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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

United States District Court
Central District of California

Charles Nichols,

Plaintiff,

vs.

EDMUND G. BROWN, Jr., in his
official capacity as Governor of
California, KAMALA D. HARRIS,
Attorney General, in her official
capacity as Attorney General of
California, CITY OF REDONDO
BEACH, CITY OF REDONDO
BEACH POLICE DEPARTMENT,
CITY OF REDONDO BEACH
POLICE CHIEF JOSEPH LEONARDI
and DOES 1 to 10,
Defendants.

Case No.:

CV-11-9916 SJO (SS)

DECLARATION

OF

CHARLES NICHOLS

**IN OPPOSITION TO MOTION TO
DISMISS BY EDMUND G. BROWN,
Jr., in his official capacity as Governor
of California**

DECLARATION OF CHARLES NICHOLS

I, Charles Nichols, declare as follows:

1. I am a 52 year old male currently residing in Lawndale California, Los Angeles County, California. I am single and have no children.

2. I am presently self-employed as a writer. I was previously employed as an Engineer in Washington, Oregon and California.

3. While residing in Oregon, I was licensed to carry handguns concealed in both the states of Oregon and Washington. A license to carry a concealed handgun was necessary to be able to Openly Carry a loaded handgun in the few Oregon cities which required openly carried handguns to be unloaded within their city limits.

4. In, or around, August of 2002 I was in a riding accident which left me virtually bedridden with a severe back injury until September of 2007. In the winter of 2008, I suffered another injury to my back. I have never fully recovered and do not expect that I will ever fully recover from the injuries.

5. In the summer of 2002, shortly before my riding accident. I would often go hiking in the Oregon mountains. As I would occasionally pass by a fellow hiker, I carried my handgun concealed, even though I was free to openly carry a loaded handgun without a license. On one occasion, I encountered a cougar while hiking through tall brush. I instinctively went for the gun on my hip, which was not there. I wasted precious seconds retrieving my concealed handgun. Fortunately, the cougar was as surprised as I was and did not attack. I have learned from personal

1 experience that a concealed handgun provides a false sense of security and presents
2 a substantial burden to the bearer in a life or death situation.

3
4 6. I believe that an unloaded rifle or shotgun presents more than a substantial
5 burden to my ability to defend myself. Nor am I able to physically defend myself
6 from other than the weakest of attackers.

7
8 7. As I understand it, California law prevents me from openly carrying a loaded
9 firearm in all incorporated cities and unincorporated areas where the discharge of a
10 firearm is prohibited. As I understand it, the discharge of a firearm is prohibited
11 throughout Los Angeles County except in certain limited locations such as firing
12 ranges and in certain remote areas of the county while hunting.

13
14 8. As I understand it, California law prevents me from openly carrying a
15 handgun, loaded or unloaded, in all incorporated cities and prevents me from
16 openly carrying an unloaded handgun in unincorporated county areas where the
17 discharge of a firearm is prohibited.

18
19 9. I have openly carried an unloaded handgun in incorporated cities and in
20 unincorporated county territory before California law made it a crime to do so.

21
22 10. I have openly carried a loaded handgun in unincorporated county territory
23 where, and when, it was legal.

24
25 11. I would openly carry a loaded handgun for the purpose of self-defense if
26 confronted but would not seek out confrontation and would avoid confrontation if
27 reasonably afforded the opportunity to do so.

1 12. I refrain from openly carry a loaded handgun or long gun in non-sensitive
2 public places because I would in all certainty be arrested, prosecuted, fined and
3 imprisoned for doing so. I will violate the statute at issue, specifically the
4 subsection prohibiting the open carry of a loaded firearm until one is in immediate,
5 grave danger; a point at which it is very likely too late to defend oneself from
6 harm.

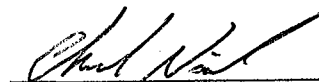
7
8 13. I am certain that I would be arrested, prosecuted and imprisoned for openly
9 carrying a loaded firearm in non-sensitive public places for the purpose of self-
10 defense.

11
12 14. I fear that I would be arrested by Defendant Brown and/or his subordinates
13 and that he, or they, would participate in my arrest and/or prosecution. I fear that
14 Defendant Brown would not employ his authority and power to release me from
15 my certain conviction and imprisonment.

16
17 15. I attempted to submit a document under seal in support of my complaint in
18 this lawsuit. It was rejected because, among other reasons, "Plaintiff is advised
19 that at this stage in the litigation, he is not required to produce evidence in support
20 of his allegations." The document was an Incident Report filed with the Los
21 Angeles County Sheriff's department reporting threats made against my person in
22 violation of California Penal Code section 422 – Criminal Threats.

23
24 I affirm all of the foregoing statements under penalty of perjury under the laws of
25 the United States of America.

26
27 Dated: March 12, 2012



Charles Nichols

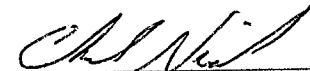
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **DECLARATION OF CHARLES NICHOLS IN OPPOSITION TO MOTION TO DISMISS BY EDMUND G. BROWN, Jr., in his official capacity as Governor of California** was served via United States Mail, postage prepaid, on this 12, day of March, 2012; on the following:

KAMALA D. HARRIS
Attorney General of California
PETER K. SOUTHWORTH
Supervising Deputy Attorney General
JONATHAN M. EISENBERG
Deputy Attorney General
State Bar No. 184162
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorneys for Defendant California Governor Edmund G. Brown Jr.

AND

Michael W. Webb
City Attorney for the City of Redondo Beach
415 Diamond Street
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Attorney for Defendants:
CITY OF REDONDO BEACH, CITY OF REDONDO BEACH POLICE
DEPARTMENT, CITY OF REDONDO BEACH POLICE CHIEF JOSEPH
LEONARDI and DOES 1 to 10



Charles Nichols
Plaintiff, In Pro Per