

1 XAVIER BECERRA  
 Attorney General of California  
 State Bar No. 118517  
 2 MARK R. BECKINGTON  
 Supervising Deputy Attorney General  
 State Bar No. 126009  
 3 JOSE A. ZELIDON-ZEPEDA  
 Deputy Attorney General  
 State Bar No. 227108  
 4 PETER H. CHANG  
 Deputy Attorney General  
 State Bar No. 241467  
 5 JOHN D. ECHEVERRIA  
 Deputy Attorney General  
 State Bar No. 268843  
 6 455 Golden Gate Avenue, Suite 11000  
 San Francisco, CA 94102-7004  
 Telephone: (415) 510-3479  
 7 Fax: (415) 703-1234  
 E-mail: John.Echeverria@doj.ca.gov  
 8 *Attorneys for Defendant*

12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
 14 CIVIL DIVISION

16 **JAMES MILLER, et al.,**

17 Plaintiffs,

18 v.

19 **CALIFORNIA ATTORNEY  
 GENERAL XAVIER BECERRA,  
 20 et al.,**

21 Defendants.

3:19-cv-01537-BEN-JLB

**DEFENDANTS' RESPONSE TO  
 FEBRUARY 26, 2021 ORDER**

Courtroom: 5A  
 Judge: Hon. Roger T. Benitez  
 Trial Date: February 3, 2021  
 Action Filed: August 15, 2019

1 Defendants hereby respond to the Court’s Order, issued on February 26, 2021,  
2 directing Defendants to adduce certain firearms sales data for the years 2020 and  
3 2021. The requested information, to the extent available, is provided in the  
4 accompanying Declaration of Assistant Director Blake Graham, attached hereto as  
5 Exhibit 1. The sales data provided in Exhibit 1 confirm that the California Assault  
6 Weapons Control Act has not prevented law-abiding citizens in the state from  
7 acquiring a range of firearms for lawful purposes, including self-defense.

8 Dated: March 15, 2021

Respectfully Submitted,

XAVIER BECERRA  
Attorney General of California  
MARK R. BECKINGTON  
Supervising Deputy Attorney General  
JOSE A. ZELIDON-ZEPEDA  
PETER H. CHANG  
Deputy Attorneys General

s/ John D. Echeverria

JOHN D. ECHEVERRIA  
Deputy Attorney General  
*Attorneys for Defendants*

16 SA2019104420  
17 42596665.docx

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 1**

1 XAVIER BECERRA  
 Attorney General of California  
 State Bar No. 118517  
 2 MARK R. BECKINGTON  
 Supervising Deputy Attorney General  
 State Bar No. 126009  
 3 JOSE A. ZELIDON-ZEPEDA  
 Deputy Attorney General  
 State Bar No. 227108  
 4 PETER H. CHANG  
 Deputy Attorney General  
 State Bar No. 241467  
 5 JOHN D. ECHEVERRIA  
 Deputy Attorney General  
 State Bar No. 268843  
 6 455 Golden Gate Avenue, Suite 11000  
 San Francisco, CA 94102-7004  
 Telephone: (415) 510-3479  
 7 Fax: (415) 703-1234  
 E-mail: John.Echeverria@doj.ca.gov  
 8 *Attorneys for Defendants*

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

15 **JAMES MILLER, et al.,**  
 16  
 Plaintiffs,  
 17  
 v.  
 18 **CALIFORNIA ATTORNEY**  
 19 **GENERAL XAVIER BECERRA,**  
**et al.,**  
 20  
 Defendants.

Case No. 19-cv-1537-BEN-JLB

**DECLARATION OF ASSISTANT  
 DIRECTOR BLAKE GRAHAM**

Courtroom: 5A  
 Judge: Hon. Roger T. Benitez  
 Trial Date: February 3, 2021  
 Action Filed: August 15, 2019

1           **DECLARATION OF ASSISTANT DIRECTOR BLAKE GRAHAM**

2           I, Blake Graham, declare:

3           1.       I am an Assistant Director of the California Department of Justice,  
4           Bureau of Firearms. I have personal knowledge of the facts set forth in this  
5           declaration, and if called upon as a witness, I could and would testify competently  
6           as to those facts.

7           2.       I understand that the Court has ordered Defendants in this action to  
8           provide, for the years 2020 and 2021, (a) the total number of firearms sold in  
9           California with background checks; (b) the total number of rifles, the total number  
10          of shotguns, the total number of semiautomatic pistols, and the total number of  
11          revolvers sold in California, if ascertainable; and (c) the number of first-time buyers  
12          of a firearm in California, if ascertainable.

13          3.       I worked with California Justice Information Services (CJIS) staff to  
14          collect data maintained by the Bureau of Firearms concerning firearms transactions  
15          in the state. All firearm sales in California must be conducted through a federal  
16          firearms licensee (FFL) located in California and be accompanied by an application  
17          for a background check in a Dealer's Record of Sale (DROS), which is submitted to  
18          and maintained by the Bureau of Firearms. The data provided herein is based on  
19          the records of completed sales transactions maintained by the Bureau of Firearms.

20          4.       The total number of firearms sold in California with background  
21          checks in 2020 was 1,165,309. As of March 12, 2021, the total number of firearms  
22          sold in California with background checks in 2021 was 180,058. These figures  
23          account for all firearm sales conducted through FFLs in the state, including private-  
24          party transactions, consignments, and pawn sales.

25          5.       The total number of rifles sold with background checks in California in  
26          2020 was 317,257. As of March 12, 2021, the total number of rifles sold in  
27          California with background checks in 2021 was 51,800. These figures include any  
28          firearms classified as rifles by the Bureau of Firearms.

1           6.     The total number of shotguns sold with background checks in  
2 California in 2020 was 161,330. As of March 12, 2021, the total number of  
3 shotguns sold in California with background checks in 2021 was 26,032. These  
4 figures include any firearms classified as shotguns by the Bureau of Firearms.

5           7.     Some firearms are classified by the Bureau of Firearms as rifle-  
6 shotgun combinations. The figures provided above for rifle and shotgun  
7 transactions do not include sales of firearms classified as rifle-shotgun  
8 combinations. The total number of rifle-shotgun combinations sold with  
9 background checks in California in 2020 was 962. As of March 12, 2021, the total  
10 number of rifle-shotgun combinations sold with background checks in California in  
11 2021 was 117.

12           8.     The total number of semiautomatic pistols sold with background  
13 checks in California in 2020 was 585,409. As of March 12, 2021, the total number  
14 of semiautomatic pistols sold in California with background checks in 2021 was  
15 87,945. These figures include any firearms classified as semiautomatic pistols by  
16 the Bureau of Firearms.

17           9.     The total number of revolvers sold with background checks in  
18 California in 2020 was 94,194. As of March 12, 2021, the total number of  
19 revolvers sold in California with background checks in 2021 was 13,031. These  
20 figures include any firearms classified as revolvers by the Bureau of Firearms.

21           10.    The records maintained by the California Department of Justice do not  
22 specify whether a transaction involved a first-time purchaser of a firearm.  
23 However, to be responsive to the Court's order, the Department compared DROS  
24 applications submitted to the Department in 2020 and 2021 against prior DROS  
25 applications to determine how many purchasers in 2020 and 2021 had not  
26 previously submitted a DROS application to the Department. To determine  
27 whether an individual submitted a prior DROS application, the Department  
28 compared the first, middle, and last names and dates of birth of the DROS

1 applicants and excluded an individual only if the DROS applications involved an  
2 exact match of the names and dates of birth. Based on these parameters,  
3 approximately 369,511 individuals purchased a firearm in California in 2020 who  
4 had not previously submitted a DROS application to the Department prior to  
5 January 1, 2020. As of March 12, 2021, approximately 42,548 individuals  
6 purchased a firearm in California in 2021 who had not previously submitted a  
7 DROS application to the Department prior to January 1, 2021. These figures may  
8 include individuals who previously purchased a firearm using a different name,  
9 such as a different first name, a hyphenated last name, or a different last name prior  
10 to marriage. These figures may also include individuals who previously purchased  
11 a firearm in a different state, as the Department of Justice would not have records of  
12 out-of-state sales.

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

15 Executed on March 15, 2021, at Sacramento, California.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
Blake Graham

**CERTIFICATE OF SERVICE**

Case Name: **James Miller et al. v. Xavier Becerra, et al.**

Case No. **3:19-cv-01537-BEN-JLB**

I hereby certify that on March 15, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' RESPONSE TO FEBRUARY 26, 2021 ORDER with EXHIBIT 1**

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 and the United States of America the foregoing is true and correct and that this declaration was executed on March 15, 2021, at San Francisco, California.

Robert Hallsey

Declarant

/s/ Robert Hallsey

Signature