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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

15 **VIRGINIA DUNCAN, RICHARD**
 16 **LEWIS, PATRICK LOVETTE,**
 17 **DAVID MARGUGLIO,**
 18 **CHRISTOPHER WADDELL, and**
 19 **CALIFORNIA RIFLE & PISTOL**
ASSOCIATION, INC., a California
corporation,

20 Plaintiffs,

21 v.

22 **XAVIER BECERRA, in his official**
 23 **capacity as Attorney General of the**
State of California; and DOES 1-10,

24 Defendants.

17-cv-1017-BEN-JLB

DECLARATION OF DOUGLAS
WORMALD RE NOTICE OF
JUDGMENT AND STAY

Date:
 Time:
 Judge: Hon. Roger T. Benitez
 Courtroom: 5A
 Action Filed: May 17, 2017

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DECLARATION OF DOUGLAS WORMALD

I, Douglas Wormald, declare:

1. I am the Program Manager of the Command Center of the Department of Justice’s (“DOJ”) Bureau of Criminal Identification & Investigative Services Law Enforcement Support Program. It is part of my responsibility to oversee the distribution of notices to law enforcement agencies. I have personal knowledge of the matters stated in this declaration and, if sworn as a witness, could competently testify about them.

2. The Command Center operates 24 hours per day, 7 days per week, assisting law enforcement agencies with criminal history information and communication. The Command Center utilizes the California Law Enforcement Telecommunication System as a means of communicating information to California law enforcement agencies. The messages distributed on that system are referred to as California Law Enforcement Teletype Relays (“CLENTRs”). CLENTRs reach the following law enforcement agencies: all California sheriff offices, all California local police departments, all California district attorney offices, the California Highway Patrol, and all University of California police departments. It is the usual practice to send notifications of important issues by CLENTR.

3. On April 15, 2019, I directed staff to send a CLENTR with the following statement:

TO: ALL LAW ENFORCEMENT AGENCIES

**SUBJECT: FEDERAL COURT STAYS IN PART JUDGMENT
DECLARING LARGE-CAPACITY MAGAZINE BAN
UNCONSTITUTIONAL PENDING APPEAL**

**ATTENTION: FEDERAL COURT STAYS JUDGMENT DECLARING
LARGE-CAPACITY MAGAZINE BAN UNCONSTITUTIONAL
PENDING APPEAL; EXCEPTION FOR LARGE-CAPACITY
MAGAZINES LAWFULLY SOLD OR ACQUIRED PRIOR TO STAY;
MAINTAINS INJUNCTION OF POSSESSION BAN PENDING
APPEAL. On March 29, 2019, a federal court issued a judgment enjoining
enforcement of California Penal Code § 32310 (a) & (b), which, with some
exceptions, prohibits the manufacture, importation, keeping for sale, offering
or exposing for sale, giving, lending, buying, or receiving any large-capacity**

1 magazines capable of holding more than 10 rounds of ammunition. The
2 district court also made permanent its preliminary injunction, issued on June
29, 2017, of California Penal Code § 32310 (c) & (d), as enacted by
3 Proposition 63, which, with some exceptions, established a state-wide ban on
the possession of large-capacity magazines. The Attorney General has
4 appealed the judgment to the Ninth Circuit Court of Appeals. On April 4,
2019, the district court issued a stay of its judgment pending the
5 appeal. During the appeal, California Penal Code § 32310 (a) & (b) remains
in effect and is fully enforceable, except as to those persons and business
6 entities who manufactured, imported, sold, or bought large-capacity
magazines between March 29, 2019 at 2:24 p.m. PDT and April 5, 2019 at
7 5:00 p.m. PDT. Additionally, California Penal Code § 32310 (c) & (d),
which bans the possession of large-capacity magazines, remains subject to a
8 preliminary injunction during the appeal. Accordingly, lawfully possessed
large-capacity magazines may be retained until the appeal is finally resolved
9 (*Virginia Duncan et al. v. Xavier Becerra*, 9th Circuit Court of Appeals Case
No. 19-55376).

10 4. This CLENTN was sent at 11:30 p.m. on April 15, 2019 and continued
11 being sent three times per day (at 7:30 a.m., 3:30 p.m., and 11:30 p.m.) through
12 April 18, 2019.

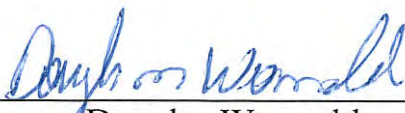
13 5. On April 22, 2019, I directed staff to post the above statement on the
14 California Law Enforcement Website (“CLEW”). CLEW is a secure DOJ website
15 that is used by law enforcement, *e.g.*, local police and sheriff departments, to access
16 various law enforcement-related information, including training manuals, DOJ
17 forms, or other pertinent information DOJ needs to disseminate to the law
18 enforcement community.

19 6. To the best of my knowledge, the above statement has now been
20 provided to all California sheriff offices, all California local police departments, all
21 California district attorney offices, the California Highway Patrol, and all
22 University of California police departments.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the
2 foregoing is true and correct.

3 Executed on April 25, 2019, at Sacramento, California.

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Douglas Wormald

CERTIFICATE OF SERVICE

Case Name: **Virginia Duncan et al. v.
Xavier Becerra**

Case No.: **17-cv-1017-BEN-JLB**

I hereby certify that on April 25, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DECLARATION OF DOUGLAS WORMALD RE NOTICE OF JUDGMENT AND STAY

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 25, 2019, at Los Angeles, California.

Colby Luong
Declarant

/s/ Colby Luong
Signature

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