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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

15 MARK BAIRD and
16 RICHARD GALLARDO,
17 Plaintiffs,

18 v.

19 XAVIER BECERRA, in his official
20 capacity as Attorney General of the State of
21 California, and DOES 1-10,
22 Defendants.

Case No. 2:19-cv-00617-KJM-AC

**REPLY DECLARATION OF
MARK BAIRD IN FURTHER
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

Date: October 8, 2019
Time: 10:00 a.m.
Room: 3
Judge: Hon. Kimberly J. Mueller
Trial date: None set
Action filed: April 9, 2019

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REPLY DECLARATION OF MARK BAIRD

1. I, Mark Baird, am a plaintiff in the above-captioned matter. I submit this Reply Declaration in further support of the plaintiffs’ motion for a preliminary injunction to enjoin California Penal Codes §26150, §26155, §26350, and §25850. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I am over the age of 18 and a resident of Siskiyou County, located in the Eastern District of California. I am a law-abiding individual of good moral character, have never been charged with, summoned, or arrested for any violation of the California State Penal Code or any other criminal offense.

3. I possess firearms inside of my home for self-defense, for which no license is required in the State of California.

4. My house and barn are located on approximately 10 acres of property; the remainder of my property consists of over 650 acres. Neither my house nor barn are surrounded by a fence and the remainder of my property is open and accessible. The only existing borders are those near the pasture area of my property, which consists of barbed wire to keep the livestock contained. The barbed wire fencing is not capable of keeping wild animals or human predators off the property.

5. The California licensing statutes confine lawful, unlicensed, handgun possession to the four (4) walls of one’s home. Possession of a handgun in public at any other time or place is a crime.

6. I can legally possess and ‘have’ a handgun inside of my house without a permit, but once I step outside of my door, I am subject to criminal penalties, including incarceration.

1 (Penal Code §25850, §26350).

2 7. Nowhere on my property am I lawfully able to carry a handgun exposed on my
3 person, loaded or unloaded, because open carry permits are not issued in California.

4 8. My property – driveway, porch, barn, yard, curtilage - is all considered a “public
5 place”, accessible by the public without a challenge.

6 9. Because I cannot legally carry a handgun openly on my own property, if I am
7 attacked by a person or wild animal while outside, the ‘self-defense exemption’ is useless to me,
8 as I am forbidden from carrying a handgun on my property in the first instance. If I am outside,
9 on my property unarmed, and am suddenly faced with the need to protect myself, my property, or
10 my livestock, from ‘immediate, grave danger’, from where is this ‘magic handgun’ supposed to
11 appear? (Penal Codes §26045, §26050).

12 10. There is also an exemption to handgun possession at a “temporary residence or
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campsite”, however, campsite is not defined. If I am camping in a tent, I have lawful possession
of a firearm inside of the tent, but what about 20 feet away? At the nearby campfire? If I go for a
hike, I am no longer “at a campsite” and cannot legally carry openly. Where is the handgun to be
stored while I am hiking or fishing away from the campsite and/or tent? Inside of the tent?
Without the handgun, I am afforded no personal protection in the woods 100 yards from the
‘campsite’ where I was able to carry legally, though the threat to my personal safety in the
wilderness remains.

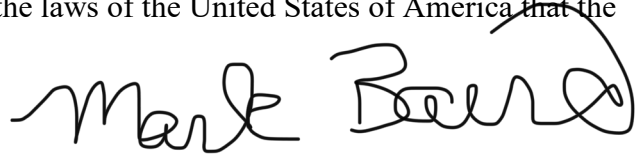
23 11. The statutory ‘exemptions’ are not immunity from prosecution - they are
24 affirmative defenses after one has been charged with a crime and they are not a guaranteed
25 defense.

26 12. The right to self-defense in public in case of confrontation is a pre-existing right of
27 the individual. Placing the burden on the law-abiding individual to prove that the exercise of his
28

1 right to self-defense was ~~not~~ 'exempted' in the face of criminal charges is a violation of civil
2 rights.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct.

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6 Dated: October 1, 2019



Mark Baird

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