

FILED
SAN MATEO COUNTY

OCT 09 2019

Clerk of the Superior Court

By

[Signature]
DEPUTY CLERK

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9 COUNTY OF SAN MATEO SHERIFF CARLOS
10 BOLANOS

11 *Exempt from Filing Fees per Government Code § 6103*

12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF SAN MATEO

14 COUNTY OF SAN MATEO SHERIFF CARLOS
15 BOLANOS,

16 Petitioner,

17 vs.

18 DOUGLAS LLOYD RAINSFORD,

19 Respondent.

Case No. **19CIV05964**

**NOTICE OF PETITION AND PETITION
RE CONFISCATED FIREARMS AND
AMMUNITION; MEMORANDUM OF
POINTS AND AUTHORITIES**

[Welf. & Inst. Code § 8102]

20 **TO: DOUGLAS LLOYD RAINSFORD AND HIS ATTORNEY OF RECORD, IF ANY:**

21 **PLEASE TAKE NOTICE** that Petitioner San Mateo County Sheriff Carlos Bolanos hereby
22 petitions this Court, under Welfare and Institutions Code § 8102, for an Order that the firearms and
23 related materials that were confiscated from Respondent DOUGLAS LLOYD RAINSFORD on
24 September 29, 2019 and upon detention of Respondent under Welfare and Institutions Code § 5150 for
25 mental and psychological evaluation, may be retained by the Sheriff and not returned to Respondent. A
26 list of the items that Petitioner seeks to retain can be found in Report 19-09653 and the Property Receipt
27 Form of Exhibit A to the Declaration of David A. Silberman. Exhibit A is being lodged with an
28 application that it be filed under seal to protect Respondent's privacy. The contents of Exhibit A are
hereby incorporated by reference.

In support of this petition, the Sheriff asserts that Respondent is likely to present a danger to
himself or others if the confiscated firearms are returned to Respondent. If Respondent requests a

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1 hearing and this Court sets a hearing in this matter upon Respondent's request, then the Sheriff will
2 produce witnesses and additional exhibits in support of this Petition at hearing. However, factual bases
3 for the Petition are contained in Exhibit A.


4 This Petition is based on these moving papers, Exhibit A, on the testimony and exhibits to be
5 presented at the hearing on this Petition, and on all the books and papers on file and that will be filed
6 herein.

7 By service of this Petition upon Respondent at his last known address, **THE SHERIFF**
8 **HEREBY NOTIFIES RESPONDENT PURSUANT TO SECTION § 8102(E) OF THE WELFARE**
9 **& INSTITUTIONS CODE THAT HE HAS 30 DAYS TO RESPOND BY CONTACTING THE**
10 **COURT CLERK TO REQUEST A HEARING BE SET IN THIS CASE, AND THAT FAILURE**
11 **TO RESPOND WILL RESULT IN A DEFAULT ORDER FORFEITING ANY RIGHTS HE**
12 **MAY HAVE HAD TO THE CONFISCATED FIREARMS AND AMMUNITION.**

13
14 Dated: October 9, 2019

Respectfully submitted,

JOHN C. BEIERS, COUNTY COUNSEL

17 By: 
18 DAVID A. SILBERMAN, CHIEF
19 DEPUTY

20 Attorneys for Petitioner
21 COUNTY OF SAN MATEO SHERIFF
22 CARLOS BOLANOS

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 Welfare and Institutions Code § 8102, subd. (c) provides in applicable part:

25 (c) Upon the release of a person as described in subdivision (b), the
26 confiscating law enforcement agency shall have 30 days to initiate a
27 petition in the superior court for a hearing to determine whether the return

28 of a firearm or other deadly weapon would be likely to result in
endangering the person or others, and to send a notice advising the person
of his or her right to a hearing on this issue.

1 San Mateo County Sheriff's officers detained Respondent under Welfare and Institutions Code §
2 5150, and the officers confiscated firearms and related materials from Respondent, as described in
3 Exhibit A. The Sheriff contends return of the firearms to Respondent would be likely to pose a danger to
4 Respondent or others and respectfully requests that this Court issue an Order that the Sheriff retain the
5 confiscated firearms.

6 Dated: October 9, 2019

Respectfully submitted,

JOHN C. BEIERS, COUNTY COUNSEL

9
10 By: David Silberman
11 DAVID A. SILBERMAN, CHIEF
DEPUTY

12 Attorneys for Petitioner
13 COUNTY OF SAN MATEO SHERIFF
CARLOS BOLANOS