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1	Alan Gura (Calif. Bar No. 178221)							
2	Gura & Possessky, PLLC 101 N. Columbus St., Suite 405							
3	Alexandria, VA 22314 703.835.9085/Fax 703.997.7665							
4	Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986) Law Offices of Donald Kilmer, A.P.C.							
5 6	1645 Willow Street, Suite 150 San Jose, CA 95125 408.264.8489/Fax 408.264.8487							
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8	IN THE UNITED STATES DISTRICT COURT							
9	FOR THE EASTERN DISTRICT OF CALIFORNIA							
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11	Deanna Sykes, et al.,) Case No. 2:09-CV-01235-MCE-KJM							
12	Plaintiffs, DECLARATION OF PLAINTIFF	ANDREW WITHAM IN SUPPORT MOTION FOR SUMMARY						
13								
14	John McGinness, et al.,) Fed. R. Civ. Proc. 56							
15	Defendants.							
16								
17	l, Andrew Witham, am competent to state, and declare the following based on my							
18	personal knowledge:							
19	1. I am a law abiding resident of Sacramento County.							
20	2. I am authorized and qualified under Federal and State law to purchase and possess							
21	firearms.							
22	3. On December 10, 2006, I completed the basic course required to obtain a handgun carry							
23	permit in Shasta County, as well as the course of training required to obtain a permit to							
24	carry an exposed firearm from the California Bureau of Security and Investigative							
25	Services.							
26	4. I re-qualified four times for the exposed handgun permit, which I currently possesses,							
27	along with a Private Investigator license.							
28								
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1	5.	My Private Investigator license, in conjunction with my Exposed Firearm Permit, allows		
2		me to carry an exposed, loaded handgun in California but only while I am engaged in the		
3		course and scope of my work as a private investigator.		
4	6.	In January, 2007, the Sheriff of Shasta County, where I lived and worked, issued me a		
5		two-year permit to carry a handgun.		
6	7.	On or about July, 2007, I relocated from Shasta to the City of Fairfield, in Solano County.		
7	1	As required by law, I notified the Sheriff of Shasta County of this move.		
8	8.	On or about July, 2008, I relocated from Solano County to Sacramento County, and again		
9		notified the Sheriff of Shasta County of this move. Within days, my permit to carry a		
10		handgun was revoked.		
11	9.	I contacted Defendant McGinness's office to inquire about the revocation of my permit to		
12		carry a handgun, and was advised that a handgun carry permit would have to be issued by		
13		Defendant McGinness.		
14	10.	I was further advised that an application for a handgun carry permit could not be made by		
15		individuals residing in Sacramento County for less than 12 months, in the absence of a		
16		letter attesting to the applicant's good character from the issuing authority of the		
17		applicant's previous gun permit.		
18	11.	As I had no such letter, I was refused an application form for a handgun carry permit.		
19	12.	I was advised that as a matter of policy, the Sheriff of Shasta County does not issue good		
20		character letters of the sort required by Defendant McGinness.		
21	13.	Although Defendant McGinness does not require that handgun permit applications		
22		complete the required training prior to making their applications, I was certified on		
23		December 16, 2008, in 24 hours of POST PC 832 Firearms Familiarization at the		
24		Sacramento Regional Public Safety Training Center. The course is approved for issuance		
25		of a handgun carry permit in Sacramento County.		
26	14.	I want to exercise my Second Amendment right to carry a handgun for personal		
27		protection.		
28				

1	15.	I fear victimization, and I have a desire to car	rry a firearm, but I have not previously been			
2		victimized by violent crime. Although I was j	previously threatened, the threats subsided			
3		after I left Shasta County. I am unaware of a	ny current, specific threats against me.			
4	16.	I have read Defendant McGinness's written p	I have read Defendant McGinness's written policy that "[t]he mere fear of victimization,			
5		or desire to carry a firearm, shall be insufficient" "good cause" to issue a gun carry				
6		permit, and I have the understanding that I lack "good cause" to obtain a permit as that				
7		term is defined and implemented by Defenda	term is defined and implemented by Defendants McGinness and Sacramento County.			
8	17.	I fear arrest, prosecution, fine and imprisonn	I fear arrest, prosecution, fine and imprisonment if I were to carry a concealed handgun			
9		without a permit. But for the lack of handgu	without a permit. But for the lack of handgun carry permit and fear of prosecution, I			
10		would carry a concealed handgun in public for	would carry a concealed handgun in public for self-defense.			
11		I declare under penalty of perjury that the for	regoing is true and correct.			
12		Executed this 5 th day of August, 2009	11 1,12			
13			Andrew Witham			
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