

Exhibit 43

To Defendants' Memorandum in Support of Motion for  
Summary Judgment

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)

SHAWN J. TARDY, et al.

Plaintiffs

Case No.

vs.

1:13-cv-02841-CCB

MARTIN J. O'MALLEY, et al.

Defendants

\_\_\_\_\_ /

The deposition of GUY ROSSI was taken on  
Monday, January 6 2014, commencing at 9:06 a.m., at the  
Office of the Attorney General, 200 Saint Paul Place,  
20th Floor, Baltimore, Maryland 21202, before Dawn L.  
Venker, Notary Public.

REPORTED BY: Dawn L. Venker

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1 yes. Sometimes no. I also have my own company called  
2 Guy Rossi & Associates that I do training as well as a  
3 consultant.  
4 Q. So the training you are providing to the  
5 general public, is that through your company?  
6 A. Well, when you say "general public," the  
7 general public in New York State could mean securities.  
8 So --  
9 Q. Okay. I mean, people who are seeking  
10 training not because they need it for employment, but  
11 because they want it for knowledge for personal  
12 protection or such?  
13 A. Yes. The answer is yes.  
14 Q. And that's through your company?  
15 A. Yes.  
16 Q. How big are the class sizes?  
17 A. They are relatively small. I -- I -- I  
18 would say three or four. And the reason being is I --  
19 I tend to be very particular about the people that I  
20 train. Law abiding citizens. Especially people that  
21 have been victimized are my priority.

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1 Q. And you said you train them using  
2 simunitions?  
3 A. Simunitions, airsoft training guns, and  
4 real firearms as well.  
5 Q. And when you provide training to these --  
6 I'm just going to call it general citizens, as opposed  
7 to people who need it for some employment purpose -- in  
8 the use of firearms against an assailant, are you  
9 providing them with specific training, again, as to how  
10 many rounds they should fire at an assailant?  
11 A. Well, first of all, I train them in Article  
12 35 in New York State penal law. That's critical that  
13 they know the law of the State of New York. It's also  
14 critical they understand that they are -- they have a  
15 right to protect themselves against the imminent use of  
16 deadly physical force being used against them. And  
17 that it has to be reasonable.  
18 In New York State, with the exception of  
19 your home, you may have to retreat. We discuss issues  
20 involving that. And we also discuss issues of  
21 versus -- a stop versus kill. And to make sure that

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1 they understand the difference between the two.  
2 Q. And what is that difference that you  
3 instruct them on?  
4 A. Well, they continue to shoot until the  
5 threat has ceased or they've -- they've stopped the  
6 threat. And sometimes that, you know, evolves into a  
7 death and sometimes it doesn't. You know, if you shoot  
8 at somebody and you miss them, they drop the gun and  
9 they give up, it's a stop.  
10 Q. Do you instruct them that they should fire  
11 one round and wait to see what happens, or that she  
12 should continue to fire until, as you say, the  
13 individual drops the gun -- drops, flees, what have  
14 you?  
15 MR. SWEENEY: Object to the form of the  
16 question, but you can answer.  
17 A. Okay. Generally we instruct them -- I  
18 instruct them to shoot twice rapidly once they sight  
19 their target, and monitor the situation. If the threat  
20 is nonexistent at that point, or the person obeys  
21 commands, they hold their position. And hopefully they

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1 are able to gain some sort of assistance from law  
2 enforcement or whoever.  
3 Q. Do you have any discussions with your  
4 students about how likely it is that they are going to  
5 miss the target, or chances that they are going to miss  
6 the target?  
7 A. I do.  
8 Q. And what do you tell them about missing  
9 targets?  
10 A. Well, here's what I tell them. That  
11 trained law enforcement officers, myself having been  
12 one of them -- seen many trained law enforcement  
13 officers in my time shoot under stress -- tend to  
14 hit -- we are going back maybe even the revolver days  
15 of six rounds. Within six rounds a trained law  
16 enforcement officer tends to hit his target one or two  
17 times out of those six rounds under stress. And that  
18 the possibility of them missing, regardless of how well  
19 trained they are, you know, probably not going to  
20 exceed the expectations of the trained law enforcement  
21 who is training two or three times a year with that

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1 firearm.  
2 I don't tell them how many rounds to shoot.  
3 However, what I tell them is the reality of the hit  
4 ratio of officer involved shootings, and it's pretty  
5 low.  
6 Q. Have you, yourself, ever used a firearm in  
7 self-defense in your own home?  
8 A. No.  
9 Q. All right. I'm going to now start asking  
10 you some questions about your report.  
11 A. Sure.  
12 Q. Just to let you know where I'm heading  
13 next.  
14 A. Okay.  
15 Q. On Page 2 of your report you say that most  
16 pistols are manufactured with magazines holding 10 to  
17 17 rounds. Wouldn't it be fair to say that most  
18 pistols are sold with magazines that carry 10 to 17  
19 rounds?  
20 MR. PORTER: Object to form. You can  
21 answer the question.

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1 A. In my experience, my statement that I made  
2 is -- is my perception of -- of the incident. I'm not  
3 a firearms dealer. And so I don't know exactly how  
4 they are sold. All I can tell you is that the majority  
5 of people that come to me for training, including law  
6 enforcement, have had a weapon. And most commonly a  
7 Glock per se. Not to name any one manufacturer, but  
8 it's 75 percent of the market for handgun, and 10 to 17  
9 rounds is the norm.  
10 Q. But it's attached to a magazine that is  
11 certainly not manufactured into the pistol, correct?  
12 A. It's what -- it's what the manufacturer  
13 sends. So, you know, I guess if you are talking about  
14 what's manufactured in the pistol, I don't know what  
15 the manufacturer has set aside for that pistol.  
16 The only thing I can tell you is that the  
17 manufacturers are very cognizant of the round ratio to  
18 what is in that magazine and how the gun operates. I  
19 mean, that the magazine itself is very critical to how  
20 that weapon operates.  
21 Q. But a pistol with a detachable magazine

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1 will operate even if there is just round of ammunition  
2 in the magazine, correct?  
3 A. It will operate with one round in the  
4 chamber. One round in the magazine, unless the round  
5 is loaded into the chamber, does not necessarily mean  
6 that it might operate.  
7 Q. But if you were to take a magazine that had  
8 one round in it --  
9 A. Okay.  
10 Q. -- put it into the pistol --  
11 A. Uh-huh.  
12 Q. -- you could load the round into the  
13 chamber and fire the pistol even though there is only  
14 one round in the magazine, correct?  
15 A. That's correct.  
16 Q. So whether it's one round or two rounds or  
17 three rounds or 10 rounds or 17 rounds. In other  
18 words, a pistol that's sold with a 17-round magazine  
19 does not have to have 17 rounds of ammunition in the  
20 magazine for the pistol to operate?  
21 MR. PORTER: I object to the form of the

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1 question, but you can answer.  
2 A. Once again, I -- I can only defer to the  
3 manufacturer's research on how well the weapon  
4 manufactured, with a certain amount of rounds in it, in  
5 the magazine. Only because of the fact that, as I  
6 said, that magazine is critical to how that weapon  
7 functions.  
8 The fact that you have one round in the  
9 chamber -- I mean, your single shot rifle is going to  
10 work. I mean, the bottom line is if that spring  
11 tension is different at all, other than what the  
12 manufacturer has specified for that gun, it may not  
13 function.  
14 Q. But the spring tension changes as rounds  
15 are expelled from the magazine, correct?  
16 A. But it's designed for that. What I'm  
17 saying, if it -- if that magazine is altered, or a  
18 different magazine, a secondary market magazine is  
19 placed in that gun that the manufacturer hasn't  
20 designed that gun for, it may not function as intended.  
21 And that's why I'm saying that the

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1 manufacturer, when they developed the gun, they  
2 researched and they developed the gun, they researched  
3 it for specific magazine capacity. And it could be six  
4 rounds. It doesn't have to be 17. But the point I'm  
5 trying to make is when they design the gun, how they  
6 design that magazine is critical to how that gun works.  
7 Q. But there is some manufacturers that have  
8 alternative capacity magazines, is that not correct?  
9 A. That is correct.  
10 Q. So as long as the magazine meets the  
11 manufacturer's specifications, the number of rounds of  
12 capacity are irrelevant to the function of the weapon?  
13 A. I believe that to be a safe comment to  
14 make.  
15 Q. And revolvers generally have six rounds of  
16 ammunition, correct?  
17 A. Generally.  
18 Q. Generally. I understand there are 7-round  
19 revolvers. There may be 8, 9, or 10-round revolvers --  
20 A. Right.  
21 Q. -- depending on the size of the ammunition.

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1 A. Right.  
2 Q. But, as a general principle, most revolvers  
3 would carry six rounds of ammunition?  
4 A. Five to six.  
5 MR. PORTER: I object to the form of the  
6 question, but you can answer.  
7 A. Sorry. Five to six.  
8 Q. That doesn't render them unuseful for home  
9 defense, does it?  
10 A. Well, it depends. You know, I -- I have a  
11 hard time making that broad statement, to be honest  
12 with you.  
13 Q. Why?  
14 A. Well, I mean, first of all, if we go back  
15 to one of the things I talked about initially, about  
16 the hit ratio of police officers in high-stress  
17 situations of one to five, one to six. One opponent  
18 with a five or six-round revolver, you just expended an  
19 entire cylinder of ammunition on one opponent.  
20 That's -- that's stating that you hit that opponent.  
21 So it's not easy for me to say that.

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1 Q. Well, do you have any information on the  
2 average number of rounds expended by a homeowner when  
3 faced with an assailant?  
4 A. No.  
5 Q. Do you have any information on the number  
6 of assailants who have continued to approach the  
7 homeowner after the homeowner has discharged any number  
8 of rounds?  
9 A. No.  
10 Q. So you really can't say that a handgun  
11 would be unsuitable for home defense because you have  
12 no basis for determining how many rounds on average a  
13 homeowner discharges?  
14 MR. PORTER: Object to form of the  
15 question. If you can answer the question as asked, you  
16 can answer.  
17 A. I disagree with you. Based on my training  
18 and experience, I would disagree with you.  
19 Q. But you have no information to base your  
20 opinion.  
21 A. Information is -- experience is

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1 information. And, in my experience, if you are dealing  
2 with more than one aggressor, even one aggressor, if  
3 you had a five-shot snubnose revolver, you would really  
4 be pushing your luck in hoping that, number one, you  
5 would hit him, whether you are a civilian or a cop, who  
6 is better trained than a civilian. And then you are  
7 left with an empty gun. So I don't think that's a  
8 reasonable choice for a civilian.  
9 Q. But your experience is based on that as a  
10 police officer, correct?  
11 A. Well, that's correct. And a person that  
12 sees it on a day-to-day basis.  
13 Q. Right. But police officers are different  
14 than citizens. The -- the occasions upon which --  
15 MR. PORTER: Wait. I'm sorry to interrupt.  
16 Was that a question, or were you leading into a  
17 question?  
18 MR. BOWEN: Well, it was a question, but  
19 since he didn't answer, I'm going to change the  
20 question.  
21 MR. PORTER: Okay. Well, he didn't have an

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1 his or her home and discharging the firearm, was it?  
2 A. No.  
3 Q. So back to the effects of delay. You said,  
4 "Carrying an unloaded firearm will often not provide a  
5 viable means of self-defense. The victim" -- I am  
6 skipping a bit. "The victim is left with a firearm she  
7 needs to retain so that she is not shot with her own  
8 weapon." If the weapon is unloaded because of the  
9 delay in reloading it, how is a citizen going to be  
10 shot with her own weapon?  
11 A. I think you have to read the rest of that  
12 paragraph. "The victim is left with a firearm that she  
13 needs to retain so that she is not shot with her own  
14 gun. At best, the firearm becomes a bludgeoning tool."  
15 Q. But your statement is that the delay in  
16 reloading may cause her to be shot with her own weapon.  
17 My question is if the weapon is not loaded, how can she  
18 be shot with her own weapon?  
19 A. Well, I think we are talking about  
20 reloading a weapon here. And trying to reload a weapon  
21 under stress. And when you try to do that under

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1 stress, and somebody is closing the gap, trying to get  
2 a magazine into a gun, or whatever, could end with a --  
3 with a AD, you know, an accidental discharge where they  
4 could get shot with their own gun.  
5 Q. But that's not the assailant taking the gun  
6 away from them and shooting them with their own gun?  
7 A. Okay. I understand what you are trying to  
8 -- I understand what you are getting at here. That may  
9 have been a misstatement by me.  
10 Q. Okay. Fair enough. Moving on to Section  
11 3, "Effect of Loss of Defensive Use of Non" --  
12 (The reporter asked for clarification.)  
13 Q. "Effect of Loss of Defensive Use of the  
14 Non-dominant Arm or Hand," on Page 7.  
15 A. Uh-huh.  
16 Q. You say that, "The delay in loading a  
17 firearm has additional deadly implications. While the  
18 left arm and hand are being used to load the handgun,  
19 they cannot be used for anything else, such as opening  
20 a door to retreat or redirecting a family member out of  
21 harm's way."

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1 How many instances are you aware of where  
2 the lack of the reloading hand or arm has resulted in  
3 deadly or nondeadly consequences?  
4 A. I can only speak to law enforcement issues  
5 here. But, again, this is almost a common sense type  
6 of issue here. If -- if you are right hand dominant,  
7 and you are using your left hand to load a gun, it's  
8 not going to allow you the same time to use a phone to  
9 call for help, open a door to try to retreat, you know,  
10 push an innocent person out of the way. That was the  
11 point that I'm trying to make her.  
12 As far as how many specific incidences I'm  
13 aware of, I -- I guess specific real life incidences, I  
14 can't -- I can't speak to that because I don't know  
15 that. It -- it -- it -- to me it's -- it's a common  
16 sense issue more than I could tell you. Dealing in  
17 defensive tactics, you tie up that hand, you are not  
18 going to be able to react. You are not going to be  
19 able to stop that person from closing the gap. You are  
20 not going to be able to push that door open. You are  
21 not going to be able to use that phone.

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1 Q. Right. My question was simply how many  
2 real world instances were you aware of where the lack  
3 of the use of the reloading hand caused a problem for  
4 the homeowner?  
5 A. Well, I -- homeowner. Homeowner is none.  
6 Q. That's all I was asking about, just  
7 homeowners. That's what we are focusing on as the use  
8 of weapons in self-defense by the homeowner.  
9 MR. PORTER: Object to form of the  
10 question.  
11 A. I understand.  
12 MR. BOWEN: Okay.  
13 MR. PORTER: If it's a deposition, it's  
14 questions and answers, not -- I assume that was a  
15 question?  
16 MR. BOWEN: No. It wasn't a question,  
17 but --  
18 Q. All right. In Section 4 you talk about the  
19 effects of attention distraction caused by loading.  
20 A. Uh-huh.  
21 Q. How many incidents are you aware of where

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1 the attacker continued to threaten the homeowner after  
2 the homeowner had expended all the rounds in the  
3 magazine and needed to reload?  
4 A. I know of one instance where a civilian had  
5 an empty gun and the person still complied, if that's  
6 what you are asking. And wasn't able to reload, but  
7 the person -- bad guy didn't know of it. Your specific  
8 question --  
9 Q. I'm asking in how many instances of which  
10 you are aware did the homeowner expend all the rounds  
11 from the gun, have to reload the gun, and while the  
12 homeowner was doing that the assailant continued to  
13 advance?  
14 A. None.  
15 Q. Moving on to Section 5, the difference  
16 between the AR15s, M16s and M4s.  
17 A. Uh-huh.  
18 Q. What are the functional differences between  
19 the M16 and the AR-15, apart from the ability to fire  
20 in fully-automatic mode?  
21 A. You are asking me what the differences are?

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1 Okay.  
2 Q. In function.  
3 A. In --  
4 Q. Function?  
5 A. -- function. Not in parts?  
6 Q. No. In function.  
7 A. That is the biggest difference.  
8 Q. Is there any difference other than -- in  
9 function, other than the inability to fire  
10 fully-automatic mode?  
11 A. In function, no.  
12 Q. You state that, "The semi-automatic  
13 firearms design is in no manner 'based on or is a  
14 variation of' the full-automatic design feature." What  
15 is your basis for saying that?  
16 A. Please point out where that says that to  
17 me, please.  
18 Q. Under Section 5. Second paragraph.  
19 A. Okay.  
20 Q. Second sentence. "The semi-automatic  
21 firearm design feature is in no manner 'based on or is

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1 a variation of' the full-automatic design feature."  
2 A. I still don't see it here. I'm sorry.  
3 Would you just mark my copy where you are talking  
4 about?  
5 Q. I found it. I think you are a page ahead  
6 of me. Do you have Page 7?  
7 A. That's probably the reason.  
8 Q. There in that second sentence.  
9 A. Well, I think the weapons that we are  
10 talking about are two different weapons. I don't  
11 understand exactly what you are trying to ask me with  
12 this question. So maybe if you'll clarify it again for  
13 me.  
14 Q. Well, I was trying to find out what you  
15 were trying to state, but let me ask a different  
16 question. You say that they are different weapons, the  
17 AR-15 and the M16 --  
18 A. They are.  
19 Q. -- correct?  
20 A. Yes.  
21 Q. How are they different?

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1 A. Well, one is a military rifle. The other  
2 one is a civilian rifle. One shoots specifically .556  
3 ammunition. The other one shoots .223 and .556  
4 ammunition, depending on the weapon manufacturer. One  
5 can be fired full auto. One could have shorter barrel  
6 lengths. Collapsible stocks. Attachments such as a  
7 grenade launcher. Bayonet attachments that the  
8 civilian version does not have.  
9 And there are component parts of the M16  
10 and the AR-15 that are different. Besides the selector  
11 switch that allows it to be fired full auto.  
12 Q. What are those differences?  
13 A. The bolt carrier is bolstered in the M16,  
14 M4. The barrel itself on an M16 and M4 are slightly  
15 more fortified than the ARs that are sold to civilians.  
16 The slide -- the ramp chamber and the ramp in the  
17 chamber are different to be able to take the higher  
18 pressure of the .556 over the .223. And full-auto mode  
19 as well, the chamber itself where the bullet goes into.  
20 Q. But you just said that the AR-15 comes in  
21 the same caliber and cartridge size.

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1 and ease of use is what you talk about for the AR-15.  
2 Would those characteristics also apply to the M16? I  
3 jumped ahead a little bit.  
4 A. Yeah. Help me here.  
5 Q. For instance, on Page 9 of your report,  
6 under Section 7 --  
7 A. Okay.  
8 Q. -- you talk about, "Safety, Accuracy and  
9 Ease-of-Use" --  
10 A. Okay.  
11 Q. -- "The firearms banned by the Act,  
12 particularly the AR-15..."  
13 A. Okay. So your question is?  
14 Q. My question is those features, the safety,  
15 accuracy, and ease of use were also features present in  
16 the M16, correct?  
17 A. The features are present in the M16 as  
18 well, yes.  
19 Q. That's my question.  
20 A. Yes.  
21 Q. You talk about -- Page 9 maybe. On the M16

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1 you talk about it's not possible to achieve aimed fire  
2 in full-automatic mode with the M16.  
3 A. Uh-huh.  
4 Q. Have you ever trained on an M16?  
5 A. I have.  
6 Q. And trained in full-auto mode?  
7 A. I have.  
8 Q. And were you -- did you receive training on  
9 how to attempt to hit targets in full-auto mode?  
10 A. Yes.  
11 Q. And what were you taught on that?  
12 A. It takes a lot of practice. Can you hit  
13 the target? The answer is yes. It takes practice. It  
14 takes a lot of control over the weapon. It is not the  
15 preferred method of shooting that weapon. If you -- if  
16 you look at the hand manual for the M16 or the M4, the  
17 military says -- says that specifically, that it's not  
18 really the best use of that weapon, full auto. And  
19 obviously it shows on my silhouette when I shoot one.  
20 So, yeah, it's -- it's -- it's not easy.  
21 It mean, it's easier to control than, let's say, a

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1 Thompson submachine gun than full auto or, you know, a  
2 German World War II machine gun. A grease gun. A lot  
3 easier than any of those weapons, but it's not -- it  
4 still takes practice to be able to keep all the rounds  
5 on the silhouette.  
6 Q. Accuracy in semi-automatic mode is greater  
7 than accuracy in full-automatic mode, correct?  
8 A. Oh, absolutely.  
9 Q. Because why?  
10 A. Well, let me back off here for just one  
11 second and just say this. Accuracy really depends on  
12 the shooter's training and ability. It's a very  
13 personalized ability. It's not -- it's not something  
14 that is same for everybody. Okay.  
15 So when you say accuracy in a  
16 semi-automatic mode, you know, I know people that could  
17 shoot one shot, you know, and hit the wings off a fly  
18 at 100 yards. And they don't need to have two shots.  
19 So it's very individualized.  
20 To say that somebody will always be  
21 accurate in semi-automatic mode is not accurate in and

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1 of itself because of the fact that it really depends on  
2 the shooter's skills and abilities. But generally,  
3 semi-automatic fire is more accurate than  
4 full-automatic fire, especially when it's aimed fire.  
5 I don't know if that's what you are --  
6 Q. So an individual of a given skill level  
7 would be more accurate with semi-automatic aimed fire  
8 than firing the same weapon in fully-automatic mode,  
9 correct?  
10 A. I believe so.  
11 Q. Moving on to Section 6. You talk about the  
12 military history of banned firearms. And on the top of  
13 Page 9 you talk about, "Many other of the military's  
14 firearms that would not be banned under the Act are  
15 available in some form in the civilian market." You  
16 refer to the Mossberg 500 and the Remington 700. But  
17 neither of those weapons is a semi-automatic weapon,  
18 correct?  
19 A. No.  
20 Q. Moving on to Section 7, "The Difference  
21 Between 'Military' and 'Non-Military' Firearms."



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1 Again, on Page 9. You state that, "The AR-15 cannot  
2 fire in fully-automatic mode and therefore cannot be  
3 considered military weapons. The ability to fire in  
4 fully-automatic" --  
5 (The reporter made a statement.)  
6 Q. -- "The ability to fire in fully-automatic  
7 mode is a military function."  
8 So your definition of a military function  
9 for firearms is the ability to fire in fully-automatic  
10 mode?  
11 A. Well, when I say "fully-automatic mode," I  
12 also mean three-round bursts as well. So that would be  
13 automatic three rounds by one press of the trigger.  
14 That's one of the differences, yes. There are other  
15 differences.  
16 Q. Other differences in functionality?  
17 MR. PORTER: Object to form of the  
18 question. You can answer.  
19 A. Not functionality.  
20 Q. On Page 9 you talk about banned firearms,  
21 particularly the AR-15 -- this is under the section

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1 "Safety, Accuracy, Ease-of-Use." -- are also  
2 significantly more accurate than many nonbanned  
3 firearms, are lighter (and therefore easier to aim...)  
4 and have far less recoil. These are the same  
5 characteristics that apply to the M16, correct?  
6 A. The firearms -- so it -- as I understand  
7 your question, you are asking me if it's the common --  
8 it's common that the AR-15 and the M16 share the  
9 same --  
10 Q. Set of attributes?  
11 A. Yes.  
12 Q. Okay. And those are attributes that the  
13 military was interested in obtaining when they selected  
14 the M16. Would you agree?  
15 MR. PORTER: Object to the form of the  
16 question, but you can answer.  
17 A. I believe so.  
18 Q. And these attributes would also be helpful  
19 to individuals who wanted to use an AR-15 in an  
20 unlawful manner, for instance, to commit a mass  
21 shooting?

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1 MR. PORTER: Object to the form of the  
2 question, but you can answer.  
3 A. That's a difficult question to answer.  
4 It's a difficult question to answer because given  
5 this -- the same weapon to two individuals, one being a  
6 criminal and one not being a criminal, is it easy --  
7 just as easy for him to use that weapon? Sure, if  
8 that's what you are asking me.  
9 Q. No. My -- my question was, those features  
10 that you highlighted, increases in accuracy, lighter,  
11 easier to aim, have less recoil, aren't those factors  
12 advantageous do the illegal use of an AR-15 such as in  
13 a mass shooting event?  
14 A. It is. Regardless of a mass shooting event  
15 or not, it's just easier to shoot. That's the  
16 statement that I'm making here.  
17 I don't -- it's hard to -- to say that if  
18 it's easier for this person because they have that  
19 weapon to create a mass shooting. That's -- that's  
20 individual choice. I mean, mass shootings have been  
21 done with pump shotguns. Virginia Tech was done with

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1 two handguns. One being a .22 long rifle. That is  
2 really up to the individual that chooses to commit that  
3 crime.  
4 So to say that one weapon is their weapon  
5 of choice is an individual choice. And I would be  
6 hard-pressed to say that any one weapon is what people  
7 choose. People -- Columbine used bombs as well. So  
8 Matt [sic], you know, active killer, as you are  
9 describing them, does not always have to use a gun.  
10 So the point I'm trying to make is it's the  
11 individual's choice of what weapon they pick up, but  
12 they're a criminal just the same.  
13 Q. My question is not as to whether this would  
14 cause somebody to choose a weapon. What I'm asking is  
15 these design features that you talk about would make it  
16 easier for an active shooter to kill large numbers of  
17 people than a weapon that did not possess these  
18 factors?  
19 MR. PORTER: Object to form of the  
20 question. You can answer.  
21 A. That assumes that the civilians, the school