

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KIRK C. FISHER,)	CIVIL NO. 11-00589 ACK/BMK
)	
Plaintiff,)	DECLARATION OF KIRK C.
)	FISHER
vs.)	
)	
LOUIS KEALOHA, as an individual)	
and in his official capacity as Honolulu)	
Chief of Police; PAUL PUTZULU, as)	
an individual and in his official capacity)	
as former Honolulu Acting Chief of)	
Police; CITY AND COUNTY OF)	
HONOLULU; HONOLULU POLICE)	
DEPARTMENT and DOE)	
DEFENDANTS 1-50,)	
)	
Defendants.)	

DECLARATION OF KIRK C. FISHER

I, KIRK C. FISHER, declare as follows:

1. I am the Plaintiff herein.
2. I am 55 years old.
3. On December 3, 1997, I was convicted of two counts of petty misdemeanor Harassment in the Family Court of the First Circuit, State of Hawaii (State of Hawaii v. Kirk C. Fisher, FC-CR No. 97-3233). I was sentenced to six (6) months probation.
4. I have never had a restraining order issued against me.

EXHIBIT B

5. I have never been adjudged insane, am not mentally deranged, nor have I suffered from any psychological, psychiatric, behavioral, emotional or mental disorder or condition that would preclude me from exercising my right to keep and bear arms and ammunition. Further, I have never been acquitted of a charge by reason of any psychological, behavioral, emotional or mental disorder or condition that would preclude me from exercising my right to keep and bear arms and ammunition.

6. I do not abuse and am not addicted to or dependent on alcohol or drugs. I have never been diagnosed as suffering from any addiction to, dependency upon, or abuse of alcohol or drugs. I have never been treated for addiction, dependency or abuse of alcohol or drugs.

7. I have completed at least two firearms courses, including the State of Hawaii, Department of Land and Natural Resources, Hawaii Hunter Education Program, Division of Conservation and Resources Enforcement "Hunter Education Course."

8. In the fall of 2009, I owned firearms. In the fall of 2009, I submitted an application to Honolulu Police Department to acquire an additional firearm.

9. On October 1, 2009, Acting Chief of Police Putzulu denied the application, on the grounds that I was disqualified pursuant to H.R.S. §134-7.

10. I was ordered to surrender to the chief of police or otherwise lawfully

dispose of my firearms and ammunition within thirty (30) days. I was told that if I did not lawfully dispose of my firearms and ammunition I would be arrested.

11. Thereafter, I lawfully disposed of all firearms and ammunition.

12. HPD informed me that I was disqualified because of a prior petty misdemeanor Harassment conviction in State of Hawaii v. Kirk C. Fisher, FC-CR No. 97-3233. HPD also informed me that it was their custom, practice and policy to review the police reports to determine whether or not a defendant's alleged crime was a crime of violence. I was also told that Defendant Putzulu's decision was final and there were no appellate remedies.

13. I would like to exercise my right to keep and bear arms. I am unable to do so without a permit. Although I am not an attorney, I have knowledge of various criminal offenses associated with ownership or possession of firearms and/or ammunition, referenced in the lawsuit to which this Declaration pertains.

I declare under penalty of law that the foregoing is true and correct.

Dated: Honolulu, Hawaii, 3/15/12.


KIRK C. FISHER