

# Exhibit 13

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1 A That's right.

2 Q Okay. Now, this operation took place  
3 before 9/11, correct?

4 A It did.

5 Q And would you agree that the physical  
6 integrity of driver's licenses against forgery has  
7 improved in many states since 9/11?

8 A I don't know about many states, but I  
9 know in some states, yes.

10 Q Okay. In Virginia, for instance -- I'm  
11 going to just show you something. I'm going to get  
12 out my own identification --

13 A Okay.

14 Q -- and show it to you. I'm a Virginia  
15 resident.

16 A Okay.

17 Q And we're also going to mark an exhibit  
18 and put it into evidence.

19 MS. PETERSON: This will be Webster 4.

20 (Exhibit W4 marked for identification.)

21 BY MS. PETERSON:

22 Q I just ask you to take a look at this. I

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1 redacted my state identifying numbers, the bar  
2 codes, various other features like that that might  
3 compromise privacy. But I just ask you to look at  
4 this driver's license. I'm going to hand it to  
5 you.

6           It's a solid piece of plastic, right?

7       A     Uh-huh.

8       Q     I mean it's not a piece of paper; it's  
9 laminated?

10       A     Honestly, I can't tell.

11       Q     Okay. I mean does it look like a piece  
12 of paper in there, or does it look like a solid  
13 piece of plastic?

14       A     I'll just say again: Honestly, I can't  
15 tell.

16       Q     Okay. All right. But certainly it has a  
17 number of what I would call antiforgery features on  
18 here; underneath this little oval, for instance,  
19 it's got my name in kind of a swirly fashion, like  
20 you see on computer security things?

21       A     Yes.

22       Q     And there's a variety of very fine and

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1 feathery markings, like over here on the right-hand  
2 side. I don't know if you can see or not.

3 A Uh-huh.

4 Q Other things that are perhaps difficult  
5 to reproduce.

6 They're trying to make them hard to  
7 forge, aren't they?

8 A Yeah.

9 Q Yeah. Okay. And my favorite actually on  
10 here -- hold this up -- there's a clear oval there  
11 that's got a --

12 A Uh-huh.

13 Q -- holographic picture of myself. If you  
14 could hold it up to the light, you can see me sort  
15 of suspended in air.

16 A It's very hard to make out.

17 Q If you hold it against a darker place,  
18 you'll probably see it better.

19 A All right. You know, I see an image  
20 there, but --

21 Q Yeah, right. Well, it's my smiling face  
22 looking back at you.

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1           So anyway, my point on all of this is  
2 that since 2000 or before, when driver's licenses,  
3 many of them were typically paper, you could  
4 laminate them, that sort of thing, we've come some  
5 distance since that time, haven't we probably, in  
6 terms of identification?

7           A     Yes.

8           Q     Okay. You're a Maryland resident, right?

9           A     I am.

10          Q     Okay. Does Maryland have similar  
11 antiforgery features?

12          A     Yeah.

13          Q     Okay. Does that one have all the  
14 rainbows? Where it says MVA, you look at it, and  
15 you get shimmering rainbows --

16          A     Uh-huh.

17          Q     -- coming back at you?

18          A     Yeah.

19          Q     Okay. A little bit harder to do that  
20 with a -- just with a printer, isn't it?

21          A     I've never tried.

22          Q     Okay.

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1 A Don't know.

2 Q Well, typically with a laser printer you  
3 can't make holograms and things, correct?

4 A I suspect not, yeah.

5 Q Yeah, right. Okay. So I guess, you  
6 know, the only point I'm making is that this  
7 study -- and I'm not saying that -- I'm not  
8 commenting at all on the convincing nature of the  
9 forged IDs at that point in time. Certainly they  
10 had fooled people.

11 But it's probably a little more difficult  
12 to forge a driver's license these days, wouldn't  
13 you say?

14 A I suspect it is.

15 Q Okay. Fair enough. Now, being around  
16 firearm circles and being familiar with this case,  
17 I'm sure you're probably aware right now that  
18 Mr. Charles Sykes is the only FFL in the District?

19 A I have heard that, yes.

20 Q Okay. And are you aware of any instances  
21 in which forged IDs have been used to obtain or try  
22 to obtain a firearm from Mr. Sykes?

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1 A I'm not aware of any.

2 Q Okay. Are you aware of any instances in  
3 which an individual presented a forged  
4 identification document to the Metropolitan Police  
5 Department to try to register his gun in the  
6 District?

7 A Yeah, I mean in -- in either case, I  
8 wouldn't necessarily be in a position that no one  
9 has my number to call me up when that happens. And  
10 if it does happen and they don't catch it,  
11 obviously there's no way to record it, so --

12 Q Sure.

13 A Yeah.

14 Q Would you feel comfortable relying upon  
15 the statements of MPD officials who were in charge  
16 of -- of issuing the registration in D.C. as to  
17 whether or not that's a problem?

18 A What specifically is a problem? You mean  
19 the use of --

20 Q Use of forged identification documents.

21 A Oh, I -- I'm confident that in their  
22 statement -- I mean that -- I'm not sure, frankly,

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1 of page 3, you state that, For example, prospective  
2 purchasers could more easily put inaccurate  
3 information on their application forms, such as  
4 using a slightly different spelling of a name or  
5 misrepresentation of a date of birth, in order to  
6 avoid denial of the application.

7 Now, assuming the dealer checks the  
8 identification carefully, that wouldn't work if  
9 there is a discrepancy, right?

10 A If they checked carefully and are -- are  
11 willing and motivated to deny the purchase or --  
12 yes.

13 Q Okay.

14 A Or -- or correct the form, I guess. I  
15 don't know, yeah.

16 Q And do you know of any instances where a  
17 gun has been obtained by using these slight  
18 misrepresentations, such as an altered date of  
19 birth or a misspelled name?

20 A I don't. But there hasn't been an  
21 investigation to examine that question.

22 Q Okay.



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1           A       So it's not as though someone has looked  
2 and found that all of these are accurate --  
3 accurately reflect what the true identifying  
4 information is. But I don't know of any -- any  
5 study that's verified either way, that there's a  
6 lot of errors or there -- it's all perfect.

7           Q       Okay. You're just supposing that it  
8 could take place?

9           A       Yes. And again, this is based upon my --  
10 my expert opinion and research as it relates to gun  
11 dealer practices, at least a subset. Obviously,  
12 I'm not casting -- you know, painting with a  
13 broadbrush here. But I'm saying that there are  
14 enough dealers who are either negligent or frankly  
15 crooked that -- that this could very easily happen.

16          Q       Okay. But you don't have any data as to  
17 the number of instances in which it has happened or  
18 whether it has even happened at all?

19          A       Again, I don't, because it's not been  
20 something that -- really the AFT would have to be  
21 the ones I guess who would undertake that.

22          Q       Okay. Are you yourself a firearms owner?

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1 Q Okay. Fair enough.

2 The study by Dr. Wintemute and others  
3 that we discussed, that one does rely on trace  
4 data, correct?

5 A Yes, I believe it does. Let me just  
6 check myself here.

7 (Witness looked at document). Yes.

8 Q Okay. And jumping ahead a little bit,  
9 just so I don't forget, you've done two studies or  
10 preliminary studies regarding Missouri. And we  
11 haven't discussed those yet.

12 But the one that relates to time-to-crime  
13 rather than the homicide rates, that is also  
14 reliant on trace data, correct?

15 A That's correct.

16 Q Okay. Now, it's true, isn't it, that  
17 trace data statistics from AFT include only  
18 firearms that are recovered by law enforcement?

19 A That's correct.

20 Q Okay. In other words, if a gun's in the  
21 hand of a criminal -- or the hands of a criminal,  
22 and the criminal isn't caught or the guns are not

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1 recovered in some way, then the gun won't be  
2 traced, right?

3 A Yes.

4 Q Okay. And of the guns that are recovered  
5 by law enforcement, not all of them are submitted  
6 for tracing, true?

7 A Yes.

8 Q Okay. And law enforcement basically  
9 selects the ones to submit for tracing, right?

10 A Well, there are many agencies, law  
11 enforcement agencies, who have policies that every  
12 gun that is recovered, at least any gun that is  
13 connected to a crime, a criminal suspect, or  
14 something of that nature, that they -- their policy  
15 is to submit that information to the AFT for  
16 tracing.

17 Q Right. But not all law enforcement  
18 agencies have that policy, correct?

19 A That's correct.

20 Q Okay. And isn't it also true that AFT  
21 tracing data includes only guns that are  
22 successfully traced?

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1           A       Yeah, it -- it sort of depends on what  
2 data are willing reported. So in some cases they  
3 will report information on recovered guns. And  
4 then there's a subset of recovered guns that they  
5 will have traced to the first retail sale.

6           Q       Right. Right. And it's true in general,  
7 isn't it, that it's easier to trace a gun if it's  
8 recently come from the manufacturer and recently  
9 been sold by a dealer?

10          A       Yes, generally. That used to be more the  
11 case historically. AFT had sort of a category they  
12 called too-old-to-trace guns. But in more recent  
13 years, my understanding is that they do try their  
14 best to trace every single gun regardless of it's  
15 age.

16          Q       But their not successful of that in many  
17 instances?

18          A       Not in every instance.

19          Q       Right.

20          A       Because certain dealers go out of  
21 business, for example. And that makes it hard if  
22 someone bought a gun from an out-of-business

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1 District of Columbia, we had the Supreme Court  
2 decision in Heller which allowed handguns to be  
3 purchased and owned and kept by private citizens,  
4 where before they had been banned. And I don't  
5 know if you've looked at the data, but the homicide  
6 rates have been going down ever since the Heller  
7 decision.

8           And I doubt that you individually would  
9 attribute that decrease in homicides to increased  
10 handgun ownership on behalf of D.C. citizens,  
11 right?

12           A       That's correct. Yes.

13           Q       Okay. So I think we're agreed on the  
14 general principle here, at any rate.

15           And I don't know if I asked you this  
16 question before -- forgive me -- but this says  
17 Study doesn't purport to show an actual increase --  
18 this study on time-to-crime -- an actual increase  
19 in crime after repeal in Missouri, does it?

20           A       That's correct.

21           Q       Okay. Now, the District of Columbia,  
22 whose laws we are actually examining here, has a

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1 considerable gun trafficking problem, wouldn't you  
2 say?

3 A Uh-huh. Yes.

4 Q And it doesn't relate to trafficking out,  
5 as some of these studies that you've referenced,  
6 that referred to --

7 A Right, guns imported --

8 Q -- as some other the studies that you  
9 have referenced relate to trafficking out?

10 A Correct.

11 Q The District's problem is trafficking in?

12 A That's correct.

13 Q Okay. Do you see fingerprinting  
14 requirements, the requirement to show up in person,  
15 the requirement to have the applicant be  
16 photographed, put any kind of substantial dent in  
17 trafficking of illegal guns into the District, in  
18 your opinion?

19 MR. NASO: Objection. Vague.

20 THE WITNESS: Did the District of  
21 Columbia is what -- are we -- are you asking a  
22 question about the District of Columbia's law in

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1 question?

2 BY MS. PETERSON:

3 Q Right. The particular things: Requiring  
4 the applicant to be photographed, requiring the  
5 applicant to show up in person, and the  
6 fingerprinting requirements, I'm wondering if it's  
7 your opinion that those measures have reduced in  
8 some substantial measure the trafficking of illegal  
9 guns into the District?

10 A No.

11 Q Okay. In fact I have one more exhibit to  
12 mark here.

13 A The point of the regulation is to prevent  
14 diversion within the District of Columbia. And of  
15 course we're in a new era here, where, you know,  
16 now you have one FFL, but --

17 BY MS. PETERSON:

18 Q Okay. I will talk a little bit about  
19 within the District in a moment.

20 A Sure.

21 MS. PETERSON: So I'm marking W13.

22 (Exhibit W13 marked for identification.)

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1 Q All right.

2 A I mean as -- as you well know, the  
3 District banned such sales up until relatively  
4 recently.

5 Q Right. Right. As far as reporting of a  
6 theft or loss, isn't it pretty common in most areas  
7 of the country that citizens will voluntarily  
8 report thefts and losses of their property without  
9 it being made a crime not to report?

10 A Sure.

11 MR. NASO: Object to the form.

12 THE WITNESS: Sure. People report stolen  
13 guns. If that's -- if that's what you're asking:  
14 Do people report stolen guns? The answer is of  
15 course, yes.

16 BY MS. PETERSON:

17 Q Right. Okay. And --

18 A They also don't report stolen guns.

19 Q Well, sometimes, I suppose.

20 A Yeah.

21 Q Is this really enforceable, in the sense  
22 that if a registered gun owner didn't report a



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1 in the next section on the importance of renewing  
2 firearms registration every three years and the  
3 importance of that in your view, pages 11 and 12.  
4 Let me find the right sentence here.

5           You say that -- at the bottom of page  
6 11 -- that Requirements to reregister one's gun  
7 would serve as an additional deterrent to illegal  
8 transfers or negligent storage practices that might  
9 result in the theft of firearms.

10           And do you have any evidence, data, or  
11 other information relating to how many registered  
12 D.C. guns are illegally transferred within the  
13 District?

14           A     No.

15           Q     Okay. And again, we are saying that  
16 that's a crime to do so in the District, right,  
17 without going through an FFL?

18           A     Yes.

19           Q     Okay. Do you know of any other states  
20 that require reregistration of every single firearm  
21 separately every few years?

22           A     I think Hawaii might be the only state

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1 that does that.

2 Q Okay. And do we have any -- or do you  
3 have any data as to how effective that has been in  
4 Hawaii in --

5 A I don't.

6 Q Okay. You state that the,  
7 Reregistration -- and I'm at the top of page 12 --  
8 quote, provides a time when police can reassess  
9 whether someone with a registered firearm has  
10 subsequently been convicted of an offense that  
11 would prohibit them from possessing firearms so  
12 that the firearms can be recovered.

13 Do you know whether the District of  
14 Columbia has the ability to run criminal background  
15 checks on registered firearms owners apart from any  
16 reregistration requirement?

17 A I suspect they probably do.

18 Q And do you know whether the firearms  
19 registration section periodically receives  
20 information from the court system on things like  
21 criminal convictions, civil protective orders, and  
22 other disqualifiers, and compares those on an

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1 ongoing basis to the list of registered firearms  
2 owners?

3 A I do not know that information.

4 Q Okay. Do you have any actual evidence  
5 that reregistration reduces crime or protects  
6 police officers?

7 A Do I have data? No.

8 Q I think we are on the final section of  
9 your report, which has to do with a firearms safety  
10 training course and being knowledgeable about the  
11 District's firearms laws, especially those related  
12 to the safe responsible use, handling, and storage  
13 of firearms.

14 And on pages 13 and 14 of your report you  
15 discuss the importance of safe storage practices  
16 and certain laws and practices related to safe  
17 storage, right?

18 A Yes.

19 Q And this discussion overall relates to  
20 how guns are stored within the home, correct?

21 A That's correct.

22 Q And you're aware, I'm sure, that the

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1 document, entitled Firearms Registration  
2 Examination, was furnished to us by the District's  
3 attorneys in connection with discovery in this  
4 case, and has been represented as the test that is  
5 actually used to test applicants for registration.

6           And my question to you is how many  
7 questions on this test relate to the safe storage  
8 of firearms within the home?

9           A     You know, I don't see any, which is a  
10 disappointment.

11          Q     Okay. Well, I'm going to point you to  
12 one.

13          A     Okay. Where is it?

14          Q     I'm going to help you out.

15          A     Thank you.

16          Q     Number 13.

17          A     Oh, okay. Yes.

18          Q     Which states that, The District of  
19 Columbia recommends that each registrant keep any  
20 firearm in his or her possession: Unloaded; either  
21 disassembled or secured by a trigger lock, gun  
22 safe, locked box, or other --

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1 A Right.

2 Q -- secure device; or both A or B.

3 A Right.

4 Q That's the only one I could find.

5 A Yes.

6 Q So this is just a recommendation, right?

7 A Yes.

8 Q Okay. So people are free to follow it or  
9 not to follow it, correct?

10 A Yes. I mean if when it concerns access  
11 to under-age youth, I believe they have a law -- am  
12 I right? -- requiring --

13 Q It appears that there's a fairly narrow  
14 provision, I think, regarding liability if --

15 A Under age?

16 Q -- children -- certain children are  
17 injured, or something like that.

18 A Yeah.

19 Q But this here only talks about the  
20 recommendation that it be kept --

21 A Yes. Yes.

22 Q -- and so forth, right?

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1 A I'm sorry.

2 Q I was saying that this test only has a  
3 question about the recommendation by the District  
4 that firearms be kept unloaded and locked or  
5 otherwise secured?

6 A And I was just agreeing with what was  
7 said, as far as what's here.

8 Q And I think maybe my question was that  
9 that was only a recommendation that people can  
10 follow or not follow?

11 A That's correct.

12 Q Now, do you think that if somebody felt  
13 that they needed to have a loaded gun in the home  
14 to protect against home invasion or attack in a  
15 dangerous neighborhood, that this recommendation by  
16 the District would persuade them to abandon having  
17 a gun at the ready to defend their life or their  
18 loved ones?

19 MR. NASO: Objection to form.

20 THE WITNESS: I don't know.

21 BY MS. PETERSON:

22 Q Okay. Do you think that this one mention

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1 of a recommendation in an examination is enough to  
2 cause a substantial change in behavior by  
3 registrants?

4 A Seem unlikely.

5 Q Do you have any evidence that registered  
6 guns are frequently involved in unintentional  
7 shooting deaths of teens and children in the  
8 District?

9 A I don't think that data is tracked, at  
10 least not to my knowledge.

11 Q All right. And if there's no data, I  
12 guess then there's probably no studies to indicate  
13 that a mere mention on the test would reduce such  
14 deaths, right?

15 A That's correct.

16 Q And if they took this particular question  
17 off the test, do you think that unintentional  
18 shootings with registered firearms would rise by a  
19 measurable amount?

20 MR. NASO: Objection to form.

21 THE WITNESS: I don't know. This is --  
22 this is a mechanism to reinforce safe gun storage