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August 14, 2007

Via: **U.S. Mail**

Department of Justice
Bureau of Firearms
4949 Broadway
Sacramento, California 95820

Re: Release of Property

Dear Sir/Madam:

On July 24, 2007 your office received a couriered letter from my office requesting the return of personal property belonging to my client. Enclosed with the letter was a valid LEGR and a description of the firearms, bills of sale and a January 20, 2006 letter from the Department of Justice declaring that the firearms in question are not contraband.

It has now been almost 21 days since I requested a response from you regarding the return of my client's property and neither my client nor I have received any response.

My client has completed all steps required of him pursuant to Penal Code Section 12021.3. He validly obtained a completed LEGR form pursuant to 12021.3 (a) (1) proving that he is not in any way barred from possessing firearms. Pursuant to 12021.3 (b) (1), a LEGR was submitted regarding the two firearms directly to the Department of Justice Bureau of Firearms, who on information and belief are holding his firearms.

By the terms on the face of the NOTICE OF RESULTS FOR LAW ENFORCEMENT GUN RELEASE (LEGR) APPLICATION FOR RIFLE OR SHOTGUN, the LEGR was presented to your office within the 30 day's from the date on the notice. Further, the firearms in question are clearly legal to own or possess in California as outlined in your letter dated January 20, 2006.

How can we assist you in obtaining the immediate return of my client's personal property on or before August 31, 2007? Will court action be necessary?

Please note that my client is under no obligation to follow the procedures of the Tort Claims Act as he seeks the specific return of personal property seized by your agency (*Escamilla v. California Dept. of Corrections & Rehabilitation* (2006) 141 Cal.App.4th 498).

Finally, please note that should my client succeed in an action for recovery of his firearms, your agency may be liable for his legal fees pursuant to Penal Code Section 12021.3 (k).

Thank you for your immediate attention.

Cordially,

A handwritten signature in black ink, appearing to read "Don Kilmer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Donald E. J. Kilmer, Jr.
Attorney for Eugene Hoffman, Jr.

enc: see above
cc: file, client