

1 C.D. Michel - S.B.N. 144258
 2 Joseph Silvoso – S.B.N. 248502
 3 Sean A. Brady - S.B.N. 262007
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, California 90802-4709
 4 Phone: (562) 216-4444
 Fax: (562) 216-4445

CORRECTED COPY
ORIGINAL FILED
 Superior Court of California
 County of Los Angeles

AUG 03 2016

Sherri R. Carter, Executive Officer/Clerk
 By: Judi Lara, Deputy

5 Attorneys for Plaintiffs/Petitioners DEPT - 86
 6 D'ONOFRIO

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF LOS ANGELES

9 STANLEY MOSK COURTHOUSE

10 MARTIN LLANOS, AND CALIFORNIA RESERVE
 11 PEACE OFFICERS ASSOCIATION,

12 Plaintiffs and Petitioners,

13 vs.

14 KAMALA HARRIS, in her official capacity
 15 as California Attorney General, STEPHEN
 16 LINDLEY, in his official capacity as Chief of
 the California Department of Justice, Bureau
 of Firearms, and DOES 1-10,

17 Defendants and Respondents

Case No.: BS 163796

PETITION FOR PEREMPTORY WRIT OF
 MANDATE (CODE CIV. PROC. § 1085); AND
 COMPLAINT FOR DECLARATORY &
 INJUNCTIVE RELIEF (CODE OF CIV. PROC. §§
 526, 1060)

UNLIMITED JURISDICTION

19
 20
 21
 22
 23 The above-named Plaintiffs and Petitioners (collectively “Petitioners”), by and through
 24 their counsel, bring this Petition for Peremptory Writ of Mandate and Complaint for Declaratory
 25 and Injunctive Relief against the above-named Defendants and Respondents (collectively
 26 “Respondents”), their employees, agents, and successors in office, to compel Respondents to
 27 register the “assault weapons” of reserve peace officers who qualify for registration, which
 28 Respondents refuse to do, and in support thereof allege the following.

INTRODUCTION

1. For many years, California law has comprehensively regulated firearms that the Legislature declared to be “assault weapons,” including generally prohibiting their possession, transfer, and acquisition.

2. Recognizing such firearms are of critical use for law enforcement officers, the Legislature expressly exempted from these restrictions “sworn peace officers” (a category which includes sworn reserve peace officers) if so authorized by their employing law enforcement agencies. Such officers need only be issued an authorization letter from their agency and register their “assault weapon” with the California Department of Justice, Bureau of Firearms (“BOF”) within 90 days of acquisition. These law enforcement officers are trained in the use of such firearms, are required to meet stringent qualification requirements before deploying them for use, and are only allowed to deploy them in a law enforcement capacity, typically uniformed patrol but for other law enforcement purposes as needed.

3. The BOF, departing from a long-standing practice, recently began rejecting valid assault weapon registration requests by sworn “reserve” peace officers including Petitioner Martin Llanos, a reserve police officer, and other police officer and deputy sheriff members of Petitioner CRPOA, with the authorization of their law enforcement employing agencies, on the sole basis that they are “reserve” (and presumably not “full-time”) peace officers. The BOF instead ordered Petitioners to render their rifles inoperable or surrender them.

4. The BOF's actions improperly deprive Petitioners of their statutorily created rights which specifically authorizes their acquisition of this equipment. In so doing, the BOF's actions also limit Petitioners' ability to protect the communities and the citizens they serve, not to mention fellow law enforcement officers and themselves.

5. Declaratory and injunctive relief is necessary to make clear Petitioners' rights and Respondents' duties with respect to registration of "assault weapons" and to prevent Petitioner Llanos and members of Petitioner CRPOA from being deprived of their statutory rights and their ability to fulfill their law enforcement duties as authorized and sanctioned by their law

1 enforcement agency employers.

2 6. Writ relief is likewise necessary because BOF is refusing to perform its clear, present, and
3 ministerial duty to register the “assault weapons” of Petitioner Llanos and other similarly situated
4 members of Petitioner CRPOA, and there is no plain, speedy and adequate remedy in the ordinary
5 course of law that will allow Petitioner Llanos, or other qualified CRPOA members, to register an
6 “assault weapon,” as they are entitled to do under California law.

7

8 **AUTHENTICITY OF EXHIBITS**

9 All accompanying exhibits are true and correct copies of the original documents. The
10 exhibits are incorporated herein by reference as though fully set forth in this petition and
11 complaint.

12

13 **PARTIES**

14 **A. Petitioners/Plaintiffs**

15 7. Martin Llanos is a Level-1¹ reserve police officer. He was hired, appointed and sworn in
16 as a reserve police officer by the City of San Bernardino Police Department (“SBPD”). Officer
17 Llanos is assigned by the SBPD to uniformed patrol and typically works multiple patrol shifts
18 every month as a solo officer in full uniform in a marked black and white police vehicle in the
19 City of San Bernardino. Officer Llanos performs general law enforcement duties and the same
20 functions as full-time SBPD police officers. Officer Llanos has been expressly authorized in
21 writing by the Chief of SBPD to purchase a rifle that meets the definition of an “assault weapon”
22 under California law and to use the rifle on patrol in his capacity as a fully-certified, sworn police

23

24 ¹ See Penal Code Section 832.6(a) for a description of the levels of reserve peace officers. Level-
25 1 reserve law enforcement officers are required to meet the same hiring, training and qualification
26 requirements, and fulfill most, if not all, of the same duties, as full-time law enforcement officers.
27 Reserve peace officers are required to serve a minimum number of hours per deployment period
28 (typically monthly), and many serve in excess of that minimum amount. They are not “called up
for duty” in the same sense as military reservists. They augment law enforcement agency
personnel and work regularly as part of the staffing of many police and sheriff’s departments in
nearly every law enforcement capacity.

1 officer. Officer Llanos purchased such a rifle and attempted to register it with BOF as required by
2 and in accordance with California law, but BOF denied his registration.

3 8. SBPD has indicated that it is unable to equip Officer Llanos with an agency-acquired
4 patrol rifle due to budget considerations. Unless BOF registers his rifle as an “assault weapon,”
5 Officer Llanos must work patrol without this vital equipment. Officer Llanos was one of the first
6 responders in the recent terrorist incident in San Bernardino and was only armed with his duty
7 handgun, clearly no match for the better equipped terrorists. Following this terrorist incident,
8 SBPD authorized Officer Llanos to acquire an “assault weapon” for use in his patrol duties.

9 9. The California Reserve Peace Officers Association (“CRPOA”) was founded in 1974 for
10 the purpose of raising the professional, educational, and employment standards of the CRPOA.
11 CRPOA members dedicate their time to community service by working as part-time employees
12 with law enforcement agencies both on a compensated and non-compensated basis. These officers
13 work alone or with full-time officers to provide law enforcement services at the city, county,
14 district, and state levels, including uniformed patrol, investigations, undercover and vice
15 operations, and search and rescue. Approximately 600 law enforcement agencies currently
16 employ more than 5,000 reserve law enforcement officers in California. CRPOA members
17 include residents of Los Angeles, California, and other California municipalities. CRPOA
18 members residing in Los Angeles, California, currently possess or seek to possess firearms which
19 meet the definition of “assault weapon.” Pursuant to exemptions made expressly applicable to
20 sworn peace officers such as Officer Llanos found in California Penal Code section 30630,
21 CRPOA members can be authorized to acquire and to possess “assault weapons.”

22 10. Pursuant to the BOF’s apparently new interpretation of the law, sworn reserve peace
23 officers, many of whom are CRPOA members, are now denied the ability to acquire and register
24 rifles which their agencies authorized them to purchase and use for law enforcement purposes
25 pursuant to Section 30630.

26 11. In this suit, CRPOA represents the interests of its members who are too numerous to
27 conveniently bring into this action individually, but include Petitioner Llanos. These members’

1 interests include their ability to acquire and possess rifles (defined as “assault weapons”) for law
2 enforcement purposes. Due to budget or other considerations, many agencies do not make these
3 firearms available to their officers, *i.e.*, if these officers do not acquire and register them with the
4 BOJ as authorized by their law enforcement agencies (as do many full-time sworn officers), they
5 will not have them available for use in their law enforcement duties at all, leaving the public, their
6 fellow officers and themselves at risk.

7 12. Petitioners have standing to bring this Petition and Complaint as citizens to procure the
8 enforcement of a public duty, namely Respondents’ compliance with Penal Code section 30630,
9 as Petitioners have a legitimate interest in the execution of California law to prevent the BOF’s
10 interpreting the law or implementing a policy to prevent Petitioners from availing themselves of
11 their statutory right to acquire “assault weapons” as authorized by their employing agencies ,
12 which right is conferred on them to help protect public safety.

13 **B. Respondents/Defendants**

14 13. Respondent Kamala Harris is the Attorney General of California. She is the chief law
15 enforcement officer of California, and is charged by Article V, Section 13 of the California
16 Constitution with the duty to inform the general public and to supervise and instruct local
17 prosecutors and law enforcement agencies regarding the meaning of the laws of the State,
18 including the registration of “assault weapons” for reserve police officers, and to ensure the fair,
19 uniform and consistent enforcement of those laws throughout the State. She is sued in her official
20 capacity.

21 14. Respondent Stephen Lindley is the Chief of the California Department of Justice, Bureau
22 of Firearms. Respondent Lindley is responsible for formulating, executing and administering the
23 State of California’s laws, customs, practices, and policies at issue in this lawsuit, including the
24 registration of “assault weapons” for reserve police officers; and is in fact presently enforcing the
25 challenged laws, customs and practices against plaintiffs. He is sued in his official capacity.

26 15. The true names or capacities, whether individual, corporate, associate or otherwise of the
27 Respondents named herein as Does 1-25, are presently unknown to Petitioners, who therefore sue
28

1 said Respondents by such fictitious names. Petitioners pray for leave to amend this
2 Complaint/Petition to show the true names or capacities of these Respondents if and when the
3 same have been determined.

4

5 **JURISDICTION AND VENUE**

6 16. This Court has jurisdiction under sections 525, 526, 1060, 1085, and 1087 of the
7 California Code of Civil Procedure and other applicable laws and constitutional provisions. This
8 Court also has jurisdiction because Petitioners lack a “plain, speedy, and adequate remedy, in the
9 ordinary course of law.” (Code Civ. Proc., § 1086.)

10 17. Because this action is brought against officials of the State of California in their official
11 capacity, which has an office in the County of Los Angeles, this action is properly brought in this
12 Court. (Cal. Code of Civ. Proc., §§ 393, subd. (b), 401.)

13

14 **APPLICABLE LAW**

15 18. It is generally illegal to manufacture, import, transfer (whether sold, gifted, or lent), offer
16 for sale, or possess any firearm defined as an “assault weapon” under Penal Code section 30515.
17 (Cal. Pen. Code §§ 30600, 30605.)

18 19. There are exceptions to these general restrictions on such firearms, including for:

19 “the sale, delivery, or transfer of an assault weapon . . . to, or the possession of an assault
20 weapon . . . by, *a sworn peace officer member of an agency specified in Section 30625*² if
21 the peace officer is authorized by the officer’s employer to possess or receive the assault
weapon . . .

22 (Cal. Pen. Code § 30630(b)(1).)

23 20. The authorization required from “the officer’s employer” is defined as:

24

25 ² The “agencies specified in Section 30625” are: (a) the Department of Justice; (b) police
26 departments; (c) sheriffs’ offices; (d) Marshals’ offices; (e) the Department of Corrections and
27 Rehabilitation; (f) Department of California Highway Patrol; District attorneys’ offices; (g) the
28 Department of Fish & Wildlife; (h) the Department of Parks and Recreation; (i) military or naval
forces of this state or of the United states; and (j) any federal law enforcement agency for use in
the discharge of their official duties.

1 verifiable written certification from the head of the agency, identifying the recipient or
2 possessor of the assault weapon as a peace officer and authorizing that person to receive
or possess the specific assault weapon.

3 *Id.*

4 21. All peace officers derive their peace officer status under Chapter 4.5 of Title 3 of Part 2
5 (commencing with Section 830), which states in relevant part:

6 Any person who comes within the provisions of this chapter and who otherwise meets all
7 standards imposed by law on a peace officer is a peace officer, and notwithstanding any
8 other provision of law, no person other than those designated in this chapter is a peace
officer.

9 (Cal. Pen. Code § 830.)

10 22. Chapter 4.5 of Title 3 of Part 2 (commencing with Section 830) of the Penal Code lists all
11 categories of “peace officers” under California law. A “reserve” peace officer is a “person who
12 comes within the provisions of this chapter” pursuant to one such sub-category, Section 830.6,
13 which provides:

14 **Whenever any qualified person is deputized or appointed by the proper
15 authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy
16 sheriff, a reserve deputy marshal, a reserve police officer of a regional park district
17 or of a transit district, a reserve park ranger, a reserve harbor or port police officer
18 of a county, city, or district as specified in Section 663.5 of the Harbors and
Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve
special agent of the Department of Justice, a reserve officer of a community service
district which is authorized under subdivision (h) of Section 61600 of the
Government Code to maintain a police department or other police protection, a
reserve officer of a school district police department under Section 35021.5 of the
Education Code, a reserve officer of a community college police department under
Section 72330,* a reserve officer of a police protection district formed under Part 1
(commencing with Section 20000) of Division 14 of the Health and Safety Code, or
a reserve housing authority patrol officer employed by a housing authority defined
in subdivision (d) of Section 830.31, and is assigned specific police functions by
that authority, the person is a peace officer, if the person is qualified as set forth
in Section 832.6.³ The authority of a person designated as a peace officer pursuant
to this paragraph extends only for the duration of the person's specific assignment...**

26
27

³ Section 832.6 outlines 3 levels of reserve officers, required training, and peace officer authority.
28 All such reserve officers have the status of sworn peace officers under California law; only their
assigned duties vary.

1 (Cal. Penal Code § 830.6(a) (emphasis added).)

2 23. “In the case of a peace officer who possesses or receives the assault weapon on or after
3 January 1, 2002, the officer shall, not later than 90 days after possession or receipt, register the
4 assault weapon pursuant to [Penal Code] Section 30900.”⁴ (Cal. Pen. Code § 30630(b)(2)).

5 24. Section 30900 requires that a firearm be registered “pursuant to those procedures that the
6 [DOJ] may establish.” But, all regulations concerning the registration of “assault weapons” have
7 been repealed. (See Cal. Code Regs. tit. 11, § 5470.) The only remaining *statutory* requirements
8 are that:

9 (1) “The registration shall contain a description of the firearm that identifies it
10 uniquely, including all identification marks, the full name, address, date of birth,
11 and thumbprint of the owner, and any other information that the department may
deem appropriate.” (Cal. Penal Code § 30900(c)); and

12 (2) The person registering the “assault weapon” pay any fee the DOJ requires. (Cal.
13 Penal Code § 30900(d).)

14 25. The BOF provides a form titled “Peace Officer Assault Weapon Registration Application”
15 identified as Form BOF 023p (Rev. 01/2012), which is attached as Exhibit “A,” for qualified
16 peace officers to fill out for the purpose of meeting the registration requirements.

17 26. “With the registration, the peace officer shall include a copy of the authorization required”
from the officer’s employer to possess or receive the assault weapon under subsection (b)(1).

18 (Cal. Penal Code § 30630(b)(3).)

19 27. Processing the registration is merely a ministerial duty of BOF, as BOF has no discretion
20 to refuse properly submitted “assault weapon” registrations.

21
22
23
24
25 ⁴ “[O]r pursuant to former Section 12285, as it read at any time from when it was amended by
26 Section 9 of Chapter 129 of the Statutes of 1999 to when it was repealed by the Deadly Weapons
27 Recodification Act of 2010.” This refers to the formal Penal Code sections that were renumbered
28 without substantive change in 2010, meaning they are effectively the same as in section 30900.
See Senate Bill No. 1080 (2009-2010 Reg. Sess.).

1 **FACTUAL BACKGROUND AND CHRONOLOGY OF PERTINENT EVENTS**

2 28. For many years, BOF has been accepting “assault weapon” registrations by sworn reserve
3 peace officers who have been authorized by their agencies to obtain a rifle meeting the “assault
4 weapon” definition pursuant to Section 30630. At present, many reserve peace officers serving in
5 law enforcement agencies throughout California currently use such rifles for law enforcement
6 purposes, with the full knowledge, oversight and sanctioning of their law enforcement agency
7 employers.

8 29. Recently, however, BOF began to reject such registrations, including those of Petitioner
9 Llanos and other CRPOA reserve officer members, asserting that there is no specific exception to
10 the “assault weapon” transfer restrictions that applies to reserve peace officers.

11 30. Officer Llanos was appointed and sworn in by SBPD as a police officer under Penal Code
12 section 830.6. Officer Llanos meets the qualification requirements [applicable to Level-1 reserve
13 peace officers] found in Penal Code Section 832.6(a)(1).

14 31. In compliance with Penal Code section 30630, Officer Llanos:

15 a. obtained a letter signed by the Chief of Police for the San Bernardino Police
16 Department, his employing law enforcement agency, identifying Officer Llanos as
17 a “sworn peace officer” and authorizing him to obtain a specific type “assault
18 weapon” for use on patrol (attached as Exhibit “B”);

19 b. delivered the letter to a properly licensed firearms dealer who sold him the
20 indicated rifle; and

21 c. within 90 days of receiving the rifle, completed the “Peace Officer Assault
22 Weapon Registration Application” form required by BOF and mailed it to BOF,
23 (attached as Exhibit “C”), along with a check for the required \$20 fee and a copy
24 of the letter signed by his employer authorizing the purchase;

25 32. Despite so complying with all statutory requirements to qualify for the exception, Officer
26 Llanos received a letter from the BOF, dated April 29, 2016, (attached as Exhibit “D”), rejecting
27 his Peace Officer Assault Weapon Registration Application on the grounds that:

1 Penal Code section 30625 allows for assault weapons to be used and purchased by sworn
2 peace officers and nothing precludes you from using an agency issued assault weapon.
3 However, **we have found no clear statutory authority to support the proposition that**
4 **a reserve officer may purchase one for his or her own use.**

5 33. The letter also stated that BOF had notified Officer Llano's employing agency of the
6 rejection, and instructed him to either “[r]ender the weapon permanently inoperable” or
7 “[s]urrender the weapon to a law enforcement agency.”

8 34. Preceding BOF's denial of Officer Llanos's registration, counsel for CRPOA had already
9 been engaged in communications with BOF representatives disputing the denial of other reserve
10 officers' registrations. Those representatives confirmed their position that “reserve officers cannot
11 purchase assault weapons.” On or about January 15, 2016, counsel for CRPOA submitted a letter
12 to BOF explaining why reserve officers do meet the legal requirements to register “assault
13 weapon” with authorization from their employing agency and requesting that BOF clarify that
14 reserve officers are indeed allowed to register such firearms under state law.

15 35. On or about March 12, 2016, BOF attorney, Robert Wilson, responded to CRPOA's
16 counsel in the form of an email explaining that BOF believes there is no provision in California
17 law allowing a reserve officer to register an “assault weapon” for personal use. Mr. Wilson
18 confirmed BOF's view in a March 18, 2016, email replying to and in spite of CRPOA's counsel's
19 clarification that the firearm was for “law enforcement purposes.” Particularly, Mr. Wilson
20 contended that there was an absence of a provision specifically authorizing sworn “reserve” peace
21 officers, as distinguished from every other class of California peace officers, to acquire “assault
22 weapons.”

23 36. Hearing no response, on June 13, 2016, outside counsel for CRPOA and Officer Llanos
24 submitted another letter to Respondents explaining that BOF's position is erroneous because the
25 Penal Code provides a *categorical* exemption for any person who is a “sworn peace officer” and
26 reserve peace officers meet that definition.

27 37. Again hearing no response to their June 13, 2016, letter, outside counsel for CRPOA and
28 Officer Llanos followed up with an email to BOF attorney, Robert Wilson, on July 8, 2016,
 asking if BOF has a response to the letter.

38. On July 12, 2016, Mr. Wilson responded to the email, stating that BOF "has taken another look at this issue and is of the opinion that its position is sound. We cannot revise our stance on this issue at this time."

ABSENCE OF ADEQUATE LEGAL REMEDY

39. Petitioner Llanos and members of Petitioner CRPOA have no plain, speedy, and adequate remedy in the ordinary course of law because state law requires them to register their “assault weapons” with BOF but BOF prohibits them from doing so. As such, the only remedy is to compel BOF to register Petitioners’ “assault weapons.”

FIRST CAUSE OF ACTION—DECLARATORY JUDGMENT

40. Plaintiffs re-allege all prior paragraphs and incorporate them fully herein.

41. An active controversy exists between the parties as to whether reserve peace officers are among those “sworn peace officer members” contemplated by Penal Code section 30630 who are eligible for an exception to the general restrictions on transferring and possessing “assault weapons.” Respondents-Defendants contend they are not and accordingly have refused to register reserve officers’ “assault weapons” so that they can legally possess them as they have been authorized to do by their law enforcement agency employers. Petitioners-Plaintiffs insist they are among those “sworn peace officer members” who can qualify for exemptions to the “assault weapon” restrictions and are entitled to have their “assault weapons” registered as authorized by their law enforcement agency employers.

42. A judicial determination resolving this actual controversy is necessary and appropriate at this time.

SECOND CAUSE OF ACTION—WRIT OF MANDATE

43. Petitioners re-allege all prior paragraphs and incorporate them fully herein.

44. Respondents-Defendants have a clear, present, and ministerial duty to register any “assault weapon” from “a sworn peace officer member of an agency specified in Section 30625” who is

1 authorized by the officer's employer to receive one, and who seeks to register it within 90 days of
2 acquisition.

3 45. By denying Petitioner Llanos's and other CRPOA members' "Peace Officer Assault
4 Weapon Registration Application" form, duly executed in compliance with California law,
5 Respondents-Defendants are violating their duty.

6 46. Petitioners are beneficially interested in the outcome of these proceedings because they
7 are being denied the lawful registration of their "assault weapons" which the Legislature allowed
8 them to acquire to protect themselves as peace officers, their fellow officers, and the public.

9 47. Petitioners have a clear, present, and legal right for the Respondents to register their
10 "assault weapons" pursuant to Penal Code section 30360 and to stop denying "assault weapon"
11 registrations to qualified reserve peace officers.

12 48. Peremptory writ relief is necessary because Petitioners have no plain, speedy, or adequate
13 legal remedy to the ongoing harm caused by Respondents' policy to reject all "Peace Officer
14 Assault Weapon Registration Application" forms from reserve peace officers in contradiction of
15 state law.

16

17 PRAYER FOR RELIEF

18 WHEREFORE, Petitioners/Plaintiffs respectfully pray for the following relief:

- 19 1. A declaration that reserve peace officers are among the "sworn peace officer members"
20 contemplated by Penal Code section 30630 who are eligible for an exception to the
21 general restrictions on transferring and possessing "assault weapons;"
- 22 2. That a peremptory writ of mandate issue commanding Respondents to register Petitioner
23 Llanos's "assault weapon" pursuant to his "Peace Officer Assault Weapon Registration
24 Application" and the "assault weapon" of any other reserve peace officer member of
25 CRPOA who has met the requirements of Penal Code section 30630 and requested
26 registration thereof by DOJ;
- 27 3. Issuance of a preliminary and permanent injunction prohibiting Defendants/Respondents

1 from denying reserve peace officers registration of their "assault weapons" made pursuant
2 to Penal Code section 30630 merely because they are reserve peace officers;
3 4. Costs and attorneys' fees pursuant to Code of Civil Procedure section 1021.5 and any
4 other applicable law;
5 5. Such other relief as the Court may deem just and proper.

6
7 Dated: August 3, 2016

MICHEL & ASSOCIATES, P.C.

8
9 C.D. Michel
10 Attorneys for Petitioners/Plaintiffs
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Kevin Bernzott, Chief Executive Officer of California Reserve Peace Officers Association, declare as follows: I have read the foregoing Petition for Peremptory Writ of Mandate (Code Civ. Proc. § 1085); and Complaint for Declaratory & Injunctive Relief (Code of Civ. Proc. §§ 526, 1060) and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am the Chief Executive Officer of California Reserve Peace Officers, a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on August 3, 2016, in CAMARILLO, California.

Kevin Bernzott,
Chief Executive Officer
California Reserve Peace Officers Association

VERIFICATION

I, Martin Llanos, declare as follows: I have read the foregoing Petition for Peremptory Writ of Mandate (Code Civ. Proc. § 1085); and Complaint for Declaratory & Injunctive Relief (Code of Civ. Proc. §§ 526, 1060) and know its contents. The facts alleged in the Petition are within my knowledge and I know these facts to be true. Because of my familiarity with the relevant facts and because I am a Plaintiff/Petitioner in this action, I hereby verify this Petition and Complaint.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on August , 2016, in San Bernardino County, California.



Martin Llanos

EXHIBIT A



CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS

Peace Officer Assault Weapon Registration Application

Applicant Information							
Last Name:		First Name:			Middle Name:		Date of Birth:
Sex:	Height:	Weight:	Hair Color:	Eye Color:	CA Driver License or Identification No.:		Telephone No.:
Physical Residence Address:				City:		State:	Zip Code:
Mailing Address (if different):				City:		State:	Zip Code:

Assault Weapon Information								
Date of Acquisition:	Serial No.:	Make:		Model:	Type:	Caliber:	Barrel Length:	
From Whom Acquired:			Address:		City:		State:	Zip Code:
Date of Acquisition:	Serial No.:	Make:		Model:	Type:	Caliber:	Barrel Length:	
From Whom Acquired:			Address:		City:		State:	Zip Code:
Date of Acquisition:	Serial No.:	Make:		Model:	Type:	Caliber:	Barrel Length:	
From Whom Acquired:			Address:		City:		State:	Zip Code:

Declaration						Applicant Right Thumb Print	
<input type="checkbox"/> I am a qualifying peace officer for assault weapon registration pursuant to Penal Code section 30630 subdivision (b)(1).							
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.							
Signature			Date				

Instructions							
1. If you have an existing peace office assault weapon registration on file with the Department of Justice, please place your Assault Weapon Registration number in the space provided in the bottom left corner of this application.							
2. The Peace Officer Assault Weapon Registration Application fee is \$20.00 per person regardless of the number of weapons listed. Please submit a check or money order made payable to the Department of Justice.							
3. A required agency authorization letter must accompany this application. Required authorization is defined as verifiable written certification from the head of the agency, identifying the recipient or possessor of the assault weapon as a peace officer and authorizing that person to receive or possess that specific assault weapon. (Pen. Code § 30630, subd. (b)(1).)							
4. To register more than three (3) assault weapons please use additional pages of this application as necessary.							
5. Applicants must check the box certifying he/she is a qualifying peace officer for assault weapon registration. Applicants must also sign and date the perjury statement. Applications submitted without signature will be returned unprocessed.							
6. The applicant's right thumb print must be provided in the space indicated. Applications with unacceptable thumb prints will be returned unprocessed.							
7. Submit completed, signed application, along with required documentation and fee to the address listed below. Incomplete applications will be returned unprocessed. If you have any questions, please contact the Firearms Licensing and Permits Section at (916) 227-2153.							
Department of Justice Firearms Licensing and Permits Section - AWR P.O. Box 160367 Sacramento, CA 95816-0367							

Assault Weapon Registration No.		Official Use Only					
		Date Received: _____ Initials: _____ Date Paid: _____ Initials: _____					
		Date Processed: _____ Initials: _____ Auth. Ltr. Attached <input type="checkbox"/> Initials: _____					

EXHIBIT B



POLICE DEPARTMENT
JARROD BURGUAN - CHIEF OF POLICE

P.O. Box 1559 • San Bernardino • CA 92402-1559
909.384.5742
www.sbcity.org

Date: February 11, 2016

MMI Wholesale
5375 Industrial Drive, Suite 107
Huntington Beach, CA 92649

Re: Firearm(s) Purchase Authorization in Lieu of Federal Form 4473 or 5300.35 and NICS Compliant Record Check of Officer.

Officer Name: Reserve Officer Martin Llanos

TO WHOM IT MAY CONCERN:

I hereby certify that the above-named law enforcement officer will use the requested firearm(s) for use in performing official duties. I further certify that a records check has been conducted on the law enforcement officer who is purchasing the firearm(s) and reveals no conviction for misdemeanor crimes of domestic violence.

The above named individual is a sworn peace officer pursuant to Penal Code 830.6 and is eligible to receive the firearm listed below for use in performing official duties.

LMT, CQBPS16, 5.56 caliber, LMT Rifle, Assault Weapon
Firearm Description

LMT79100

(Model / Serial #)

Reserve Officer Martin Llanos

Name of Purchasing Officer

MATL 02/11/16

Signature / Date

Chief Jarrod Burguan

Name and Title of Person of Authority

J. Burguan 2/11/16

Signature / Date

Only the head of the agency has the authority to sign for a 10-day waiver letter.

PFCA072014

EXHIBIT C



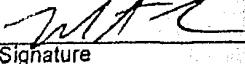
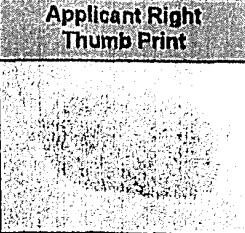
CALIFORNIA DEPARTMENT OF JUSTICE

BUREAU OF FIREARMS

Peace Officer Assault Weapon Registration Application

Applicant Information:					
Last Name: LLANOS		First Name: MARTIN		Middle Name:	Date of Birth: 03/01/1973
Sex: M	Height: 6'00"	Weight: 180	Hair Color: BLACK	Eye Color: BROWN	CA Driver License or Identification No.: A4922578
Physical Residence Address: 16343 RIDGE VIEW DR			City: APPLE VALLEY		State: CA Zip Code: 92307
Mailing Address (if different):			City:		State: Zip Code:

Assault Weapon Information:					
Date of Acquisition: 02/23/2016	Serial No.: LMT79100	Make: LEWIS MACHINE & TOOL	Model: CQBPS16	Type: RIFLE	Caliber: 5.56 Barrel Length: 16
From Whom Acquired: MMI WHOLESALE AW PERMIT #06928		Address: 5375 INDUSTRIAL DR, STE 107		City: HUNTINGTON BEACH	State: CA Zip Code: 92649
Date of Acquisition:	Serial No.:	Make:	Model:	Type:	Caliber:
From Whom Acquired:		Address:		City:	State: Zip Code:
Date of Acquisition:	Serial No.:	Make:	Model:	Type:	Caliber:
From Whom Acquired:		Address:		City:	State: Zip Code:

Declaration				Applicant Right Thumb Print
<input checked="" type="checkbox"/> I am a qualifying peace officer for assault weapon registration pursuant to Penal Code section 30630 subdivision (b)(1). <i>I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</i>  Signature				
				Date 02/23/16

Instructions						
1. If you have an existing peace officer assault weapon registration on file with the Department of Justice, please place your Assault Weapon Registration number in the space provided in the bottom left corner of this application. 2. The Peace Officer Assault Weapon Registration Application fee is \$20.00 per person regardless of the number of weapons listed. Please submit a check or money order made payable to the Department of Justice. 3. A required agency authorization letter must accompany this application. Required authorization is defined as verifiable written certification from the head of the agency identifying the recipient or possessor of the assault weapon as a peace officer and authorizing that person to receive or possess that specific assault weapon (Pen. Code § 30630, subd. (b)(1)). 4. To register more than three (3) assault weapons please use additional pages of this application as necessary. 5. Applicants must check the box certifying he/she is a qualifying peace officer for assault weapon registration. Applicants must also sign and date the perjury statement. Applications submitted without signature will be returned unprocessed. 6. The applicant's right thumb print must be provided in the space indicated. Applications with unacceptable thumb prints will be returned unprocessed. 7. Submit completed, signed application, along with required documentation and fee to the address listed below. Incomplete applications will be returned unprocessed. If you have any questions, please contact the Firearms Licensing and Permits Section at (916) 227-2153.						
Department of Justice Firearms Licensing and Permits Section - AWR P.O. Box 160367 Sacramento, CA 95816-0367						

Assault Weapon Registration No.	Date Received:	Initials:	Date Paid:	Initials:
	Date Processed:	Initials:	Auth. Ltr. Attached <input type="checkbox"/>	Initials:

FEB 29 2016

MARTIN LLANOS
PAMELA LLANOS
16343 RIDGE VIEW DR.
APPLE VALLEY, CA 92307-1243

90-7162
3222 44079

603

DATE 02/24/16

PAY TO THE ORDER OF DEPARTMENT OF JUSTICE \$ 20,00
TWENTY ————— DOLLARS 1

Security Features
Included.
Details on Back.

CHASE 
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO LMT 79100 REGISTRATION



MP

13222716271

98011592710603

EXHIBIT D

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



BUREAU OF FIREARMS
P.O. Box 160367
Sacramento, CA 95816-0367
Telephone: (916) 227-2153
Fax: (916) 227-1021

April 29, 2016

Martin Llanos
16343 Ridge View Dr.
Apple Valley, CA 92307

Re: Peace Officer Assault Weapon Registration – Rejection Notice

This letter serves as notification that the California Department of Justice, Bureau of Firearms (the Bureau) is rejecting your Peace Officer Assault Weapon registration.

In the Assault Weapons Control Act of 1989, the California Legislature found and declared that each assault firearm “poses a threat to the health, safety, and security of all citizens of this state....” (Pen. Code, § 30505.) Because of this legislation, restrictions were placed on the use of such weapons and a registration and permit procedure for their lawful sale and possession was established. (*Ibid.*)

Penal Code section 30625 allows for assault weapons to be used and purchased by sworn peace officers and nothing precludes you from using an agency issued assault weapon. However, we have found no clear statutory authority to support the proposition that a reserve officer may purchase one for his or her own use.

Your local law enforcement agency has been notified of this rejection. You must immediately do one or more of the following:

- Render the weapon permanently inoperable
- Surrender the weapon to a law enforcement agency

If you have any questions, please contact the Firearms Licensing and Permit Section at (916) 227-2153.

Sincerely,

SHANON THOMPSON, Manager
Bureau of Firearms

For KAMALA D. HARRIS
Attorney General

cc: Jarrod Burguan, Chief of Police (cover letter only)

BOF/POAWR-0009

FIRM: MICHEL & ASSOCIATES, P.C.
180 E. OCEAN BLVD.
SUITE 200
LONG BEACH CA 90802
PH: 562/216-4444

Signal
ATTORNEY SERVICE
INCORPORATED

Long Beach 562-595-1337
Torrance 310-316-1256
Fax 562-595-6294

DATE 8.3.14 CONTACT Llorente ATTORNEY SAP ATTORNEY FILE # 2116 1189494

DO TODAY X RETURN TODAY

Mark X for Special assignment(s). RUSH CHARGES APPLY

PLAINTIFF: vs. DEFENDANT:	Llorente / CRPOA Harris / Lindley	COURT: WASC JUDICIAL DIST: Stanley MOSK CITY: Los Angeles	CASE #:
APPROVED DIRECT BILLING:		ADJUSTER:	
CARRIER NAME:		INSURED:	
ADDRESS:		CLAIM NUMBER:	
CITY, STATE, & ZIP:		DATE OF LOSS:	

- LIST ALL DOCUMENTS: HEARING DATE FEES PAID/ DATE FEES ATTACHED
- ① petition for peremptory writ
 - ② summons
 - ③ civil cover sheet
 - ④ civil cover sheet addendum
 - ⑤ check for filing fee

INSTRUCTIONS: FILE BY 8/3/14 SERVE BY _____

DEPT. 810 CLERK _____

IMPORTANT ✓	
FILE ✓	
SERVE	
DELIVER	
COPY	
OTHER	

Please file and return
conformed copies. If
any questions, call
Laura at
(562) 216-4444

RESIDENCE
 BUSINESS

MALE ____ FEMALE ____ RACE ____ AGE ____ HT ____ WT ____ HAIR ____

ORIGINAL SUBMIT DATE 8/3 RUNNER 714		2nd SUBMIT DATE _____ RUNNER _____	
<i>BS/63796</i>			
OKAY <input type="checkbox"/> BACK TO COURT <input type="checkbox"/>		OKAY <input type="checkbox"/> BACK TO COURT <input type="checkbox"/>	
NO CONFORM	SHERIFF	COURTESY	REJECTED <input type="checkbox"/>
DROP C/W	DROP DP	RCV C/W	RCV DP
FILE C/W	FILE DP	REJECTED <input type="checkbox"/>	ATTY CK
OUR CK	CASH		

Corporate Mailing Address: P.O. Box 91985 • Long Beach, CA 90809-1985

ORIGINAL

LASC - FILINGS
111 N. HILL STREET
LOS ANGELES CA 90012

DATE PAID: 06/03/16 02:07 PM
RECEIPT #: CCH520872024

CITY/CASE: B3163796
LEA/DEF#:

PAYMENT:	\$435.00	310
RECEIVED:		
CHECK:	\$435.00	
CASH:	\$0.00	
CHANGE:	\$0.00	
CARD:	\$0.00	