

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101 <input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> CENTRAL DIVISION, KEARNY MESA, 8950 CLAIREMONT MESA BLVD., SAN DIEGO, CA 92123 <input type="checkbox"/> CENTRAL DIVISION, JUV. MINOR OFFENSE, 2851 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> CENTRAL DIVISION, JUVENILE TRAFFIC, 2901 MEADOW LARK DR., SAN DIEGO, CA 92123 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910		FOR COURT USE ONLY <div style="text-align: center;"> FILED Clerk of the Superior Court MAY - 5 2021 By: C. Schaeffer, Deputy </div>
PLAINTIFF(S)/PETITIONER(S) <input type="checkbox"/> PEOPLE OF THE STATE OF CALIFORNIA <u>SD Police Dept</u>		
DEFENDANT(S)/RESPONDENT(S) <u>L.m</u>		
NOTICE OF SEALED DOCUMENT		
CASE NUMBER 37-2021-00019951 CU PT CTL		

The documents described below were ordered sealed on 5/5/2021, in Department 69, by the Honorable Judge Katherine Bacal, and are not to be opened or transcribed for any purpose absent an appropriate court order.

The Clerk of the Superior Court and deputies are authorized access to the documents contained herein in order to conduct routine court transactions.

Hearing Date: _____ Reporter: _____

Type of Hearing: _____ ☐ Pen. Code § 987.9 ☐ Pen. Code § 987.2 ☐ Marsden

Identification of Contents:


☐ Court Reporter's Notes

☐ Declaration and Order re Funds Pursuant to ☐ Pen. Code § 987.9 ☐ Pen. Code § 987.2

☒ Confidential Records

Other: _____

Date: 5/5/2021

by  Deputy

MARA W. ELLIOTT, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
JEFFREY A. BROOKER, Supervising Deputy City Attorney
California State Bar No. 248725

Office of the City Attorney
1200 Third Avenue, Suite 600
San Diego, California 92101-4103
Telephone: (619) 533-5552

FILED
Clerk of the Superior Court

MAY 05 2021

By: _____, Deputy

Attorneys for Petitioner

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT,

Plaintiff/Petitioner,

v.

LARRY MILLETE,

Defendant/Respondent.

Case No. 37-2021-00019951-CU-PT-CTL

APPLICATION TO SEAL RECORD AND
MEMORANDUM OF POINTS AND
AUTHORITIES
(Cal. Rules of Court, Rule 2.551)

Utilizing the procedures set out in California Rules of Court, Rule 2.551 and in the interest of public safety, Petitioner requests this Court to permit the filing of the following documents under seal: the unredacted versions of the California Law Enforcement Telecommunications System Information Form (CLETS-001), the Civil Case Cover Sheet (CM-010), the Petition for Firearms Restraining Order (GV-100), the Declaration with Attachments (MC-030 and MC-031), the Notice of Court Hearing (GV-109), the Temporary Firearms Restraining Order (GV-110), the Firearms Restraining Order After Hearing (GV-130), and the Declaration of Counsel supporting this application. In this way, the identity of the Respondent and information in the Declaration of Counsel cannot be prematurely disclosed to the public prior to service.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 California Rule of Court 2.551 establishes the procedures by which a party may file a
3 record under seal. The Party seeking sealing must file an application asking the court to allow
4 sealing. The application should be accompanied by a memorandum and a declaration establishing
5 facts that justify sealing the record. The application must be served on the parties to the action
6 that have appeared in the case.

7 The party requesting sealing must lodge the record with the court where it will be
8 maintained conditionally under seal pending determination of the application. When redactions
9 are necessary, the party must file a public redacted version and a non-public unredacted version
10 maintained under a conditional seal.

11 California Rule of Court 2.550 provides that a record may be filed under seal when "(1)
12 There exists an overriding interest that overcomes the right of public access to the record; (2) The
13 overriding interest supports sealing the record; (3) A substantial probability exists that the
14 overriding interest will be prejudiced if the record is not sealed; (4) The proposed sealing is
15 narrowly tailored; and (5) No less restrictive means exist to achieve the overriding interest."

16 Here, public safety and the safety of our law enforcement officers are the overriding
17 interests that must be protected. Inherent in seeking a Gun Violence Restraining Order (GVRO) is
18 the premise that all GVRO respondents are deemed a 'high risk' to public safety. In particular,
19 GVRO service is a dangerous endeavor. When law enforcement officers serve a GVRO, the law
20 enforcement officer "shall" request all firearms and ammunition be immediately surrendered.
21 Penal Code § 18120(b)(2). At that point, law enforcement officers will seize Respondent's
22 firearms and ammunition. Sealing the record will ensure that Respondent will not know that law
23 enforcement is filing a GVRO until Respondent is served, meaning that Respondent will not have
24 the opportunity to evade service, hide the firearms, or advance plans to commit a shooting. In this
25 case, Respondent is out of custody, has access to multiple unregistered and illegally possessed
26 assault weapons along with hundreds of rounds of ammunition. In addition, there are
27 approximately 18 total firearms unaccounted for and there is an ongoing criminal investigation.
28

1 There is further information stated in the Declaration of Counsel to support the application to seal
2 the record.

3 Furthermore, Respondent could avail himself of the opportunity to: 1) Evade service while
4 maintaining possession of firearms; 2) Obtain additional firearms in advance of service; 3) Hide
5 firearms to allow for the opportunity to use the firearms after service is rendered; 4) Accelerate a
6 previously designed plan to commit an act of violence against a victim; or 5) Formulate an
7 accelerated plan to bring harm to a victim or a group of victims. The general public would be
8 placed in an elevated risk of danger if Respondent, who still possesses firearms at that point in the
9 process, decides to retaliate or acts under elevated stress prior to service and seizure.

10 In some instances, media access to public filings has placed respondents on notice that the
11 police are filing a motion to remove their firearms prior to service. Sealing the records is the least
12 restrictive means to ensure public safety as well as the safety of law enforcement officers
13 effecting service of the GVRO. Here, there is considerable amount of local and national media
14 interest in the case.

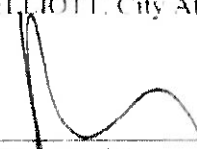
15 Petitioner requests sealing the record only until the first appearance by the Respondent or
16 until a permanent hearing is conducted, whichever takes place first in time. Thus, the proposed
17 sealing is narrowly tailored and short in nature. Further, when failure to seal could result in
18 physical danger to the public and law enforcement, there are no less restrictive means to achieve
19 the overriding interest of public safety.

20
21 Dated: May 5, 2021

Respectfully submitted,

MARA W. ELLIOTT, City Attorney

22
23
24 By


Jeffrey A. Brooker
Supervising Deputy City Attorney

FILED
Clerk of the Superior Court

MAY 05 2021

By: _____, Deputy

MARA W. ELLIOTT, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
JEFFREY A. BROOKER, Supervising Deputy City Attorney
California State Bar No. 248725

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Attorneys for Petitioner

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

SAN DIEGO POLICE DEPARTMENT,

Petitioner

v.

LARRY MILLETE,

Respondent.

Case No. 37-2021-00019951-CU-PT-CTL

**DECLARATION OF COUNSEL IN
SUPPORT OF APPLICATION FOR
ORDER SEALING RECORD**

I, Jeffrey A. Brooker, declare as follows:

1. I am a Supervising Deputy City Attorney for the City of San Diego.
2. I am counsel for Petitioner, San Diego Police Department.
3. I am requesting that this Court seal the unredacted versions of the California Law Enforcement Telecommunications System Information Form (CLETS-001), the Civil Case Cover Sheet (CM-010), the Petition for Firearms Restraining Order (GV-100), the Declaration and Attachments (MC-030, MC-031), the Notice of Court Hearing (GV-109), the Temporary Firearms Restraining Order (GV-110), the Firearms Restraining Order After Hearing (GV-130), and the Declaration of Counsel supporting the application to preserve Respondent's identification information and information related to the ongoing state and federal investigation.
4. Respondent is out of custody, is a civilian naval employee at Balboa, has 18 outstanding firearms, including AR-15 assault weapons. Many of these weapons are unregistered and/or illegal to possess. Respondent also has multiple rounds of ammunition and has custody of

1 three young minor children who also have access to a safe containing firearms. One minor child is
2 depicted with the firearms in a photograph in Attachment 1. Respondent has illegally transferred
3 or given custody of at least two illegal AR-15s to a family member, who resides in the city of San
4 Diego.

5 5. After a search warrant was executed at Respondent's residence, Respondent told the
6 officers that he knew they were coming for his firearms and he gave multiple firearms to his
7 friends. Respondent refused to disclose the names of the people possessing Respondent's
8 firearms. The search warrant yielded the seizure of illegal firearms from Respondent's residence.
9 Shortly thereafter, Respondent purchased two more additional firearms in February and March of
10 2021.

11 6. There are concerns that upon learning of the GVRO, Respondent may flee the state or
12 country with his three young minor children or Respondent will likely shoot it out with police due
13 to photographs showing several unregistered and/or illegal assault rifles with numerous
14 ammunitions on a table in Respondent's house. These pictures also depicted four passports and
15 his young minor child standing with the cache of firearms. (See Attachment 1 and 2.)

16 7. Respondent is a person of interest in an ongoing state investigation involving his wife
17 who is considered a missing person. Due to the considerable amount of local and national media
18 interest involving Respondent's wife as a mission person, details of the GVRO must be sealed to
19 avoid the serious compromise of the pending investigation.

20 8. The interest of protecting the confidentiality of Respondent's identity in the GVRO
21 application outweighs the public's interest in accessing the information prior to Respondent's first
22 appearance or until a permanent hearing is conducted, whichever occurs first.

23 9. There are no less restrictive means to preserve the confidentiality of this information.

24 10. Following the California Rules of Court, I have filed a public redacted order and
25 declaration and non-public unredacted copies of both in an envelope marked "Lodged
26 Conditionally Under Seal."

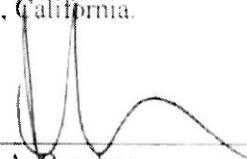
27 ///

28 ///

1 11. Since the sealed documents will become public after Respondent's first appearance or
2 after a permanent hearing is conducted, witness, victim and reporting party information will be
3 redacted throughout the entire process, as is customary practice.

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

5 Executed this 5th day of May 2021, at San Diego, California.

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Jeffrey A. Brooker
Supervising Deputy City Attorney
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1 MARA W. ELLIOTT, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
2 JEFFREY A. BROOKER, Supervising Deputy City Attorney
State Bar number: 248725
3

FILED
Clerk of the Superior Court

MAY 05 2021

By: _____, Deputy

4 Office of the City Attorney
1200 Third Avenue, Suite 600
5 Telephone: (619) 533-5552

6 Attorneys for Petitioner

7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF SAN DIEGO

9 SAN DIEGO POLICE DEPARTMENT

Case No. 37-2021-00019951-CU-PT-CTL

10 Petitioner,

ORDER TO SEAL COURT RECORD

11 v.


12 LARRY MILLETE,

13 Respondent.
14

15 The Court finds that the interest of protecting the confidentiality of the Respondent's
16 information and the Declaration of Counsel outweighs the public's interest in accessing the
17 information prior to Respondent's first appearance (or) until a permanent hearing is conducted.
18 There are no less restrictive means to preserve the confidentiality of this information.

19 As such, IT IS HEREBY ORDERED that the Clerk of the Court place the unredacted
20 versions of the California Law Enforcement Telecommunications System Information Form
21 (CLETS-001), the Civil Case Cover Sheet (CM-010), the Petition for Firearms Restraining Order
22 (GV-100), the Declaration and Attachments (MC-030, MC-031), the Notice of Court Hearing
23 (GV-109), the Temporary Firearms Restraining Order (GV-110), the Firearms Restraining Order
24 After Hearing (GV-130), and the Declaration of Counsel supporting the application under seal.
25 The sealed documents will become public after Respondent's first appearance or after a
26 permanent hearing is conducted.

27 Dated: 5/5/21


JUDGE OF THE SUPERIOR COURT
KATHERINE A. BACAL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey A. Brooker, SBN 248725 Deputy City Attorney 1200 Third Ave, suite 700. San Diego, Ca 92101 TELEPHONE NO.: (619) 533-5552 FAX NO. (Optional): (619) 533-6120 ATTORNEY FOR (Name): San Diego Police Department		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="font-size: 0.8em;">Clerk of the Superior Court</div> <div style="font-size: 1.2em; font-weight: bold;">MAY 05 2021</div> By: _____, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, Ca 92101 BRANCH NAME: Central		
CASE NAME: San Diego Police Department v. Larry Millete		
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input checked="" type="checkbox"/> Other petition (not specified above) (43)

GVRO

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☐ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): _____
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 5, 2021

Jeffrey A. Brooker, Supervising DCA

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete Items 1 through 6 on the sheet. In Item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in Item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in Item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in Items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (48) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability *(not asbestos or toxic/environmental)* (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress

Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
Defamation (e.g., slander, libel) (13)
Fraud (18)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice—*(not medical or legal)*
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (16)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract *(not unlawful detainer or wrongful eviction)*
Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage *(not provisionally complex)* (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment *(non-domestic relations)*
Sister State Judgment
Administrative Agency Award *(not unpaid taxes)*
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint *(not specified above)* (42)
Declaratory Relief Only
Injunctive Relief Only *(non-harassment)*
Mechanics Lien
Other Commercial Complaint Case *(non-tort/non-complex)*
Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition *(not specified above)* (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Petitioner must complete items ① and ② only.

① Petitioner

- a. Your Full Name or Name of Law Enforcement Agency:

San Diego Police Department

- I am: ☐ A family member of the Respondent.
☒ An officer of a law enforcement agency.
☐ An employer of the Respondent.
☐ A coworker of the Respondent.
☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.

- b. Your Lawyer (if you have one for this case):

Name: Jeffrey A. Brooker State Bar No.: 248725

Firm Name: San Diego City Attorney's Office

- c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.)

Address: 1200 Third Avenue, Suite 700

City: San Diego State: CA Zip: 92101

Telephone: 619-533-5552 Fax: 619-533-6120

Email Address: jbrooker@sandiego.gov

② Respondent

Full Name: Larry Millete

③ Hearing

The court will complete the rest of this form.

Hearing
Date

Date: 6/22/21 Time: 9:00 am
 Dept.: 61 Room: _____

Name and address of court if different from above:

REMOTE HEARING:

Please visit www.sdcourt.ca.gov for more information.

④ Temporary Gun Violence Restraining Order (Any order granted is on form GV-110, served with this notice.)

- a. A Temporary Gun Violence Restraining Order as requested in *Petition for Gun Violence Restraining Order* (form GV-100) is (check only one box below):

(1) ☒ GRANTED until the court hearing.

(2) ☐ DENIED until the court hearing. (Specify reasons for denial in b, below.)

Clerk stamps date here when form is filed.

FILED
Clerk of the Superior Court

MAY - 5 2021

By: J. VIRISSIMO, Deputy

Fill in court name and street address:

Superior Court of California, County of
San Diego
330 W. Broadway
San Diego, CA 92101

Court fills in case number when form is filed.

Case Number:

37-2021-00019951-CU-PT-CTL



④ b. Reasons for denial of a Temporary Gun Violence Restraining Order as requested in *Petition for Gun Violence Restraining Order* (form GV-100) are:

- (1) ☐ The facts as stated in form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to themselves or another person by having custody or control of, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

- (2) ☐ Other (as stated): ☐ Below ☐ On Attachment 4b(2)

⑤ Service of Documents on Respondent

At least ☒ five ☐ _____ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this Form GV-109 to the Respondent, along with a copy of all the forms indicated below:

- a. GV-100, *Petition for Gun Violence Restraining Order* (file-stamped)
 b. ☒ GV-110, *Temporary Gun Violence Restraining Order* (file-stamped) **IF GRANTED**
 c. GV-120, *Response to Petition for Gun Violence Restraining Order* (blank form)
 d. GV-120-INFO, *How Can I Respond to a Petition for a Gun Violence Restraining Order?*
 e. GV-250, *Proof of Service by Mail* (blank form)
 f. GV-125, *Consent to Gun Violence Restraining Order and Surrender of Firearms* (blank form)
 g. ☐ Other (specify): _____

Date: 5/5/21


Judicial Officer

KATHERINE A. BACAL

To the Petitioner in 1:

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. *Proof of Personal Service* (form GV-200) may be used.
- For information about service, read *What Is "Proof of Personal Service"?* (form GV-200-INFO).
- If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use *Request to Continue Court Hearing for Gun Violence Restraining Order* (form GV-115).

To the Respondent:

- If you want to oppose the *Petition for Gun Violence Restraining Order* (form GV-100) in writing, file *Response to Petition for Gun Violence Restraining Order* (form GV-120) and have someone age 18 or older—not you—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. *Proof of Service by Mail* (form GV-250), may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms, ammunition, or magazines that you own or possess. If issued, the order will last for one year.
- If you do not oppose the petition and are willing to give up your firearm rights, complete and file a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Court Hearing* (form GV-109) is a true and correct copy of the original on file in the court.

Clerk's Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

GV-110**Temporary Gun Violence
Restraining Order***Petitioner must complete items ① and ② only.***① Petitioner**

- a. Your Full Name or Name of Law Enforcement Agency:
San Diego Police Department

I am: ☐ A family member of the Respondent
☒ An officer of a law enforcement agency
☐ An employer of the Respondent
☐ A coworker of the Respondent
☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months

- b. Your Lawyer (if you have one for this case):

Name: Jeffrey A. Brooker State Bar No.: 248725
Firm Name: San Diego City Attorney's Office

- c. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.)

Address: 1200 Third Avenue, Suite 700
City: San Diego State: CA Zip: 92101
Telephone: 619-533-5552 Fax: 619-533-6120
Email Address: jbrooker@sandiego.gov

② Respondent

Full Name: Larry Millete

Description:

Sex: ☒ M ☐ F Height: 5'-6" Weight: 170lbs Date of Birth: 9/24/1981
Hair Color: Black Eye Color: Brown Age: 40 Race: Asian
Home Address (if known): 2413 Paseo Los Gatos
City: Chula Vista State: CA Zip: 91914
Relationship to Petitioner: Law Enforcement

The court will complete the rest of this form.

③ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: 6/22/21 Time: 9:00 ☒ a.m. ☐ p.m.

This is a Court Order.

Clerk stamps date here when form is filed.

FILED
Clerk of the Superior Court**MAY - 5 2021**

By: J. VIRISSIMO, Deputy

Fill in court name and street address:

Superior Court of California, County of
San Diego
330 W. Broadway
San Diego, CA 92101

Court fills in case number when form is filed.

Case Number:
37-2021-00019951-CU-PT-CTL



4 Findings

- ☐ Having examined ☐ Petitioner ☐ and other witnesses under oath,
☒ Having considered the declarations of ☒ Petitioner ☐ and other witnesses under penalty of perjury,

a. The court finds that there is a substantial likelihood that both of the following are true:

- (1) Respondent poses a significant danger in the near future of causing personal injury to himself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.
- (2) A temporary gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

b. ☒ The court has received credible information that Respondent owns or possesses one or more firearms, ammunition, or magazines.

c. ☒ The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order. And for the reasons stated below.

☐ See the attached *Attachment* (form MC-025).

5 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, service will be free.

This is a Court Order.



⑥ Order Prohibiting All Firearms, Ammunition, and Magazines

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition, including magazines (ammunition feeding devices).
- b. The court has received credible information that you own or possess one or more firearms, ammunition, or one or more magazines that have not been surrendered or sold. You must:
 - (1) Surrender all firearms and ammunition, including magazines, in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition, including magazines, to the officer, you must surrender them to the officer. If no order to surrender is made by a law enforcement officer, you must surrender all of your firearms and ammunition, including magazines, within 24 hours of being served with this Order. You may do so by:
 - a. surrendering all of your firearms and ammunition, including magazines, in a safe manner to the local law enforcement agency; or
 - b. selling all of your firearms and ammunition, including magazines, to a licensed gun dealer; or
 - c. storing all of your firearms and ammunition, including magazines, with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item ③ is in effect.
 - (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms and ammunition have been turned in, sold, or stored. (You may use Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored (form GV-800) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

⑦ Number of pages attached to this Order, if any: _____Date: 5/5/20[Signature]
Judicial Officer**Warnings and Notices to the Respondent**

KATHERINE A. BACAL

To the restrained person: This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazines while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for a period between one and five years. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.

This is a Court Order.

After You Have Been Served With a Temporary Order

- Obey the order by turning in all firearms, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read *How Can I Respond to a Petition for Gun Violence Restraining Order?* (form GV-120-INFO) to learn how to respond to this Order.
- If you do not oppose the petition, fill out *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) and file it with the court clerk.
- If you disagree with the petition, fill out *Response to Petition for Gun Violence Restraining Order* (form GV-120) and file it with the court clerk.
- You must have form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign *Proof of Service of Response by Mail* (form GV-250). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use *Declaration* (form MC-030) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a gun violence restraining order against you that lasts between one to five years. Tell the judge why you disagree with the order requested.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any firearms, ammunition, or magazines or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all firearms, ammunition, and magazines.
- Issue a receipt to the Restrained Person for all firearms, ammunition, and magazines that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Ammunition, or Magazines

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the firearms, ammunition, or magazines to the respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.

This is a Court Order.



Instructions for Law Enforcement

(continued)

- If someone other than the Respondent claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, or magazines to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer; or
- The officer sees a filed copy of form GV-125.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (see above: *Duties of Officer Serving This Order*).

The provisions in this *Temporary Gun Violence Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other another existing protective order remain in effect.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Temporary Gun Violence Restraining Order (CLETS-TGV)* (form GV-110) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

GV-100**Petition for Gun Violence
Restraining Order**

Read *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) before completing this form.

1 Petitioner

- a. Your Full Name or Name of Law Enforcement Agency:

San Diego Police Department

I am:

- ☐ A family member of the Respondent
- ☒ An officer of a law enforcement agency (*A petition may be filed in the name of the law enforcement agency in which the officer is employed. If you wrote your full name above, write the name of the law enforcement agency that employs you.*)
- ☐ An employer of the Respondent (*your position and name of company*):
- ☐ A coworker of the Respondent. I have had substantial and regular interactions with the Respondent for at least one year and I have obtained the approval of my employer to file this petition (*name of company*):
- ☐ An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months. I have obtained the approval of a school administrator to file this petition (*name of the school*):

- b. Your Lawyer (*if you have one for this case*): Name: Jeffrey A. Brooker

Firm Name: San Diego City Attorney's Office

State Bar No.: 248725

- c. Your Address (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email. Law enforcement officer, give agency information.*)

Address: 1200 Third Ave, suite 700

City: San Diego State: CA Zip: 92101

Telephone: (619) 533-5552 Fax: (619) 533-6120

Email Address: Jbrooker@sandiego.gov

2 Respondent

Full Name: Larry Millete

Age: 40

Address (*if known*): 2413 Paseo Los Gatos

City: Chula Vista State: CA Zip: 91914

This is not a Court Order.

Clerk stamps date here when form is filed.

FILED
Clerk of the Superior Court

MAY 05 2021

By: _____, Deputy

Fill in court name and street address:

Superior Court of California, County of
San Diego
330 W. Broadway
San Diego Ca 92101

Court fills in case number when form is filed.

Case Number:

37-2021-00019951-CU-PT-CTL

3 Venue

Why are you filing in this county? (Check all that apply):

- a. ☒ The Respondent lives in this county.
b. ☐ Other (specify): _____

4 Other Court Cases

a. Are you aware of any other court cases, civil or criminal, involving the Respondent?

- ☐ Yes ☒ No If yes, check each kind of case and give as much information as you know as to where and when each was filed:

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(2) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4) <input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(8) <input type="checkbox"/> Criminal	_____	_____	_____
(9) <input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to Respondent?

- ☐ Yes ☐ No ☒ I don't know If yes, attach a copy if you have one.

5 Description of Respondent's Firearms, Ammunition, or Magazines

If you have reason to believe that the respondent is in possession of firearms, ammunition, or magazines, answer (a) or check (b).

a. ☒ I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms, ammunition or magazines (describe the number, types, and locations of any firearms, ammunition, or magazines that you believe that the Respondent currently possesses or controls):

1. Glock 26 9mm Semi-Automatic Pistol, Serial # WRT489 (CVPD Custody)
2. Glock 26 9mm Semi-Automatic Pistol, Serial # WRT606 (CVPD Custody)
3. Savage Arms .308 Bolt Action Rifle, Serial # J368892
4. Glock 26 9mm Semi-Automatic Pistol, Serial # WYN590
5. Glock 17C 9mm Semi-Automatic Pistol, Serial # LHW156
6. Smith and Wesson SW40VE .40 Caliber Semi-Automatic pistol, Serial # PDH9902
7. Glock 17 9mm Semi-Automatic Pistol, Serial # BNXM408
8. Glock 17 9mm Semi-Automatic pistol, Serial # BNXM409
- 14 ADDITIONAL FIREARMS WITH UNKNOWN SERIAL # (7 AR-15s, 3 Shotguns, 5 handguns)

b. ☐ I am informed, and on that basis believe, that Respondent currently possesses or controls firearms, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those firearms, ammunition, or magazines.

This is not a Court Order.

⑥ Grounds for Issuance of a Gun Violence Restraining Order

I have reasonable cause to believe both of the following are true:

- a. The Respondent poses a significant danger in the near future of causing personal injury to himself or another person by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or a magazine.
- b. A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- c. The facts supporting the above statements are set forth:
☐ Below
☒ On *Attached Declaration* (form MC-031).

[illegible]

⑦ Request for Gun Violence Restraining Order

I request that the court issue an order prohibiting Respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms, ammunition, or magazines. I further request that Respondent be ordered to immediately surrender all firearms, ammunition, and magazines currently in their possession to a law enforcement officer or to sell the firearms, ammunition, and magazines to or store them with a licensed gun dealer.

- a. I request the order above for ONE years. (Please include a number of years between one and five years.)
- b. I am asking for this amount of time because:

The significant danger consists of potentially three young children having access to firearms, Respondent is in possession of illegal assault weapons and unregistered firearms. Respondent also allowed a third party to possess firearms without a legal transfer, and the recent purchase of two firearms subsequent to the execution of a search warrant of his home where illegal firearms were seized. That search warrant was pursuant to an investigation of a 'missing person' identified as MILLETE's wife. This GVRO will also prevent the on-going acquisition of firearms until the eighteen outstanding firearms are accounted for.

This is not a Court Order.

8 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders, they will do it for free.

9 Request for Hearing

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last between one and five years.

10 ☒ Temporary Gun Violence Restraining Order

I request that a Temporary Gun Violence Restraining Order (TGV) be issued against the Respondent to last until the hearing. I am presenting *Temporary Restraining Order* (form GV-110) for the court's signature together with this Petition.

Has the Respondent been told that you were going to court to seek a TGV?

☐ Yes ☒ No *(If you answered no, explain why below):*

☒ Reasons stated in Attachment 10.

The consideration of the GVRO was not contemplated until a later date.

11 ☐ Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Proof of Personal Service (form GV-200) may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Reasons stated in Attachment 11.

12 Number of pages attached to this form, if any: 6

Date: May 5, 2021

Jeffrey A. Brooker

Lawyer's name (if any)

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: May 5, 2021

San Diego Police Department Detective Garlow

Type or print your name

Sign your name

This is not a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey A. Brooker, SBN 248725 Supervising Deputy City Attorney 1200 Third Ave, suite 700 San Diego, Ca 92101 TELEPHONE NO.: (619) 533-5552 FAX NO. (Optional): (619) 533-6120 E-MAIL ADDRESS (Optional): jbrooker@sandiego.gov ATTORNEY FOR (Name): San Diego Police Department	FOR COURT USE ONLY <div style="text-align: center;"> FILED Clerk of the Superior Court MAY 05 2021 </div> By: _____, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Broadway CITY AND ZIP CODE: San Diego, Ca 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: San Diego Police Department DEFENDANT/RESPONDENT: Larry Millete	
DECLARATION	CASE NUMBER: 37-2021-00019951-CU-PT-CTL

On 04/12/2021, I was assigned to conduct a Gun Violence Restraining Order (GVRO) investigation review on potential (GVRO) respondent Larry Ibarreta MILLETE by Supervising Deputy City Attorney Jeffrey A. Brooker. The request was pursuant to the pending Chula Vista Police Department missing person investigation of May Tabalanza Millete, Chula Vista Police Case #2100392.

I reviewed the State of California Department of Justice Investigative report BOF-SD2021-00259 completed by Special Agent (SA) Francisco Paredes of the California Department of Justice, Bureau of Firearms. The report completed by SA Paredes encompassed three unregistered assault weapons seized pursuant to Chula Vista Police Department Case # 2100392. The three firearms were inspected by SA Paredes and confirmed to be assault weapons pursuant to California Penal Code 30515(a) PC.

The following unregistered assault weapon was seized from MILLETE's residence located at 2413 Paseo Los Gatos, Chula Vista, CA 91914:

1. Make: JD Machine, Model: TR 1, Multi Caliber, Semi-Automatic, Rifle, Serial # 16745, (CVPD Evidence Tag, Case # 2100392, FIN: 2.20)

The following unregistered assault weapons were seized from Ricky Fadara LINCOLN's, the uncle of MILLETE, residence located at 7121 Viewcrest, San Diego, CA 92114:

1. Make: Aero Precision, Model: SPR-2, 7.62 Caliber, Semi-Automatic Rifle, Serial # 000554, (CVPD Evidence Tag, Case # 2100392, FIN: 5.6)
2. Hi-Point Firearms, Model: 4595, 45 Caliber, Semi-Automatic Rifle, Serial # R17537, (CVPD Evidence Tag, Case # 2100392, FIN: 5.8)

See MC-031 page 1 of 3 for the additional facts to support the GV-100 Petition for GVRO.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/5/2021

SDPD Detective Garlow

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- ☐ Attorney for ☐ Plaintiff ☒ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

PLAINTIFF/PETITIONER: San Diego Police Department	CASE NUMBER:
DEFENDANT/RESPONDENT: Larry Millete	37-2021-00019951-CU-PT-CTL

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

Based on the information submitted in SA Paredes' investigative report, I believe MILLETE and LINCOLN were in violation of California Penal Code Section 30605(a) PC – Possession of Assault Weapons.

On 04/21/2021, I conducted a search on the California database Automated Firearm System (AFS) for Larry Ibarreta MILLETE. A records check revealed a total of eight registered firearms under his name as listed below:

1. Glock 26 9mm Semi-Automatic Pistol, Serial # WRT489 (CVPD Custody)
2. Glock 26 9mm Semi-Automatic Pistol, Serial # WRT606 (CVPD Custody)
3. Savage Arms .308 Bolt Action Rifle, Serial # J368892
4. Glock 26 9mm Semi-Automatic Pistol, Serial # WYN590
5. Glock 17C 9mm Semi-Automatic Pistol, Serial # LHW156
6. Smith and Wesson SW40VE .40 Caliber Semi-Automatic Pistol, Serial # PDH9902
7. Glock 17 9mm Semi-Automatic Pistol, Serial # BNXM408
8. Glock 17 9mm Semi-Automatic Pistol, Serial # BNXM409

Two of the eight firearms had been seized by Chula Vista Police pursuant to a previous search warrant. The remaining six registered firearms are still outstanding and unaccounted for.

The above firearms listed under numbers seven and eight were recently purchased after the disappearance of May Tabalanza Millete and purchased subsequent to the initiation of the investigation of potential person of interest MILLETE. These two recently purchased firearms were acquired on the following dates:

- Glock 17 9mm Semi-Automatic Pistol, Serial # BNXM408 was purchased 02/11/2021
- Glock 17 9mm Semi-Automatic Pistol, Serial # BNXM409 was purchased 03/15/2021

See MC-031 page 2 of 3 for the additional facts to support the GV-100 Petition for GVRO.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/5/2021

SDPD Detective Garlow

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- ☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

PLAINTIFF/PETITIONER: San Diego Police Department	CASE NUMBER:
DEFENDANT/RESPONDENT: Larry Millete	37-2021-00019951-CU-PT-CTL

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

On 04/26/2021, at approximately 1015 hours, I telephonically spoke to Naval Criminal Investigative Service SA Emily Savage. I was informed by SA Savage that MILLETE had ties to the City Of San Diego by the nature of his employment. SA Savage stated, MILLETE worked as a civilian contractor at the Balboa Naval Hospital located at 34800 Bob Wilson Drive, San Diego, CA 92134.

On 04/28/2021, I was emailed two photographs by Chula Vista Police Detective Jesse Vicente after I requested photographs of any firearms MILLETE possessed. See the attached 2 photographs. The photographs I received depicted a kitchen table with a cache of 16 firearms, 4 United States Passports, a government Identification card, several high capacity magazines and hundreds of rounds of ammunition. The cache of firearms included two short barreled AR-15 illegal assault weapon platforms, five (undetermined legality) AR-15 platform rifles, three pump shotguns, one bolt action rifle with scope, and five semi-automatic handguns. One of the photographs depicted MILLETE'S son, approximately 4 years old, standing on the table surrounded by the same cache of legal and illegal firearms and ammunition. The child imaged in the photograph is the child of the Milletes. The child had immediate access to the illegal assault weapons and the fourteen other firearms and ammunition creating a potential extreme danger to the child and those physically present at the home.

I was able to ascertain that only two of the sixteen firearms depicted in the photographs were listed on MILLETE's AFS print out as legally registered firearms. Those firearms were listed under numbers six and nine on page 1 of 3 of the MC-031 and are the following:

- Savage Arms .308 Bolt Action Rifle, Serial # J368892
- Smith and Wesson SW40VE .40 Caliber Semi-Automatic Pistol, Serial # PDH9902

I was informed by Chula Vista Police Detective Jesse Vicente that the photographs were downloaded from MILLETE's phone on 1/23/21. The timestamp on the photographs were dated 1/9/2020. I was also informed by Chula Vista Police Detective Jesse Vicente that the minor children in the home had the combination and access to the safe where the firearms were stored.

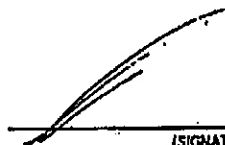
See MC-031 page 3 of 3 for the additional facts to support the GV-100 Petition for GVRO.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/5/2021

SDPD Detective Garlow

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

- ☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

PLAINTIFF/PETITIONER: San Diego Police Department	CASE NUMBER:
DEFENDANT/RESPONDENT: Larry Millete	37-2021-00019951-CU-PT-CTL

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

The fourteen other firearms are not registered to MILLETE per the California Department Of Firearms Automated Firearms System. Possession of these unregistered and illegal firearms possess extreme danger to the public in both the cities of Chula Vista and San Diego.

As of May 4, 2021, only two of the total twenty firearms have been accounted for by law enforcement, leaving eighteen firearms outstanding. The additional AR-15 illegal assault weapon seized by law enforcement may account for one of the weapons imaged on the table or it may be outstanding. A positive match analysis has not been completed.

Further, after a search warrant was executed at Respondent's residence, Respondent told the officers that he knew they were coming for his firearms and he gave multiple firearms to his friends. Respondent refused to disclose the names of the people possessing Respondent's firearms. Shortly after the search warrant was executed, Respondent purchased two more additional firearms in February and March of 2021.

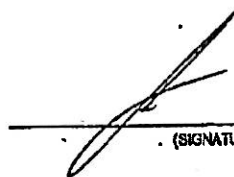
Given the totality of the circumstances outlined above and the attached photographs (attachment 1 and 2), I hold the opinion that a Gun Violence Restraining Order is necessary to protect the public and prevent harm to the respondent or others and that there are no lesser restrictive means to ensure public safety. The danger consists of children having access to firearms, possession of illegal assault weapons, possession of unregistered firearms, allowing a third party to possess firearms without a legal transfer, and the recent purchase of firearms subsequent to the execution of a search warrant of his home where illegal firearms were seized. That search warrant was pursuant to an investigation of a 'missing person' identified as MILLETE's wife.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 5/5/2021

SDPD Detective Garlow

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

☐ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☐ Other (Specify):

