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

BY

United States District Court
Central District of California

11 Charles Nichols,

12 Plaintiff,

13 vs.

14 EDMUND G. BROWN, Jr., in his
15 official capacity as Governor of
16 California, KAMALA D. HARRIS,
17 Attorney General, in her official
18 capacity as Attorney General of
19 California, CITY OF REDONDO
20 BEACH, CITY OF REDONDO
21 BEACH POLICE DEPARTMENT,
22 CITY OF REDONDO BEACH
23 POLICE CHIEF JOSEPH LEONARDI
24 and DOES 1 to 10,
25 Defendants.

) Case No.:

) CV-11-9916 SJO (SS)

**DECLARATION
OF
CHARLES NICHOLS**

DECLARATION OF CHARLES NICHOLS

I, Charles Nichols, declare as follows:

1. I am a 51 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.

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 aggressors.

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 do not openly carry a loaded handgun or long gun in non-sensitive public
2 places because I would in all certainty be arrested, prosecuted, fined and
3 imprisoned for doing so.

4
5 13. In particular, I am certain that I would be arrested by Redondo Beach police
6 officers as that is where I shop, do my banking and often travel through to visit
7 family and for other reasons.

8
9 14. In particular, I fear that I would be prosecuted by the City of Redondo Beach
10 or by Attorney General Harris, or their subordinates, or that either or both of these
11 parties or their subordinates may participate in my arrest and/or prosecution.
12 Attorney General Harris, or her subordinate, would certainly prosecute the appeal
13 of my conviction as she has done with so many others who have violated the
14 statute at issue in this case.

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

22
23 I affirm all of the foregoing statements under penalty of perjury under the laws of
24 the United States of America.

25
26 Dated: February 6, 2012



Charles Nichols

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Plaintiff's **DECLARATION**
OF CHARLES NICHOLS was served via United States Mail, postage prepaid, on this
7, day of February, 2012; on the following:


Kamala D. Harris
Attorney General of California
Peter K. Southworth
Supervising Deputy Attorney General
Jonathan M. Eisenberg
Deputy Attorney General
300 South Spring Street, Ste. 1702
Los Angeles, CA 90013

Attorneys for Defendants:
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

AND

Michael W. Webb
City Attorney for the City of Redondo Beach
415 Diamond Street
Redondo Beach, CA 90277-0639

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