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February 6, 2007

Mr. Randy Rossi
Ms. Alison Merrilees
Mr. Ignatius Chinn
DEPARTMENT OF JUSTICE
Firearms Division
P.O. Box 160487
Sacramento, California 95816-0487

VIA CERTIFIED MAIL & FACSIMILE (916)263-0676

Re: Request for Clarification on “Assault Weapon” Classification
MonsterMan Grip

Dear Ms. Merrilees and Messrs. Rossi and Chinn,

We write on behalf of our clients Clinton Wayne and the California Association of Firearms Retailers (“CAFR”). As you know, CAFR’s member dealers operate under license by the California Department of Justice (“DOJ”).

The MonsterMan Grip is designed as a replacement grip for AR-type rifles that are not listed as “assault weapons” by the California Legislature or the DOJ. We seek a determination as to whether the MonsterMan Grip prevents a “pistol style grasp,” and instead permits only a “rifle style grasp” on AR-type firearms. An exemplar of such a device is being sent to Agent Chinn along with his copy of this letter.

In order to facilitate and expedite the DOJ’s analysis, we provide below our analysis as to why 11 C.C.R. 5469(d) applies to all Penal Code section 12276.1-type “assault weapons.”

ANALYSIS

I. 11 C.C.R. 5469(d) APPLIES TO CATEGORY 3-TYPE FIREARMS

Penal Code section 12276.1(a) defines “assault weapon” as a “semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

- (A) *A pistol grip that protrudes conspicuously beneath the action of the weapon.*
- (B) A thumbhole stock.
- (C) A folding or telescoping stock.
- (D) A grenade launcher or flare launcher.
- (E) A flash suppressor.
- (F) A forward pistol grip. (Emphasis added.)

These firearms are sometimes called "Category 3" "assault weapons." By definition, if the semi-automatic, centerfire rifle does not have the capability to accept a "pistol grip that protrudes conspicuously beneath the action of the weapon" or any of the other enumerated features then it is no longer an "assault weapon" under Penal Code section 12276.1(a)(1).

II. PISTOL GRIP THAT PROTRUDES CONSPICUOUSLY BENEATH THE ACTION OF THE WEAPON" IS DEFINED BY 11 C.C.R. 5469(d).

11 C.C.R. 5469(d) expressly defines "pistol grip that protrudes conspicuously beneath the action of the weapon" for the purposes of Penal Code Section 12276.1:

The following definitions apply to terms used in the identification of assault weapons pursuant to Penal Code section 12276.1:

(d) "pistol grip that protrudes conspicuously beneath the action of the weapon" means a grip that allows for a *pistol style grasp* in which the web of the trigger hand (between the thumb and index finger) can be placed *below the top of the exposed portion of the trigger while firing*. (Emphasis added.)

III. THE SUBMITTED DEVICE RENDERS A FIREARM AS INCAPABLE OF PERMITTING "A PISTOL STYLE GRASP IN WHICH THE WEB OF THE TRIGGER HAND CAN BE PLACED BELOW THE TOP OF THE EXPOSED PORTION OF THE TRIGGER WHILE FIRING" FOR THE PURPOSES OF PENAL CODE SECTION 12276.1.

The MonsterMan Grip is designed to prevent a "pistol-style grasp in which the web of the trigger hand can be placed below the top of the exposed portion of the trigger while firing."



Figure 1: Firearm with MonsterMan Grip installed.

In fact, the MonsterMan Grip completely prevents a pistol-style grasp through the use of an upper flange that abuts the lower part of the firearm's receiver for the entire length of the grip. This blocks the user's fingers from wrapping around the grip at all. Further, the web of the trigger hand cannot be placed below the top of the exposed portion of the trigger while firing in the same manner as those approved by the DOJ – as depicted in the photos below:



Figure 2: DOJ Depictions of Approved Grips.

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The product being submitted for examination is similar in design to the examples approved by the DOJ as not permitting a "pistol style grasp in which the web of the trigger hand can be placed below the top of the exposed portion of the trigger while firing."

CONCLUSION

Please advise as to whether this device meets the DOJ's standards' to be classified as a device that does not permit a "pistol style grasp in which the web of the trigger hand can be placed below the top of the exposed portion of the trigger while firing."

Finally, may DOJ's FFL licensees sell such firearms with such a device installed provided the firearm has no other Category 3 features?

Please contact me if you have any questions or concerns.

Sincerely,

TRUTANICH • MICHEL, LLP

C. D. Michel

CDM/ca

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