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Lindley, and the California Department of Justice*

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO
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13 **DANNY VILLANUEVA, NIALL
STALLARD, RUBEN BARRIOS,
14 CHARLIE COX, MARK STROH,
ANTHONY MENDOZA, AND
15 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,**

16 Plaintiffs,

17 v.
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19 **XAVIER BECERRA, in his official capacity
as Attorney for the State of California;
20 STEPHEN LINDLEY, in his official
capacity as Chief of the California
21 Department of Justice, Bureau of Firearms;
CALIFORNIA DEPARTMENT OF
22 JUSTICE; and DOES 1-10,**

23 Defendants.
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Case No. 17CECG03093

**DECLARATION OF BLAKE GRAHAM
IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: 3:30 p.m.
Time: January 30, 2018
Dept.: 501
Judge: Hon. Mark W. Snauffer
Action Filed: Sept. 7, 2017

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I, BLAKE GRAHAM, declare:

1. I am a Special Agent Supervisor for the California Department of Justice (“DOJ”), Bureau of Firearms. I make this declaration of my own personal knowledge and experience and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

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2. I received a Bachelor of Science degree in May 1992 in Criminal Justice at the California State University Sacramento. My coursework included forensics, corrections, and a number of classes in criminal justice-related topics.

3. Since 1994, I have worked as either an investigator for the California Department of Alcoholic and Beverage Control (ABC), or as a Special Agent for the DOJ. My job responsibilities in all of these positions have at least partially required the recovery, investigation, and identification of firearms, the ammunition used for those firearms, and the magazines used for feeding ammunition for such firearms.

4. My work as an investigator for ABC between 1994 and 1999 included the recovery of firearms and ammunition.

5. Between 1999 and 2002, I worked as a Special Agent for DOJ, and was assigned to the Violence Suppression Program in the Bureau of Narcotic Enforcement. In this job, I investigated violent crimes and various violations occurring at California gun shows. As a gun show agent, I attended gun shows in the San Francisco Bay Area to monitor, and if necessary, seize, firearms, ammunition, and magazines sold illegally to felons, parolees, and probationers.

6. From October 2002 to the present, I have been a Special Agent and Special Agent Supervisor, for the DOJ's Bureau of Firearms ("BOF"). In this capacity, I am assigned to recover firearms from prohibited individuals, monitor gun shows for illegal activities, conduct surveillance on gun dealers suspected of illegal activity, and investigate illegal trafficking of firearms, manufacturing of assault weapons, machine guns, and illegal possession of ammunition.

1 7. Since 2008, I have been responsible for reviewing handguns that are submitted by
2 manufacturers for inclusion in California's roster of handguns certified for sale. A copy of the
3 roster can be found on the DOJ website: <https://oag.ca.gov/firearms/certguns>.

4 8. In my career I have attended at least 40 gun shows and have become very
5 knowledgeable on current laws pertaining to the sales of firearms, ammunition, and ammunition
6 feeding devices in the State of California.

7 9. I have been trained and qualified to carry several different types of firearms,
8 including: Glock Model 17 (9 mm semi-automatic pistol), multiple Glock .40 caliber semi
9 automatic pistols, Heckler & Koch MP5 (9 mm submachine gun), Smith & Wesson, Model 60
10 (.38 Special revolver), multiple .45 caliber semi-automatic pistols, and a Colt, Model M4 (5.56
11 mm machine gun). I have access to other DOJ-owned handguns, shotguns, submachine guns,
12 machine guns, rifles, shotguns and 40 mm "less lethal" launchers.

13 10. Throughout my career, I have conducted training programs in the identification and
14 handling of firearms. I have also trained other Special Agents of BOF on assault weapons and
15 firearms identification. I also have given firearms identification classes to members of multiple
16 District Attorney's offices in the State of California.

17 11. I have also completed at least 15 firearms training courses since 1994. These courses
18 included the assembly and use of specific firearms. I have been certified as a California Peace
19 Officer Standards and Training (POST) approved Firearms Instructor/Rangemaster since 2002.

20 12. During the course of my career and training I have become proficient in the use and
21 disassembly of various revolvers, pistols, submachine guns, shotguns, and rifles. I have made or
22 assisted in the arrest of at least 30 persons for violations involving illegal weapons possession. In
23 the course of my employment I have participated in the execution of more than 30 search
24 warrants which involved the illegal possession of firearms.

25 13. I have been qualified as an expert witness regarding the identification of assault
26 weapons and other firearms in at least 15 cases in both federal and state court since 2007.

REGISTRATION OF BULLET-BUTTON ASSAULT WEAPONS

14. Amendments to the Assault Weapons Control Act prohibiting the possession, sale, and transfer of “bullet-button” assault weapons, and providing a registration process for weapons that were lawfully possessed prior to December 31, 2016, were signed into law on July 1, 2016. These amendments took effect on January 1, 2017.

15. In my role as Special Agent Supervisor for BOF, I helped to design the public-facing application for submitting registrations of bullet-button assault weapons electronically via the Internet, as required by Penal Code section 30900, subdivision (b)(2). I also helped to develop DOJ’s procedures and regulations for the registration of bullet-button assault weapons.

16. An injunction against enforcement of the regulations could significantly harm the public interest, because it would directly interfere with the process for registration of prohibited assault weapons.

17. From July 2016 through December 2016, DOJ spent six months designing and testing the electronic registration system required by law.

18. The electronic registration system was first made available to the public on August 3, 2017.

19. Depending on the scope of any injunction, DOJ would likely need to redesign the electronic registration system before accepting further registrations. The programmers who created this system for DOJ are now working on other legislatively mandated projects that are also on tight deadlines. DOJ does not have funding for modification of the electronic registration system. DOJ would have to cut other programs and activities if an injunction resulted in the need for costly alterations to the existing registration system.

20. The regulations at issue in this litigation concern basic procedures for registering bullet-button assault weapons, as well as substantive issues relating to what and who can be registered. Depending on the scope of any injunction, DOJ might need to promulgate replacement regulations before it could continue to process registrations.

21. Even if an injunction does not necessitate new regulations, DOJ would still need to redesign its procedures for processing registrations.

1 22. For example, if DOJ is enjoined from requiring applicants to provide the information
2 necessary to confirm that an applicant is not prohibited from possessing an assault weapon, DOJ
3 is still prohibited from registering persons who are prohibited from possessing a firearm under
4 state or federal law (Penal Code § 30950), and so must find an alternative method of confirming
5 eligibility to register.

6 23. In addition, a delay in the registration process could mean that DOJ would no longer
7 have staff available to process registrations for thousands of Californians. DOJ received funding
8 to hire 24 analysts and two managers to process registration applications. These are limited term
9 positions that will cease to exist one year after these employees' start dates.

10 24. There is no guarantee that modifications to the electronic registration system, the
11 promulgation of replacement regulations, or the development of alternative procedures for
12 processing registrations, could be completed without drastically shortening the available time left
13 to register, which runs through June 30, 2018.

14 25. Interference with the registration process would also directly impact public safety.
15 Law enforcement officials rely upon registration information in determining whether someone is
16 in possession of a prohibited assault weapon.

17 26. For example, DOJ relies on registration information in carrying out its statutory duty
18 to disarm persons who become prohibited or are otherwise disqualified from possessing firearms.
19 (See Penal Code § 30000 et seq. [armed prohibited persons].)

20 27. DOJ is required by law to maintain an online database (the Armed Prohibited Persons
21 System), which cross-references all handgun and assault weapon owners across the state against
22 criminal history records to determine persons who have been, or will become, prohibited from
23 possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault
24 weapon.

25 28. DOJ is also required to provide authorized law enforcement agencies with inquiry
26 capabilities and investigative assistance to determine the prohibition status of a person of interest.

29. Assault weapon registration information is part of the data used to identify armed prohibited persons.

30. Any impediment to registration would similarly impede DOJ's ability to identify and disarm persons who are prohibited from possessing firearms.

31. Because registered bullet-button assault weapons are exempt from statutory prohibitions on the possession of assault weapons, an injunction against enforcement of the regulations would also interfere with law enforcement officials' ability to distinguish between lawful and prohibited bullet-button assault weapons.

32. An injunction would directly compromise public safety by preventing DOJ from running an effective registration process, because it would significantly hinder DOJ's ability to process registrations and ensure that only eligible weapons are registered by eligible applicants. The public interest would be directly harmed if DOJ is unable to perform all of the important functions relating to public safety and the integrity of the registration process that the regulations directly support.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 17th day of January, 2018, at Sacramento, California.

Blake Graham

DECLARATION OF SERVICE

Case Name: **Villanueva, Danny, et al. v. Xavier Becerra, et al.**

No.: **17CECG03093**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On January 17, 2018, I served the attached **DECLARATION OF BLAKE GRAHAM IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** by transmitting a true copy via electronic mail, addressed as follows:

Sean A. Brady, Esq.
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
E-mail Address: sbrady@michellawyers.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 17, 2018, at San Francisco, California.

Susan Chiang
Declarant


Signature