Sent By: Gary Mauser PhD; 604 936 9140; Oct-13-10 11:51AM; C. D. Michel – SBN 144257 Clint B. Monfort – SBN 255609 Sean A. Brady – SBN 262007 1 2 cmichel@michellawyers.com MICHEL & ASSOCIATES, P.C. 180 E. Ocean Blvd., Suite 200 3 Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Attorneys for Plaintiffs / Petitioners 5 6 Paul Neuharth, Jr. – SBN 147073 pneuharth@sbcglobal.net PAUL NEUHARTH, JR., APC 1140 Union Street, Suite 102 San Diego, CA 92101 Telephone: (619) 231-0401 Facsimile: (619) 231-8759 Attorney for Plaintiffs / Petitioners 7 10 11 UNITED STATES DISTRICT COURT 12 SOUTHERN DISTRICT OF CALIFORNIA 13 14 EDWARD PERUTA, MICHELLE LAXSON, JAMES DODD, DR.) CASE NO: 09-CV-2371 IEG (BGS) 15 LESLIE BUNCHER, MARK
CLEARY, and CALIFORNIA RIFLE)
AND PISTOL ASSOCIATION **DECLARATION OF GARY MAUSER** 16 IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT'S 17 **MOTION FOR SUMMARY** FOUNDATION JUDGMENT 18 Plaintiffs. 19 20 COUNTY OF SAN DIEGO. WILLIAM D. GORE 21 INDIVIDUALLY AND IN HIS CAPACITY AS SHERIFF, 22 Defendants. 23 24 25

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09-CV-2371 IEG (BGS)

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DECLARATION OF GARY MAUSER

I, Gary Mauser, declare as follows:

- I am a Canadian criminologist recently retired after teaching since 3 1. 1975 at Simon Fraser University in British Columbia. I received my doctorate from the University of California, Irvine (1970). My publications concerning the 5 criminology of firearms include: "A Comparison of Canadian and American Attitudes Toward Fircarms," Canadian J. of Criminology, Vol. 32, pp. 573-589 (1990); "Gun Control in the United States," CRIMINAL LAW FORUM, Vol. 3, No. 1 (1992), pp. 147-159; "The Politics of Gun Control: Comparing Canadian and American Patterns," GOVERNMENT AND POLICY, Vol. 10, pp. 189-209 (1992); "Evaluating the 1977 Carladian Firearms Control Legislation: An Econometric Approach," 16 EVALUATION REVIEW, pp. 603-617 (1993); "Do Canadians Use Firearms in Self-protection?" 37 CANADIAN JOURNAL OF CRIMINOLOGY, October 1995, pp. 556-61; "Armed Self Defense: the Canadian Case," JOURNAL OF CRIMINAL JUSTICE, Vol. 24, No. 5, 1996, pp. 393-406; "On Defensive Gun Use Statistics," CHANCE, AMERICAN STATISTICAL ASSOCIATION, Vol. 13, No. 1, Winter 2000, pp. 3-4; "An Evaluation of the 1977 Canadian Firearms Legislation: Robbery Involving a Firearm, Applied Economics, Vol. 35, pp. 423-436, (2003); and "Would Banning Firearms Reduce Murder and Suicide: A Review of International Evidence," 30 HARVARD JOURNAL OF LAW & PUBLIC POLICY, pp. 651-694 (2007). I should note that many of these articles were co-authored with other scholars.
 - I have read the respective declarations of Professors Frank Zimring and Carl Moody submitted in this case. I entirely concur in Prof. Moody's observations.
 - Prof. Zimring's observations are generally correct, but omit a crucial 3. fact: Serious criminal violence with firearms is almost exclusively committed by people (criminals) with histories of previous crime or, occasionally, by people who are seriously mentally disturbed.

Sent By: Gary Mauser PhD;

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	4. Т	his is a	poi	nt as to which Prof. Zimring has often been criticized. I
	can do no bett	er than	to q	note from a more than ten year old article by Prof. Elliott
	critiquing pric	r expre	ssio	ns by Prof. Zimring: "Contrary to the assertions made by
	Zimring and F	lawkin	s, the	use of life-threatening violence in this country is, in fact,
	largely restric	ted to a	crìn	inal class and embedded in a general pattern of criminal
	behavior. [cita	tions]	T	ne view presented [Zimring] that many or most persons
	involved in lif	e-threa	tenir	g violence have no prior or current involvement in other
	forms of crime	is s	mpl	unsupportable virtually all individuals who become
I	involved in lif	e-threa	tenir	g violent crime have prior involvement in many types of
I	minor (and no	t so mi	nor)	offenses. (Delbert S. Elliott, "Life Threatening Violence
	is Primarily a	Crime l	rob	em: A Focus on Prevention," 69 Colo. L. Rev. 1081,
	1081-1098.			
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5. This omission is critical because it makes Prof. Zimring's views irrelevant in a case like the present. I am informed that neither juveniles nor people with crime records or mental deviancy records are eligible for concealed weapon licenses. These are the people who commit serious violent crime. And they are irrelevant to the issuance of such licenses because they are ineligible for such licenses in any event.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed in Coquitlan, Canada on October 13, 2010.

Gary Mauser Mruse

1	IN THE UNITED STATES DISTRICT COURT			
2	SOUTHERN DISTRICT OF CALIFORNIA			
3	EDWARD PERUTA,) CASE NO. 09-CV-2371 IEG (BGS)			
4	MICHELLE LAXSON, JAMES) DODD, DR. LESLIE) CERTIFICATE OF SERVICE			
5	BUNCHER, MARK CLEARY,) and CALIFORNIA RIFLE AND)			
6	PISTOL ASSOCIATION) FOUNDATION)			
7	Plaintiffs, {			
8	v. {			
9	COUNTY OF SAN DIEGO,) WILLIAM D. GORE,			
10	INDIVIDUALLY AND IN HIS) CAPACITY AS SHERIFF,			
11 12	Defendants.			
13				
14	IT IS HEREBY CERTIFIED THAT:			
15	I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.			
16	I am not a party to the above-entitled action. I have caused service of:			
17	DECLARATION OF GARY MAUSER IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT'S			
18	MOTION FOR SUMMARY JUDGMENT			
19 20	on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.			
21	James M. Chapin Paul Neuharth, Jr. (State Bar #147073)			
22	County of San Diego PAUL NEUHARTH, JR., APC Office of County Counsel 1140 Union Street, Suite 102 San Diego, CA 92101			
23	Room 355 San Diego, CA 92101-2469 Telephone: (619) 231-0401 Facsimile: (619) 231-8759			
24	(619) 531-5244 pneuharth@sbcglobal.net Fax: (619-531-6005			
25	james.chapin@sdcounty.ca.gov			
26	I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2010.			
27	/s/ C.D. Michel C. D. Michel			
28	Attorney for Plaintiffs			
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