

## Exhibit 50

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 ANDREW TURNER was held on Tuesday, November 26, 2013, commencing at 1:05 p.m., at the Office of the Attorney General, 200 St. Paul Plaza, 20th Floor, Baltimore, Maryland 21202, before Oneeka S. Hill, Notary Public.

REPORTED BY: Oneeka S. Hill



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1 to assume that there may have been a possible  
2 break-in for the alarm to go off. And it would have  
3 sent us into our home-defense ideal.  
4 Now, when I go into that mode, my wife  
5 and my sister-in-law both -- we all have rooms  
6 upstairs. My wife and I have one, my sister-in-law  
7 has another, we have a third room, but they  
8 immediately know to go into the bathroom, lock the  
9 door, get into the tub. Because that will give them  
10 at least some protection should any type of weapons  
11 fire goes off.  
12 Q. Do you practice that plan?  
13 A. We haven't very often, but we have. We  
14 have a few times.  
15 Q. Do you have similar plans for other types  
16 of contingency?  
17 A. I do. Because I actually went through  
18 multiple courses on disaster preparedness. And so,  
19 we -- we plan for different contingencies, power  
20 outs, you know.  
21 If we know that a storm's coming, like a

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1 heavy -- you know -- we actually have a couple of --  
2 what are called aqua pods. And they hold 60 gallons  
3 of water each that can fill up in the -- in the tub.  
4 And that gives us a 120 gallons of powerable water.  
5 That way, if, for some reason -- cause  
6 we've lost power for like a week at a time. We do  
7 have plans to add a backup generator on the home  
8 that actually is a kick on, but we actually haven't  
9 gotten around to doing that. But there's -- you  
10 know -- we like to make sure that we're abatable.  
11 Because there has been severe weather,  
12 and the infrastructure in that area of Hyattsville  
13 kind of feeds off of D.C.s -- Pepco's not a very  
14 great electrical system, so we like to prepare for  
15 power outages and just, you know, drastic weather.  
16 Q. Fires?  
17 A. We have fire -- fire alarms throughout  
18 the house. We have fire extinguishers throughout  
19 the house. We keep meaning to add an escape system.  
20 But we do have two areas off the top floor where you  
21 can actually get out of a window and go on to

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1 portions of the lower part of the house, climb down.  
2 Q. Do you feel that your self-defense plan  
3 is sufficient to protect you and your family?  
4 A. I don't think any plan's ever sufficient,  
5 you know. It's -- it's just like the military, you  
6 never stop training. You never stop planning. You  
7 go through it and you go through it and you go  
8 through it again. But until something happens, you  
9 won't know. There's no way to know if it's  
10 sufficient until something happens.  
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 6 Q. Okay. And are you familiar with the  
 7 Second Amendment to the United States Constitution?  
 8 A. Yes, sir.  
 9 Q. Have you read the Supreme Court's  
 10 decision in Heller?  
 11 A. I've not -- I haven't read much of it.  
 12 I'm sort of familiar with it but --  
 13 Q. Do you have a view on whether the Second  
 14 Amendment protects a citizen's right to use a  
 15 firearm to engage in subsistence hunting?  
 16 A. The Second Amendment guarantees the right  
 17 to keep and bear arms. If subsistence hunting is  
 18 something you do with those arms that you own, then  
 19 it protects it.  
 20 Q. Do you have a view on whether the Second  
 21 Amendment protects a citizen's right to engage in

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1 A. Again, it's -- it's something that falls  
2 under an NFA rule. As long as you go to the ATF and  
3 the ATF grants you that permission.  
4 Q. How about the prior limit of 20 bullets  
5 in a magazine, that was Maryland law?  
6 A. That was a regulation that Maryland  
7 decided to enact.  
8 Q. Was that constitutional or  
9 unconstitutional under the Second Amendment?  
10 A. In a Second Amendment it's the right to  
11 keep and bear arms. How many bullets go into a  
12 magazine isn't always exactly clear on that, and  
13 that's something we leave to the Supreme Court to  
14 decide.  
15 Q. Is it your view that magazines aren't  
16 protected by the Second Amendment?  
17 A. Without a magazine the -- the gun won't  
18 function, which means you can't really keep and bear  
19 arms and be able to use it without those magazines.  
20 Q. Sum in sum, right?  
21 You told me about some guns don't require

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1 a magazine?  
2 A. Every gun requires some type of  
3 magazines. Some have internal, some have external,  
4 except for a single shot shotgun.  
5 Q. Okay. Thank you. Are you aware that  
6 your counsel has identified you as an expert  
7 witness?  
8 A. Yes, sir.  
9 Q. And are you familiar with the topics  
10 about which you have been identified as an expert?  
11 A. Yes, sir.  
12 Q. And what are those topics?  
13 A. I -- I -- I have been qualified in  
14 homeland security to level four. I have been  
15 certified as a close protection agent through the  
16 International Association of Personal Protection  
17 Agents. I'm a certified protection officer. At one  
18 time I carried the certified master anti-terrorism  
19 specialist, but that's lapsed. I'm a journeyman  
20 security specialist. I'm a journeyman computer  
21 peripheral information specialist. I'm a certified

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1 chemical process technician.  
2 Q. And for what -- which of those topics do  
3 you expect to be called at the trial in this case?  
4 A. Probably I would say homeland security  
5 and security specialist. And then possibly with the  
6 certified protection officer.  
7 Q. And what have those certifications --  
8 strike that.  
9 I understand that you're going to testify  
10 to that of common usage of the AR15 guns, is that  
11 correct?  
12 A. Yes, sir.  
13 Q. And what is the basis for your belief  
14 that those are in common usage?  
15 A. Well, considering the AR15 is one of the  
16 highest selling rifles, if not the highest selling  
17 rifle last year, outselling common usage other  
18 items, such as certain vehicles, the AR15 is the  
19 military's weapon of choice via the M16, M4, the  
20 AR15 platform. So ultimately, you may be looking at  
21 a million plus of those.

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1 Any time we train any foreign military,  
2 if we're not training them on the AK platform, we're  
3 training them on our platform, which is the AR15.  
4 So who knows how many of those are out there  
5 worldwide that have become common use.  
6 It's one of the largest portions of sport  
7 shooting right now that's called three gun, and  
8 that's handgun, semi-auto rifle shotgun.  
9 The semi-auto rifle typically is an AR15  
10 or a submachine gun. And these are continually  
11 growing in sport shooting because the features are  
12 available for anyone. The platform is low recoil,  
13 it's similar function. There's just not much  
14 maintenance to them. It's -- it's an easy entry  
15 level rifle for anyone to learn to use.  
16 Q. Are you aware of -- have you reviewed  
17 statistics about sales of AR15 and --  
18 A. I've looked at them before but not in --  
19 not any time recently.  
20 Q. I also understand that you're going to  
21 talk about the suitability of the AR15 platform gun

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1 have of the one they talked about on the regulated  
2 list prior to October 1 and then became banned  
3 October 1. Because this was the same one that's  
4 been on the list for many years.  
5 It's -- to me it seems like a very --  
6 it's not a very common weapon. I would never see  
7 that as a common one. I've not seen many of that  
8 specific model.  
9 Now, if you're talking the Bushmaster 223  
10 AR, I've seen tons of them. They make them all the  
11 time. And so, there's not very much clarification  
12 on what they are saying, because all they are saying  
13 is the Bushmaster Semi-auto 223.  
14 Q. Semi-auto rifle?  
15 A. Sure. That would be the Bushmaster AR15.  
16 That's the problem with that item there,  
17 is it's so -- the clarity for that item, it's -- it  
18 could -- it could be a bunch of different  
19 Bushmasters. Bushmaster is the brand.  
20 Q. Right. Right. Would you interpret that  
21 to mean every semi-automatic rifle made by

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1 Bushmaster or any copy thereof?  
2 A. Actually the understanding I had before  
3 at briefings that Maryland State Police had given  
4 during the legislation, the picture they showed was  
5 a specific bulb pub-style Bushmaster 223, not the  
6 AR15s made by Bushmaster. Not any other  
7 semi-automatic, but they showed a specific picture.  
8 And so, that led everyone to believe that it was a  
9 specific gun they were talking about.  
10 But if I read SB281 and see that, I now  
11 have to say, well, if I didn't know better -- and  
12 has never seen that picture, I would assume that  
13 it's anything made by Bushmaster.  
14 Q. The list also includes Oftomokov  
15 Charismakov (phonetic) semi-automatic rifle in any  
16 format?  
17 A. That's the same, that's just an AK.  
18 Q. Just an AK?  
19 A. Right.  
20 Q. AK-47?  
21 A. Correct. Well, no, that's not an AK-47

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1 because there's other AKs. There's the AK-74, which  
2 shoot the smaller rounds.  
3 So by that they've actually banned  
4 anything that would be under the AK or the copycat  
5 of the AK. And the AK-74 is actually more compact  
6 weapon than that -- the Russians used for  
7 home-clearing during the Balkan wars, you know. Not  
8 the Balkans, the -- when they had the break up and  
9 there was a lot of terrorism incidents in Chechnya  
10 and everything. The AK-74 is what they were using  
11 when they actually had to go into homes, because so  
12 much more compact weapon.  
13 It has a smaller round, so they didn't  
14 have to worry so much about penetration through  
15 walls. But it's not as -- you know -- other than  
16 the AK-47, they are not as easy to get here in  
17 America. They're here, but they're not -- I  
18 wouldn't --  
19 Q. Do you know whether it's in common use  
20 for self-defense?  
21 A. In America?

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1 Q. In the United States.  
2 A. No, I don't think it is, the AK-47  
3 version. So to say over all, yes.  
4 Q. My question was the AK-74.  
5 A. No, I don't think it is.  
6 Q. Okay. Thank you. Do you have a view --  
7 I also understand that you're going to give an  
8 opinion about magazines that hold in excess of 10  
9 rounds?  
10 A. Yes, sir.  
11 Q. Are those in common usage?  
12 A. In the U.S.?  
13 Q. In the U.S.?  
14 A. Yes, sir.  
15 Q. And what is the basis for that opinion?  
16 A. Because most manufacturers actually ship  
17 their weapons with magazines larger than 10 rounds.  
18 And so, there's many weapons companies that will not  
19 even ship their guns to Maryland anymore because  
20 they don't even make magazines that are 10 rounds or  
21 less for their weapons.

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1 Q. Do you have a view about the history of  
2 magazine size in semi-automatic -- in semi-automatic  
3 weapons over the last, say 30 years?  
4 A. Military use or civilian use?  
5 Q. Both.  
6 A. You know, military use it's the typical  
7 standard for semi-automatic rifles. Always been 30  
8 rounds. The AK, the AR, everybody builds off that  
9 platform.  
10 I -- I would love to give you a reason  
11 why. I wasn't the planner. I -- you know -- but I  
12 -- I -- they fit properly in your gear. You can  
13 carry them properly, and that's -- I have to assume  
14 that it was just that the size was just perfect. It  
15 was enough rounds to do what needed to be done for  
16 military use.  
17 When those became civilian weapons, when  
18 they became the AR platform -- because before it was  
19 the AR platform it was a select fire platform, you  
20 know. The -- the -- the company that originally  
21 designed it designed it for military use. When it

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1 became that civilian platform, it crossed over with  
2 those same style of magazines because there was  
3 military surplus. And so, typically when you bought  
4 a M16, you know, prior to say the Brady 8 -- the  
5 Brady laws going into effect, when you would buy an  
6 M16 that you could -- in semi-auto, then you can run  
7 to the military surplus store and pick yourself up  
8 some 30 round magazines.  
9 Why 30 round magazines? Because that's  
10 all the military did. That was what they had. From  
11 then on it's just become a traditional thing for  
12 them to build.  
13 Now, since then and since the Brady Law  
14 Act has expired, there's many companies that have  
15 come along and built magazines of 100, 150 rounds,  
16 like the Beta magazines. They're not as common.  
17 They're expensive. I think there's flaws to their  
18 design. They don't function well. And that's the  
19 one thing that you'll always find with those 30  
20 rounds round magazines, that they are dependable.  
21 You know the round is going to feed every

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1 single time, as long as you do your maintenance on  
2 your magazines.  
3 Q. How about for semi-automatic pistols?  
4 A. You know, larger, like with the 9  
5 millimeter it's the most common semi-auto pistol  
6 sold. It's the most common. Glocks, Smith &  
7 Wesson, the majority of them make double stack  
8 magazines, and that's what they ship with their  
9 guns.  
10 They do that much of the time because,  
11 one, it's got civilian use. But two, they have  
12 their law enforcement clients. The law enforcement  
13 clients decided, hey, we need rounds. What happens  
14 if we get into a fire fight, what happens if five  
15 guys attack us, we got three magazines. We don't  
16 carry much more than that.  
17 Now in this day and age some of them  
18 carry their assault vests and they'll have all kinds  
19 of things all over it. And they may be carrying 50  
20 magazines, I don't know. You know, it always  
21 depends on what the law enforcement agency decides

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1 is proper, you know, standard operating procedure  
2 for how many they should, or how many they issue  
3 them, or if they can buy their own. But typically  
4 it's always been at three magazines.  
5 And so, I would hate to -- I would hate  
6 to make a guess, but I would make a pretty strong  
7 guess to say that if we polled police departments  
8 across the U.S., and ask how many of them issued  
9 their officers magazines with 10 rounds or less, I  
10 would bet you'd find less than 10%.  
11 Because they know in a situation when the  
12 adrenalin's pumping, you're not going to hit the  
13 target much of the time.  
14 Q. Do you have data to support the hit and  
15 miss --  
16 A. Actually there's a Firearm Safety Act  
17 that the president had put into effect under I think  
18 Executive Order 4 or -- I don't remember the exact  
19 Executive Order. But there's a Fire Safety Act that  
20 came out in June. You can actually pull it up.  
21 They are -- they still have not briefed