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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

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13 SIGITAS RAULINAITIS and) **CASE NO. 2:11-cv-08026-JHN -JCG**
14 RIMA RAULINAITIS)
15) DECLARATION OF LAWRENCE
16 Plaintiffs,) MUDGETT #15467 LAPD RETIRED
17 vs.) IN OPPOSITION TO MOTION FOR
18) SUMMARY JUDGMENT BY
19 THE LOS ANGELES COUNTY) DEFENDANTS
20 SHERIFFS DEPARTMENT,)
21 Defendants.)
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I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

1. I was the Chief Firearms Instructor for LAPD SWAT for approximately 14 years and the Chief Firearms Instructor at the LAPD Police Academy for 13 years. I am a combat veteran having served in the First Air Cavalry in Vietnam as an Infantry Light Weapons Sergeant.

1 2. I am a Utah County Delegate. I recently testified in front of the state
2 legislature in support of a bill to approve the 1911 pistol as the official firearm of the
3 state of Utah. I have lectured on the Second Amendment for the 912 Project. I am a
4 Range Master at the famous Gunsite Academy in AZ. My wife and I run a Defensive
5 Firearms Training Program here in Utah and we are NRA instructors. I hold 5 CCW
6 permits. I am certified by the State of Utah as a CFP (Concealed Firearms Permit)
7 instructor. I have testified as an expert witness on firearms and firearms training in
8 Los Angeles Superior Court.

9 3. I have reviewed the motion for Summary Judgment filed by LASD, the
10 separate statement and the responses to discovery from LASD including the
11 declarations of Tanka and Zimring. The need to Carry concealed is due only to the
12 decision of the California legislature to make that the only method of permissible
13 carry having, otherwise banned the possession of a loaded firearm by law abiding
14 citizens and further, even the possession of an unloaded weapon within 1,000 feet of
15 a school, which is Southern California would make travel nearly an impossible task.

16 4. The reality is 49 states now recognize the citizens to carry a functional
17 handgun in a concealed manner, either by constitutional amendment, "Shall Issue"
18 system or "Good Cause": 35 states have "shall issue" permit laws that usually require
19 states to issue permits to those who meet legal requirements; 10 others have "may
20 issue" or discretionary permit laws. Vermont, Arizona, Alaska and Wyoming do not
21 require a permit to carry a concealed weapon.

22 5. It is my opinion, based upon my education, training and experience that
23 increased training reduces the risk of accident, injury and misuse of firearms. For
24 example, when the LAPD Firearms Training Unit increased the quality of their
25 firearms training program, both negligent and accidental discharges were reduced. 6.

26 According to studies armed citizens kill more criminals in self-defense than our
27 Nations police officers by about 2 to 1. Police Officers have about 5 times as many
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1 “mistake of fact shootings” as armed citizens. It is my opinion based upon my
2 education, training and experience that criminals tend to fear armed citizens more
3 than they fear Law enforcement Officers and that the increase in the number of
4 citizens who now carry concealed weapons is a significant factor in the distinct and
5 significant drop in violent crime each year (according to the FBI statics).

6 7. It is my opinion, based upon my education, training and experience that over
7 the last 30 years the availability of concealed carry has increased dramatically from
8 about 10 states to over 49 currently. It is also interesting to note that 4 states now
9 have Constitutional Carry Laws. Wyoming, Alaska, Vermont, and Arizona allow any
10 citizen who is not prohibited from possessing a handgun to carry it concealed. The
11 legislatures of Utah and other states are considering adopting similar law. When
12 considering the success that other states have had with the “shall issue system,” we
13 must wonder why LE officials do not believe that the same result would occur in CA.
14 One can only conclude that LE officials must believe that California residents are
15 somehow different that the residents of other states. California residents must be
16 deemed less trustworthy, less restrained, more violent, more prone to commit crimes,
17 etc.”

18 8. It is my opinion, based upon my education, training, and experience and being
19 intimately familiar with firearms research, regulation, publications and studies, that
20 there is no correlation between the issuance of CCW permits and unlawful violence.
21 In fact as a retired law enforcement officer, it has been my experience that criminals
22 do not seek out training or licensing for the purpose of carrying concealed weapons,
23 and CCW permit holders are not in any way likely to increase crime or violence, and
24 among the gun owning population are safer and less likely to be involved in an
25 accident with a gun, than gun owners in general because of their increased training
26 and awareness. What facts I am aware of indicate that armed and trained citizens

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1 reduce crime by their very existence, as criminals do not know which citizens are in
2 fact armed. For instance I note the following upon which I have also relied:

3 Supporting Documentation

4 • The Lott-Mustard Report- John Lott and David Mustard, in connection with the
5 University of Chicago Law School, examining crime statistics from 1977 to 1992 for
6 all U.S. counties, concluded that the thirty-one states allowing their residents to carry
7 concealed, had significant reductions in violent crime. Lott writes, "Our most
8 conservative estimates show that by adopting shall-issue laws, states reduced murders
9 by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%. If those states
10 that did not permit concealed handguns in 1992 had permitted them back then,
11 citizens might have been spared approximately 1,570 murders, 4,177 rapes, 60,000
12 aggravated assaults and 12,000 robberies. To put it even more simply criminals, we
found, respond rationally to deterrence threats... While support for strict gun-control
laws usually has been strongest in large cities, where crime rates are highest, that's
precisely where right-to-carry laws have produced the largest drops in violent
crimes."

13 (Source: "More Guns, Less Violent Crime", Professor John R. Lott, Jr., The Wall
Street Journal, August 28, 1996, (The Rule of Law column).

14 • "Crimes are stopped with guns about five times as frequently as crimes are
15 committed with guns." John Lott "Gun Laws Can Be Dangerous, Too"
Wall Street Journal, May 12, 1999 <http://www.tsra.com/Lott22.htm>

16 • "In Florida, where 315,000 permits have been issued, there are only five known
17 instances of violent gun crime by a person with a permit. This makes a permit-
18 holding Floridian the cream of the crop of law-abiding citizens, 840 times less likely
19 to commit a violent firearm crime than a randomly selected Floridian without a
permit." (David Kopel – "More Permits Mean Less Crime..."
Los Angeles Times, Feb. 19, 1996, Monday, p. B-5

20 • "Dade County, Florida, kept meticulous records for six years, and of 21,000
21 permit holders, there was no known incident of a permit holder injuring an innocent
22 person. In addition, since Virginia passed a right-to-carry law more than 50,000
23 permits have been issued, but not one permit holder has been convicted of a crime
and violent crime has dropped." H. Sterling Burnett, No Smoking Guns
<http://www.ncpa.org/oped/sterling/mar899.html>

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25 9. The declaration of Franklin Zimring is not consistent with my knowledge,
26 training or experience. Mr. Zimring expresses theories which are not related to CCW
27 permits and are not consistent with any peer reviewed statistics. By way of example,
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1 one of the undisputed facts used by Zimring was the so called fact that 39 percent of
2 people who commit murder had at the time no disqualifying convictions. My first
3 thought is that these are juveniles who commit a good percentage of the crime in Los
4 Angeles. Their juvenile arrests may not be used against them as adults and they may
5 comprise a portion of this supposed 39 percent. The second factor is people who are
6 arrested for serious crimes in LA are often allowed to plea the case down to a far
7 lesser crime and the minor crime is the one they are actually convicted of. These are
8 weaknesses in the criminal justice system that should not be used to deny you the
9 right of self-defense. I find the statistic suspicious in any case.

10 10. The last ten years have seen an astronomical rise in the sale of guns and
11 ammunition while at the same time seeing a consistent and yearly drop in violent
12 crime as is commonly known, based upon my knowledge, experience and training
13 and as reflected in the attached FBI crime and NCIS statistics.

14 11. As a former Law Enforcement officer, and expert who has reviewed the
15 discovery responses by LASD, there is absolutely no truth to the assertion that CCW
16 holders present any risk to law enforcement, and in fact the opposite is true. Citizens
17 with training tend to be more aware of the concerns faced by law enforcement, and
18 less likely to become involved in any sort of law enforcement encounter.

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20 May 9, 2012

21 By Lawrence Mudgett

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September 19, 2011

FBI Releases 2010 Crime Statistics

Washington, D.C.—According to the figures released today by the FBI, the estimated number of violent crimes in 2010 declined for the fourth consecutive year. Property crimes also decreased, marking the eighth straight year that the collective estimates for these offenses declined.

The 2010 statistics show that the estimated volumes of violent and property crimes declined 6.0 percent and 2.7 percent, respectively, when compared with the 2009 estimates. The violent crime rate for the year was 403.6 offenses per 100,000 inhabitants (a 6.5 percent decrease from the 2009 rate), and the property crime rate was 2,941.9 offenses per 100,000 persons (a 3.3 percent decrease from the 2009 figure).

These and additional data are presented in the 2010 edition of the FBI's annual report *Crime in the United States*. This publication is a statistical compilation of offense and arrest data reported by law enforcement agencies voluntarily participating in the FBI's Uniform Crime Reporting (UCR) Program.

The UCR Program collects information on crimes reported by law enforcement agencies regarding the violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as well as the property crimes of burglary, larceny-theft, motor vehicle theft, and arson. (Although the FBI classifies arson as a property crime, it does not estimate arson data because of variations in the level of participation by the reporting agencies. Consequently, arson is not included in the property crime estimate.) The program also collects arrest data for the offenses listed above plus 20 additional offenses that include all other crimes except traffic violations.

In 2010, there were 18,108 city, county, university and college, state, tribal, and federal agencies that participated in the UCR Program. A summary of the statistics reported by these agencies, which are included in *Crime in the United States, 2010*, follows:

- Nationwide in 2010, there were an estimated 1,246,248 violent crimes.
- Each of the four violent crime offenses decreased when compared with the 2009 estimates. Robbery had the largest decrease at 10.0 percent, followed by forcible rape with a 5.0 percent decline, murder and nonnegligent manslaughter with a 4.2 percent decrease, and aggravated assault with a 4.1 percent decline.
- Nationwide in 2010, there were an estimated 9,082,887 property crimes.
- Each of the property crime offenses also decreased in 2010 when compared with the 2009 estimates. The largest decline, 7.4 percent, was for motor vehicle thefts. The estimated

number of burglaries decreased 2.0 percent, and the estimated number of larceny-thefts declined 2.4 percent.

- Collectively, victims of property crimes (excluding arson) lost an estimated \$15.7 billion in 2010.
- The FBI estimated that in 2010, agencies nationwide made about 13.1 million arrests, excluding traffic violations.
- The 2010 arrest rate for violent crimes was 179.2 per 100,000 inhabitants; for property crime, the rate was 538.5 per 100,000 inhabitants.
- By violent crime offense, the arrest rate for murder and nonnegligent manslaughter was 3.6; forcible rape, 6.5; robbery, 36.6; and aggravated assault was 132.6 arrests per 100,000 inhabitants.
- By property crime offense, the arrest rate for burglary was 94.3; larceny-theft, 417.5; and motor vehicle theft, 23.1 per 100,000 inhabitants. The arrest rate for arson was 3.7 per 100,000 inhabitants.
- In 2010, there were 14,744 law enforcement agencies that reported their staffing levels to the FBI. These agencies reported that, as of October 31, 2010, they collectively employed 705,009 sworn officers and 308,599 civilians, a rate of 3.5 employees for each 1,000 inhabitants.

Note: **Caution against Ranking**—Each year when *Crime in the United States* is published, some entities use the figures to compile rankings of cities and counties. These rough rankings provide no insight into the numerous variables that mold crime in a particular town, city, county, state, tribal area, or region. Consequently, they lead to simplistic and/or incomplete analyses that often create misleading perceptions adversely affecting communities and their residents. Valid assessments are possible only with careful study and analysis of the range of unique conditions affecting each local law enforcement jurisdiction. **The data user is, therefore, cautioned against comparing statistical data of individual reporting units from cities, metropolitan areas, states, or colleges or universities solely on the basis of their population coverage or student enrollment.**

Total NICS Background Checks

November 30, 1998 - April 30, 2012

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
1998											21,196	871,644	892,840
1999	591,355	696,323	753,083	646,712	576,272	569,493	589,476	703,394	808,627	945,701	1,004,333	1,253,354	9,138,123
2000	639,972	707,070	736,543	617,689	538,648	550,561	542,520	682,501	782,087	845,886	898,598	1,000,962	8,543,037
2001	640,528	675,156	729,532	594,723	543,501	540,491	539,498	707,288	864,038	1,029,691	983,186	1,062,559	8,910,191
2002	665,803	694,668	714,665	627,745	569,247	518,351	535,594	693,139	724,123	849,281	887,647	974,059	8,454,322
2003	653,751	708,281	736,864	622,832	567,436	529,334	533,289	683,517	738,371	856,863	842,932	1,008,118	8,481,588
2004	695,000	723,654	738,298	642,589	542,456	546,847	561,773	666,598	740,260	865,741	890,754	1,073,701	8,687,671
2005	685,811	743,070	768,290	658,954	557,058	555,560	561,358	687,012	791,353	852,478	927,419	1,164,582	8,952,945
2006	775,518	820,679	845,219	700,373	626,270	616,097	631,156	833,070	919,487	970,030	1,045,194	1,253,840	10,036,933
2007	894,608	914,954	975,806	840,271	803,051	792,943	757,884	917,358	944,889	1,025,123	1,079,923	1,230,525	11,177,335
2008	942,556	1,021,130	1,040,863	940,961	886,183	819,891	891,224	956,872	973,003	1,183,279	1,529,635	1,523,426	12,709,023
2009	1,213,885	1,259,078	1,345,096	1,225,980	1,023,102	968,145	966,162	1,074,757	1,093,230	1,233,982	1,223,252	1,407,155	14,033,824
2010	1,119,229	1,243,211	1,300,100	1,233,761	1,016,876	1,005,876	1,069,792	1,089,374	1,145,798	1,368,184	1,296,223	1,521,192	14,409,616
2011	1,323,336	1,473,513	1,449,724	1,351,255	1,230,953	1,168,322	1,157,041	1,310,041	1,253,752	1,340,273	1,534,414	1,862,327	16,454,951
2012	1,377,301	1,749,903	1,727,881	1,427,343									6,282,428

TOTAL 147,164,827

NOTE: These statistics represent the number of firearm background checks initiated through the NICS. They do not represent the number of firearms sold. Based on varying state laws and purchase scenarios, a one-to-one correlation cannot be made between a firearm background check and a firearm sale.