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8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 FRESNO DIVISION

12
 13 **JEFF SILVESTER, MICHAEL
 14 POESCHL, BRANDON COMBS,
 15 THE CALGUNS FOUNDATION,
 16 INC., a non-profit organization, and
 17 THE SECOND AMENDMENT
 18 FOUNDATION, INC., a non-profit
 19 organization,**

1:11-cv-02137-AWI-SKO

**DECLARATION OF CAROLINE P.
HAN REGARDING USE OF
EXPERT WITNESSES IN *CHOVAN*
LITIGATION**

Plaintiffs,

v.

20 **KAMALA HARRIS, Attorney
 21 General of California (in her official
 22 capacity), and DOES 1 to 20,**

Defendants.

23
24 I, Caroline P. Han, declare as follows:

25 1. I have personal knowledge of the following facts and, if called as a
 26 witness in a relevant proceeding, could and would testify competently to these
 27 facts.
 28

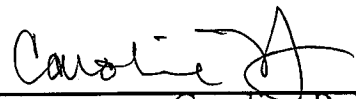
1 2. I am an attorney admitted to practice law in the State of California; the
2 U.S. District Court, Southern District of California; and the U.S. Court of Appeals,
3 Ninth Circuit.

4 3. I am an Assistant U.S. Attorney in the U.S. Attorney's Office in the
5 Southern District of California. I am one of the attorneys of record for the United
6 States of America (the "United States") in the case of *United States v. Chovan*, 735
7 F.3d 1127 (9th Cir. 2013). I was the lead prosecutor in district court and co-wrote
8 the appellate briefing and orally argued the appeal in the Ninth Circuit.

9 4. The United States did not notice or use a testifying expert witness in
10 *Chovan*.

11 5. In litigating the question in *Chovan* of whether 18 U.S.C. § 922(g)(9)
12 violates the Second Amendment, the United States cited to the Ninth Circuit both
13 (A) colonial era statutes, academic texts, and law-journal articles relating to the
14 scope of the Second Amendment right as historically understood, and (B) other case
15 law citing social science studies and at least one published medical-research study
16 relating to the public-safety rationale for 18 U.S.C. § 922(g)(9).

17 I declare under the penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct, and that I signed this declaration on
19 February 27, 2014 at San Diego, California.

20
21 
22 _____
23 Caroline P. Han