

EXHIBIT K

Capital Reporting Company
Heller, Dick Anthony 05-29-2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

----- :
: :
DICK ANTHONY HELLER, et al., : Case No.
: :
Plaintiffs, : 1:08-cv-01289
: :
vs. :
: :
THE DISTRICT OF COLUMBIA, et al., :
: :
Defendants. :
: :
----- :

Washington, D.C.

Wednesday, May 29, 2013

Deposition of:

DICK ANTHONY HELLER

called for oral examination by counsel for
Defendants, pursuant to notice, at the Offices of the
Attorney General for the District of Columbia, 441
4th Street, NW, Washington, D.C., before Melissa J.
Gilcrest, RDR/CRR, of Capital Reporting Company, a
Notary Public in and for the District of Columbia,
beginning at 10:43 a.m., when were present on behalf
of the respective parties:

Capital Reporting Company
Heller, Dick Anthony 05-29-2013

22	<p>1 A. Correct. Sorry.</p> <p>2 Q. No problem. In the past 12 months, how</p> <p>3 often have you shot your Marlin rifle?</p> <p>4 A. Maybe one event.</p> <p>5 Q. Can you describe that event for me?</p> <p>6 A. I transported it to West Virginia to a</p> <p>7 range called Tango Down, and my wife and her friend</p> <p>8 and myself shot it.</p> <p>9 Q. Was that a sporting shooting range?</p> <p>10 A. Up in the mountains, a shooting range.</p> <p>11 Q. Was that for recreational purposes?</p> <p>12 A. Training, recreation, proficiency,</p> <p>13 competition.</p> <p>14 Q. Thank you. Putting that exhibit aside, is</p> <p>15 it correct that at least at one point you also had</p> <p>16 registered in The District of Columbia a Charter Arms</p> <p>17 Goldfinger revolver?</p> <p>18 A. Yes, sir.</p> <p>19 (Heller Deposition Exhibit 3</p> <p>20 marked for identification.)</p> <p>21 BY MR. NASO:</p> <p>22 Q. I'm showing you what has been marked as</p>	24	<p>1 firearm?</p> <p>2 A. I didn't. They sent it to me by mistake.</p> <p>3 Q. Do I take from your answer you were</p> <p>4 attempting to purchase another --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- another firearm and they sent you the</p> <p>7 wrong type?</p> <p>8 A. Yes, sir.</p> <p>9 Q. This form looks like under Exhibit Number</p> <p>10 3, next to your signature, it looks like it appears</p> <p>11 another signature, Charles W. Sykes, Jr.?</p> <p>12 A. Yes.</p> <p>13 Q. Who is Mr. Sykes?</p> <p>14 A. He's the FFL that all handgun firearms have</p> <p>15 to pass through to be taken possession of by a</p> <p>16 citizen in DC or resident of DC.</p> <p>17 Q. So it passes through. Does Mr. Sykes</p> <p>18 personally sell firearms?</p> <p>19 A. I do not know.</p> <p>20 Q. You did not purchase the Charter Arms</p> <p>21 revolver through him?</p> <p>22 A. I purchased it from my friends at the</p>
23	<p>1 Exhibit 3.</p> <p>2 A. To save you a lot of time, they sent me the</p> <p>3 wrong gun, I sent it back to the factory, we never</p> <p>4 fired it.</p> <p>5 Q. Thank you. I'll just walk through a few</p> <p>6 things. As with the other exhibits, for Exhibit 3,</p> <p>7 is it correct you filled this form out and signed and</p> <p>8 dated it?</p> <p>9 A. Correct.</p> <p>10 Q. And just to clarify what's been marked as</p> <p>11 Exhibit Number 3, is it correct that is the</p> <p>12 registration certificate for the Charter Arms</p> <p>13 Goldfinger revolver?</p> <p>14 A. Charter Arms Goldfinger 53890, yes, sir.</p> <p>15 Q. And the information again, the information</p> <p>16 you provided on this form, was that -- is that</p> <p>17 information accurate?</p> <p>18 A. Yes.</p> <p>19 Q. The Charter Arms Goldfinger revolver,</p> <p>20 that's a handgun, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And how did you purchase this particular</p>	25	<p>1 factory.</p> <p>2 Q. And you testified a moment ago that you</p> <p>3 sent this Goldfinger revolver back to the factory?</p> <p>4 A. Yes, sir.</p> <p>5 Q. The reason that you sent it back was that</p> <p>6 it was the wrong type?</p> <p>7 A. It was the wrong gun, yes, sir.</p> <p>8 Q. What were you trying to order?</p> <p>9 A. A .22 caliber, the same size, the same type</p> <p>10 of handgun.</p> <p>11 Q. But is it correct that you received the</p> <p>12 wrong type of handgun, but according to your Exhibit</p> <p>13 Number 3, is it correct that that Charter Arms</p> <p>14 Goldfinger revolver was at one point registered with</p> <p>15 The District of Columbia?</p> <p>16 A. Indeed it was, as the form would indicate.</p> <p>17 Q. Yes, thank you.</p> <p>18 A. To me.</p> <p>19 Q. When you sent the Charter Arms Goldfinger</p> <p>20 revolver back to the factory, did you do anything to</p> <p>21 notify MPD that you were no longer in possession of</p> <p>22 that weapon?</p>

Capital Reporting Company
Heller, Dick Anthony 05-29-2013

26	<p>1 A. Well, of course, it's the law. 2 Q. How did you do that? 3 A. I sent them a letter. 4 (Heller Deposition Exhibit 4 5 Marked for identification.) 6 BY MR. NASO: 7 Q. I'm showing you Exhibit Number 3, which is 8 Bates number Heller 000011. I'll direct your 9 attention to the bottom portion of Exhibit Number 4. 10 It looks like there is some handwritten note there. 11 Does your signature appear at the bottom of that 12 note, Mr. Heller? 13 A. Indeed that is my signature. 14 Q. Is this I guess the letter you were 15 referring to a moment ago? 16 A. Yes, sir. 17 Q. And this is the notice that you provided to 18 MPD that you no longer possessed the Charter Arms 19 Goldfinger revolver? 20 A. Yes, sir. 21 Q. Did you provide MPD with any additional 22 notice other than this note?</p>	28	<p>1 Q. Under the statement of intended use for 2 this firearm, you state, "Home safety and any other 3 lawful transport, storage, recreational." By home 4 safety, what do you mean by home safety? 5 A. Home protection probably would have been a 6 better word. Home safety is just a general 7 substitute word. 8 Q. So is it correct that home safety would 9 reflect self-defense of home and family? 10 A. Certainly. 11 Q. Do you still own this Charter Arms 12 Pathfinder? 13 A. Yes, sir. 14 Q. Do you keep it in your home? 15 A. Yes, sir. 16 Q. How much did this particular firearm cost 17 to purchase? 18 A. In the range of \$350. 19 Q. Where did you purchase this? 20 A. From the factory, Charter Arms, in -- 21 somewhere up in Connecticut. 22 Q. This is also a .22 caliber weapon, is that</p>
27	<p>1 A. This was sufficient. 2 Q. All right. You can put that aside. So I 3 take it you eventually received the correct type of 4 Charter Arms revolver? 5 A. Yes. 6 Q. Would I be correct that that was the 7 Charter Arms Pathfinder? 8 A. Yes, sir. Four-inch barrel, .22 caliber. 9 MR. NASO: Mark this as Exhibit 5. 10 (Heller Deposition Exhibit 5 11 marked for identification.) 12 BY MR. NASO: 13 Q. Mr. Heller, showing you Exhibit 5, which is 14 Heller 000013. Is this the registration certificate 15 for your Charter Arms Pathfinder revolver? 16 A. Pathfinder new, serial number, yes, sir, my 17 signature. 18 Q. Again, you provided the information on this 19 form? 20 A. Indeed, yes. 21 Q. And that information is accurate? 22 A. Yes.</p>	29	<p>1 correct? 2 A. Yes, sir. 3 Q. So that uses the same ammo as the Marlin 4 and the High Standard? 5 A. Yes, sir. 6 Q. In the past 12 months, how often have you 7 shot this Charter Arms Pathfinder? 8 A. That has not been fired yet. 9 Q. Other than the firearms that we just 10 discussed, do you have any other firearms registered 11 with The District of Columbia? 12 A. No. 13 Q. So to summarize, currently you have two 14 handguns and a rifle that are registered? 15 A. Yes. 16 Q. With The District of Columbia? 17 A. Yes. 18 Q. Have you ever had occasion to use any of 19 those weapons in defense of yourself or your family? 20 A. Negative. 21 Q. Okay. So putting these firearms aside -- 22 A. May I make an additional statement to that?</p>

Capital Reporting Company
Heller, Dick Anthony 05-29-2013

54	<p>1 Q. You also mention a written test that you 2 had to take. 3 A. Yes. 4 Q. How long did that test take? 5 A. Perhaps ten-15 minutes. Of course being -- 6 I knew the answers, because I'm a cop. 7 Q. What sort of things did they ask you? 8 A. Anything about registration rules, safety, 9 those are the main items. Safety and the law. 10 Q. And did you take this test at MPD 11 headquarters? 12 A. Yes. 13 Q. Do you -- strike that. 14 I take it you passed the test? 15 A. Yes. 16 Q. Did you have to attend any sort of firearms 17 training course in connection with the registration? 18 A. No. 19 Q. Why not? 20 A. Well, I was a policeman, so there could 21 have been some training that was required that I was 22 not required to have. I don't remember other than</p>	56	<p>1 A. Yes. 2 Q. You state on pages 13 and 14 that "Filling 3 out the application," I guess the registration 4 application itself took about 15 minutes, correct? 5 A. Yes. 6 Q. Did you fill out the firearms application 7 at MPD or did you fill it out ahead of time and bring 8 it in? 9 A. Some I did at home, some I did down there. 10 Q. Was the application -- how did you obtain 11 the application, if you filled out some of it at 12 home? 13 A. Well, one trip, you go down and pick it up. 14 And then you Xerox it, so you have some on hand. 15 Q. You picked the application up in person and 16 brought it home and filled a portion of it out? 17 A. Right. 18 Q. Did you have to have your vision checked in 19 connection with the application? 20 A. Yes. 21 Q. How did you have it checked? 22 A. I think they just look at your driver's</p>
55	<p>1 that. I think, if I remember correctly, the initial 2 law said there was training and then they said, oh, 3 you hold chief badge credentials, you're exempt. 4 Q. And you had to submit a photograph of 5 yourself? 6 A. Yes. 7 Q. In order to do that you had to, it says 8 here, obtain a passport photo? 9 A. Yes. 10 Q. How did you obtain it, where did you go to 11 get that passport photo? 12 A. I went to a photo shop like Kinko's or some 13 other place. 14 Q. That process took about a half hour, it 15 states here? 16 A. Yeah, go down, get in line. 17 Q. At the time you registered in July of 2008 18 when you registered this High Standard revolver, did 19 you have a valid passport at that time? 20 A. Yes. 21 Q. Had you gone through that process before of 22 getting a photograph taken, passport photo?</p>	57	<p>1 license and if you pass -- if you have a driver's 2 license, then your vision is okay. 3 Q. So you didn't have to see a doctor in order 4 to check your vision? 5 A. It did not require a separate trip for 6 that. 7 Q. And did you have to submit to a background 8 check in connection with the registration? 9 A. I'm sure that's what the fingerprinting 10 process is, it's a background check. Is that the 11 kind of background check you were asking about? 12 Q. If that's your understanding as to the 13 background check. You don't recall any other process 14 that would constitute a background check? 15 A. No. I don't know. It fits in there 16 somewhere, I'm sure. 17 Q. In connection with registering the High 18 Standard revolver, did you have to submit the firearm 19 for a ballistics identification? 20 A. Yes, we did. 21 Q. How did that process work? 22 A. They take your gun, go back and shoot it in</p>

Capital Reporting Company
Heller, Dick Anthony 05-29-2013

62	<p>1 A. No.</p> <p>2 Q. The procedures that you went through the</p> <p>3 first time you registered the High Standard, did you</p> <p>4 have to go through any of those again?</p> <p>5 A. Not that I remember.</p> <p>6 Q. According to your response on page 14 of</p> <p>7 your interrogatories, you identified the four guns</p> <p>8 that we talked about that were rejected, the</p> <p>9 Bushmaster, the Colt, the Sig Sauer and the Baby</p> <p>10 Eagle Uzi, that you attempted to register all of</p> <p>11 those guns on the same day it appears in March 2009.</p> <p>12 Why is it that you sought to register all four of</p> <p>13 those on the same day?</p> <p>14 A. Because I wanted to bring my firearms into</p> <p>15 the District legally.</p> <p>16 Q. And had you obtained all those or obtained</p> <p>17 or been gifted all those guns at around the same</p> <p>18 time?</p> <p>19 A. More or less.</p> <p>20 Q. You stated in your testimony earlier that</p> <p>21 you were authorized to carry a firearm in connection</p> <p>22 with your employment position.</p>	64	<p>1 A. Approximately.</p> <p>2 Q. Did you have to obtain a marriage license</p> <p>3 for that?</p> <p>4 A. For DC, yes.</p> <p>5 Q. And did you have to obtain that license in</p> <p>6 person?</p> <p>7 A. Yes.</p> <p>8 Q. You testified earlier about the Charter</p> <p>9 Arms Goldfinger revolver, that when you returned it</p> <p>10 to the factory, that you informed MPD that you were</p> <p>11 no longer in possession of it. Did you have to</p> <p>12 notify MPD with respect to any other firearm that you</p> <p>13 were no longer in possession or no longer owned that</p> <p>14 firearm?</p> <p>15 A. I registered three that I possess, the</p> <p>16 fourth one was sent back to the factory. The city</p> <p>17 was notified.</p> <p>18 Q. So your answer is no?</p> <p>19 A. I'm not sure what your question was.</p> <p>20 Q. My question was that the notice that you</p> <p>21 provided to MPD with respect to the Charter Arms</p> <p>22 Goldfinger revolver that you no longer owned that</p>
63	<p>1 A. Yes, sir.</p> <p>2 Q. Did you have to go through any sort of</p> <p>3 process in order to obtain the credentials in order</p> <p>4 to carry that firearm?</p> <p>5 A. Very stringent.</p> <p>6 Q. What did you have to do in order to be</p> <p>7 authorized?</p> <p>8 A. Fingerprinted annually, training, firearms</p> <p>9 training annually, background check annually,</p> <p>10 seven-year employment history, seven-year -- 20-year</p> <p>11 residential history.</p> <p>12 Q. Are those -- is that process required by</p> <p>13 your employer?</p> <p>14 A. DC regulations. And it might have had to</p> <p>15 do with security clearances.</p> <p>16 Q. Do you vote in The District of Columbia?</p> <p>17 A. I certainly do.</p> <p>18 Q. When you vote, do you vote in person or by</p> <p>19 absentee?</p> <p>20 A. In person.</p> <p>21 Q. When you were married I believe seven years</p> <p>22 ago.</p>	65	<p>1 gun, was that the only time you had to notify MPD</p> <p>2 that you no longer owned a registered weapon -- gun?</p> <p>3 A. That's the only gun that I disowned or</p> <p>4 unowned.</p> <p>5 Q. Have you ever been asked to -- asked by a</p> <p>6 District official to present your firearms</p> <p>7 registration certificates?</p> <p>8 A. No.</p> <p>9 Q. With respect to the three guns that you</p> <p>10 have registered with the District --</p> <p>11 A. Hold on. You asked a good question.</p> <p>12 THE WITNESS: Wouldn't that require them a</p> <p>13 warrant to say supply papers?</p> <p>14 MR. NASO: He actually can't help you with</p> <p>15 that.</p> <p>16 MR. GARDINER: You answered the question.</p> <p>17 MR. NASO: It's an interesting legal</p> <p>18 question that we can discuss off line.</p> <p>19 BY MR. NASO:</p> <p>20 Q. With respect to the three guns that you</p> <p>21 currently have registered in The District of</p> <p>22 Columbia, have you ever had to renew the registration</p>