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*(ADMITTED *pro hac vice*)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

RONALD G. LIVINGSTON; MICHAEL J.
BOTELLO; KITIYA M. SHIROMA; JACOB
STEWART; and HAWAII RIFLE ASSOCIATION,

Plaintiffs,

v.

SUSAN BALLARD, Acting Police Chief of the
City & County of Honolulu; CITY & COUNTY
OF HONOLULU; and CLARE E. CONNORS,
Attorney General of Hawaii,

Defendants.

) Case No.
)
) **DECLARATION OF JACOB**
) **STEWART IN SUPPORT OF**
) **PLAINTIFFS' MOTION FOR**
) **PRELIMINARY**
) **INJUNCTION; EXHIBIT E**

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DECLARATION OF JACOB STEWART

I, Jacob Stewart, an adult resident of the State of Hawaii, declare the following based on my personal knowledge:

1. I am a citizen of the United States and a resident of Honolulu, Hawaii.
2. I am 42 years of age.
3. I have never been convicted of a crime.
4. I am concerned about recent increases in violence targeted toward churches and faith-based organizations. And my business is in a high crime area with a large population of homelessness. For this reason, I am concerned I may be targeted for criminal activity.
5. I presently desire to carry—and, if authorized, immediately would carry—a handgun outside the home for self-defense.
6. To carry a handgun outside the home for self-defense—whether concealed or openly—Hawaii law generally requires ordinary, law-abiding citizens to obtain a license issued by a county chief of police. H.R.S. §134-9(c).
7. As an ordinary, law-abiding citizen, I am not exempted from Hawaii’s firearms restrictions.
8. Therefore, in order to lawfully carry a handgun in public for self-defense, I must obtain a license.
9. I satisfy all applicable requirements to possess a handgun and obtain a

carry license: I am a United States citizen, above 21 years old, have completed appropriate safety training, have not been disqualified from possession under H.R.S. §134-7, have not been adjudged insane, am not mentally deranged, and am otherwise suitable to possess a firearm.

10. I inquired with the Honolulu Police Department as to what application form, if any, I should use in applying for both an open and/or concealed carry license. I was informed that no form existed for open carry license applications. The application form for concealed carry licenses presented to me was entitled “Application for a License to Carry a Concealed Firearm.”

11. Because no application form existed for open carry licenses, I submitted a cover letter accompanying my application for a concealed carry license. In this cover letter, I requested the Honolulu Police Department treat my application as both an application for a concealed carry and open carry license, while also referencing former Attorney General Suzuki’s opinion letter clarifying the requirements for such licenses.

12. I received a December 12, 2018 letter from Chief of Police Susan Ballard denying my application; a true and correct copy is attached as Exhibit E.

13. Chief Ballard’s letter stated that my application was denied because I did “not sufficiently meet the immediacy, urgency, or need necessary for protection of life and property” as required under Hawaii law.

14. If licensed to carry a handgun concealed or openly, I would immediately do so to protect myself outside my home.

15. The denial of my request to carry a handgun outside my home in any manner prevents me from defending myself and makes me fear for my safety.

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

Executed on: 4-5-2019



Jacob Stewart