

Exhibit 48

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 PATRICK SHOMO was held on
Wednesday, December 18, 2013, commencing at 11:00 a.m.,
at Maryland State Police Headquarters, 1201
Reisterstown Road, the Executive Building, Baltimore,
Maryland 21202, before Susan M. Wootton, Notary Public.

REPORTED BY: Susan M. Wootton, RPR, CLR

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1 A. We went through the -- and I did assist
2 with this --
3 THE REPORTER: Wait. Can you say that
4 again?
5 THE WITNESS: I did assist with the search
6 for information responding to the requests from your
7 office.
8 We went through computer files that we had
9 as well as any hard copy files that we may have had,
10 that our counsel, Mr. Porter, identified may or may
11 not -- it was a fairly broad search looking for things
12 that may comply.
13 We really, our response should be in
14 accordance with that.
15 MR. RUCKMAN: So beyond what has been
16 submitted, are there any other materials that you're
17 aware of?
18 THE WITNESS: Not to my awareness sir, no.
19 Q. We have no documents from Maryland Shall
20 Issue.
21 Is it your understanding that there were no

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1 responsive documents at all?
2 A. That is my understanding, sir, yes.
3 Q. And how was that determination made?
4 A. So the documents that we generally have
5 pertaining to this area of law are primarily going to
6 be those that we were copied via members of the
7 legislature or via perhaps public documentation that
8 came as a result of a PIA request made by somebody, and
9 then we were essentially copied on the response.
10 Maryland Shall Issue in the past has not
11 performed a lot of this on our own. We've worked with
12 cognizant members of the legislature or other people
13 who have asked questions and asked us to assist them
14 formulate a question, and then those answers are things
15 that we will essentially get copied on.
16 Q. Who are those members of the legislature?
17 A. They're quite varied, both members of the
18 democratic and republican senate and house. If you're
19 looking for particular names, I would have to go
20 through.
21 A lot of the records that, a lot of the

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1 interaction with those folks actually occurred before I
2 took over, so I don't necessarily have the full extent
3 of the history of that.
4 But in the last session, I would say that
5 there were very few members of, of either chamber that
6 we did not work with at some level, even though who
7 necessarily were opposed to some of the things we were
8 asking for.
9 Q. And what date did you take over as
10 president?
11 A. I can't remember the exact date, but that
12 would have been beginning of 2011, approximately
13 January, I would say sometime in the middle of January
14 of 2011.
15 Q. Okay. So it's the position of Maryland
16 Shall Issue that none of the documents that were
17 reviewed were documents that were responsive to these
18 requests?
19 A. We really don't have a lot of documents.
20 So it didn't take a whole lot of review.
21 Q. Okay. So the answer is no?

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1 A. Right.
2 MR. PORTER: Well --
3 MR. RUCKMAN: The answer is none?
4 MR. PORTER: The answer to your question is
5 yes, but as I understood it --
6 MR. RUCKMAN: Right, yes, none.
7 MR. PORTER: Right.
8 THE WITNESS: Yes. Most of our
9 documentation, we work primarily in an online open
10 state, so a lot of our interaction among our membership
11 were fairly virtualized.
12 We don't have a central office where
13 everybody meets or maintains file cabinets. There is
14 no file cabinet, and so our documentation, if you would
15 call it that, is largely knowledge which has been
16 encapsulated in a public Internet space which, of
17 course, we know the Maryland State Police has access to
18 because several of you all are members.
19 Q. No file cabinets have been used --
20 A. Right.
21 Q. -- but do you have a central database?

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1 The actual telescoping stock, while
2 available in other firearms -- as a matter of fact you
3 can get side folding stocks in other firearms -- the
4 center of gravity changes with other firearms.
5 I'm trying to explain, and not to get too
6 technical, but what it comes down to is when you
7 actually hold a firearm, the combination of weight
8 together with the controls, the size, the location, for
9 50 years running this is the thing that, that has been
10 designed for the mass market, and that is the thing
11 that we're essentially using.
12 What I'll also say is that, while you can
13 buy third-party components for proprietary designed
14 firearms, that's what you're doing. They are
15 proprietary designs.
16 The AR-15 design, from a patent
17 perspective, actually, essentially, is unlicensed. So
18 what it comes down to is a person can manufacture the
19 lower receiver for an AR-15 without royalty.
20 As a result, the aftermarket components
21 available for that are also generally available to be

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[REDACTED]

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1 attached without necessarily having to go through any
2 type of intellectual property negotiation or
3 discussion.
4 There are third-party rifles that are
5 available, which perhaps may mimic some of the
6 capabilities, but the world of components available for
7 them are usually smaller because there are proprietary
8 components to it.
9 Q. Do you know how many manufacturers
10 manufacture the AR-15?
11 A. Hundreds, at a minimum. Anybody with a
12 machine shop can manufacture one of these things.
[REDACTED]

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[REDACTED]

Page 34

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

17 Though my son realized this morning that a
18 jam jelly jar falling on his toes from a cabinet is a
19 pretty formidable object.
20 Q. It's good to know.
21 A. You'll be there.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

5 Q. I have to ask. I have to ask.

6 You said you trained on an M-16 in the
7 military.

8 Do you know what the differences are
9 between the M-16 and the AR-15?

10 A. Primarily semiautomatic functionality.
11 There are other smaller differences, but that's the big
12 one.

13 It's an entire different class of firearm.

14 Q. Do you know the history of the AR-15
15 itself?

16 A. Anecdotally. I am not much an historian on
17 firearms.

18 Q. What do you know about that weapon?

19 A. The AR-15, essentially, as it stands today,
20 is a firearm that was designed largely out of the
21 pattern that was designed that we now know as the M-16

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1 and it's, I think, maybe even a predecessor.
2 During the past two or three decades, the
3 firearm, I know, has been popular with people.
4 If you're a police officer or a military
5 person who has received any long gun or semiautomatic
6 rifle training, you are almost surely have trained on
7 something that looks or feels like an AR-15.
8 So the familiarity of controls is there,
9 and I know that that led, was one of the things that
10 led to the popularity of its increase, increasing
11 popularity over time.
12 I have my suspicions that the other reason
13 it took off maybe in the late '80s was because certain
14 patents expired, and they were very easy to manufacture
15 and to get out there.
16 But, for whatever reason, the history of
17 that firearm is such that it has been growing leaps and
18 bounds. I know it is the most popular firearm within
19 our membership.
20 Q. So, just so I'm hearing you, one of the
21 reasons you think it's so popular is that its familiar

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1 to people with a military or law enforcement
2 background?
3 A. I think, anybody from that background, it
4 would be familiar to them, and I also believe that many
5 who have worked in private security or anybody who has
6 done any training, gone to an informal class even,
7 that's typically going to be the firearm, if it's a
8 long gun, semiautomatic long gun, that they will be
9 using.
10 I also know it's exceptionally popular in
11 the, in the civilian shooting, target performance, and
12 they're called high power, where you're shooting at
13 several hundred yards or meters at a time.
14 It's, I believe, the primarily intermediate
15 range firearm rifle used for those types of
16 competitions, if you've heard of three gun
17 competitions?
18 Q. I've not. Can you tell me about that?
19 A. A three gun competition is exactly that.
20 It's where a person demonstrates capability, competes
21 using three firearms in one segment, one course. So

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1 they would use a handgun, a long gun and shotgun to
2 complete various challenges as it is.
3 It's become exceptionally popular over the
4 last 10 years, and people are allowed to select their
5 own firearms that they use to complete those
6 challenges.
7 AR-15 pattern rifles are the long and
8 short. They are, they are the primary choice used for
9 people in those types of competitions.
10 Q. And those competitions allow you to
11 bring --
12 A. Your own firearms.
13 Q. -- your own firearms?
14 A. Yes, sir.
15 Q. Are there other weapons that are on this
16 list that you know people bring to these types of
17 competitions?
18 A. I imagine so, sir.
19 The -- I have heard of people bringing
20 AK-47s. You, on your list, item 11, Bushmaster
21 semiautomatic rifle, whether it's AR-15 pattern or not,

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1 that obviously would, especially if it's an AR-15, it
2 would be used.
3 I imagine at some time quite a few of these
4 have been used but I --
5 Q. Those are the two that --
6 A. Those are the, of this list of firearms,
7 those are the two that I'm most familiar with in terms
8 of people commonly owning them and enjoying the use.
9 Q. And are there long guns that are not on
10 this list that people can bring to these competitions?
11 A. Absolutely they can choose their own
12 firearms, typically.
13 Q. Going back to the AR-15 for a second.
14 You had said if they had received, anybody
15 who had received training in the military or law
16 enforcement would find it familiar.
17 Are you referring to training on an M-16?
18 A. In my case, yes.
19 Q. Okay. What other weapons that were, for
20 military training, do you think would affect one's --
21 MR. PORTER: Let me just say I'm not

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1 entirely sure that he was done answering your last
2 question.
3 MR. RUCKMAN: Apologies.
4 MR. PORTER: I don't mean to interrupt you
5 but I'm not sure.
6 MR. RUCKMAN: I appreciate that.
7 THE WITNESS: That's okay. No, I took your
8 question as assisting to narrow the focus of the
9 question.
10 I am not an expert in the nomenclature of
11 all military assault firearms, though I do know that
12 today's generation of that firearm includes the M4
13 carbine and other variances therein, and I don't know
14 all the nomenclature today.
15 Through our membership, I've learned that
16 pretty much any training, civilian, military or law
17 enforcement, when someone is given a semiautomatic
18 rifle, I cannot remember a time where someone has told
19 me a story they've been introduced to anything other
20 than an AR-15 pattern firearm.
21 Q. In your case it was training on the M-16?

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1 A. Yes, sir.
2 Q. And you also said that training on an M4
3 carbine may impact the decision to purchase an AR-15?
4 A. I don't know if it would impact the
5 decision, but people would be familiar with the
6 controls. So possibly, yes.
7 Q. You had said that the AR-15 is the most
8 popular among your, among the members of the Maryland
9 Shall Issue?
10 A. For long guns, yes, sir.
11 Q. For long guns?
12 What's the basis for that assessment?
13 A. Have you been to a gun shop lately? It's a
14 rhetorical question, obviously.
15 The -- we could talk, we could spend a long
16 time theorizing why it is so popular. I may get some
17 of them right, I may not. It's a personal view of my
18 own.
19 Our organization doesn't take a, does not
20 have a list of why it's the most popular rifle but it
21 is. The -- and I believe that influences a good

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1 portion of the purchase decision. If it's good for a
2 million of my neighbors, it's probably good for me.
3 I do know some people purchase the firearm
4 based on the world of customization available to you
5 aftermarket.
6 I know that a good portion -- matter of
7 fact, we have several of our members, and by several I
8 mean over a thousand, who testified in the last general
9 assembly, and many of them spoke to -- and this is
10 actually a matter of public record -- many of them
11 spoke to, especially new shooters, female shooters,
12 people of smaller stature, that they liked the ability
13 to mix and match components with an AR-15 that they
14 were not able to do with other firearms to make it suit
15 themselves, and they were able to do so without the
16 added expense and time of using a professional
17 gunsmith.
18 In many cases, I know myself, I am no
19 gunsmith, but when I had the rifle and I taught my wife
20 how to use one, it was too heavy for her, too heavy in
21 the front. There were things that made it

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1 uncomfortable for her.
2 I was able to, with just a screwdriver and
3 some, essentially tools that most people have in their
4 garage, to make subtle modifications using commercial
5 parts such that it would both accommodate myself and
6 herself.
7 So, I mean, I don't know if there's a
8 single answer why something is popular. Sometimes it
9 just is.
10 Q. Do you know how many of your members own
11 AR-15s?
12 A. We don't ask our members for lists of their
13 firearms. We've never run surveys to say what people
14 own. It's a sensitive topic for people who own
15 firearms.
16 But what I can say is that during, again,
17 the last general assembly, when the laws in question
18 that we're discussing here, the Firearm Safety Act was
19 being debated, I believe we had over 1,100 people
20 testify in a single session, sitting session, in the
21 joint committee room, in the house, about AR-15s

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1 primarily.
2 The large majority of those people were our
3 members, and they spoke effusively of their ownership
4 of and appreciation for that firearm.
5 On the senate side, I believe we had
6 upwards of 3,000 people sign up to testify. They were
7 denied the opportunity to testify but, at the time, the
8 bill that they were signed up to testify against was
9 the long gun portions of this. It was the, that was
10 the actual JPR committee hearing that day.
11 So, from that I can, and from anecdotal
12 conversations of our memberships during meetings, I can
13 get a general sense of the organization and what people
14 own.
15 Q. So just so I understand your basis for
16 saying that the AR-15 is popular, it comes from
17 conversations you've had and anecdotal impressions?
18 A. No, it also --
19 THE REPORTER: Object to form.
20 THE WITNESS: It also comes from well over
21 1,000 people going on the record and testifying in

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1 their house of representatives that this is their
2 firearm of choice.
3 MR. RUCKMAN: So those, those 1,100 people,
4 all of them were known to be AR-15 owners?
5 THE WITNESS: We could go through, you
6 would have to go through the record and count the
7 statements, but I would say that the vast majority of
8 the several thousand people who testified or showed up
9 to testify in one hearing or another, spoke of their
10 ownership of an AR-15.
11 There is also an online website here in
12 Maryland focused on Maryland firearm owners. It's not
13 an MSI website. We don't control it.
14 There are several, what we call threads,
15 it's essentially a topic, on that website where people
16 can volunteer information, and the number of people
17 speaking of their AR-15s or the law and how it impacts
18 them numbers easily into the thousands.
19 Q. What website is that?
20 A. It is MDShooters.com or org. I believe
21 it's dot com, and it's not affiliated with MSI though

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1 many of our members use it.
2 Q. Do you know what a modern sporting rifle
3 is?
4 How would you define a modern sporting
5 rifle?
6 MR. PORTER: Object to the form of the
7 question. You can answer.
8 THE WITNESS: A modern sporting rifle is
9 essentially an AR-15, is the nomenclature, the semantic
10 that we use to describe a semiautomatic long gun
11 typically with an AR-15 pattern.
12 As a matter of fact, I'm not aware of
13 anyone using the term modern sporting rifle for a
14 nonAR-15 pattern rifle.
15 To my knowledge, it is only an AR-15
16 pattern rifle.
17 MR. RUCKMAN: Are you familiar with the
18 AR-15 H-BAR?
19 THE WITNESS: Yes.
20 Q. What is your understanding of what that is?
21 A. My understanding is H-BAR stands for heavy

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1 barrel. I'm not too sure what heavy barrel means.
2 I know that traditionally heavy barrels
3 were used by people in target sports because they have
4 some perceived advantages.
5 But I don't necessarily, I don't know if I
6 could necessarily look at a barrel and tell you whether
7 it is heavy or not, and I probably, I can tell you now,
8 I don't know of the barrels that are on my firearms
9 which may or may not qualify as a heavy barrel.
10 Q. If you wanted to find out, how would you
11 find out?
12 A. I honestly have no idea. If you have an
13 answer, I would be willing to, to hear it.
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

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[REDACTED]

6 Q. You said to get a weapon or to get away.
7 In a perfect world, if you could get away,
8 would you seek that option first?
9 A. Absolutely.

[REDACTED]

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[REDACTED]

Page 67

[REDACTED]

Page 69

[REDACTED]

2 Q. In your experience, is it common for
3 someone who owns one AR-15 to own multiple AR-15s?
4 A. Most of the people I'm aware of own a
5 single AR-15. They are not a insignificant purchase
6 price.
7 That said, I would say that the next most
8 common number I'm aware of is two.

[REDACTED]

12 Q. Is it necessary to own one AR-15?
13 A. It's not as necessary to own anything.
14 Owning a firearm is an option, not a
15 requirement.
16 Q. And, yes, you only have two hands, it's a
17 good thing.
18 A. Facetious.

[REDACTED]