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CLERK U.S. DISTRICT COURT  
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LOS ANGELES

BY: \_\_\_\_\_

8

1 Charles Nichols  
2 PO Box 1302  
3 Redondo Beach, CA 90278  
4 Voice: (424) 634-7381  
5 E-Mail: CharlesNichols@Pykrete.info  
6 In Pro Per  
7  
8  
9  
10

United States District Court  
Central District of California

11 Charles Nichols,

12 PLAINTIFF,

13 vs.

14 KAMALA D. HARRIS, Attorney

15 General, in her official capacity as

16 Attorney General of California

17  
18 Defendant.  
19  
20  
21

Case No.: CV-11-9916 SJO (SS)

**DECLARATION OF PLAINTIFF  
CHARLES NICHOLS IN SUPPORT  
OF HIS MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

22 I, Plaintiff In Pro Per Charles Nichols, declare as follows based on my  
23 personal knowledge:  
24

- 25 1. I am a resident of Los Angeles County.  
26 2. I reside in an incorporated city within Los Angeles County which does  
27 not have a chief of police.  
28

1           3. The front yard fence to my single-family residence facing the street is  
2 less than 3.5 feet in height.

3           4. I am a male.

4           5. I am 53 years of age.

5           6. Since this action was first filed on November 30, 2011, Defendant Harris  
6 has issued to me two Law Enforcement Gun Release letters authorizing the release  
7 of my single-shot shotgun then held by the City of Redondo Beach.

8           7. Such letters authorizing the release of a firearm can only be issued to  
9 persons who are not prohibited from possessing a firearm.

10          8. I am not prohibited under either California State or Federal law from  
11 purchasing or possessing a firearm.

12          9. I seek to exercise my Second Amendment right to openly carry handguns  
13 for the purpose of self-defense and for other lawful purposes, such handguns to be  
14 openly carried, not encased, both loaded and unloaded, in non-sensitive public  
15 places within incorporated cities and in non-sensitive places of unincorporated  
16 county territory where the Open Carry of handguns, both loaded and unloaded, is  
17 prohibited.

18          10. I seek to exercise my Second Amendment right to openly carry long  
19 guns for the purpose of self-defense and for other lawful purposes, such long guns  
20 to be openly carried, not encased, both loaded and unloaded, in non-sensitive  
21 public places within incorporated cities and in non-sensitive places of  
22 unincorporated county territory where the Open Carry of handguns, both loaded  
23 and unloaded, is prohibited.

24          11. I seek to exercise my Second Amendment right to openly carry  
25 firearms for the purpose of self-defense and for other lawful purposes, such  
26 firearms to be openly carried, not encased, both loaded and unloaded, in, within  
27 and on my motor vehicles, attached camper or trailer in non-sensitive public places  
28 within incorporated cities and in non-sensitive places of unincorporated county

1 territory where the Open Carry of firearms, both loaded and unloaded, is prohibited  
2 in, within and on my motor vehicles, in non-sensitive public places within  
3 incorporated cities and in non-sensitive places of unincorporated county.

4 12. I seek to be free from warrantless searches and seizures of my person  
5 and property and to be free to refuse to voluntarily consent to unlawful searches  
6 and seizures of my person and property pursuant to the Fourth Amendment of the  
7 United States Constitution when in a non-sensitive public place.

8 13. I seek to exercise my Second Amendment right to openly carry firearms  
9 for the purpose of self-defense and for other lawful purposes, such firearms to be  
10 openly carried, not encased, both loaded and unloaded, within the curtilage of my  
11 home.

12 14. I seek to be free from warrantless searches and seizures of my person  
13 and property and to be free to refuse to voluntarily consent to unlawful searches  
14 and seizures of my person and property pursuant to the Fourth Amendment of the  
15 United States Constitution within the curtilage of my home.

16 15. It takes several minutes to load a muzzle-loading revolver: to measure  
17 the charge, pour it into the chamber of the cylinder, properly seat the ball, ram the  
18 ball into the chamber, rotate the cylinder, repeat the process for each cylinder, seal  
19 each chamber with grease and cap each chamber.

20 16. It takes many seconds to load a muzzle-loading long gun.

21 17. It takes several seconds to load a modern semi-automatic firearm that  
22 uses metallic cartridges contained in a magazine.

23 18. It takes many seconds to load a modern single action revolver that uses  
24 metallic cartridges.

25 19. It takes many seconds to retrieve and load an unloaded modern firearm  
26 from a fully enclosed container. It takes many more seconds to unlock the  
27 container.  
28

1           20. Depending upon the distance one has ventured from his motor vehicle,  
2 retrieving a firearm from the motor vehicle trunk, assuming the motor vehicle has a  
3 trunk, can take a substantial amount of time.

4           21. An unloaded long gun, inside of a motor vehicle, substantially burdens  
5 my right to self-defense.

6           22. My motor vehicle does not have a trunk.

7           23. An unloaded firearm, fully encased, in a locked or unlocked container,  
8 substantially burdens my right to self-defense.

9           24. Prior to the enactment of the Mulford Act of 1967 which enacted, in  
10 part, former California Penal Code section 12031 which is now codified, in part, as  
11 California Penal Code section 25850 a firearm was considered to be loaded only if  
12 it had a live round in the firing chamber, or in the case of muzzle-loading firearms,  
13 if the firing chamber was uncapped or unprimed.

14           25. Firearms, which do not have mechanical safeties preventing the  
15 accidental discharge of a firearm, are best carried with the firing chamber empty  
16 and with live rounds in the cylinder or magazine.

17           26. I own firearms which do not have firing pin safeties and seek to carry  
18 them with an unloaded firing chamber.

19           27. I seek to openly carry modern firing reproductions of muzzle loading  
20 firearms, both loaded and unloaded, in the curtilage of my home, in non-sensitive  
21 public places of incorporated cities and in non-sensitive unincorporated county  
22 territory where it is prohibited, in and on my motor vehicles and in and on attached  
23 campers and trailers for the purpose of self-defense and for other lawful purposes.

24           28. I received a death threat via email which was reported to both the  
25 Attorney General and the Los Angeles Sheriff's department.

26           29. I attempted to file the police report (Dkt. # 10) which was rejected by  
27 this court (Dkt. # 11).  
28

1           30. I requested both an application and license from the Redondo Beach  
2 Chief of Police through his then attorney, the Redondo Beach City Attorney, to  
3 openly carry a loaded handgun.

4           31. The license was refused in an email from the City Attorney citing  
5 California law which precludes the issuance of a license to openly carry in counties  
6 with a population of 200,000 or more people.

7           32. Los Angeles County has a population of more than 200,000 people.

8           33. The conclusion of the Los Angeles Sheriff's Department Sergeant Inge  
9 was that someone who threatened to shoot me and called upon others to track me  
10 down and do the same was not committing a criminal offense because the email  
11 did not use the word "kill."

12           34. The Attorney General refused to prosecute.

13           35. I fear arrest, prosecution, fine and imprisonment were I to openly carry a  
14 firearm outside of my home. I refrain from doing so but have not completely  
15 abstained from doing so.

16           36. Beginning in January of 2015, I plan on traveling through the state and  
17 to visit every incorporated city and every County within the State of California and  
18 to openly carry firearms, loaded and unloaded, in non-sensitive public places in  
19 those incorporated cities (including the city and county of San Francisco) and  
20 unincorporated county territory and to carry them in and on my motor vehicle and  
21 in and on an attached camper or trailer.

22           37. Beginning in January of 2015, I plan on openly carrying firearms,  
23 loaded and unloaded, in non-sensitive public places in non-sensitive  
24 unincorporated county territory (including the city and county of San Francisco)  
25 and to carry them in and on my motor vehicle and in and on an attached camper or  
26 trailer.

27           38. I plan on carrying loaded and unloaded firearms within the curtilage of  
28 my home for the purpose of self-defense and for other lawful purposes. It is

1 impossible to predict when such a need will arise and therefore impossible to  
2 articulate a concrete plan.

3 39. To my knowledge, there are no permits or licenses available to me to  
4 carry a loaded or unloaded firearm for the purpose of self-defense and police chiefs  
5 and county sheriffs are prevented by state law from issuing licenses to private  
6 citizens to openly carry a loaded or unloaded firearm in counties with a population  
7 of 200,000 or more persons and such licenses are only theoretically available for  
8 handguns and only in those counties with a population of fewer than 200,000  
9 people and are only available in those counties to residents of those counties and  
10 are invalid outside of the county of issuance.

11 40. To my knowledge, cities and counties are free to enact local regulations  
12 restricting where and when persons with a CCW license may carry a weapon  
13 pursuant to the license even if there is no restriction placed on the license by the  
14 county sheriff or police chief that issued the license.

15 41. It is my understanding that except for certain exceptions, such as  
16 travelers while on a journey, carrying a concealed weapon falls outside the scope  
17 of the Second Amendment.

18 42. It is my understanding that I do not satisfy the Los Angeles Sheriff's  
19 Department "good cause" requirement for being issued a license to carry a loaded,  
20 concealable firearm and concealed carry substantially burdens my ability to defend  
21 myself even if I had a concealed carry license.

22 43. Defendant Harris has never promised to not enforce the laws at issue.

23  
24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed this 8th day of November, 2013.

26  
27 

28 Charles Nichols

CERTIFICATE OF SERVICE

On this, the 8th day of November, 2013, I caused to be served a copy of the foregoing **DECLARATION OF PLAINTIFF CHARLES NICHOLS IN SUPPORT OF HIS MOTION FOR PARTIAL SUMMARY JUDGMENT** by US Mail on:

Jonathan Michael Eisenberg  
Office of the California Attorney General  
Government Law Section  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
213-897-6505  
213-897-1071 (fax)  
jonathan.eisenberg@doj.ca.gov  
LEAD ATTORNEY / ATTORNEY TO BE NOTICED representing Kamala D Harris  
(Defendant).

Executed this the 8th day of November, 2013 by:

A handwritten signature in black ink, appearing to read 'Charles Nichols', is written over a horizontal line.

Charles Nichols