

# **EXHIBIT E**

**In The Matter Of:**

*Shawn J. Tardy, et al. vs.  
Martin J. O'Malley, et al.*

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*Christopher S. Koper, Ph.D.*

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1 respect to the impact of the ban, the federal ban on  
2 assault weapons and large capacity magazines; correct?

3 A Uh-huh.

4 Q Other than that original research --

5 MR. FADER: That was an "uh-huh." You have  
6 to say "yes."

7 THE WITNESS: Sorry. Correct.

8 BY MR. SWEENEY:

9 Q I apologize. Thank you, Mr. Fader. In my  
10 rush to move this forward, I don't always catch that  
11 you haven't said a verbal yes, although I do absolutely  
12 catch your uh-huh and your nod and I know that you're  
13 with me, but you're right. We have to make a record,  
14 so thank you.

15 A Okay.

16 Q Have you done any other original research  
17 in connection with banning assault weapons or large  
18 capacity magazines or the impact of any such bans other  
19 than that original research that you reported on in  
20 1997?

21 A The 2004 report.

1           Q           All right. And that's the one that you  
2 said updated the 1997 data with the experience under  
3 the ban since 1997; correct?

4           A           Correct.

5           Q           Now, have you done any other original  
6 research with respect to bans on assault weapons or  
7 large capacity magazines or their impact other than  
8 those two studies?

9           A           No.

10           MR. SWEENEY: All right. Why don't we take  
11 a quick break here? I'm getting a little dry and I'm  
12 heading for the water fountain.

13           MR. FADER: Good.

14                               (Off the record.)

15 BY MR. SWEENEY:

16           Q           Back on the record.

17                               Turning to page one of your curriculum  
18 vitae.

19           A           Okay.

20           Q           You worked for the Police Executive  
21 Research Forum as a deputy director from 2007 to

1 additional work on the ban and got that funding from  
2 them.

3 Q And why did you revisit the issue again  
4 reexamining your 2004 report in 2013?

5 A For the 2013 book chapter, I was asked by  
6 Daniel Webster if I would take part in the gun summit  
7 at Johns Hopkins that you mentioned earlier, and they  
8 asked if I would prepare basically a chapter that just  
9 briefly summarized the results of the -- the 2004  
10 report.

11 Q All right. In the last sentence of this  
12 paragraph, you state, "My conclusions on the impact of  
13 the federal ban are most accurately and completely set  
14 forth in my 2004 and 2013 reports." Do you see that,  
15 sir?

16 A Yes.

17 Q So if I want to look at the most accurate  
18 and complete conclusions that you've drawn on your work  
19 on the federal ban, I would look to those two reports;  
20 correct?

21 A Yes.

1 could affect the share of attacks that involve -- that  
2 result in injuries or deaths.

3 Q But -- but they -- you would not expect a  
4 ban on assault weapons or large capacity magazines to  
5 actually reduce the number of firearm-related assaults  
6 or robberies; correct?

7 A Correct.

8 Q And you would not expect a ban on assault  
9 weapons or large capacity magazines to reduce  
10 firearm-related home invasions; correct?

11 A No. Correct, I mean.

12 Q And you wouldn't expect a ban on assault  
13 weapons or large capacity magazines to reduce the  
14 number of firearms assaults on police officers;  
15 correct?

16 A Correct. That's fair enough.

17 Q On note 95 on that page, you address I  
18 believe state bans on assault weapons in which you say,  
19 "A few studies suggest that state-level assault weapon  
20 bans have not reduced crime." Am I reading that  
21 correct?

1 A Yes.

2 Q And is that still your view today?

3 A I've not seen any further studies of this  
4 yet, but yes, I mean, essentially that's the  
5 conclusion.

6 Q All right.

7 A With the qualifiers that are stated in the  
8 rest of the footnote.

9 Q Let's mark this as Exhibit 6, please. Let  
10 me show you what I've marked as Exhibit 6, which is an  
11 article authored by Mark Gius, G-I-U-S, on an  
12 examination of the effects of concealed weapon laws and  
13 assault weapons bans on state-level murder rates.

14 (Koper Exhibit 6 was marked for  
15 identification.)

16 A Okay.

17 Q And I first ask you are you familiar with  
18 this article?

19 A No. I've not read this.

20 Q And has anyone mentioned this to you?

21 A Defense counsel did mention the existence

1 crimes resulting in death. I think the percentage of  
2 gunshot victimizations resulting in death. I also  
3 summarized in chapter nine of this report some of the  
4 other findings that we had had in the '97 report when  
5 we had looked at some different similar types of  
6 outcome measures.

7 Q On page 96 of your 2004 report marked as  
8 Exhibit 5, that's your summary of your conclusions;  
9 correct?

10 A Yes.

11 Q And in the third sentence you state, "There  
12 has been no discernable reduction in the lethality and  
13 injuriousness of gun violence," is that correct?

14 A Yes.

15 Q And is that still your view today based  
16 upon your study and analysis of the impact of the  
17 federal ban on assault weapons and large capacity  
18 magazines?

19 A Yes. Based on the data that I analyzed,  
20 it's still my view of it. Again, subject to the  
21 qualifications that I noted earlier.



1 MR. FADER: Objection. You can answer.

2 THE WITNESS: Again, you can't say that  
3 you'll eliminate all public shootings. What these data  
4 suggest is that you would reduce the number of victims.  
5 I can't necessarily -- it's hard to put specific  
6 probabilities on it, but that's what these data  
7 suggest. When you see some -- some of these  
8 comparisons that were done in Luke's Dillon's thesis  
9 even showed statistically significant differences  
10 between the LCM cases and the non-LCM cases, that would  
11 seem to provide some better degree of scientific  
12 certainty.

13 BY MR. SWEENEY:

14 Q But because of the availability of multiple  
15 firearms and multiple magazines that aren't large  
16 capacity, can you truly say to a reasonable degree of  
17 scientific probability that reducing the number of or  
18 even eliminating the number of large capacity magazines  
19 will reduce either the incidents of mass public  
20 shootings or the number of people injured in such  
21 public shootings?

1           A           I guess the best way to answer that would  
2           be that we'd have to -- we'd have to test that. We'd  
3           have to see a circumstance where use of large capacity  
4           magazines was significantly reduced and see what impact  
5           that has on -- on these sorts of shootings.

6           Q           And that's because we simply don't have  
7           that evidence today; correct?

8           A           We do have some evidence relevant to that.  
9           It's just how -- how far you can push it, I guess.

10          Q           Not far enough to state with a reasonable  
11          degree of scientific probability; correct?

12                   MR. FADER: Objection.

13                   THE WITNESS: Yeah, I struggle a little bit  
14          with that particular phrase because I can't put any  
15          specific probability or tell you with -- with, you  
16          know, five percent, one percent probability that there  
17          will be this change. I can simply point to the numbers  
18          that exist in these studies, and some of these  
19          differences are statistically significant differences  
20          and so it suggests in principle that if you could  
21          reduce the use of these magazines, you could get a

1 reduction.

2 BY MR. SWEENEY:

3 Q And when we're talking about the  
4 probability, in order to say more probable than not  
5 it's more than 50 percent likelihood.

6 A Uh-huh.

7 Q And I take it the evidence just doesn't  
8 support that right now?

9 MR. FADER: Objection.

10 THE WITNESS: I would be cautious in making  
11 the inferences about, you know, how certain it is that  
12 it would happen.

13 BY MR. SWEENEY:

14 Q And so you cannot say that it would be more  
15 likely than not to achieve that?

16 A Not -- I would have to see more  
17 observation. Have to see what happens.

18 Q All right. On page 13, footnote 26, you  
19 touch on this in -- this issue of a perpetrator  
20 substituting other guns for banned assault weapons, and  
21 of course that would also include substituting multiple