 of his rights under the Second Amendment to the Constitution of the  
24 United States although he was convicted in the State of California  
25 of a misdemeanor crime of domestic violence in 1997, because, in  
26 2002, that state conviction was expunged and set-aside without  
27 permanent restriction pursuant to California law, and said  
28 / / /

FILED  
10 MAY 27 PM 12:51  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: \_\_\_\_\_

1 expungement and set-aside exempts him from the reach of 18 U.S.C.  
2 §922(g)(9) pursuant to 18 U.S.C. §921(a)(33)(B)(ii).

3 JURISDICTION AND VENUE

4 2. This court has jurisdiction pursuant to the Second Amendment  
5 to the Constitution of the United States; 28 U.S.C. §1331 (federal  
6 question jurisdiction); 28 U.S.C. §§2201 and 2202 (Declaratory  
7 Judgment Act); 18 U.S.C. §§921(a)(33)(B)(ii) and 922(g)(9) (firearms  
8 regulation) and Rule 57 of the Federal Rules of Civil Procedure.

9 3. Venue in the Central District of California is proper under  
10 28 U.S.C. §1391(e), as Mr. BAKER, the plaintiff, resides herein, no  
11 real property is involved in this action and because defendant  
12 Attorney General ERIC H. HOLDER, Jr., has offices within this  
13 District.

14 PARTIES

15 4. Plaintiff EUGENE EVAN BAKER is a citizen of the United  
16 States and a resident of the City of Somis, California.

17 5. Defendant ERIC H. HOLDER, Jr., is the Attorney General of  
18 the United States, and, as the chief law enforcement officer of the  
19 government of the United States, would be responsible for the  
20 prosecution of Mr. BAKER pursuant to 18 U.S.C. §922(g)(9) should Mr.  
21 BAKER be found to own, possess or use a firearm. Attorney General  
22 HOLDER is being sued in his official capacity only.

23 6. An actual controversy presently exists between the parties  
24 concerning Mr. BAKER's susceptibility to prosecution for a future  
25 alleged violation of 18 U.S.C. §922(g)(9). That controversy is  
26 justiciable in character and there is no plain, speedy or adequate  
27 relief necessary to ensure plaintiff's constitutional rights.

28 / / /

1       7. A declaratory judgment will terminate the uncertainty and  
2 controversy between the parties.

3       8. A permanent injunction, enjoining defendant from enforcing  
4 18 U.S.C. §922(g)(9) against plaintiff for so long as he remains  
5 free of any disqualifying criminal conviction, will protect  
6 plaintiffs' rights after the final resolution of these proceedings.

7  
8                                   OPERATIVE FACTS

9       9. On September 29th, 1997, in the (then) Ventura County  
10 Municipal Court, plaintiff, was convicted upon his plea of Nolo  
11 Contendere of violating California Penal Code §273.5(a) (hereafter  
12 "§273.5(a)"), [Infliction of Corporal Injury on Current or Former  
13 Spouse or Cohabitant] as a misdemeanor. The events giving rise to  
14 the above-stated prosecution did not involve the use of firearms.

15       10. On October 20<sup>th</sup>, 1997, Plaintiff was sentenced to a three  
16 year probationary sentence with certain terms and conditions; among  
17 which was a condition that he "not own, possess, or have access to  
18 any firearm or dangerous weapon" for a period of 10 years pursuant  
19 to California Penal Code §12021(c)(1) [hereafter "§12021(c)(1)"].

20       11. Plaintiff successfully completed all of the terms of his  
21 probation involving the performance or non-performance of certain  
22 acts and, on February 24<sup>th</sup>, 2002, submitted his application for  
23 expungement and set-aside pursuant to California Penal Code §§1203.4  
24 [hereafter §1203.4"]. The Ventura County form utilized by plaintiff  
25 is a joint application and Order form for expungement and set-aside  
26 under both §1203.4 [including all provisions of §1203.4] and  
27 California Penal Code §1203.4a. §1203.4a addresses those convicted  
28 of a misdemeanor but not granted probation, but since plaintiff was

1 granted probation, all future mentions of the expungement and set-  
2 aside of his §273.5(a) conviction will reference §1203.4.

3 12. On June 19<sup>th</sup>, 2002, Judge Clark of the Ventura County  
4 Superior Court granted the motion under §1203.4 and signed an Order,  
5 thereby ordering the within conviction be set aside, a plea of not  
6 guilty be entered, and the original criminal complaint dismissed.  
7 (Attached hereto is Exhibit 1, a copy of said signed Order, and  
8 incorporated herein by reference as though fully set forth at this  
9 place.)

10 13. Exhibit 1, did not contain any language that plaintiff, as  
11 an individual, was thereafter uniquely prohibited from personally  
12 shipping, transporting, possessing, or receiving firearms once the  
13 10 year suspension of his gun rights pursuant to §12021(c)(1) ended.

14 14. The 10 year suspension of his firearm rights remained in  
15 force until it expired on October 20<sup>th</sup>, 2007. From the date of his  
16 1997 arrest to the present, including his probationary term and the  
17 entire 10 year term of §12021(c)(1), plaintiff has never been  
18 convicted, charged or even accused of any other criminal behavior.

19 15. In early June, 2009, plaintiff inquired of the personnel at  
20 Ojai Valley Surplus, a Federally licensed firearms dealer, located  
21 in Ojai, Ventura County, California; if he was legally entitled to  
22 purchase a firearm. After said personnel performed a necessary  
23 suitability check, he was informed that he was barred from  
24 purchasing a firearm pursuant to 18 U.S.C. §922(g)(9).

25 16. On March 11, 2010, plaintiff appeared with counsel in the  
26 Ventura County Superior Court and moved for an Order declaring that  
27 he was legally entitled under both California and Federal law to  
28 purchase and own a firearm.

1        17. The Court (Judge Edward Brodie, presiding), after stating  
2 that although he could not and would not make any order "regarding  
3 federal law," granted plaintiff's motion and signed an amended Order  
4 declaring that plaintiff "is entitled to purchase, own and possess  
5 firearms consistent with the laws of the State of California."  
6 (Attached hereto are Exhibit 2, a copy of the transcript of said  
7 proceeding, and Exhibit 3, a copy of said amended Order, both  
8 incorporated herein by reference as though fully set forth at this  
9 place.)

10       18. Plaintiff desires to purchase one or more firearms for his  
11 personal protection and the protection of his family and property  
12 but does not wish to run the risk of being arrested, charged,  
13 convicted and punished pursuant to 18 U.S.C. §922(g)(9) in the  
14 attempted exercise of his Second Amendment rights.

15                    RELEVANT CALIFORNIA PENAL STATUTES

16       19. Mr. BAKER was convicted of violating California Penal Code  
17 §273.5(a) on October 29, 1997. §273.5(a), in relevant part,  
18 provides:

19                    "Any person who willfully inflicts upon a  
20 person who is his or her spouse, former spouse,  
21 cohabitant, former cohabitant, or the mother or  
22 father of his or her child, corporal injury  
23 resulting in a traumatic condition, is guilty of  
24 a felony, and upon conviction thereof shall be  
punished by imprisonment in the state prison for  
two, three, or four years, or in a county jail  
for not more than one year, or by a fine of up  
to six thousand dollars (\$6,000.00) or by both  
that fine and imprisonment."

25       20. All persons convicted of violating §273.5(a) are subject to  
26 a statutory 10-year - not lifetime - ban on firearm possession  
27 pursuant to Penal Code §12021(c)(1):

28       / / /

1 "Except as provided in subdivision (a) or  
2 paragraph (2) of this subdivision, any person  
3 who has been convicted of a misdemeanor  
4 violation of Section ..., 273.5, ..., and who,  
5 within 10 years of the conviction, owns,  
6 purchases, receives, or has in his or her  
possession or under his or her custody or  
control, any firearm is guilty of a public  
offense, which shall be punishable by  
imprisonment in a county jail not exceeding one  
year or in the state prison, ... ."

7 21. California Penal Code §1203.4 provides the means whereby  
8 those who have successfully completed a grant of probation after  
9 having been convicted of certain penal offenses may petition the  
10 court to grant expungement and set-aside relief. In relevant part,  
11 §1203.4 provides:

12 "(a) In any case in which a defendant has  
13 fulfilled the conditions of probation for the  
14 entire period of probation, or has been  
15 discharged prior to the termination of the  
16 period of probation, or in any other case in  
17 which a court, in its discretion and the  
18 interests of justice, determines that a  
19 defendant should be granted the relief available  
20 under this section, the defendant shall, at any  
21 time after the termination of the period of  
22 probation, if he or she is not then serving a  
23 sentence for any offense, on probation for any  
24 offense, or charged with the commission of any  
offense, be permitted by the court to withdraw  
his or her plea of guilty or plea of nolo  
contendere and enter a plea of not guilty; or,  
if he or she has been convicted after a plea of  
not guilty, the court shall set aside the  
verdict of guilty; and, in either case, the  
court shall thereupon dismiss the accusations or  
information against the defendant and except as  
noted below, he or she shall thereafter be  
released from all penalties and disabilities  
resulting from the offense of which he or she  
has been convicted, ... .

Dismissal of an accusation or information  
pursuant to this section does not permit a  
person to own, possess, or have in his or her  
custody or control any firearm or prevent his or  
her conviction under Section 12021. ... ."

27 / / /

28 / / /

1        22. Thus, all persons who have been convicted in a California  
2 court of misdemeanor spousal abuse are, without doubt, subject to a  
3 10-year ban on firearm possession pursuant to §12021(c)(1). §1203.4  
4 takes cognizance of this fact by recognizing that whatever time  
5 remains of the 10-year ban stays in full force and effect until the  
6 entire ten years have elapsed, thereby delaying the full  
7 implementation of the benefits of §1203.4 until that date. However,  
8 once those ten years have ended, assuming no further criminal  
9 behavior (as here), there is no longer any California restriction  
10 whatsoever upon an individuals right to "own, possess, or have in  
11 his or her custody or control any firearm, ... ."

12                    RELEVANT FEDERAL FIREARM LAW

13        23. The Second Amendment to the Constitution of the United  
14 States reads: "A well regulated militia, being necessary to the  
15 security of a free state, the right of the people to keep and bear  
16 arms, shall not be infringed."

17        24. 18 U.S.C. §922(g)(9) reads: "It shall be unlawful for any  
18 person...who has been convicted in any court of a misdemeanor crime  
19 of domestic violence [hereafter, "MCDV"], to ship or transport in  
20 interstate or foreign commerce, or possess in or affecting commerce,  
21 any firearm or ammunition; or to receive any firearm or ammunition  
22 which has been shipped or transported in interstate or foreign  
23 commerce."

24        25. 18 U.S.C. §921(a)(33)(A)(i) defines a "MCDV." There is no  
25 dispute that the California crime for which Mr. BAKER was convicted  
26 is an "MCDV," and, unless he qualifies for an exception to 18 U.S.C.  
27 §922(g)(9), he would be subject to a lifetime ban on firearm  
28 possession.

1        26. 18 U.S.C. 921(a)(33)(B)(ii), provides the mechanism whereby  
2 the state expungement and set-aside of a conviction for an "MCDV"  
3 renders that conviction nugatory thereby reviving ones right to bear  
4 arms:

5                "A person shall not be considered to have been  
6 convicted of such an offense for purposes of  
7 this chapter if the conviction has been expunged  
8 or set aside, or is an offense for which the  
9 person has been pardoned or has had civil rights  
10 restored (if the law of the applicable  
jurisdiction provides for the loss of civil  
rights under such an offense) unless the pardon,  
expungement, or restoration of civil rights  
expressly provides that the person may not ship,  
transport, possess, or receive firearms."

11                                FIRST CLAIM FOR RELIEF

12                                DECLARATORY RELIEF

13        THE EXPUNGEMENT AND SET-ASIDE OF HIS 1997 MISDEMEANOR CONVICTION  
14        PERMITS MR. BAKER TO POSSESS AND OWN A FIREARM PURSUANT TO THE  
15        SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

16        27. The allegations of Paragraphs 1 through 26 are repeated as  
17 if fully set forth herein.

18        28. Plaintiff seeks Declaratory Relief on the ground that  
19 §1203.4's inclusionary reference that "Dismissal of an accusation or  
20 information pursuant to this section does not permit a person to  
21 own, possess, or have in his or her custody or control any firearm  
22 or prevent his or her conviction under Section 12021. . . ." serves  
23 to recognize the fact that is merely a recognition that all persons  
24 granted relief under §1203.4 must still obey all laws of the State  
25 of California. When Mr. BAKER applied for and obtained relief under  
26 §1203.4 he was still within the ten-year suspension of his Second  
27 Amendment rights under §12021(c)(1) and could not - at that time and  
28 until the full ten years had passed - possess a firearm. Pursuant



1 to California law, when that period ended and he was no longer  
2 subject to the temporal restriction of §12021(c)(1), he was lawfully  
3 eligible to possess firearms.

4       29. Exhibit 3, the most recent Order of Ventura Superior Court  
5 Judge Edward Brodie, declared that plaintiff "is entitled to  
6 purchase, own and possess firearms consistent with the laws of the  
7 State of California."

8       30. Further, 18 U.S.C. §921(a)(33)(B)(ii) holds that a person  
9 having been convicted of an "MCDV" shall not be considered to have  
10 been convicted if that "conviction has been expunged or set aside"  
11 unless "unless the pardon, expungement, or restoration of civil  
12 rights expressly provides that the person may not ship, transport,  
13 possess, or receive firearms." The relief granted plaintiff under  
14 §1203.4, as one having been convicted of an "MCDV," is unlimited but  
15 merely postpones the right to exercise Second Amendment rights until  
16 the ten-year ban on firearm possession under §12021(c)(1) has ended.  
17 Exhibit 1 contains no language remotely similar to the "unless the  
18 pardon, expungement, or restoration of civil rights expressly  
19 provides that the person may not ship, transport, possess, or  
20 receive firearms" provision of 18 U.S.C. §921(a)(33)(B)(ii).

21       31. Inasmuch as the relief afforded by §1203.4 complies with  
22 the provisions of 18 U.S.C. §921(a)(33)(B)(ii) providing relief from  
23 the lifetime ban on firearm possession imposed on those convicted of  
24 an "MCDV" by 18 U.S.C. §922(g)(9), plaintiff is eligible under  
25 federal law to possess firearms and ammunition.

26       32. Plaintiff seeks a Declaration pursuant to 18 U.S.C.  
27 §921(a)(33)(B)(ii) stating that his now-expunged and set-aside

28 / / /

1 California misdemeanor spousal abuse conviction does not render him  
2 eligible for prosecution under 18 U.S.C. §922(g)(9).

3 SECOND CLAIM FOR RELIEF

4 INJUNCTIVE RELIEF

5 UNITED STATES CONSTITUTION, SECOND AMENDMENT

6 33. The allegations of Paragraphs 1 through 32 are repeated as  
7 if fully set forth herein.

8 34. Plaintiff fears that despite the issuance of a Declaration  
9 that he does not come within the reach of 18 U.S.C. §922(g)(9), he  
10 will be susceptible to arrest for a violation of 18 U.S.C.  
11 §922(g)(9) unless defendant and his representatives are permanently  
12 enjoined from arresting him for so long as he does not come within  
13 the reach of 18 U.S.C. §922(g)(9).

14 35. Plaintiff further fears that despite the issuance of a  
15 Declaration that he does not come within the reach of 18 U.S.C.  
16 §922(g)(9), his name and other uniquely identifying information  
17 remains within the defendant's computerized records, lists and data-  
18 bases, and that for so long as this information remains in said  
19 computers and other repositories defendant and his representatives,  
20 who may be unaware of the issuance of the within-requested  
21 Declaration, may unknowingly arrest plaintiff based upon stale and,  
22 now, non-disqualifying information.

23 PRAYER FOR RELIEF

24 WHEREFORE, Plaintiff EUGENE EVAN BAKER respectfully asks that  
25 this Court enter a judgment in his favor and against the Defendant  
26 as follows:

27 1. Issue a judicial Declaration that the expungement and set-  
28 aside of his conviction of a misdemeanor crime of domestic violence

1 by a competent California Court removes EUGENE EVAN BAKER from the  
2 stricture of 18 U.S.C. §922(g)(9).

3 2. Issue a judicial Declaration that since October 20<sup>th</sup>, 2007,  
4 EUGENE EVAN BAKER has been entitled to exercise his rights under the  
5 Second Amendment to the Constitution of the United States and that  
6 he is entitled under federal law to purchase, own and possess  
7 firearms and ammunition without risk and threat of prosecution by  
8 Defendant and his representatives.

9 3. Enjoin the Defendant and his representatives from arresting  
10 and prosecuting EUGENE EVAN BAKER for any future alleged violation  
11 of 18 U.S.C. §922(g)(9) for so long as he remains free of any  
12 disqualifying conviction.

13 4. Order that all computers and other repositories of  
14 information relied upon by Defendant and his representatives  
15 concerning those allegedly prohibited from purchasing, owning and  
16 possessing a firearm pursuant to 18 U.S.C. §922(g)(9) be purged of  
17 all information and content concerning the person, arrest,  
18 conviction and sentencing of EUGENE EVAN BAKER.

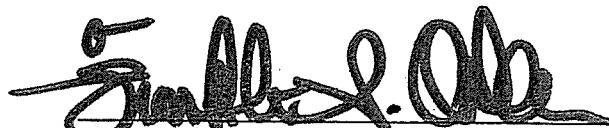
19 5. Award Plaintiff costs and fees pursuant to 28 U.S.C. §2412.

20 6. Provide such other relief as may be proper.

21 Dated: May 25, 2010.

22 Respectfully submitted,

23 LAW OFFICES OF FRANKLIN S. ADLER

24 

25 FRANKLIN S. ADLER  
26 Attorney for Plaintiff  
27 EUGENE EVAN BAKER  
28



VENTURA  
SUPERIOR COURT  
FILED

MAR 10 2010

MICHAEL D. PLANET  
Executive Officer and Clerk  
*E. M. R. D. L.* Deputy

LAW OFFICES OF FRANKLIN S. ADLER  
State Bar Number: 056417  
424 South Beverly Drive  
Beverly Hills, California 90212  
(310) 553-8533

Attorney for Defendant  
EUGENE EVAN BAKER

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

EUGENE EVAN BAKER,  
(Originally filed as  
EUGENE RYAN BAKER)

Defendant.

Case No: 97C008304

ORDER RESTORING SECOND  
AMENDMENT RIGHTS TO EUGENE  
EVAN BAKER

This matter came on regularly for hearing on 3-11-10,  
pursuant to a notice of motion filed herein by defendant. Counsel  
for the defendant and for the People both appeared. Counsel for  
the defendant moved in open court for an Order restoring the  
Second Amendment right to bear arms to defendant.

The Court, having read the moving papers submitted in this  
matter and having heard the arguments of counsel on the motion,  
and being advised in the premises;

/ / /

/ / /


/ / /

ORDER RESTORING 2<sup>nd</sup> AMEND. RIGHTS TO EUGENE EVAN BAKER

1 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that Mr.  
2 EUGENE EVAN BAKER, ~~Second Amendment Rights to Possess Firearms to~~  
3 ~~Firearms to Possess~~ is entitled to purchase, own and  
4 possess firearms consistent with the laws of the State of  
5 California.

6 A copy of this Order shall have the same force and effect as  
7 the original.

8 Dated: MARCH 11, 2010

9  
10  
11 

12 JUDGE OF THE SUPERIOR COURT

13 (Seal)  
14  
15  
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26  
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28

hereby certify that the annexed instrument  
is a true and correct copy of the original on file  
in my office. MICHAEL D. PLANET,  
Executive Officer and Clerk

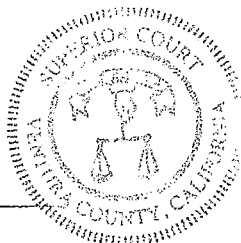
Dated

3-11-10

By

Chris Sturte

Deputy Clerk







COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

COURTROOM 12

HON. EDWARD BRODIE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

EUGENE RYAN BAKER,

Defendant.

No. 97C008304

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday, March 11, 2010

APPEARANCES:

For the People:

GREGORY TOTTEN  
District Attorney  
BY: LISA LYYTIKAINEN  
Deputy District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009

For the Defendant:

FRANKLIN S. ADLER  
Attorney at Law  
424 South Beverly Drive  
Beverly Hills, CA 90212

Reported By:

DENISE A. POTTS, CSR 3869  
Certified Shorthand Reporter

1 VENTURA, CALIFORNIA; THURSDAY, MARCH 11, 2010

2 A.M. SESSION

3 --oOo--

4 MS. LYYTIKAINEN: Good morning, your Honor. Would  
5 the Court please call the Eugene Baker matter. Lisa  
6 Lyytikainen on behalf of the People.

7 MR. ADLER: Frank S. Adler, A-d-l-e-r, on behalf of  
8 Mr. Baker, your Honor.

9 THE COURT: I didn't get a response from the People.  
10 Did you file one?

11 MS. LYYTIKAINEN: I did not, your Honor. I received  
12 this just a couple of days ago and my only argument to the  
13 Court is going to be this Court's not the proper venue for  
14 this matter to be heard.

15 THE COURT: You took the words right out of my  
16 mouth. He's asking me to somehow decide what federal law  
17 is. That's not my job.

18 MR. ADLER: Your Honor, if I may be heard, please.

19 THE COURT: You may, but it's clear that's what you  
20 want me to do. He is under no proscription against  
21 firearms in the State of California. He is under federal  
22 law, or not, depending on what some district court says.

23 MR. ADLER: Your Honor, this is the court where the  
24 prosecution was brought.

25 THE COURT: Matters not.

26 MR. ADLER: This is the court that took my client's  
27 gun rights away pursuant to 12021(c).

28 THE COURT: Pursuant to state law.

1 MR. ADLER: Pursuant to state law, that is correct,  
2 your Honor. There is no case or controversy pending in any  
3 federal jurisdiction involving my client. And I believe  
4 that as long as this court had jurisdiction over the  
5 initial prosecution, it can handle all matters relating to  
6 that prosecution, including the restoration of my client's  
7 gun rights.

8 THE COURT: I disagree.

9 MR. ADLER: California state courts both interpret  
10 and apply federal law every day and that's all we are  
11 asking to do. We are not even asking the Court to  
12 interpret the law. The law is quite clear on its face.  
13 And all we are asking the Court to do is apply that law in  
14 this case as the Court would apply Miranda in a Miranda  
15 interrogation or confession case, federal law in a  
16 wiretapping case. We are asking the Court to apply federal  
17 law in a case involving restoration of a client's firearm  
18 rights. And I believe this Court has the authority to do  
19 so.

20 THE COURT: I don't know where it would come from.  
21 I don't know of any federal authority that would honor any  
22 order that I made regarding federal law. It's not going to  
23 happen. And I didn't just get on the bench here yesterday,  
24 Counsel.

25 MR. ADLER: I'm certainly not saying that, your  
26 Honor. The federal law in question compels us to look to  
27 state law for interpretation. And according to state law,  
28 under 1203.4, the case was dismissed, there is no

1     proscription in state law against gun rights, federal law  
2     follows automatically.

3             THE COURT: I'm not buying it.

4             MR. ADLER: I take that as a no, your Honor?

5             THE COURT: The long and the short of it. Here's  
6     what I will do. I'm going to line out his second amendment  
7     right to bear arms is hereby fully restored. And my order  
8     will then say that Mr. Baker is entitled to purchase, own  
9     and possess firearms consistent with the laws of the State  
10    of California. But I'm not making any comments about  
11    federal law and how they see Mr. Baker's rights, that's not  
12    my job.

13            MR. ADLER: I appreciate the concern of the Court,  
14    your Honor.

15            THE COURT: So you're satisfied with that  
16    modification?

17            MR. ADLER: I have to speak -- I'm certainly  
18    satisfied with the modification, your Honor. I have to  
19    speak to my client to see if he wishes to pursue this  
20    matter further. But I do appreciate the Court's concern  
21    and ruling.

22            THE COURT: The order now reads that Mr. Eugene Ryan  
23    Baker is entitled to purchase, own and possess firearms  
24    consistent with the laws of the State of California. And I  
25    have signed that order.

26            MR. ADLER: Thank you, your Honor.

27            MS. LYYTIKAINEN: Thank you.

28                    (Proceedings concluded.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

EUGENE RYAN BAKER,

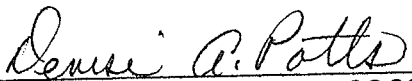
Defendant.

No. 97C008304

Reporter's  
Certificate

I, DENISE A. POTTS, CSR 3869, Certified  
Shorthand Reporter of the State of California, for the  
County of Ventura, do hereby certify that the foregoing  
pages numbered 1 through 3, inclusive, are a full, true and  
correct transcript of the proceedings held on March 11,  
2010, in the above-entitled cause.

Dated at Ventura, California, this 14th day  
of March 2010.

  
DENISE A. POTTS, CSR 3869  
Certified Shorthand Reporter



RECEIVED

FEB 24 2001

Superior Court Clerk  
Ventura County

The people of the State of California,

VENTURA COUNTY MUNICIPAL COURT  
State of California

VENTURA/SIMI VALLEY DEPARTMENT

VENTURA  
SUPERIOR COURTS  
FILED

JUN 19 2002

MICHAEL D. PLANET

Executive Officer and Clerk  
BY: [Signature], Deputy

Case Number 97C008304

Plaintiff,

vs.

EUGENE RYAN BAKER

Defendant.

DECLARATION AND  
APPLICATION BY DEFENDANT --  
PENAL CODE SECTION 1203.4/1203.4a

1. My date of birth is 10 - 5 - 61, my driver's license number is X587794154 CM
2. On the date of September 29, 1997, I was convicted of the misdemeanor offense(s) of violation of Section(s) 273.5(A) - Penal Code
3. I was:  
☒ placed on probation, and I have fulfilled all the conditions of probation for the entire time required.  
☐ sentenced more than one year ago, without probation, and I have fully complied with the sentence.
4. I am not now charged with, serving a sentence for, or on probation for any offense. Since being sentenced or placed on probation in this case, I have lived an honest and upright life, have conformed to and obeyed the laws of the land, and have not been convicted, arrested, or given a citation (ticket) except \_\_\_\_\_
5. I request that the conviction be set aside, that a plea of not guilty be entered, and that the court dismiss this action pursuant to the provisions of Section 1203.4/1203.4a of the Penal Code.
6. I understand that the requested dismissal: (a) will not affect any revocation or suspension of my driving privilege, (b) will not prevent this conviction from being pleaded and proved in any subsequent prosecution, and (c) will not relieve me of the obligation to disclose the conviction in response to a direct question in any questionnaire or application for public office or for licensure by any state or local agency.

I declare under penalty of perjury that the foregoing is true and correct. Signed on X 2/24/01 (DATE)  
at X SOMERS (PLACE), California.

X [Signature]  
SIGNATURE OF DEFENDANT

EUGENE RYAN BAKER  
TYPE OR PRINT NAME OF DEFENDANT

X 46 Bristol St. Worcester, MA 01606  
ADDRESS

CII and DMV cleared on \_\_\_\_\_ by [Signature]

ORDER

Pursuant to Penal Code Section 1203.4/1203.4a, it is ordered that the conviction be set aside, a plea of not guilty be entered, and the complaint is dismissed.

10.19.02

[Signature]