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7 Plaintiff

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

10  
11 JONATHAN BIRDT, ) CASE NO. 2:10-CV-08377-RGK -  
12 ) JEM  
13 Plaintiff, )  
14 vs. ) **DECLARATION OF LAWRENCE**  
15 CHARLIE BECK, LEE BACA, THE ) **MUDGETT #15467 LAPD**  
16 LOS ANGELES POLICE ) **RETIRED IN SUPPORT OF**  
17 DEPARTMENT and THE LOS ) **PLAINTIFF’S MOTION FOR**  
18 ANGELES COUNTY SHERIFFS ) **SUMMARY JUDGMENT AND IN**  
19 DEPARTMENT, DOES 1 to 50, ) **OPPSOITION TO DEFENDANTS**  
20 ) **MOTION FOR SUMMARY**  
21 Defendants. ) **JUDGMENT**  
22 ) Date: May 16, 2011  
23 ) Time: 9:00 a.m.  
24 ) Department: 850  
25 ) Before: Hon. R. Gary Klausner  
26 ) Location: Roybal Courthouse,  
27 ) 255 East Temple Street  
28 ) Los Angeles, CA 90012  
29 )  
30 )

31 I swear under penalty of perjury under the laws of the State of California that the  
32 foregoing is true and correct:

33 1. I was the Chief Firearms Instructor for LAPD SWAT for approximately 14

1 years and the Chief Firearms Instructor at the LAPD Police Academy for 13 years. I  
2 am a combat veteran having served in the First Air Cavalry in Vietnam as an Infantry  
3 Light Weapons Sgt.

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

11 3. I have reviewed the motions for Summary Judgment filed by Plaintiff, LAPD  
12 and LASD, including supporting documents and oppositions. The need to Carry  
13 concealed is due only to the decision of the California legislature to make that the  
14 only method of permissible carry having, otherwise banned the possession of a  
15 loaded firearm by law abiding citizens and further, even the possession of an  
16 unloaded weapon within 1,000 feet of a school, which is Southern California would  
17 make travel nearly an impossible task.

18 4. It is my opinion, based upon my education, training and experience that  
19 increased training reduces the risk of accident, injury and misuse of firearms. For  
20 instance, according to studies armed citizens kill more criminals in self-defense than  
21 our Nations police officers by about 2 to 1. Police Officers have about 5 times as  
22 many "mistake of fact shootings" as armed citizens.

23 5. It is my opinion, based upon my education, training and experience that Law  
24 enforcement relies upon FBI Uniform Crime Statistics, which, over the last thirty  
25 years have shown a distinct and significant drop in violent crime each year.

26 6. It is my opinion, based upon my education, training and experience that over  
27 the last 30 years the availability of concealed carry has increased dramatically from  
28 about 10 states to over 43 currently. It is also interesting to note that 4 states now  
have Constitutional Carry Laws. Wyoming, Alaska, Vermont, and Arizona allow any  
citizen who is not prohibited from possessing a handgun to carry it concealed. Utah

1 and other states are considering adopting similar law. When considering the success  
2 that other states have had with the "shall issue system," we must wonder why LE  
3 officials do not believe that the same result would occur in CA. One can only  
4 conclude that LE officials must believe that California residents are somehow  
5 different than the residents of other states. California residents must be deemed less  
6 trustworthy, less restrained, more violent, more prone to commit crimes, etc.

7 7. It is my opinion, based upon my education, training, experience and being  
8 intimately familiar with firearms research, regulation, publications and studies, that  
9 there is no correlation between the issuance of CCW permits and violence. In fact as  
10 a retired law enforcement officer, it has been my experience that criminals do not  
11 seek out training or licensing for the purpose of carrying concealed weapons, and  
12 CCW permit holders are not in any way likely to increase crime or violence, and  
13 among the gun owning population are safer and more likely to reduce the accident  
14 rate because of their increased training and awareness. What facts I am aware of  
15 indicate that armed and trained citizens reduce crime by their very existence, as  
16 criminals do not know which citizens are in fact armed. For instance I note the  
17 following upon which I have also relied:

#### Supporting Documentation

- The Lott-Mustard Report- John Lott and David Mustard, in connection with the University of Chicago Law School, examining crime statistics from 1977 to 1992 for all U.S. counties, concluded that the thirty-one states allowing their residents to carry concealed, had significant reductions in violent crime. Lott writes, "Our most conservative estimates show that by adopting shall-issue laws, states reduced murders by 8.5%, rapes by 5%, aggravated assaults by 7% and robbery by 3%. If those states that did not permit concealed handguns in 1992 had permitted them back then, citizens might have been spared approximately 1,570 murders, 4,177 rapes, 60,000 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

1 precisely where right-to-carry laws have produced the largest drops in violent  
2 crimes."

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

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

8 • "In Florida, where 315,000 permits have been issued, there are only five  
9 known instances of violent gun crime by a person with a permit. This makes a  
10 permit-holding Floridian the cream of the crop of law-abiding citizens, 840  
11 times less likely to commit a violent firearm crime than a randomly selected  
12 Floridian without a permit." (David Kopel – "More Permits Mean Less  
13 Crime...")

14 Los Angeles Times, Feb. 19, 1996, Monday, p. B-5

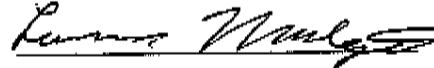
15 • "Dade County, Florida, kept meticulous records for six years, and of  
16 21,000 permit holders, there was no known incident of a permit holder injuring  
17 an innocent person. In addition, since Virginia passed a right-to-carry law  
18 more than 50,000 permits have been issued, but not one permit holder has been  
19 convicted of a crime and violent crime has dropped." H. Sterling Burnett, No  
20 Smoking Guns <http://www.ncpa.org/oped/sterling/mar899.html>

21 8. The declaration of Franklin Zimring is not consistent with my knowledge,  
22 training or experience. Mr. Zimring expresses theories which are not related to CCW  
23 permits and are not consistent with any peer reviewed statistics. By way of example,  
24 one of the undisputed facts used by Zimring was the so called fact that 39 percent of  
25 people who commit murder had at the time no disqualifying convictions. My first  
26 thought is that these are juveniles who commit a good percentage of the crime in Los  
27 Angeles. Their juvenile arrests may not be used against them as adults and they may  
28 comprise a portion of this supposed 39 percent. The second factor is people who are  
arrested for serious crimes in LA are often allowed to plea the case down to a far  
lesser crime and the minor crime is the one they are actually convicted of. These are

1 weaknesses in the criminal justice system that should not be used to deny you the  
2 right of self-defense. I find the statistic suspicious in any case.

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April 26, 2011



By Lawrence Mudgett

# Exhibit A

**Resume**  
**Lawrence Andrew Mudgett II**

**Personal:**

Lawrence Andrew Mudgett II  
D.O.B. 3-23-47  
2241 S. Western Drive, Saratoga Springs, Utah 84045  
Phone # (801) 669-1886  
Married to Stacey Lea Mudgett  
Retired Los Angeles Police Officer (34 years and 8 months)

**Education:**

Glendale City College-One year  
Los Angeles City College-One year  
Los Angeles Police Academy-Graduated Class of September 1969 (Advanced Post Cert)  
Golden West Flight School-Commercial License, Instrument, Multi Engine Ratings, 1969  
1<sup>st</sup> Air Cavalry Division School, RSVN-Graduated Feb. 1967  
U.S. Army Advanced Infantry Training, Ft Polk LA.-Graduated Jan 1967  
U.S. Army Leadership Preparation Course, Ft. Polk LA.-Graduated 1966  
U.S. Army Basic Combat Training Ft. Bliss Texas-Graduated 1966  
Granada Hills High School, Los Angeles, CA-Graduated 1965

**Professional Honors:**

Bronze Star Medal  
U.S. Army Commendation Medal for Valor  
Purple Heart  
Combat Infantryman's Badge  
Air Medal  
Vietnamese Service Medal  
Vietnamese Campaign Medal  
National Defense Medal  
L.A.P.D. Medal of Valor (1976)  
L.A.P.D. Medal of Valor (1985)  
One of 11 out of 40,000 LAPD Officers to ever be awarded the Medal Of Valor twice  
L.A.P.D. Joseph Sonlitner Award-Metropolitan Division, Officer of the Year  
L.A.P.D. Metro Division Walter Kesterson Award-(for excellence in a field shooting)  
The only Metro Officer to ever be awarded both the Sonlitner and Kesterson award.  
State of California Governor's Award for Meritorious Service  
Police Meritorious Unit Citation (S.W.A.T.)  
Meritorious Service Medal (for developing the L.A.P.D. Firearms Training Programs)  
Special Recognition Award-Congress of the United States  
Citizen Commendation from the City Council and the Chief of Police for training and certifying 3 Saratoga Springs Officers as Handguns Instructors and Writing an Instructors Manual for the Department.

**Firearms Related Training:**

NRA Rifle, Pistol, Range Safety Officer, Personal Protection Course-2010/2011  
Utah Hunter Education Course received hunting license. Jan. 2008  
Utah CFP course, Jan 23, 2007  
Gunsite Academy Arizona CCW course, Jan 23-27, 2006  
Gunsite Academy 250 with single action revolvers Top shooter Jan 23-27, 2006  
Gunsite Graduate 250, 250 S/A Rev, 499, 599, 270, and 223-1980 through 2006  
L.A.P.D.-Less Lethal Munitions  
N.R.A. Instructor-Rifle, Pistol, Shotgun, Home Safety and Personal Protection (expired)  
Certified as a Basic Firearms Safety Instructor-State of California  
U.C.L.A. Instructor Development Course  
F.B.I-Police Sniper School  
Dr. Martin Fackler-Wound Ballistics Seminars  
International Training Consultants- Urban Police Rifle  
F.B.I./N.R.A.-Range Master School  
U.S.M.C.-Certified as Range Master -1987 Designed range 130 Camp Pendleton.  
American Small Arms Academy-M.P.-5-1983  
World Champion Gene Percy Shooting School-Feb 6 & 7, 2001  
World Champion Gene Percy Shooting School-April 23 & 24, 2001  
L.A.P.D.-Glock Instructor School  
L.A.P.D.-Glock Armor School  
N.R.A. Gunsmith School-Lassen Community College-June 2001  
Tactical Communications Instructor-certified by George T. Thompson Ph. D. 1991  
U.S. Army infantry light weapons training 1966-1968

L.A.P.D. Qualified to use and teach all S&W .38 Revolvers, Beretta M-92FS, all S&W 9mm & .45 ACP. Pistols, Colt 1911, all Glock Pistols, M-16 and M-4 Rifle, Remington 870, Ithaca M-37, Uzi-9MM, H&K MP-5, Ruger M-77 .308, Remington M-700 .308, Remington 1100, and the H&K Benelli Shotgun.

**Competitive Shooting:**

Member of the "400 Club"- one of 39 L.A.P.D. Officers (out of 40,000) to ever shoot a perfect score on the L.A.P.D. "Bonus Course" (advanced combat course)  
Captain, L.A.P.D. Cowboy Action Shooting Team  
Participated in 130 C.A.S. Matches July 1996 to present  
First Place Frontier Cartridge Class "Trail Town" Norco, CA, May 2005  
Top 10 Winner (10<sup>th</sup>) Gunfighter Class, "End of Trail" World Championship, 2004  
First Place Over-All Winner, "Silver Queen Regulators" Duarte, CA, Nov.11, 2001  
Top 10 Winner (10<sup>th</sup>) B.P. Cart. Class, "Winter Range" National Championship, 2001  
Top 10 Winner (7<sup>th</sup>) Frontiersman Class, "End of Trail" World Championship, 2000  
Top 10 Winner (8<sup>th</sup>) Frontiersman Class, "Winter Range" National Championship, 2000  
First Place over all, L.A.P.D. Annual C.A.S. Match, Sept. 12, 1999  
Top 10 Winner (8<sup>th</sup>) Frontiersman Class, "End of Trail" World Championship, 1999  
Ray Chapman's California Pistol Club, (combat shooting competition) 1976  
South West Combat Pistol League, 1971-1976



**Work Experience:**

Owner/Instructor Marksmanship Matters DFT. Utah August 2010 to present  
Adjunct Firearms Instructor Saratoga Springs PD (Utah) December 2008  
Riders Edge Academy M/C Instructor for Timp. HD Utah March 1, 2008 to Dec 2009  
Range Master-Instructor, Gunsite Academy, Paulden, AZ-May 2005 to present  
Motorcycle Safety Foundation Rider Coach (Instructor)-Aug.2005 to present  
Primary Instructor, Police Handgun Course, Pittsburgh PA-Sept. 12-14, 2008  
Primary Instructor, Police Handgun Course, Pittsburgh PA-May 2-4, 2008  
Ride Rite Motorcycle Training Site Manager, Woodland Hills, CA 7/1/06 to 10/1/06  
Police Officer, Los Angeles Police Department-September 8, 1969 to May 1, 2004  
Adjunct Instructor, I.T.T.S. (Scott Reitz)-2002 to present  
Chief Firearms Instructor L.A.P.D. Academy-1991 to May 2004  
Chief Instructor-L.A.P.D. Urban Police Rifle (M-16) Cadre 1998-2004  
Chief Instructor-L.A.P.D. Tactical Shotgun (Slug) Cadre 1998-2004  
Instructor, Gene Percy's Shooting School Jan 26 & 27, and April 26 & 27, 2004  
Adjunct Firearms & Tactics Instructor for U.S. Federal Marshals (PA) 1995-2004  
Adjunct Firearms Instructor (pistol and rifle) for Richmond P.D. (CA) 2002 and 2003  
Instructor for Gene Percy's Shooting School April 7 & 8, 2003  
Adjunct Firearms Instructor for Simi Valley P.D. (rifle & shotgun) 2002 through 2005  
Adjunct Firearms Instructor for Allegany County (PA) S.W.A.T. 2000  
Adjunct Firearms Instructor for West Covina P.D. (CA) 1988 and 1997  
Lead Instructor L.A.P.D. Semiautomatic Pistol Transition School 1986 to 2004  
Adjunct Firearms, Tactics and S.W.A.T. Instructor, C.T.A. (D.O.E.) 1985-1995  
Owner/Instructor, California Firearms Seminars-1980-1985  
L.A.P.D.-S.W.A.T. Dynamic Entry & Hostage Rescue Instructor-1980 to 1991  
L.A.P.D.-S.W.A.T. Chief Firearms Instructor.-March 1978 to July 1991  
L.A.P.D.-S.W.A.T. Team member.-Dec.1978 to July 1991  
Metro Division-Chief Firearms Instructor Sept. 1976 to July 1991  
Adjunct Firearms Instructor for Ventura County (CA) S.W.A.T. 1988 and 1989  
Firearms Instructor for the National Tactical Officers Association 1988 and 1989  
Established & Trained U.S.M.C. Special Operations Training Group 1987-1988  
U.S. Marine Corps (Recon) Hostage Rescue Instructor (5 months) 1987-1988  
Trained California Highway Patrol "Initial Response Team" (IRT) 1988  
Trained the Philippine Hostage Rescue Team for the U.S. Department of State 1988  
Trained the Venezuelan Federal Commandos in Caracas 1980  
SWAT Firearms Instructor at the Chapman Academy in Columbia Missouri 1980  
Assigned to LAPD Training, Patrol, Communications, Vice, Sept. 1969-Sept.1976  
U.S. Army Sgt. Co B, 1/8, 1<sup>st</sup>. Air Cavalry, Republic of South Viet Nam 1967-1968

**Gunsite Academy and Other Firearms Courses Taught Since Retiring from LAPD**

Police Pistol Instructor Class Multi agency PHX AZ Instructor May 14 2010  
Gunsite Double Action Revolver Self Defense Course Instructor May 10-12  
Gunsite Single Action Revolver Self Defense Course Range Master May 3-5 2010  
Gunsite Smith & Wesson Handgun Hunting class Instructor Feb 4-5 2010  
Gunsite Ruger Board of Directors 9MM class Instructor Feb 2 2010  
Gunsite General Rifle (270) Course Instructor March 9-13 2009  
Gunsite Single Action Revolver Self Defense Course Range Master April 2009  
Gunsite Double Action Revolver Self Defense Course Instructor May 2009  
Saratoga Springs PD Glock Handgun Instructor Course (66 hours) December 2008  
Police Pistol Class Multi Agency Pittsburgh, PA Sept. 12-14, 2008  
Police Pistol Class Multi Agency Pittsburgh, PA. May 2-4, 2008  
Civilian Pistol Course, Saratoga Springs, Utah, 80 hours, April 4-Sept 5, 2008  
Gunsite Basic Combat Pistol Course (250) Range Master June 5-9, 2006  
Gunsite Special Military Class Range Master April 10-12, 2006  
Gunsite Basic Combat Pistol Course, (250) Range Master April 3-7, 2006  
Gunsite Basic Combat Pistol Course, (250) Instructor Feb 20-24, 2006  
Simi Valley PD Pistol and Carbine Instructor Update, Range Master July 6-July 8, 2005  
Gunsite Basic Combat Pistol Course (250) June 6-June 10, 2005 with Dave Harris  
Gunsite Advanced Carbine Course (556), Instructor May 16-May 20, 2005 with Bobby Schneider  
Gunsite Intermediate Pistol Course (350) Instructor, April 11-April 15, 2005 with Ed and Giles Stock

**Additional:**

Qualified as a Firearms Expert Witness in California Superior Court in 1994.  
Qualified as an Expert Witness on Firearms and Tactics-LAPD administrative hearing.  
Wrote and published numerous magazine articles on SWAT Weapons, Firearms Training Techniques, and Cowboy Action Shooting Competition.