

S293404

FILED WITH PERMISSION

IN THE CALIFORNIA SUPREME COURT

MARQUEZ LEE BURNS,

Petitioner and Appellant,
v.

SUPERIOR COURT OF KERN,

Respondent,

PEOPLE OF THE STATE OF
CALIFORNIA,

Real Party in Interest.

No. _____

5th DCA No. F090101

Kern County Superior
Court No. BF199024A

**PETITION FOR REVIEW
OF SUMMARY DENIAL OF PETITION FOR WRIT OF
MANDAMUS/PROHIBITION
PURSUANT TO PENAL CODE SECTION 999a**

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IN THE CALIFORNIA SUPREME COURT

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SUPERIOR COURT OF KERN,

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CALIFORNIA,

Real Party in Interest.

No. _____

5th DCA No. F090101

Kern County Superior
Court No. BF199024A

PETITION FOR REVIEW

To the Honorable Chief Justice and the Associate Justices of the Supreme Court of California: MARQUEZ LEE BURNS, petitioner and appellant, respectfully petitions for review following the decision of the Court of Appeal, Fifth Appellate District, filed August 12, 2025, 2024, summarily denying his petition for writ of mandamus/prohibition pursuant to section 995a. A copy of the Court of Appeal's summary denial is attached.

NECESSITY FOR REVIEW

A grant of review and resolution of these issues by this court is necessary to resolve an important question of federal constitutional law, and for the purposes of transferring the matter to the Court of Appeal to explain the denial of the writ petition that was conceded by the Attorney General. (Rule 8.500, subd. (b)(1) and (4).)

COMBINED STATEMENT OF THE CASE AND FACTS

On April 17, 2024, Officers Medrano and Hearn of the Bakersfield Police Department Special Enforcement Unit executed a search warrant at 313 Darling Point Drive, of the residence, vehicles with a nexus to Bradley Walker, and Walker's person. (Exhibit 2, Vol. 1, p. 54.) Petitioner and Bradley Walker are brothers and live in the same residence.

During the search, Officer Hearn located a green/black Polymer80 under the front driver's seat of a 2011 silver BMW (registered to petitioner) that was parked in the garage. (Exhibit 2, Vol. 1, p. 56.) The firearm was loaded with eight rounds and found to be operable. (Exhibit 2, Vol. 1, p. 58.)

After the preliminary hearing, on October 25, 2024, the trial court held petitioner to answer for violations of Penal Code¹ sections 25400(c)(3), 25400(c)(4)), and 25400(c)(6)), for possession of a single unserialized Polymer80 handgun found in his home. (Vol 2, Exhibit 2, pp. 45.) Petitioner filed a motion to dismiss pursuant to section 995, and that was subsequently denied. (Vol 2, Exhibits 5, 6.)

On July 10, 2025, petitioner filed a petition for writ of mandamus/prohibition in the Court of Appeal in case F090101, and the Court of Appeal ordered informal briefing. The Attorney General agreed,

1. Unless otherwise specified all further references are to this Court.

“Petitioner is correct that section 25605 prevents prosecution for possession of the gun under section 25400. (Informal response.) Despite the concession from the Attorney General, on September 12, 2025, the Court of Appeal summarily denied the writ petition. (Attachment)

ISSUES PRESENTED

1. The issue in this petition for review are:
2. Does Penal Code section 25605 prevent prosecution for possession of a gun under section 25400:
3. Whether the trial court erred in denying petitioner’s motion to dismiss pursuant to section 995; and
4. Whether the Court of Appeal erred in summarily denied a petition for writ of mandamus/prohibition after the Attorney General conceded the error.

ARGUMENT

I. THE TRIAL COURT ERRED IN NOT SETTING ASIDE COUNTS SEVEN THROUGH NINE, PURSUANT TO PETITIONER’S MOTION TO DISMISS PURSUANT TO SECTION 995

a) Introduction

Defendant Marquez Burns is charged with Counts Seven (§ 25400(c)(3)), Eight (§ 25400(c)(4)), and Nine (§ 25400(c)(6)), with possession of a single unserialized Polymer80 handgun found in his home.

The People allege unlawful possession, claiming the Polymer80 handgun is abnormally dangerous and unprotected by the Second Amendment due to its lack of a serial number. However, the Polymer80 handgun qualifies as a handgun under Section 16640, and its possession in

the defendant's residence is exempt under Section 25605. Like older firearms that lack registration or serial numbers, Polymer80 handguns are not inherently dangerous and are protected by the Second Amendment, as clarified in *District of Columbia v. Heller* (2008) 554 U.S. 570, [128 S. Ct. 2783, 171 L.Ed. 2d 637] (*Heller*), and *United States v. Munoz* (9th Cir. 2024) 57 F.4th 683. In Count Ten, petitioner is charged with a substantive gang offense, for the crimes alleged in Counts Seven, Eight and Nine, however, because the possession of the Polymer80 handgun is not felonious, the gang allegation alleged in Count Ten is likewise not supported by the evidence at the preliminary hearing.

b) Relevant facts

On April 17, 2024, Officers Medrano and Hearn of the Bakersfield Police Department Special Enforcement Unit executed a search warrant at 313 Darling Point Drive, of the residence, vehicles with a nexus to Bradley Walker, and Walker's person. (Exhibit 2, Vol. 1, p. 54.) Petitioner and Bradley Walker are brothers and live in the same residence.

During the search, Officer Hearn located a green/black Polymer80 under the front driver's seat of a 2011 silver BMW (registered to petitioner) that was parked in the garage. (Exhibit 2, Vol. 1, p. 56.)

Officer Medrano explained:

A ghost firearm is a firearm that's made mostly out of plastic, illegally. These firearms are made by subjects using a 3D printer. All essentially somebody has to do is obtain the slide for a firearm to make it a firing firearm. These weapons are made, and they're a lot harder for us to track at law enforcement because they do not come with any sort of record at all. These firearms have no serial numbers, making it harder for us to trace these firearms.

(Exhibit 2, Vol. 1, pp. 57-58.)

The firearm was loaded with eight rounds and found to be operable.
(Exhibit 2, Vol. 1, p. 58.)

c) Standard of Review

“Section 999a [. . .] provides the "sole" procedure for obtaining pretrial appellate relief from any order denying a section 995 motion made at any time. (*Guerin v. Superior Court* (1969) 269 Cal.App.2d 80, 82.)” (*Ghent v. Superior Court* (1979) 90 Cal.App.3d 944, 950, fn. 7.)

“A reviewing court may not substitute its judgment as to the weight of the evidence for that of the magistrate, and, if there is some evidence to support the information, the court will not inquire into its sufficiency. (*Perry v. Superior Court*, 57 Cal.2d 276, 283; *People v. Jablon*, 153 Cal.App.2d 456, 459 cf. *Jackson v. Superior Court*, *supra*, at p. 525.)” (*Rideout v. Superior Court* (1967) 67 Cal.2d 471, 474.) “Every legitimate inference that may be drawn from the evidence must be drawn in favor of the information. (*People v. Cron*, 207 Cal.App.2d 452, 457; cf. *Jackson v. Superior Court*, *supra*, at p. 530.)” (*Rideout v. Superior Court*, *supra*, 67 Cal.2d at p. 474.)

Despite the deferential standard for sufficiency of the evidence claims, legal errors are reviewed by this Court de novo. “Interpretation of a statute is a question of law subject to de novo review. (*Estate of Joseph* (1998) 17 Cal.4th 203, 216–217.)” (*Garcia v. Superior Court* (2009) 177 Cal.App.4th 803, 813.)

d) The Polymer80 Qualifies as a Handgun, and Its Possession Is Exempt Under Penal Code Section 25605

Section 25605 exempts possession of a handgun in one’s residence from Section 25400 violations, stating: “(b) No permit or license to purchase, own, possess, keep, or carry, either openly or concealed, shall be required of any

citizen of the United States or legal resident over the age of 18 years who resides or is temporarily within this state, and who is not within the excepted classes prescribed by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, to purchase, own, possess, keep, or carry, either openly or concealed, a handgun within the citizen's or legal resident's place of residence, place of business, or on private property owned or lawfully possessed by the citizen or legal resident.” (§ 25605(b), emphasis added.) A “handgun” is defined as “any pistol, revolver, or firearm capable of being concealed upon the person.” (§ 16640.) The Polymer80 handgun, meets this definition, as it is a concealable firearm designed to be held and fired with one hand.

The law permits “unlicensed possession of loaded or concealed weapons in a "place of residence." (*People v. Foley* (1983) 149 Cal.App.3d Supp. 33, 37.)² The preliminary hearing evidence establishes that the Polymer80 was found in a vehicle in the garage of the defendant’s residence, not carried on his person or in public. (Exhibit 2, Vol. 2, pp. 357, 379.) The People presented no evidence that the firearm was used or carried outside the residence in a manner inconsistent with lawful possession. Thus, Counts Seven Eight and Nine, alleging violations of Section 25400, lack probable cause, as the possession is exempt under Section 25605.

2 . In 2010, the Legislature repealed Title 2, commencing with section 12000 of the Penal Code and without making substantive changes, reorganized and renumbered sections 12025 and 12026. (2010 Cal. Stats. Ch 711; Senate Bill 1080.) Former 12025 was renumbered to 25400, and former section 12026 was renumbered to 25605.

e) *The Prosecution's Claim That Ghost Guns Are Abnormally Dangerous and Unprotected by the Second Amendment Is Meritless*

The prosecution argued that the Polymer80 is *abnormally dangerous* and outside Second Amendment protections due to its lack of a serial number, citing *United States v. Marzzarella* (W.D. Pa. 2010) 595 F. Supp. 2d 596, and *United States v. Henry* (9th Cir. 2012) 688 F.3d 637. (Exhibit 2, pp. 292, 294; Exhibit 5.). These cases are inapposite, and the prosecution's argument fails for three reasons: (1) Polymer80 firearms are not inherently dangerous, (2) they are protected by the Second Amendment, and (3) they are analogous to older, unregistered firearms covered by Section 25605.

"A firearm is not "abnormally dangerous" [. . .] simply because of its "inherent capacity to cause injury or lethal harm." (*Nat'l Shooting Sports Found. v. Lopez* (D.Haw. 2024) 730 F. Supp. 3d 1073, 1077.) "But a firearm-related product is presumed to be "abnormally dangerous" if it is:"

- (1) "most suitable for assaultive purposes instead of lawful self-defense, hunting, or other legitimate sport and recreational activities";
- (2) "designed, sold, or marketed in a manner that foreseeably promotes the conversion of legal firearm-related products into illegal firearm-related products"; or
- (3) "designed, sold, or marketed in a manner that is targeted at minors or other individuals who are legally prohibited from accessing firearms."

(*Nat'l Shooting Sports Found. v. Lopez, supra*, 730 F. Supp. 3d 1073, 1077.)

Here, there was no evidence that the Polymer80 handgun was most suitable for assaultive purposes than self-defense, and there was no evidence

presented about how it was designed, sold or marketed, therefore it does not meet the criterial of abnormally dangerous.

1) Polymer80 Handguns Are Not Inherently Dangerous

Polymer80 handguns are not abnormally dangerous, as they function identically to commercially manufactured handguns and are subject to the same safety and use regulations. (Exhibit 2, Vol. 2, p. 369.) Section 16520 defines a firearm based on its ability to expel a projectile by explosion, not its serialization status. Section 29180 requires serialization within ten days of manufacture or assembly, treating ghost guns as standard firearms rather than categorically dangerous weapons. (Exhibit 2, Vol. 2, p. 366.) The trial court acknowledged that the failure to serialize is a separate violation under Section 29180, not a bar to possession. (Exhibit 2, Vol. 2, p. 372) No California statute or case law designates Polymer80 handguns as inherently dangerous, and the prosecution presented no evidence that the Polymer80 handgun was modified or used in a dangerous manner.

2) Ghost Guns Are Protected by the Second Amendment

The Second Amendment protects the right to keep and bear arms in the home for self-defense. (*Heller, supra*, 554 U.S. 570.) *Heller* limits protections to weapons “in common use” for lawful purposes, excluding “dangerous and unusual” weapons like short-barreled shotguns or machine guns. (*Heller, supra*, 554 U.S. at pp. 624, 627.)

The trial court noted “machine guns are "dangerous and unusual weapons" that are not protected by the Second Amendment.” (*United States v. Henry*, *supra*, 688 F.3d at p. 640; Exhibit 2 p. 294.) However, Polymer80 handguns or ghost guns are not analogous to machine guns. They are handguns, which *Heller* explicitly protects for self-defense.

United States v. Munoz, supra, 57 F.4th 683, further supports this, holding that possession of a Polymer80 firearm was lawful, with the violation stemming only from the failure to serialize under Section 29180(c), not from possession itself. (*Id.* at p. 686.)

The People’s reliance on *United States v. Marzzarella, supra*, 614 F. 3d 85, is misplaced, because *Marzzarella*’s holds that the law prohibits the possession if a firearm with obliterated serial numbers, and this prohibition does not run afoul of the Second Amendment. However, the Polymer80 firearm here, never had a serial number as it was manufactured without a serial number, but it can be serialized. (Exhibit 2, Vol. 2, pp. 369, 373.) *Marzzarella* does not address ghost guns, and its reasoning does not extend to unserialized firearms that are otherwise lawful. Regulations on ghost guns, such as Section 29180, must be consistent with historical traditions of firearm regulation, and no historical tradition bans possession of unserialized firearms, as older firearms pre-dating serialization requirements (e.g., pre-1968 under 18 U.S.C. § 921 et seq.) are considered lawfully possessed.

In keeping with *Heller*, we hold that when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation, the government may not simply posit that the regulation promotes an important interest. Rather, the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation. Only if a firearm regulation is consistent with this Nation’s historical tradition may a court conclude that the individual’s conduct falls outside the Second Amendment’s “unqualified command.” *Konigsberg v. State Bar of Cal.*, 366 U. S. 36, 50, n. 10, 81 S. Ct. 997, 6 L. Ed. 2d 105 (1961)

(*N.Y. State Rifle & Pistol Ass'n v. Bruen* (2022) 597 U.S. 1, 17 [142 S.Ct. 2111, 2126, 213 L.Ed.2d 387, 405].)

Just a few years ago the High Court reaffirmed *Heller*, and “decline[d] to adopt that two-part approach.” (*N.Y. State Rifle & Pistol Ass'n v. Bruen* (2022) 597 U.S. 1, 17 [142 S.Ct. 2111, 2126, 213 L.Ed.2d 387, 405].) *Marzzarella* is unpersuasive because it is based upon the two-part approach rejected by the High Court. Accordingly, possession of the Polymer80 handgun was protected under the Second amendment.

3) A Polymer80 Handgun, Ghost Guns Are Analogous to Older, Unregistered Firearms

The ghost gun’s lack of a serial number does not exclude it from section 25605 or Second Amendment protections, as it is analogous to older firearms that lack registration or serial numbers. This Court discussed *People v. Fiscal* (2008) 158 Cal.App.4th 895, which referenced *Galvan v. Superior Court* and the Legislature’s adoption of Government Code Section 53071 to preempt local firearm regulations (Exhibit 2, Vol. 2, pp. 358, 373.) The defense argued that this shows the Legislature’s intent to broadly protect firearm possession under Section 25605, absent specific exclusions for unserialized firearms (Exhibit 2, Vol. 2, pp. 374, 375). Section 25605 contains no requirement for serialization or registration, and older firearms manufactured before federal serialization mandates (e.g., pre-1968) are routinely covered by the exemption. The Legislature’s failure to exclude unserialized firearms from Section 25605, despite enacting Section 29180 to require serialization, indicates that ghost guns qualify for the exemption when possessed in the home. (Exhibit 2, Vol. 2, p. 374.) This Court acknowledged that Section 25605 does not require a handgun to be licensed or registered, focusing instead on lawful possession. (Exhibit 2, Vol. 2, 372.)

The prosecution’s attempt to exclude ghost guns from Second Amendment protections based on *Marzzarella*’s reasoning about obliterated

serial numbers would undermine Section 25605's broad exemption, which this Court recognized as protecting lawful handgun possession. (Exhibit 2, Vol. 2, 366.) The ghost gun's possession in the defendant's residence is thus protected and exempt, rendering Counts Seven, Eight and Nine unsupported by probable cause, and must be dismissed.

4) Unserialized Ghost Guns Are Not Firearms With Obliterated Serial Numbers, and No Criminal Intent or Tampering Was Proven

The prosecution, as reflected in the court's reliance on *Marzzarella*, *supra*, conflates unserialized ghost guns with firearms that have had serial numbers intentionally obliterated, arguing that both are unprotected by the Second Amendment and inherently unlawful. This conflation is erroneous. As defense counsel argued, ghost guns, like the Polymer80 pistol, are manufactured without serial numbers by design, not altered to remove them, distinguishing them from firearms with obliterated serial numbers, which imply intentional tampering and criminal intent. (Exhibit 2, Vol. 2, pp. 369, 373.) *Marzzarella*, *supra*, upheld a prohibition on possessing firearms with obliterated serial numbers because such defacement is typically undertaken to conceal criminal activity, a concern not applicable to ghost guns manufactured without serial numbers. (*Marzzarella*, *supra*, 595 F. Supp. 2d at 601; Exhibit 2, Vol. 2, 362.)

The preliminary hearing provided no evidence—such as testimony or physical findings—that the ghost gun's serial number was removed or tampered with by the defendant or anyone else. (Exhibit 2, Vol. 2, pp. 379, 380.) The firearm was described as unserialized, consistent with its manufactured state. (Exhibit 2, Vol. 2, p. 370) Moreover, Penal Code Section

29180 permits lawful possession of ghost guns if serialized within ten days of manufacture, unlike firearms with obliterated serial numbers, which cannot be restored to a lawful state. (Exhibit 2, Vol. 2, pp. 372-373.) The prosecution's failure to prove tampering or criminal intent undermines its reliance on *Marzzarella* and the court's tentative ruling that unserialized ghost guns are not "lawful" under section 25605. (Exhibit 2, Vol. 2, p. 372.) Like older firearms manufactured before serialization requirements (e.g., pre-1968), which lack serial numbers without implying criminal intent, ghost guns are covered by Section 25605 and protected by the Second Amendment. (*United States v. Price* (S.D. W. Va. 2022) 635 F. Supp. 3d 455; Exhibit 2, Vol. 2, p. 374.)

The preliminary hearing evidence fails to establish probable cause for Counts Seven, Eight and Nine against petitioner, Marquez Burns. The Polymer80 ghost gun qualifies as a handgun under Penal Code Section 16640, and possession of it in petitioner's residence is exempt under Section 25605. The Court should grant this petition and dismiss Counts Seven, Eight and Nine.

II. THE TRIAL COURT ERRED IN NOT SETTING ASIDE COUNT TEN, PURSUANT TO PETITIONER'S MOTION TO DISMISS PURSUANT TO SECTION 995, BECAUSE THERE WAS NO UNDERLYING FELONY FOR THE GANG ENHANCEMENT

Petitioner was charged with two counts of active participation in a criminal street gang. (Exhibit 3.) The first one, alleged in Count Six, occurred on July 9, 2023. (Exhibit 3.) The crime of active participation in a criminal street gang charged in Count Ten, occurred on April 16, 2024. (Exhibit 3.) The only felonies alleged occurring on April 16, 2024, were

Counts Seven, Eight and Nine. Count 11 was discharged at the hearing on the section 995 motion. (Exhibit 1, Vol. 1, p. 24.)

Under section 186.22, subdivision (b)(1), a gang enhancement must be attached to a felony committed “for the benefit of, at the direction of, or in association with a criminal street gang.” If there is no valid underlying felony, the gang enhancement fails as a matter of law. (*People v. Rodriguez* (2012) 55 Cal.4th 1125.) Here, no felony offense remains if the handgun possession is exempt under section 25605.

In addition, Count Ten alleges a gang enhancement under section 186.22, requiring proof that the underlying offense was committed “for the benefit of, at the direction of, or in association with” a criminal street gang. (§ 186.22, subd. (b)(1).) The People presented no evidence at the preliminary hearing connecting the firearm’s possession to gang activity. (Exhibit 2, Vol. 2, p. 399.) While Officer Ramirez testified about gang indicia (e.g., tattoos, social media posts), the trial court noted the lack of specific evidence tying the firearm to gang-related conduct. (Exhibit 2, Vol. 2, pp. 399-400.) There is no testimony or documentation showing the defendant’s active gang membership, the firearm’s use in gang-related activity, or intent to benefit a gang. (*People v. Gardeley* (1996) 14 Cal.4th 605, 616.) As the underlying firearm charges lack probable cause and are exempt under section 25605, the gang enhancement cannot stand. (*People v. Perez* (1981) 114 Cal.App.3d 470, 477.) Count Ten must be dismissed.

CONCLUSION

The preliminary hearing evidence fails to establish probable cause for Counts Seven, Eight, Nine and Ten against petitioner, Marquez Burns. The Polymer80 ghost gun qualifies as a handgun under section 16640, and its possession in the defendant’s residence is exempt under section 25605. The

prosecution's claim that ghost guns are abnormally dangerous and unprotected by the Second Amendment is unsupported, as *Heller* and *Munoz* protect handgun possession for self-defense, and *Marzzarella* and *Henry* do not apply to ghost guns, which are analogous to older, unregistered firearms. No evidence links the defendant to the firearm or establishes gang-related intent. The Court should grant this motion and dismiss all counts pursuant to section 995.

Date:

Respectfully Submitted,

/s/Roxane Bukowski
A. Roxane Bukowski,
Attorney for Petitioner,
Marquez Lee Burns

WORD COUNT - CERTIFICATE OF COMPLIANCE

I, certify that the following PETITION FOR REVIEW uses 13-point Century Schoolbook font in Word, and contains 4,150 words, fewer than the maximum permitted by rule.

/s/Roxane Bukowski
A. Roxane Bukowski,
Attorney for Petitioner,
MARQUEZ LEE BURNS

ATTACHMENT

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

MARQUEZ LEE BURNS,

Petitioner,

v.

THE SUPERIOR COURT OF KERN
COUNTY,

Respondent;

THE PEOPLE,

Real Party in Interest.

F090101

(Kern Super. Ct. No. BF199024A)

ORDER

BY THE COURT:*

The "Petition for Writ of Mandamus/Prohibition Pursuant to Penal Code Section 999a," filed on July 10, 2025 is denied.


Detjen, A.P.J.

* Before Detjen, A.P.J., Snauffer, J. and, Fain, J.†

† Judge of the Fresno Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

Re: *People v. Burns*
No. _____
5th DCA.#F090101
Kern County no. BF199024A

PROOF OF SERVICE

I, *STEPHANIE L. GUNTHER*, certify:

I am an active member of the State Bar of California and am not a party to this cause. My electronic service address is *stephanielgunther@gmail.com* and my business mailing address is *PO BOX 892439, Temecula, CA 92589*. On *October 9, 2025*, I transmitted a PDF version of PETITION FOR WRIT OF MANDAMUS OR PROHIBITION by electronic mail to the party(s) identified below using TrueFiling and the e-mail service addresses indicated:

Attorney General's Office sacawttruefiling@doj.ca.gov	Kern County Superior Court metrofelonymotions@kern.courts.ca.gov
Kern County District Attorney BakersfieldMotions@KernDA.org	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on *October 9, 2025*, at *Bakersfield*, California.

/s/Stephanie L. Gunther

Stephanie L. Gunther
ATTORNEY DECLARANT,
SBN 233790

S293404

Re: *People v. Burns*

No: _____

5th DCA.#F090101

Kern County no. BF199024A

PROOF OF SERVICE

I, *STEPHANIE L. GUNTHER*, certify:

I am an active member of the State Bar of California and am not a party to this cause. My electronic service address is *stephanielgunther@gmail.com* and my business mailing address is *PO BOX 892439, Temecula, CA 92589*. On *October 9, 2025*, I transmitted a PDF version of **PETITION FOR REVIEW AND APPLICATION FOR RELIEF FROM DEFAULT** by electronic mail to the party(s) identified below using TrueFiling and the e-mail service addresses indicated:

Attorney General's Office sacawttruefiling@doj.ca.gov	Kern County Superior Court metrofelonymotions@kern.courts.ca.gov
Kern County District Attorney BakersfieldMotions@KernDA.org	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on *October 9, 2025*, at *Bakersfield*, California.

/s/Stephanie L. Gunther

Stephanie L. Gunther
ATTORNEY DECLARANT,
SBN 233790

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **BURNS V. SUPERIOR COURT (KERN)**

Case Number: **TEMP-5S104E4R**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **stephanielgunther@gmail.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ISI CASE INIT FORM DT	Case Initiation Form
PETITION FOR REVIEW	CSC PFR Burns
APPLICATION FOR RELIEF FROM DEFAULT	CSC App Default PFR Burns
PROOF OF SERVICE	Proof of Service

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

10/9/2025

Date

/s/Stephanie Gunther

Signature

Gunther, Stephanie (233790)

Last Name, First Name (PNum)

Law Office of Stephanie L. Gunther

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