

EXHIBIT 52 part 1 of 3

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

STEVEN RUPP, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 8:17-CV-00746-JLS-JDE
)	
ROB BONTA, in his)	
official capacity as)	
Attorney General of the)	
State of California,)	
)	
Defendant.)	
_____)	

DEPOSITION VIA VIDEOCONFERENCE OF
COLONEL CRAIG TUCKER
MARCH 16, 2023

Stenographically Reported by:
Vicki Resch, RPR, CSR 6645

Job No. 3005

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION
4

5 STEVEN RUPP, et al.,)
6 Plaintiffs,)
7 vs.)
8 ROB BONTA, in his)
9 official capacity as)
10 Attorney General of the)
11 State of California,)
Defendant.)
_____)

No. 8:17-cv-00746-JLS-JDE

12
13 DEPOSITION OF COLONEL CRAIG TUCKER, TAKEN VIA
14 VIDEOCONFERENCE, on behalf of the Plaintiffs, at
15 9:10 a.m., Thursday, March 16, 2023, with the deponent
16 being located at Sandia, New Mexico, before
17 Vicki Resch, Certified Shorthand Reporter No. 6645 in
18 the State of California.

19
20 -oOo-
21
22
23
24
25

APPEARANCES OF COUNSEL

(All Appearances Via Videoconference)

For the Plaintiffs:

MICHEL & ASSOCIATES
BY: SEAN A. BRADY, ESQ.
180 East Ocean Boulevard
Suite 200
Long Beach, California 90802
562.216.4444
sbrady@michellawyers.com

For the Defendant:

ATTORNEY GENERAL OF CALIFORNIA
BY: JOHN D. ECHEVERRIA, ESQ.
DEPUTY ATTORNEY GENERAL
455 Golden Gate Avenue
Suite 11000
San Francisco, California 94102
john.echeverria@doj.ca.gov

I N D E X

WITNESS:

COLONEL CRAIG TUCKER

EXAMINATION	PAGE
By Mr. Brady	6
By Mr. Echeverria	202

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Plaintiffs' Notice of Deposition of Defendant's Expert Witness Colonel (Ret.) Craig Tucker	6
Exhibit 2	Supplemental Expert Report and Declaration of Colonel (Ret.) Craig Tucker	13
Exhibit 3	Expert Witness Rebuttal Report of J. Buford Boone III	14
Exhibit 4	Supplemental Surrebuttal Expert Report and Declaration of Colonel (Ret.) Craig Tucker	14
Exhibit 5	Certificate of Release or Discharge from Active Duty	32
Exhibit 6	"The NRA has Entered the Province of Cowards"	52
Exhibit 7	"Everytown, Moms Demand Action Launch Veterans Advisory Council to Support Gun Violence Prevention"	56

I N D E X (Continued)

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
<u>Exhibit 8</u>	The Keefe Report	75
<u>Exhibit 9</u>	"AR-15 Calibers and Cartridges: What Should You Chamber Your Carbine?"	79
<u>Exhibit 10</u>	"About SAAMI"	96
<u>Exhibit 11</u>	Rifling Definition	99
<u>Exhibit 12</u>	TIME article entitled "Here Are 7 Animals Hunters Kill Using an AR-15"	129
<u>Exhibit 13</u>	California Outdoors Q&A	133
<u>Exhibit 14</u>	Thompson v. Va. Dep't of Game & Inland Fisheries	136
<u>Exhibit 15</u>	"An Army Outgunned"	140
<u>Exhibit 16</u>	"U.S. Bullets May Be Ill-Suited For New Wars	145
<u>Exhibit 17</u>	"Here Are All The Problems With California's Expert Witness Testimony in Gun Ban Case"	151

Colonel Craig Tucker - March 16, 2023

1 THURSDAY, MARCH 16, 2023

2 9:10 A.M.

3 * * *

4
5 COLONEL CRAIG TUCKER,
6 having been first duly sworn by the Deposition
7 Officer, was examined and testified as follows:
8

9 EXAMINATION

10 BY MR. BRADY:

11 Q Good morning, Colonel Tucker.

12 A Good morning.

13 Q Can you state your name for the record,
14 please?

15 A Craig Allen Francis Tucker.

16 Q And you understand that you're here today for
17 a deposition?

18 A I do.

19 MR. BRADY: I'm going to show you a document.
20 Can you see on your screen --

21 ([Exhibit 1](#) was marked for identification
22 and is attached hereto.)

23 THE WITNESS: Let me change my view for a
24 moment here. I see a Document 1.

25 ///

Colonel Craig Tucker - March 16, 2023

1 BY MR. BRADY:

2 Q Yes. And can you tell me what that is? What
3 it says in the --

4 A It says "001."

5 Q Can you see the page that says,
6 "United States District Court, Central District of
7 California, Southern Division"?

8 A Yes, I can see it now.

9 Q Okay. And it says, "Plaintiffs' Notice of
10 Deposition of Defendant's Expert Witness Colonel
11 (Ret.) Craig Tucker"?

12 A Correct.

13 Q Okay. And have you seen this document
14 before?

15 A Yes.

16 Q Okay. And you understand that this is the
17 reason you're here today, that you've been given a
18 notice of a deposition in the matter of Rupp --
19 Steven Rupp versus Rob Bonta?

20 A Yes.

21 Q Okay. And you're doing so in your capacity
22 as an expert witness on behalf of the State of
23 California, the attorney general's office?

24 A Correct.

25 Q Have you ever been deposed before,

Colonel Craig Tucker - March 16, 2023

1 Colonel Tucker?

2 A I was deposed many years ago. I was a second
3 lieutenant.

4 Q So you're not that familiar with the process.
5 Is that fair to say?

6 A Correct.

7 Q Well, if you ever have any questions or want
8 any clarity from either Mr. Echeverria or myself,
9 please feel free to pause and say, "Hey, I need some
10 guidance." We can take breaks whenever you want,
11 obviously, within reason. We have limited time here.
12 So, you know, I'm not a judge. I can't tell you to,
13 you know, sit down and listen. If you've got to do
14 something, you've got to do something. Just
15 understand we are on the clock.

16 So you understand, though, that even though
17 this is an informal setting and I don't have any
18 authority over you, that you are under oath, correct?

19 A I do understand that, yes.

20 Q So under the penalty of perjury, you are
21 testifying, correct?

22 A Correct.

23 Q And I would appreciate -- because we are most
24 likely going to engage in lots of technical terms, I
25 imagine, I assume, based on the subject matter, that

Colonel Craig Tucker - March 16, 2023

1 if you could speak slowly and clearly for the court
2 reporter, I will try to endeavor to do that myself.

3 MR. BRADY: And, Madam Court Reporter, please
4 feel free to remind us if we are speaking too quickly
5 or if you don't understand or didn't hear a term.
6 This is a quite technical matter, so...

7 BY MR. BRADY:

8 Q So once -- as I was just indicating, there's
9 a court reporter. She will be transcribing everything
10 that we discuss today that's on the record.

11 Do you understand that?

12 A I do.

13 Q And that whatever you say here can be used in
14 the matter that you've been designated as an expert in
15 by the State of California?

16 A I understand that.

17 Q Okay. And at the end of this deposition, the
18 court reporter will make a transcript available of
19 everything we discussed, and you will have an
20 opportunity to review that and make any changes to
21 that transcript that you think did not reflect what
22 you said or that you wanted to clarify. But you
23 should understand that any changes you do make will be
24 subject to my commenting on, right?

25 Do you understand that?

Colonel Craig Tucker - March 16, 2023

1 A I do, yes.

2 Q So far you're doing great as far as waiting
3 for me to finish my question, so I don't think we're
4 going to have a problem there, but I would like to
5 remind you, let me finish my question before you jump
6 in with an answer. You might even want to pause for a
7 second to see if Mr. Echeverria is going to make an
8 objection to my question. If he does indeed make an
9 objection, unless he instructs you not to answer, wait
10 for him to finish his objection; and unless he says,
11 "Do not answer that question," then you are to go
12 ahead and answer that question.

13 Do you understand?

14 A I do.

15 Q And, again, you're doing great on verbal
16 responses so far. Please say "yes" or "no," full
17 words. The court reporter can't really capture a
18 shaking of heads or "mm-hmms" and things of that
19 nature. I'll do my best to try not to do that and to
20 remind you if you end up doing that.

21 Do you understand?

22 A Yes.

23 Q Thank you.

24 I'm seeking your testimony today on your
25 knowledge. You're here as an expert, right? So I'm

Colonel Craig Tucker - March 16, 2023

1 not asking you to guess at any answers. I want you to
2 only answer when you believe you know the answer.

3 Does that make sense?

4 A Yes.

5 Q If I ask for an estimate or something of that
6 nature, you can make an estimate, but I don't want you
7 guessing.

8 Do you know the difference -- do you
9 understand the difference between, like, an estimate
10 and guessing?

11 A Yes, I do. An estimate is going to be, in my
12 world, a dock, a tactical term. Guessing is just a
13 guess.

14 Q Got it.

15 A There's usually science behind an estimate.

16 Q You have knowledge. You just can't specify
17 the exactitude of something, right? But based on your
18 knowledge, you can say more or less this, right?

19 A That will depend upon the question.

20 Q Yeah, but I'm just asking generally.

21 You understand the difference between an
22 estimate like that and --

23 A Yes.

24 Q -- saying, "Well, I guess this would be,"
25 right?

Colonel Craig Tucker - March 16, 2023

1 A I do.

2 Q So if you do not understand any of my
3 questions -- you didn't hear it or it didn't make
4 sense to you -- please don't answer a question that
5 you don't -- that you don't fully understand the
6 nature of. Feel free to ask me to repeat or clarify.

7 Okay?

8 A Okay.

9 Q Like, as I indicated, we can take breaks if
10 you need one. Just let me know, but please know ahead
11 of time that I'll probably be taking a five- to
12 10-minute break periodically every hour, hour and a
13 half or so.

14 MR. BRADY: But anybody who needs one, just
15 let me know, and we can address that.

16 BY MR. BRADY:

17 Q Are you taking any medications or have you
18 done anything -- not gotten any sleep last night? Is
19 there anything that would prevent you from giving your
20 best truthful testimony today?

21 A No, there's nothing that will prevent me from
22 giving my best truthful testimony today.

23 Q How did you prepare for this deposition?

24 A I prepared a number of ways. I prepared with
25 my lawyers. I prepared with my own research and

Colonel Craig Tucker - March 16, 2023

1 recall of events. I prepared by, in some cases, using
2 science to confirm my observations and what I've
3 actually seen in a combat situation as a result of
4 automatic rifle fire. And, of course, I wrote two
5 declarations.

6 Q Let me go ahead and -- do you see Exhibit 002
7 on your screen?

8 A I do, yes. Hold on. It's not up yet.
9 Okay. I see it on my screen.

10 Q And do you recognize this document?

11 A I do.

12 Q And can you explain what it is?

13 A This is a supplemental expert report and
14 declaration on the subject of this court case.

15 Q And did you prepare this document?

16 A I did.

17 MR. BRADY: And this will be marked as
18 [Exhibit 2](#).

19 ([Exhibit 2](#) was marked for identification
20 and is attached hereto.)

21 MR. BRADY: By the way, Madam Court Reporter,
22 if I did not clearly mark the deposition notice as
23 [Exhibit 1](#), please indicate that it will be marked as
24 [Exhibit 1](#).

25 ///

Colonel Craig Tucker - March 16, 2023

1 BY MR. BRADY:

2 Q And so you were asked by the California
3 attorney general's office to prepare this report in
4 the titled matter, correct?

5 A Correct.

6 MR. BRADY: I'm now going to show you another
7 document that I will mark as [Exhibit 3](#).

8 ([Exhibit 3](#) was marked for identification
9 and is attached hereto.)

10 BY MR. BRADY:

11 Q Do you recognize this document?

12 A I am bringing it up now. Yes, I recognize
13 this document.

14 Q Okay. And can you explain what it is?

15 A This is Mr. J. Buford Boone III's expert
16 witness rebuttal to my original declaration.

17 Q Okay. And have you reviewed this document?

18 A Yes, I have.

19 Q Did you review it in preparation for this
20 deposition?

21 A Yes, I did.

22 MR. BRADY: I would now like to mark as
23 [Exhibit 4](#) the document you see on your screen.

24 ([Exhibit 4](#) was marked for identification
25 and is attached hereto.)

Colonel Craig Tucker - March 16, 2023

1 BY MR. BRADY:

2 Q Do you recognize this document?

3 A Yes.

4 Q And can you tell me what it is, please?

5 A This is my supplemental surrebuttal to
6 Mr. Boone's rebuttal to my original declaration.

7 Q Okay. And you authored this document?

8 A Yes.

9 Q I'd like to go back to [Exhibit 2](#) and ask you
10 a little bit about your background. It says in
11 paragraph 2 where you start off your professional
12 qualifications that you are a colonel in the
13 United States Marine Corps, retired.

14 I assume that you did not enter the
15 Marine Corps with the rank of colonel; is that
16 correct?

17 A That is correct.

18 Q I don't see any other ranks provided in your
19 professional qualifications. Could you, beginning
20 with the first rank you had in the Marine Corps, tell
21 us what your first rank was?

22 A My first rank in the United States
23 Marine Corps was as a candidate at
24 Officer Candidate School.

25 Q A candidate at Officer Candidate School?

Colonel Craig Tucker - March 16, 2023

1 A Correct.

2 Q Is that a rank?

3 A It's considered -- it is for the purposes of
4 pay and where you fit in the infrastructure. If we
5 were going with the first rank and grade, it would be
6 second lieutenant.

7 Q And what were your day-to-day
8 responsibilities as a second lieutenant?

9 A I commanded a rifle platoon of forty Marines
10 and four Navy corpsmen.

11 Q Okay. And what did that look like? What
12 was -- was it during war time?

13 A This was a period of 1982 to 1984.

14 Q Okay. And what were you doing on a
15 day-to-day basis as a second lieutenant?

16 A Training my Marines.

17 Q And what did that look like?

18 A It's a variety of education which takes the
19 form of some classroom training and decision-making
20 training. It takes the form of individual and
21 collective tasks where you have to train individual
22 Marines in their specialty and then coalesce those
23 Marines into a collective unit and then train that
24 unit collectively. And you train across a very broad
25 spectrum of operations, from stability operations to

Colonel Craig Tucker - March 16, 2023

1 mid-intensity to high-intensity combat. And that
2 was -- and putting those Marines in shape for combat.
3 That was my day-to-day experience. Some of that
4 training involved extended deployments, and some of it
5 involved just training day to day.

6 Q Did any of that training involve rifles?

7 A Yes. Training focuses on the rifleman.

8 Q And so how often are you using a rifle on a
9 day-to-day basis as a second lieutenant?

10 A I use a rifle weapon system on a day-to-day
11 basis. That rifle weapon system consists of the
12 weapon, a Marine, and all the other accruements that
13 would go into turning that Marine into a weapon. So
14 on a daily basis, yes.

15 Q What sort of activities were you doing with a
16 rifle in your capacity as a second lieutenant?

17 A We would do a long-distance training, which
18 was required, annual training event for all Marines.
19 You spend two weeks of training to fire the weapon.
20 Regardless of your experience, you spend two weeks
21 doing what they call dry fire where you practice
22 weapon control, proper techniques for controlling the
23 weapon. And then you spend a week at the rifle range
24 where you're actually firing the weapon from
25 200 meters out to 500 meters at the prone, kneeling,

Colonel Craig Tucker - March 16, 2023

1 and standing positions.

2 That is the purpose of that training, is to
3 get Marines familiar with and confident in the
4 capabilities of their weapon system. You take that
5 training out and you use it to engage in and train for
6 large-level force-on-force operations where units,
7 using blanks and in some cases Simunitions, will
8 conduct large-scale training exercises that involve
9 force-on-force exercise where you're actually
10 employing those weapons without live ammunition.

11 Q At some point, you are discharging live
12 ammunition, though, correct?

13 A Discharge live ammunition on the rifle range.
14 And then there are rifle ranges where you would
15 discharge live ammunition in a rifle maneuver course
16 where you would maneuver with your weapon and shoot at
17 moving targets that are arrayed and simulated by a
18 rangemaster.

19 Q And what types of targets are you shooting
20 at -- or are your Marines shooting at? Are these
21 paper targets or --

22 A The targets on the known distance course are
23 paper targets. There's a variety of other targetry
24 available. The most common target is the pop-up
25 target that has a silhouette -- a gray silhouette of a

Colonel Craig Tucker - March 16, 2023

1 human that responds to rifle fire. So if you hit it
2 with a weapon, it will lay down.

3 Those advanced over the years to respond to
4 wounding shots also. So if you aimed and wounded it,
5 it would pop down and pop back up. Those have
6 progressed now to where targets actually can move
7 based on complexity capabilities and can shoot back.
8 So the targets now can maneuver against the force.

9 Q Are those targets made out of metal?

10 A Those targets are made out of a metal with
11 a -- a metal protective base around the bottom of the
12 target where all the electronics might be. The rest
13 of it, I would describe it as a very hard, dense
14 plastic.

15 Q A hard, dense plastic.

16 And what rifles are you shooting at this
17 time?

18 A As second lieutenant, I was firing the M16A1.

19 Q And were your other Marines, the Marines you
20 were training, firing the M16 as well?

21 A They were trained firing the M16A1. I
22 transitioned to the A2 with -- I think within
23 two years of joining the Marine Corps.

24 Q And what caliber are those rifles?

25 A Those rifles fire 5.56 NATO.

Colonel Craig Tucker - March 16, 2023

1 Q 5.56 NATO.

2 When you shoot those plastic targets, does it
3 show what kind of -- is it obvious that the target has
4 been shot? Like visibly, I know that it can tell you
5 it's been shot by laying down, right, but does it
6 leave a mark on the target?

7 A Yes.

8 Q And do you have any idea how long those
9 targets last being shot at by Marines all day?

10 A The capacity of the targets is surprisingly
11 pretty high. The 5.56 round leaves, at its entry
12 point, a relatively small entry point, so that is
13 visible on these targets.

14 The targets are also responsive to different
15 calibers of weapons. So, for example, you may have a
16 target out there that represents a vehicle, and a 5.56
17 round will have no impact on it. A 7.62 round would.
18 So the targets vary based on -- they're not
19 responsive -- the targets would not be responsive to a
20 round that would not be capable of taking down that
21 particular target.

22 Q What's a 7.62 round?

23 A That's the M240 machine gun round.

24 Q And so it's a bigger round than the 5.56?

25 A Yes.

Colonel Craig Tucker - March 16, 2023

1 Q Is it used in any rifles that Marines carry?

2 A The round is used in some sniper rifles
3 carried by Marines and Navy special warfare.

4 Q Would those be bolt-action rifles or
5 automatics?

6 A Marine Corps uses bolt-action rifles for
7 their snipers.

8 Now, just to clarify, we're in my second
9 lieutenant days here still?

10 Q Yes, sir. We are getting -- so that's a
11 perfect transition. Let's get to the next phase of
12 your career in the Marine Corps.

13 What was after second lieutenant?

14 A I became a first lieutenant.

15 Q And what were your day-to-day
16 responsibilities in that capacity?

17 A As a first lieutenant, I was given a senior
18 captain's position as a company commander in a supply
19 battalion because of Marine Corps' efforts to bring a
20 more tactical approach to Marine Corps logistics, so
21 they put infantry officers in command of these units
22 for -- in my case, it was one year.

23 Q Were you carrying a rifle during your time as
24 a first lieutenant?

25 A In this billet I did not carry a -- in this

Colonel Craig Tucker - March 16, 2023

1 billet I was assigned a 9 millimeter -- in those days
2 a .45 caliber pistol. All officers were assigned
3 .45 caliber pistols outside of the infantry units.

4 Q And what year was it, if you recall, that you
5 became a first lieutenant?

6 A 1984.

7 Q And I'm sorry if I need -- can I go back and
8 ask you when you became a first lieutenant, what year
9 that was?

10 A A second lieutenant, sir?

11 Q I'm sorry. Second lieutenant. Yes.

12 A That was in 1981.

13 Q Okay. So you were a second lieutenant for
14 approximately three years?

15 A No, it shouldn't be that much. Well, yeah,
16 six months of school where it -- until you graduate
17 you don't start serving towards your -- what they call
18 your time in grade for the next rank. So in that
19 time, the time in grade from second lieutenant to
20 first lieutenant was 18 months to two years.

21 Q Okay.

22 A So that would be '83, '84-ish.

23 Q And how long were you a first lieutenant for?

24 A I left my -- I was a first lieutenant -- I'm
25 doing employment math in my head here. I was a first

Colonel Craig Tucker - March 16, 2023

1 lieutenant for two and a half years. There was a lag
2 between selection and promotion. So you might be
3 selected, and then a year later you finally get
4 promoted.

5 Q Okay. So approximately 1986, then?

6 A No, it would be 1985 because I left supply
7 battalion as a first lieutenant and assumed another
8 company, another captain's billet, and then was
9 promoted to captain in 1985.

10 Q Okay. That was the next step after first
11 lieutenant?

12 A Correct.

13 Q Okay. Before we leave first lieutenant and
14 go to captain, were you doing any training of Marines
15 on rifles as a first lieutenant?

16 A I spent part of my first lieutenancy as a
17 staff officer at a battalion headquarters. And in
18 that capacity, the training that I had mentioned
19 earlier is the same type of training, but whereas in
20 the infantry, we would be out there every day. In the
21 headquarters unit, it would be maybe one or two days a
22 week because their job priority is something else.

23 Q So -- rifle training, just less of it, is
24 that fair to say, as a first lieutenant?

25 A I was giving rifle training in creative ways

Colonel Craig Tucker - March 16, 2023

1 that allowed -- the type of training I would give
2 infantrymen would be accomplished in a shorter period
3 of time available to the headquarter staff.

4 A supply battalion is a first lieutenant.
5 The only experience I had there with an M16 was on the
6 rifle range as I mentioned earlier, that two-week
7 period where we -- requalifying the rifle.

8 Q Got it.

9 So before we move to your experience as a
10 captain, I just wanted to ask you, you repeated the
11 word "billet." Can you just briefly explain what a
12 billet is?

13 A A billet is a position. So a company
14 commander of a rifle company, the company commander is
15 the billet. So if you say that I was assigned to a
16 company commander's billet as a first lieutenant, that
17 means that position is -- not reserved, but that
18 position has a captain's level of responsibility.

19 Q Got it.

20 So, then, would I be using that term
21 correctly by saying, "So your next billet after first
22 lieutenant was captain?"

23 A No, my next rank after first lieutenant was
24 captain. My next billet was the guard company
25 commander in Adak, Alaska.

Colonel Craig Tucker - March 16, 2023

1 Q Understood. Okay. So let me ask this
2 question, then. In your rank as a captain, what was
3 your billet? Is that a correct question?

4 A Yes.

5 Q Can you answer that question, please?

6 A I spent two and a half years as a captain at
7 the Marine Barracks Adak where I was the guard company
8 commander responsible for guarding nuclear weapons on
9 that island that were used in the -- in that
10 particular region in the world as the Soviets were
11 building up Kamchatka. I also was responsible for all
12 the ground search and rescue for the Alaska peninsula
13 in the Aleutian Islands. In that particular billet, I
14 was administratively assigned to the Coast Guard.

15 When I left Adak, I took a Marine Corps team
16 up to the summit of Mount McKinley, or Denali, and
17 then from there went to school for six months -- that
18 military police school for six months.

19 Following that I went to Jump School, and
20 following that I spent four years as a rifle company,
21 a weapons company commander, the 3rd Battalion,
22 8th Marines, and that portion included the first
23 Gulf War.

24 Q Were you deployed in the first Gulf War?

25 A I was deployed for nine months during the

Colonel Craig Tucker - March 16, 2023

1 first Gulf War. I was a weapons company commander --
2 at the time. Right.

3 (Simultaneous speakers.)

4 BY MR. BRADY:

5 Q And in that capacity, were you -- as a rifle
6 company commander, were you carrying a rifle?

7 A Yes.

8 Q What percentage of your time as a captain was
9 that, that you were carrying a rifle?

10 A I carried a rifle for seven years in that
11 billet. The only time I was not assigned a rifle was
12 the six months I was at school and however long --
13 three weeks I was at Jump School.

14 Q Got it.

15 Following -- after you were a captain, was
16 there another rank before you reached colonel?

17 A Yes.

18 Q And what was that?

19 A I was deep selected. In other words, I was
20 selected a year before my peers to the rank of major,
21 and I was -- that was my billet, was the commanding
22 officer of the security company at Camp David in
23 Maryland. That was a by name -- by-name assignment
24 based on my performance as a company commander and my
25 nomination for the Leftwich Trophy.

Colonel Craig Tucker - March 16, 2023

1 Q And were you carrying a rifle during that
2 billet?

3 A In that billet, I was assigned on duty. I
4 was assigned a pistol. I did not carry a rifle in
5 that billet. My Marines carried rifles, and they
6 trained with those weapons.

7 Q Were you doing that training?

8 A Yes. I was responsible for all that
9 training.

10 Q And how long did you serve as a major?

11 A So I started out -- my first billet as a
12 major was a student at the United States Army Command
13 and General Staff College, and then I was selected to
14 attend their -- I received a master's degree from the
15 Army college, and then I received a second master's
16 degree from the school of advanced warfare.

17 After that I was assigned as
18 Lieutenant General Zinni's senior planner and first
19 battalion -- I'm sorry -- in
20 I First Marine Expeditionary Force.

21 In that capacity, I rewrote the Korean OP
22 plan for the Marine Corps. I'm still a major. After
23 two years in that billet, I'm selected as an
24 operations officer for a Marine Expeditionary Unit.
25 And I deployed eight months for that unit and spent a

Colonel Craig Tucker - March 16, 2023

1 little bit over a year there and was promoted to
2 lieutenant colonel in that billet.

3 Q You said "promoted" or "demoted"?

4 A Promoted to lieutenant colonel. So it goes
5 major, then lieutenant colonel.

6 Q Understood.

7 And what year were you promoted to lieutenant
8 colonel?

9 A It would have been 1998.

10 Q And what was your billet as lieutenant
11 colonel?

12 A I started off as the operations officer for
13 the 7th Marine Regiment. I spent a year there and
14 then assumed command of 2nd Battalion, 7th Marines,
15 which is an infantry battalion in the
16 7th Marine Regiment. And I spent two years and
17 commanded that battalion, and I deployed them to
18 Okinawa in Japan.

19 Q Were you carrying a rifle during this billet?

20 A I carried a rifle in particular situations
21 depending upon the threat in intelligence. However, I
22 had 1200 Marines who carried weapons and were trained
23 on those weapons in the same capacity I spoke of
24 before. I just have more people training every day
25 than I did when I was a platoon commander.

Colonel Craig Tucker - March 16, 2023

1 Q And you were personally doing the training?

2 A I'm responsible for their training and I am
3 responsible for establishing that training program and
4 I'm responsible for assessing and evaluating how well
5 my unit does in that program.

6 Q Would you be there personally evaluating them
7 as a major?

8 A I would. I'm a lieutenant colonel now. I'm
9 sorry.

10 Q Oh. Apologies. Correct.

11 A Yes, I would be.

12 Q And I assume after lieutenant colonel, you
13 then reached the rank of colonel?

14 A I had one more billet as lieutenant colonel,
15 and I was the operations officer for the Marine Corps
16 Training and Education Command where I was responsible
17 for --

18 Q Sorry?

19 A Which is responsible for all Marine Corps
20 training programs and all Marine Corps education
21 programs. I was the operations officer for that
22 organization. My job was to coordinate all those
23 efforts, integrate them and incorporate them into an
24 institutional-level training education program. I was
25 promoted to colonel in that billet. And then from

Colonel Craig Tucker - March 16, 2023

1 there I assumed command of 7th Marine Regiment. And
2 now I'm a colonel.

3 Q And what year was that?

4 A 2003.

5 Q So this is during the Iraq War?

6 A I assumed command in the summer and -- the
7 summer of 2003 and I deployed to Iraq initially for
8 three weeks in January 2004 and then I took my
9 9,000-person regiment to Iraq in February of 2004.

10 Q And how long were you a colonel for? From
11 2003 until when?

12 A 2006.

13 Q And you left the Marine Corps with the rank
14 of colonel?

15 A Correct.

16 Q Had you ever been -- had your rank reduced?

17 A No.

18 Q Were you ever relieved of command?

19 A The billet I assumed after 7th Marines was
20 the Tactical Training and Exercise Control Group, and
21 what I was responsible for, training infantry
22 battalions and certifying their -- that they are
23 prepared for combat.

24 I was relieved of command in that billet
25 based on an incident that had happened 22 months

Colonel Craig Tucker - March 16, 2023

1 earlier prior to the deployment to Iraq. As a result
2 of that incident, I received administrative
3 punishment, a letter of reprimand, and retired from
4 the Marine Corps.

5 Q Was that incident the reason for your
6 retirement from the Marine Corps?

7 A Yes, I retired from the Marine Corps because
8 of that incident.

9 Q I don't know if -- well, what was the
10 incident, if you -- you don't have to go into too much
11 detail if it's too sensitive. What was it relating
12 to?

13 MR. ECHEVERRIA: Objection. Outside the
14 scope of his testimony and irrelevant.

15 But you may answer.

16 THE WITNESS: It was described as an office
17 affair.

18 BY MR. BRADY:

19 Q Understood.

20 In your report, going to paragraph 4, I
21 believe it's on your screen. And this is [Exhibit 2](#).

22 Paragraph 4. Is that on your screen?

23 A It is. After I retired?

24 Q Yes. Actually, you know what? Let me back
25 up before I go there. I just have one quick question.

Colonel Craig Tucker - March 16, 2023

1 MR. BRADY: I'm going to mark as [Exhibit 5](#)
2 what I believe is your redacted DD214 form.

3 ([Exhibit 5](#) was marked for identification
4 and is attached hereto.)

5 BY MR. BRADY:

6 Q Is that what's on the screen?

7 A Yes.

8 Q And is this the redacted DD214 form that you
9 provided to Mr. Echeverria?

10 A I provided the form. My understanding is
11 that my lawyers redacted personal and financial
12 information.

13 Q So you did not perform these redactions?

14 A No, I did not perform these redactions.

15 Q Okay. Do you know under -- if you look under
16 18, "Remarks," there's a redaction.

17 A Yes.

18 Q You did not make that redaction?

19 MR. ECHEVERRIA: Objection. Irrelevant.
20 Outside the scope of testimony. And vague and
21 ambiguous as to what making a redaction is.

22 BY MR. BRADY:

23 Do you understand the question,
24 Colonel Tucker?

25 A I do.

Colonel Craig Tucker - March 16, 2023

1 Q Can you answer -- did you redact the line
2 under "Remarks" on this form?

3 A All the redactions on that form were made by
4 my lawyers.

5 Q You did not --
6 (Simultaneous speakers.)

7 BY MR. BRADY:

8 Q You did not direct them to make that
9 redaction?

10 A No.

11 Q Do you know what is under that redaction?

12 MR. ECHEVERRIA: Objection. Relevance.
13 Outside the scope of his expert testimony. And we
14 preserve our objections to producing private
15 information of an expert witness that is not relevant
16 to the expert testimony provided in this matter.

17 And the witness may answer, if able.

18 THE WITNESS: Yes, I know what's underneath
19 there.

20 BY MR. BRADY:

21 Q Is what's underneath there would you consider
22 to be personal information along the lines of a
23 Social Security number or an address or something
24 identifying you in a way that you would not want to be
25 identified?

Colonel Craig Tucker - March 16, 2023

1 A Yes.

2 Q Okay. Going back to [Exhibit 2](#), your report,
3 now you have left the military, right? And you are an
4 assistant deputy administrator for the Office of
5 Secure Transportation; is that correct?

6 A That is correct.

7 Q Okay. What did that entail?

8 A Office of Secure Transportation is an
9 organization within the National Nuclear Security
10 agency that transports nuclear weapons by ground and
11 air, mostly by ground, throughout the United States.
12 It's -- at the time I was there, it was about a
13 1600-person organization, including 800 federal agents
14 who were tactically trained to defend ground shipments
15 of nuclear weapons and special nuclear materials.

16 Q So the job of the federal agents associated
17 with the OST is to defend nuclear assets?

18 A It is to protect air and ground shipments of
19 nuclear weapons, especially nuclear materials.

20 Q Do those agents perform any combat functions?

21 A Yes, their training is all combat tactics,
22 techniques, and procedures, in addition to how to
23 drive the vehicles. They receive the same training I
24 gave to my infantry battalion.

25 Q Are they sworn members of the military?

Colonel Craig Tucker - March 16, 2023

1 A No, they're federal agents.

2 Q Would those agents ever be called upon to
3 perform an offensive combat operation?

4 A Yes, our training was based on offensive
5 operations. Our tactics -- our tactics provided a
6 protection at depth, so if there was an issue with one
7 of the vehicles, that organization -- agents from
8 outside of the immediate area would respond
9 offensively.

10 Q Can you explain that? If there was -- let me
11 see if I'm understanding. If there was an attack of
12 some kind on the nuclear assets that the agents were
13 protecting, then they would call in backup to form an
14 offensive counterattack against those people. Is this
15 what you're saying?

16 A I have to be careful here. I want to be able
17 to explain it without giving too much tactics away.

18 Q Of course.

19 A The answer is no. Think of that whole
20 element traveling in a bubble. So you've got a convoy
21 element that's providing post security. Then you have
22 successive layers of other elements that are in their
23 vehicles and are traveling along with you that are
24 capable to respond if there's an incident. So they're
25 all part of the same organization. They just have

Colonel Craig Tucker - March 16, 2023

1 different roles.

2 Q Got it.

3 And you indicate they are carrying -- they're
4 armed with M4s?

5 A M4s and .45 caliber pistols.

6 Q Were you armed with an M4 in your role for
7 the OST?

8 A I was not armed with an M4 in my role in OST.
9 I was responsible for training, but I did not carry an
10 M4.

11 Q You were training the agents?

12 A Correct.

13 Q On the M4 system?

14 A On the tactical employment and weapons
15 handling of the M4 in offensive combat.

16 Q You say that you were also the department's
17 Render Safe program. Can you explain briefly what
18 that entailed?

19 A That is a group of scientists who -- from the
20 national labs who deploy with tier 1 assets in the
21 event of a radiation issue anywhere in the world.
22 When they get there, they render it safe, which is
23 where the name comes from.

24 Q And without disclosing confidential secure
25 tactics or whatever, what does that involve? Does

Colonel Craig Tucker - March 16, 2023

1 that involve weapons?

2 A No. The tier 1 assets are the same ones that
3 you hear about, the military assets, the Navy
4 development group, and the Delta Force as well as the
5 FBI's Counter Assault Team. Those are the tier 1
6 assets. And if there was an incident, they would
7 deploy and provide the necessary security and legal
8 authority. We would deploy to provide technical
9 assistance to render whatever it was safe.

10 Q And how long were you at the OST for?

11 A Three years.

12 Q You began in 2006; is that right?

13 A Correct.

14 Q So you left 2009?

15 A 2009.

16 Q And why did you leave?

17 A I left because I had a drinking problem in
18 those days.

19 Q Was it your decision to leave that role, or
20 was that decision made for you?

21 A It was a mutual decision.

22 Q Okay. Let's go to -- so I've gone to
23 paragraph 8 of [Exhibit 2](#), your report -- first report.
24 And it says you currently serve as a trainer and
25 planner for the City of Albuquerque's Office of

Colonel Craig Tucker - March 16, 2023

1 Emergency Management; is that correct?

2 A That is correct.

3 Q And what does that entail?

4 A That entails coordinating and -- I'm sorry.
5 Well, first coordinating plans and then training
6 personnel in those plans and what they call whole
7 community effort. So my training exercise plans
8 incorporate everything from every hospital to
9 community groups, and you try to bring them together
10 into a common understanding of how emergency
11 management works in the city and how they can prepare
12 themselves if they get caught in an emergency.

13 Q Does your work in that capacity involve AR-15
14 rifles?

15 A No.

16 Q Or M4s?

17 A No.

18 Q So the training and the policies you're
19 working on in that capacity wouldn't have anything to
20 do with, say, the Albuquerque Police Department's use
21 of weapon systems?

22 A There's one area where we provide the
23 specific training and -- because emergency management
24 is primarily coordinating effort.

25 So the one area we provide some specific

Colonel Craig Tucker - March 16, 2023

1 training, because I have experience with it, and that
2 is the initial link-up in an active shooter situation
3 in a school, the initial link-up with the multitudes
4 of law enforcement and the school administration and
5 how you manage that properly, and then what the next
6 steps should be.

7 So in that sense, talking to law enforcement
8 officers about the challenges of, you know, attacking
9 an automatic rifle with a pistol, we've gone into
10 multiple discussions on the value of the automatic
11 rifle versus other tools.

12 Q And is it your understanding that those
13 officers have automatic rifles?

14 A They do not.

15 Q They do not?

16 A To my knowledge. I do not know how the
17 Albuquerque Police Department allocates those weapons.

18 Q Is it your understanding that Albuquerque
19 Police Department does have those weapons?

20 A My understanding is that the Albuquerque
21 Police Department has an automatic rifle in their
22 special weapons and tactics team.

23 Q So it's your understanding that -- are you
24 referring to SWAT officers?

25 A I'm referring to the team itself, yes, the

Colonel Craig Tucker - March 16, 2023

1 tactical team.

2 Q We've seen every movie in Hollywood, you
3 know, production, those SWAT teams, right?

4 A Right, SWAT teams. Yeah, exactly.

5 Q So you're saying outside of the SWAT team,
6 it's your understanding that Albuquerque police
7 officers do not have AR-15s or M4s?

8 A I do not know what the allocation is outside
9 of their SWAT teams.

10 Q Would it surprise you if they assigned their
11 non-SWAT officers AR-15s?

12 MR. ECHEVERRIA: Objection. Vague.

13 BY MR. BRADY:

14 Q Do you understand the question,
15 Colonel Tucker?

16 A I do.

17 Q Can you answer, please?

18 A Could you repeat the question, please?

19 Q Yeah, sure. Would it surprise you if the
20 Albuquerque Police Department issued its non-SWAT
21 officers AR-15 rifles?

22 A In my work with Innovative Reasoning when I
23 was developing critical decision-making course for law
24 enforcement officers, which won a training innovation
25 award because it's focused on decision-making, but it

Colonel Craig Tucker - March 16, 2023

1 became clear to me that there are police agencies out
2 there that had made the decision to put a rifle, in
3 some cases an automatic rifle, into the -- either
4 secure the vehicle and the trunks of vehicles. For
5 those officers who are specifically trained to use the
6 weapon, they are not -- they're not arbitrarily
7 assigned. So it would not surprise me -- based on
8 that information and my personal knowledge that other
9 police agencies are doing it, it would not surprise me
10 if Albuquerque used those weapons also.

11 Q Just to clarify, when you say "automatic
12 rifle," are you referring to the M4 select-fire rifle,
13 or are you including the semiautomatic-only AR-15 in
14 that?

15 A I will be more specific. In my previous
16 conversations, I was referring to both. I will be
17 more specific.

18 Q Thank you. And I'll --

19 (Simultaneous speakers.)

20 THE WITNESS: -- in my nomenclature.

21 BY MR. BRADY:

22 Q Understood.

23 So you're saying -- am I correct in
24 understanding that you're saying that the officers
25 are -- who are especially trained can be issued an

Colonel Craig Tucker - March 16, 2023

1 AR-15 or M4?

2 A My understanding is that officers are issued
3 an AR-15 or M4 only after receiving specialized
4 training in the offensive employment of those weapons.

5 Q Is it your -- do you have any opinion on
6 whether the practice by law enforcement agencies in
7 this country to issue their officers AR-15s is common?

8 MR. ECHEVERRIA: Objection. Outside the
9 scope of the expert's testimony in this matter.

10 THE WITNESS: I would say that it is
11 common -- more common in some regions in the country
12 than in others. In the region I was -- for example,
13 in the southeast, it's fairly common. In the
14 northwest, it is not.

15 BY MR. BRADY:

16 Q And you base that on your personal experience
17 with those agencies?

18 A Interactions with those agencies, yes.

19 Q And in what capacity were you interacting
20 with those agencies?

21 A I developed -- well, myself and two others
22 had developed a crisis decision-making course for law
23 enforcement officers that was focused on -- primarily
24 focused on the decision-making that happens in the
25 microseconds before you make a decision to pull the

Colonel Craig Tucker - March 16, 2023

1 trigger or not. So we provided a weeklong training
2 course on that decision point. And I did it in a
3 number of police departments, in Arkansas, Colorado,
4 and Washington State.

5 Q Do you personally have any law enforcement
6 training?

7 A I received -- I went to the U.S. Army's
8 Military Police School as a captain. However, that
9 training is all tactical. Very limited law
10 enforcement training.

11 Q Do you have any civilian law enforcement
12 training?

13 A I have a degree in criminal justice. Other
14 than that, no.

15 Q Do you have any formal self-defense firearm
16 training?

17 MR. ECHEVERRIA: Objection. Vague as to the
18 meaning of "self-defense firearm training."

19 THE WITNESS: The training that I have is
20 focused more on close combat. So that's not
21 necessarily considered self-defense. It's considered
22 post combat. And the weapons used in that milieu
23 is -- melee is anything you get your hands on, really.
24 But I don't -- if the intent is a self-defense class
25 organized in Albuquerque, New Mexico, that focuses on

Colonel Craig Tucker - March 16, 2023

1 self-defense with a pistol in the home, no, I have not
2 taken that training.

3 BY MR. BRADY:

4 Q Would you consider yourself an expert on home
5 self-defense?

6 A I consider myself an expert on protecting my
7 property.

8 Q Well, that's good to hear, but do you
9 consider yourself an expert on training people about
10 personal self-defense?

11 A Yes, based on the training that I've provided
12 or structured, for those circumstances of close battle
13 that would mimic or actually be the same as the
14 self-defense, for example, a Marine goes into a room,
15 no one follows him and he's in there by himself and
16 three folks come at him. Those are a little bit
17 different tactics than if you have -- get everybody in
18 a circle and everybody shoots outward. So, yes, I
19 would call myself an expert at protecting your
20 property.

21 Q Have you ever provided training to anyone on
22 home self-defense?

23 A I have not.

24 Q Have you ever provided any training to anyone
25 on personal self-defense outside of a combat

Colonel Craig Tucker - March 16, 2023

1 situation?

2 A My daughters a little bit. That's it.

3 Q You say you're an expert on defending your
4 property; is that correct?

5 A At protecting my property.

6 Q Can you explain without revealing any secrets
7 you have for bad guys who come a-knocking -- I can
8 appreciate that -- but can you explain what,
9 essentially, your tactics or strategies are for
10 defending your property?

11 A I'm going to say, first of all, I don't
12 really worry about it all that much, but I am prudent.
13 So my property is protected by two gates, both which
14 were here when I moved into the property. The -- a
15 giant Schnauzer, two large 200-pound mountain goats,
16 and that's -- so you've got to get through two gates,
17 four fences, past a giant Schnauzer, and past the
18 goats. If you get into the house, my self-defense is
19 a bear spray and a commando knife.

20 Q No firearms?

21 A I do not use firearms for self-defense.

22 Q Do you own any firearms?

23 A I do.

24 Q For what purpose?

25 A I have a Winchester 30-06, bolt action that I

Colonel Craig Tucker - March 16, 2023

1 use for hunting, but I don't hunt anymore, so it sits
2 empty. I have a Marlin lever-action 30-30 that I use
3 when I'm mountaineering or backpacking with my goats
4 to protect them from lion. I have a .410- and a
5 12-gauge shotgun, eight of which is used. And I have
6 a model 70 .45 caliber pistol that was given to me in
7 recognition of my leadership in Fallujah.

8 Q You don't own any AR-15s?

9 A I do not.

10 Q Do you have any certifications on small arms?

11 A I have awards of how well I shoot small arms.
12 I don't have certifications in that sense of certified
13 on a particular weapon system.

14 Q Have you ever conducted any presentations on
15 small arms on behalf of the military?

16 A Well, yes. In terms of employment of the
17 weapon system, it was fairly constant training in the
18 infantry.

19 Q Let me clarify.

20 A Sure.

21 Q Obviously, you presented your Marines, right,
22 this is how you use this rifle. I'm asking more off
23 the -- off the range, being asked to provide
24 presentations on whether a certain weapon system
25 should be utilized or not.

Colonel Craig Tucker - March 16, 2023

1 A No, I have not.

2 Q What about -- have you done any such
3 presentations for ammunition selection?

4 A No, I have not.

5 Q Do you have any training in ballistics?

6 A My training in ballistics is focused on how
7 the weapon functions, how it expels that round, and
8 how that round travels and what happens when that
9 round hits another human being. That's my interest in
10 that.

11 Q So have you had any training on measuring
12 ballistics and conducting ballistic tests of
13 ammunition?

14 A We had a ballistics test we used in Fallujah
15 that was based on how many cats could get into the
16 exit wound of somebody that had been shot with a 5.56,
17 the heat from the inside out. So if it was a two-cat
18 wound or a one-cat wound, but that's the only time
19 I've ever used a measurement for ballistics.

20 Q Can you explain that scenario?

21 A Sure. You're in combat. There's a --
22 somebody -- actually, in this case, a group of people
23 that are dead and what is now no-man's zone because
24 you've got offensive and defensive lines set up. So
25 you're sitting there preparing for the defense and

Colonel Craig Tucker - March 16, 2023

1 watch cats walk over and start eating their way into a
2 human being from the exit hole of somebody you shot
3 earlier that day. The dogs just grab pieces and
4 leave, but the cats stay. And so we used to measure
5 the exit wound by how many cats could get their heads
6 inside the exit wound.

7 Q And were there any controls for the cat
8 study? Like, did you confirm that it was a single
9 wound or wound from a single bullet or two bullets or
10 five bullets? Was there any way to confirm that?

11 A I can only think of one instance where I
12 could confirm it was one shot.

13 Q And do you recall how many cats it took in
14 that instance?

15 A That was a two-cat exit wound.

16 Q So a single 5.56 round caused an exit wound
17 large enough for two cat heads?

18 A Correct. But, if I could, I've seen -- very
19 seldom was one round fired with an AR-15. It's
20 usually fired in a sequence with many other rounds.
21 So the voracity of the combat action, we spent a lot
22 of time going back later and figuring out what
23 happened so we could apply that further in the next
24 go-round.

25 Q And what does that look like? Are you doing,

Colonel Craig Tucker - March 16, 2023

1 like, forensics?

2 A In this case, there are people that are
3 trained to look at a combat situation, and based on
4 various pieces of intelligence and information that
5 could be garnered from that situation, to include
6 generally the memories of the folks that are still
7 happy to be there, they are trained to discern a
8 pattern of attack. And the purpose of that is to make
9 sure that if those patterns of attack, we start to see
10 changes or they start to adapt, that we recognize
11 those immediately. So anytime there was a contact, if
12 safe, we would analyze the -- analyze location and
13 make it.

14 Q Got it.

15 I'm going to jump to the end of your report.
16 I believe it's on -- so there's an exhibit attached to
17 your report, correct? And that's your CV?

18 A Yes.

19 Q On the last page of your CV, page 6 of 6 --
20 I'm trying to get to it. All right. Page 6 of 6, is
21 this a correct --

22 A I don't see my CV. Is it up?

23 Q I have it up on my screen. [Exhibit 2](#).

24 A Okay. Hold on. I lost myself here.

25 Q Do you see it on your screen? It says

Colonel Craig Tucker - March 16, 2023

1 "Papers"?

2 A Which one was it? I see...

3 Q So on your screen, there should be a page
4 that says "Papers" and "Education." It's the sixth
5 page of your CV, the last page of your report.

6 A Yes. Okay.

7 Q Do you see that?

8 A Okay. I'm catching up here. "Papers" and
9 "Education," yes.

10 Q Are you aware that the Federal Rules of Civil
11 Procedure require you to disclose all publications
12 you've made in the last ten years?

13 A I did not.

14 Q Okay. So would this list -- do you know
15 if -- have you provided all publications that you've
16 made in the last ten years on this list?

17 A This list was specifically designed for
18 papers that were written on behalf of the military. I
19 did not include everything I had written. But there
20 was a Daily Beast article I cowrote with some folks
21 that is not on here. And I can't think of anything
22 else. I've written a number of articles and papers
23 when I was deployed, but those were for internal
24 consumption.

25 Q Yeah, the rule only requires publications, so

Colonel Craig Tucker - March 16, 2023

1 anything you did on behalf of the military internal
2 wouldn't apply. But you're saying there are
3 publications that you have made that are not included
4 in your report?

5 MR. ECHEVERRIA: Objection. Mischaracterizes
6 the testimony.

7 BY MR. BRADY:

8 Q You indicated a Daily Beast article?

9 A Yes. I coauthored a Daily Beast article.

10 Q Other than that, are there any other articles
11 that you can think of that you published in the last
12 ten years that are not included on this list?

13 A I'm thinking, because there's articles out
14 there on machine learning, the use of AI in
15 decision-making. But to my knowledge, none of those
16 have been published.

17 Q Got it.

18 What was the Daily Beast article that you
19 coauthored about?

20 A It was in response to an NRA video by a young
21 lady whose name I can't recall. It was a direct
22 response to that.

23 (Simultaneous speakers.)

24 BY MR. BRADY:

25 Q Was it Dana Loesch, L-O-E-S-C-H?

Colonel Craig Tucker - March 16, 2023

1 A I believe so, yes.

2 Q Was it responding to just her video or
3 anything else?

4 A It was -- it was in response to that video.

5 Q Does the name Dom Raso, D-O-M, R-A-S-O, sound
6 familiar?

7 A No.

8 Q What about Grant Stinchfield?

9 A The last name triggered a burst of
10 recognition, but I can't place him.

11 Q Do you know what the Latin phrase "qui bono"
12 means, Q-U-I, B-O-N-O?

13 A I do not.

14 MR. BRADY: I'd like to mark as [Exhibit 6](#) --
15 can you see on your screen a document titled "The NRA
16 Has Entered the Province of Cowards"?

17 A Yes, that's the Daily Beast article.

18 ([Exhibit 6](#) was marked for identification
19 and is attached hereto.)

20 BY MR. BRADY:

21 Q Okay. So this is the article you were
22 referring to that you coauthored?

23 A Correct.

24 Q So the "Craig Tucker" right here on the first
25 page is referring to you, Colonel?

Colonel Craig Tucker - March 16, 2023

1 A Yes.

2 Q And you coauthored this article with -- looks
3 like Kyleanne Hunter and Joe -- do you know how to say
4 his last name?

5 A Joe Plenzler.

6 Q Do you know those two individuals?

7 A I know Joe Plenzler.

8 Q Do you know Kyleanne Hunter?

9 A I do not. Let me back up a second. I have
10 corresponded with Kyleanne in the process of writing
11 this article. I've never met her.

12 Q How did you all get put together to write
13 this article?

14 A Joe contacted me after the video came out. I
15 had much of the same response that he had to it. And
16 he asked if I'd be willing to coauthor an article with
17 him, and I said I would.

18 Q Okay. When you say "coauthor," did you write
19 the content of this article, or did somebody else
20 write it and you offered your name in the byline?

21 A It was initially cowritten. We divided kind
22 of the outline up into thirds, and then it was written
23 and rewritten over time by all three of us. The final
24 edit was done by Joe because that's what he does for a
25 living, so...

Colonel Craig Tucker - March 16, 2023

1 Q And what does Joe do for a living? Is he a
2 journalist or a writer?

3 A He does public relations for large
4 organizations in the Washington, D.C. area.

5 Q Do you know any of the organizations that he
6 does work for?

7 A I don't.

8 Q If you go to the page -- I went down to
9 page 2 of this article. Unfortunately, this article,
10 like, loaded funny, so it's all very skinny as you can
11 tell. But the second page in the first paragraph.

12 A Uh-huh.

13 Q Do you see underlined the names Dana Loesch,
14 Greg Stenchfield -- even though I think it's
15 Stinchfield, but -- and Dom Raso?

16 A I saw those names up top, yes. I lost them
17 here. Yes, I see that.

18 Q And so I believe you previously testified
19 that you didn't recognize the name Dom Raso or
20 Greg Stinchfield?

21 A No.

22 Q But you coauthored an article about them?

23 A I think Joe and Christine divvied up those
24 two.

25 Q So you didn't take part in writing about

Colonel Craig Tucker - March 16, 2023

1 those individuals in this piece?

2 A I observed the Dana Loesch video, so I had
3 knowledge of hers, yes.

4 Q But as far as Dom Raso's video or
5 Greg Stinchfield's, you did not?

6 A I do not recall seeing those two videos.

7 MR. BRADY: Let's take a quick break.

8 Off the record, please.

9 (Recess.)

10 BY MR. BRADY:

11 Q Prior to the break, Colonel Tucker, we were
12 talking about [Exhibit 6](#), which is an article you
13 coauthored that is titled "The NRA Has Entered the
14 Province of Cowards," correct?

15 A Correct.

16 Q So is it fair to say that you are not a
17 supporter of the NRA?

18 A I am not a member of the NRA.

19 Q Have you ever been?

20 A I have never been a member of the NRA. I
21 support the NRA's weapons instruction. I think that
22 level of professionalism, common sense rules that they
23 apply to that instruction is the best part of that
24 organization, and I take advantage of it. There are
25 other parts that I disagree with.

Colonel Craig Tucker - March 16, 2023

1 Q Are you a member of any gun control groups?

2 A I am not.

3 Q Are you affiliated with any gun control
4 groups in any way?

5 A In response to the Loesch video as well as
6 the Daily Beast article, I was asked to go out and
7 provide video comments for video that would be given
8 in response to Dana's video. That, I think, got
9 wrapped up in a Veterans Advisory Council for
10 Everytown, but that never got off the ground from my
11 perspective because I had no contact with them after
12 that, and the majority of my time was spent overseas
13 after that initial video was made. So I've had no
14 contact with Everytown since I made that video.

15 MR. BRADY: I'd like to mark as [Exhibit 7](#) the
16 document that should be on your screen. It's a press
17 release from Everytown for gun safety.

18 ([Exhibit 7](#) was marked for identification
19 and is attached hereto.)

20 BY MR. BRADY:

21 Q Do you see that, Colonel Tucker?

22 A It's coming up. We have a pretty nasty storm
23 rolling in here. Because I'm in the mountains, my
24 Internet sometimes gets spooky.

25 Q Understood. Thank. Believe it or not, we've

Colonel Craig Tucker - March 16, 2023

1 been having stormy days here in Southern California
2 for once.

3 A We're getting your weather now.

4 Q Yeah, these storms don't respect the desert,
5 that's for sure. They just go right over.

6 A I can see it in the small -- on the left-hand
7 side there.

8 Q It's titled "Everytown, Moms Demand Action
9 Launch Veterans Advisory Council to Support Gun
10 Violence Prevention."

11 A Right.

12 Q Is this the advisory council that you were
13 just referring to that you were a part of?

14 MR. ECHEVERRIA: Objection. Mischaracterizes
15 his testimony.

16 BY MR. BRADY:

17 Q I'm sorry. Is this the advisory council that
18 you referenced earlier?

19 A This is the Veterans Advisory Council that I
20 referenced earlier.

21 Q Okay. And down at the last page, second name
22 from the last is "Colonel Craig Tucker, United States
23 Marine Corps, retired."

24 That is you, correct?

25 A That is me.

Colonel Craig Tucker - March 16, 2023

1 Q And did you consent to having your name
2 signed on to this document?

3 A I was not aware that my name was attached to
4 this particular document. I was aware my name was
5 attached to a letter, but I was not aware my name was
6 attached to this particular record.

7 Q And what letter are you referring to?

8 A This one in front of me, right? Oh, this is
9 the Everytown press release?

10 Q Yes.

11 A Okay.

12 Q Was there a letter that was affiliated with
13 this release?

14 A No. This was a -- there was a petition at
15 one point that was signed by members of the veteran --
16 both signed by veterans. I think that --

17 (Simultaneous speakers.)

18 THE WITNESS: I did sign that petition. My
19 understanding is the names in that petition got
20 transferred to Veterans Advisory Council, and I was
21 not aware of that.

22 BY MR. BRADY:

23 Q Okay. So you signed the petition. And what
24 did the petition involve?

25 A It read a lot like the Daily Beast article.

Colonel Craig Tucker - March 16, 2023

1 Q Okay. Did that petition mention this
2 veterans advisory committee -- or council? Sorry.

3 A I don't recall.

4 Q So you don't recall whether you gave consent
5 to have your name associated with this council?

6 A To my knowledge, I did not give consent to
7 have my name attached to this press release.

8 Q Okay. But did you know that you were -- I
9 guess, what was your understanding of your involvement
10 with this advisory council?

11 A So the initial plan was to make a video that
12 would be in response to Dana's video, Ms. Loesch's
13 video. And while that was being done, the idea came
14 about -- about a Veterans Advisory Council, and at
15 that point it was going to be an advisory council in
16 the sense of we're going to advise -- here's a
17 petition, and it's signed by the members of the
18 Veterans Advisory Council, and that was it. It was
19 just a group of people that signed that petition, was
20 all it consisted of. I departed after that and spent
21 a great deal of time overseas in Qatar and Kuwait, so
22 I was not involved -- had not been involved with
23 Everytown since I left that area.

24 Q Okay.

25 A My understanding is they probably took the

Colonel Craig Tucker - March 16, 2023

1 names that were on that petition and transferred them
2 over to this press release. And I did not have
3 knowledge of that.

4 Q In signing that petition, was it your
5 understanding that you were going to be advising
6 Everytown?

7 A No. It was my understanding that we were
8 coming together as an advisory council to put this
9 petition together. But that was the substance of the
10 council. That was it, created for, and then it got
11 morphed into something more.

12 Q Are you familiar with Everytown's policies?

13 A I am not.

14 Q So you're not a member?

15 A I am not a member of Everytown, no.

16 Q We're going to go back to [Exhibit 2](#), which is
17 your report. I would like to direct you to -- do you
18 have a paper copy of your report in front of you, or
19 do you need me --

20 A I do not.

21 Q Okay. Then I'm just going to put the page
22 I'm looking at. Unfortunately, scrolling through this
23 thing is slow. There we go. All right. Found a
24 faster way. All right.

25 A I'm on 2 now?

Colonel Craig Tucker - March 16, 2023

1 Q This is [Exhibit 2](#), which is on your screen,
2 and we're looking at paragraph 13 of your report.

3 Do you see that on your screen?

4 A Document 2's still coming up. I'm back into
5 my CV here.

6 Q There must be a delay, because I scrolled up
7 from there. What about now?

8 A No, it's just the top of the CV.

9 MR. BRADY: John, do you see it?

10 MR. ECHEVERRIA: I am able to see, but I
11 might have a better Internet connection.

12 MR. BRADY: I just wanted to diagnose, like,
13 whose end, so it's probably on the Colonel's end.

14 THE WITNESS: It is. I've got -- yeah.

15 MR. ECHEVERRIA: One option would be to
16 screen-share what you are seeing, Sean, in AgileLaw.

17 MR. BRADY: Okay. I think I can just read
18 this piece and, you know, you can follow along, John,
19 and see if I'm misquoting or I'll ask the Colonel if
20 he agrees with that statement. That's essentially
21 what I'm going to be doing.

22 MR. ECHEVERRIA: Okay.

23 BY MR. BRADY:

24 Q So paragraph 13, the second sentence says,
25 "The AR-15, like the M4, is an offensive combat weapon

Colonel Craig Tucker - March 16, 2023

1 system."

2 Do you recall writing that?

3 A I do.

4 Q As you sit here today, do you agree with that
5 statement?

6 A I agree that the M4 and the AR-15 are
7 substantially the same weapon.

8 Q Okay. This sentence in your report says,
9 "The AR-15, like the M4, is an offensive combat weapon
10 system."

11 If we were to remove "like the M4" and just
12 say, "The AR-15 is an offensive combat weapon system,"
13 would you agree with that statement?

14 A Yes.

15 Q You say, "The only difference is the AR-15
16 cannot fire on full-auto" -- and you describe
17 "full-auto" -- "or burst (several shots fired in
18 succession with a single pull of the trigger) -- a
19 picayune," P-I-C-A-Y-U-N-E, "difference that cannot
20 serve to support a noncombat role for the AR-15."

21 Did you write that in your report?

22 A I did. I'm trying to recall why I decided to
23 use "picayune," but --

24 MR. BRADY: By the way, on a side note, I
25 love the word "picayune."

Colonel Craig Tucker - March 16, 2023

1 THE WITNESS: Okay. All right. Yes, I do
2 recall writing that.

3 BY MR. BRADY:

4 Q Okay. And as you sit here today, do you
5 agree with that statement that you made in your
6 report?

7 A I do. Automatic reverse fire is irrelevant
8 to the nature and purpose of that weapon system. The
9 weapon system doesn't change materially, physically,
10 or in its ability to engage in rifle combat with the
11 loss of an automatic or burst capability.

12 Q When you're talking about the AR-15, you are
13 talking about a semiautomatic-only rifle, correct?

14 A Correct.

15 Q It does not have what would be -- what you
16 define as select fire, full-auto, or burst
17 capabilities, correct?

18 A It's select fire, yes.

19 Q Have you ever used a semiautomatic-only AR-15
20 in combat?

21 A I've used a military version of the AR-15 in
22 combat.

23 Q Is that a semiautomatic-only version?

24 A It is not a semiautomatic-only version, but
25 it was never used in automatic.

Colonel Craig Tucker - March 16, 2023

1 Q But to be clear, have you ever been assigned
2 or issued a rifle in your career in the United States
3 Marine Corps that did not have automatic capabilities
4 other than a bolt-action rifle?

5 A And pistols.

6 Q I'm talking only about rifles at this point.

7 A Okay. I'm ratcheting through the A's -- you
8 know, M16's and the A's up to the M4. They all had
9 the capability to fire auto. Burst went back and
10 forth, but auto was always a capability.

11 Q During your career in the Marine Corps, to
12 your knowledge, other than bolt-action rifles -- we're
13 talking about non-sniper rifles, if you will, right,
14 infantry rifle arms -- did the United States
15 Marine Corps ever issue to its personnel
16 semiautomatic-only AR-15s?

17 A No, but there was some very strict tactical
18 guidance given that you were not to use full automatic
19 in Iraq or Afghanistan.

20 Q And why were those instructions provided?

21 A Because in both those environments, you're
22 doing civility operations. So, you know, your enemy,
23 they hide in the sanctuary of the normalcy. So almost
24 every single attack, there were civilians involved.
25 And, in fact, that was a tactic to get civilians

Colonel Craig Tucker - March 16, 2023

1 involved, unknowing to them, so...

2 Q So it wasn't a traditional military
3 battlefield setting? Is that what you're saying?

4 A Correct.

5 Q And that warranted --

6 A Well, but it had traditional battlefield
7 setting, so the concept you might have of the
8 Ukrainian fighting right now, I had two months of that
9 same stuff in Fallujah. I had, you know, numerous
10 smaller battles in the midst of all that, so the
11 capability has to extend, you know, across a whole
12 range of combat. But the bottom line is an M4 on
13 automatic, an M16 on automatic can be difficult to
14 control. In a civilian-heavy environment, it is not a
15 proper use of the weapon.

16 In a -- the other issue is the amount of
17 ammunition. The Marine Corps -- nobody was
18 anticipating the level of combat we were seeing in
19 2004. We almost ran out of ammo. So there was
20 restrictions put on auto because of that.

21 But the primary restriction was it's not a
22 capability that we need on this weapon system. We
23 don't use it. It's not -- in this environment, it's
24 not a good employment of the system.

25 Q Are you aware of any other branch of the

Colonel Craig Tucker - March 16, 2023

1 United States military that employs semiautomatic-only
2 AR-15s?

3 A The United States Army is in the process of
4 purchasing a semiautomatic-only automatic rifle.

5 Q Do you know what rifle that is?

6 A I don't have it memorized, but I -- it's a --
7 it's got a bunch of vowels and letters in it.

8 Q Okay.

9 A I'm trying to think of the manufacturer right
10 now, but it's -- I'm sorry. It's escaping my brain.

11 Q Do you know the reasoning for doing that?

12 A There are a couple reasons. One is, is that
13 the reasons I mentioned earlier. Aimed fire at a
14 rapid rate, whether that be max sustained or sustained
15 fire, is much more effective than automatic fire. The
16 ammunition issue in automatic fire is a very real
17 issue when you can go through 30 rounds in two seconds
18 on auto. Actually, before you realize you pulled the
19 trigger, the rounds are done before the corporal has
20 even yelled at you, so...

21 Q Okay. To your knowledge, is the U.S. Army
22 making --

23 A May I reclaim on one? Sir, I'm sorry. The
24 other piece of that is, is that they have taken that
25 same weapon system and they have given it an automatic

Colonel Craig Tucker - March 16, 2023

1 capability. So the intent was in the smallest
2 tactical units, whether it be a fire team in the Army
3 or a fire team in the Marine Corps, you have somebody
4 with an automatic weapon capability, true automatic
5 weapon machine gun capability. And that individual
6 has -- you know, gets special training in that weapon
7 system and how to employ it.

8 Q Okay.

9 A So it's designed as a task force, right?
10 You've got two riflemen, somebody with a grenade
11 launcher, and somebody that can fire a machine gun and
12 one person in charge.

13 Q So let me see if I understand. Is the
14 strategy or the thought process, essentially, have
15 most soldiers carry a semiautomatic rifle because
16 that's usually what they're going to use?

17 A Correct.

18 Q But in case stuff happens, they have a couple
19 designated automatic machine guns to back them up?

20 A No, one. And in the fire team, right.

21 Q Got it.

22 A And that has been an evolution over 20 years.
23 And it started with we don't need a machine gun
24 because we have automatic on our M16s, but that had to
25 go away pretty quick when they started moving machine

Colonel Craig Tucker - March 16, 2023

1 gunners into that fire team.

2 Q But as far as you know at this moment in
3 time, no branch of the U.S. military is using
4 semiautomatics only?

5 A Outside of special operations command, it is
6 my understanding that nobody is using semiautomatics
7 only.

8 Q So at this point in time, all U.S. military
9 personnel who are carrying rifles, those rifles have
10 select-fire capabilities, correct?

11 A I'd like to back that up away from the "all"
12 to say that all soldiers and Marines, to my
13 understanding, that are armed with an assault rifle
14 are armed with an assault rifle that has an automatic
15 capability.

16 Q Thank you for clarifying that. If I do say
17 something like that, like a global statement --
18 because I even know that that's incorrect, saying all
19 rifles, right, because there's going to be bolt
20 actions, right, that don't fill that. So I appreciate
21 your clarification. Please continue to do that if I
22 make that -- I don't want to put words in your mouth
23 or get wrong testimony, so thank you for the clear and
24 concise answer there.

25 Are you aware of any military in the world

Colonel Craig Tucker - March 16, 2023

1 currently that uses -- whose military personnel use
2 rifles -- assault rifles, as you've described them,
3 that are semiautomatic only?

4 A I've seen a lot of assault rifles. I'm in
5 Turkey right now.

6 Q Oh, wow.

7 A I think, in my recollection over 20 years,
8 the Israelis had one. I don't think that their Uzi
9 had a full automatic on it. To my knowledge, every
10 other organization that I work with pretty much
11 mirrored the safe fire or safe semi and auto of the
12 M16 or the M4.

13 Q Okay. So, by the way, is the Israeli Uzi
14 utilized as a pistol or a rifle by the Israeli
15 military?

16 A In my day --

17 MR. ECHEVERRIA: Objection. Outside the
18 scope of this expert's testimony.

19 THE WITNESS: In my day, they were used
20 primarily because they were mostly concerned about
21 tunnels and urban fights, and it was used as an
22 offensive weapon in that specific environment.

23 BY MR. BRADY:

24 Q Okay. So with the exception of the --
25 perhaps the exception of the Israeli Uzi, is it your

Colonel Craig Tucker - March 16, 2023

1 testimony that you are unaware of any other military
2 that utilizes a semiautomatic-only rifle?

3 A Assault rifles of those militaries that I can
4 recall, all of them had an automatic capability in
5 their weapon system, in their rifle.

6 Q Got it.

7 I'd like to direct -- by the way, do you have
8 paragraph 13 up on your screen by now of [Exhibit 2](#)?

9 A It's still showing my CV. It says that this
10 is [Exhibit 2](#).

11 Q Yeah, your CV is part of [Exhibit 2](#). It's
12 just at the bottom. I'm kind of in the middle on
13 page 5 of your report, not your CV.

14 A Okay. I'm going up.

15 Q Oh, is it allowing you to operate?

16 A I'm here. So which paragraph are you on?

17 Q Sure. I'm on paragraph 13, which is on
18 page 5 of your report.

19 A Okay.

20 Q And if you go to line -- sorry. Okay.
21 Line 14 to 15, at the end of line 14 on that page, it
22 says, "Semi-auto function is used almost exclusively
23 in combat."

24 And I am not trying to point out that, you
25 know, the grammar here is problematic. That's not my

Colonel Craig Tucker - March 16, 2023

1 point, but the reality is that this is an ambiguously
2 written sentence grammatically by putting in "combat"
3 at the end. And I just want to clarify what you're
4 saying here, because this could be read in two ways,
5 and that's just why I want the clarification.

6 It says, "Semi-auto function is used almost
7 exclusively in combat."

8 So what I think you're saying -- and you can
9 confirm -- is that in combat, semiautomatic function
10 is almost exclusively used. Is that what you meant?

11 A That is correct.

12 Q Or did you mean that semiautomatic is only
13 used in combat? It's never used outside of combat?
14 You didn't mean that, right?

15 A I did not. I meant that in combat, semi-auto
16 function is used almost exclusively, or however that
17 sentence would end.

18 Q Got it.

19 A Your interpretation is correct.

20 Q Okay. Thank you.

21 Okay. Going down to line 18 on that same
22 page, you write that "The AR-15 and M4 are both
23 designed to fire a .223 round that tumbles upon
24 hitting flesh."

25 Is that accurate?

Colonel Craig Tucker - March 16, 2023

1 A That is accurate, yes.

2 Q Do you agree with that statement as you sit
3 here today?

4 A I do. With the comment that I use 5.56 and
5 .223 interchangeably.

6 Q Okay.

7 So when you say ".223," you could have meant
8 the 5.56? And you're talking about the 5.56 NATO?

9 A Correct.

10 Q Okay. What is your definition of "round" in
11 this statement?

12 A It is the projectile.

13 Q The projectile. Okay.

14 A Correct.

15 Q So you used .223 and 5.56 interchangeably; is
16 that correct or?

17 A Yes. That's fairly common in the world that
18 I operate in to use those fairly interchangeably.

19 Q Does the M4 use .223 rounds? Let me back up.
20 Is there a difference, to your knowledge,
21 between a .223 and a 5.56 NATO cartridge?

22 A I have not observed a difference between the
23 two.

24 Q Okay. So you are unaware of any differences
25 between the .223 and the 5.56 NATO?

Colonel Craig Tucker - March 16, 2023

1 A What I do understand is that I can fire
2 either one of those projectiles out of both those
3 weapons.

4 Q Out of both what weapons?

5 A Out of both the AR-15 and an M4.

6 Q When you say an AR-15, are AR-15s -- when
7 you're talking about an AR-15, are you talking about
8 an AR-15 chamber in a specific caliber?

9 A When I say AR-15 in this context, my
10 expertise is looking at that weapon compared to the M4
11 and the M16, so...

12 Q To your knowledge, can an AR-15 be chambered
13 in -- for a cartridge other than the .223 or 5.56?

14 A I have no knowledge of that type of
15 capability if the intent is to sell a rifle that
16 shoots those two.

17 MR. BRADY: Can we take a quick five-minute
18 break? I'm sorry. I thought I had my next exhibit
19 queued up, but apparently it's not, so I need a few
20 minutes.

21 MR. ECHEVERRIA: We can go off the record.
22 (Recess.)

23 MR. BRADY: I would like -- we're back on the
24 record after a break at my request.

25 ///

Colonel Craig Tucker - March 16, 2023

1 BY MR. BRADY:

2 Q We were talking about the difference -- or
3 the similarities of the .223 cartridge and the 5.56
4 NATO cartridge.

5 Do you recall that, Colonel Tucker?

6 A I do. But the exhibit just disappeared. It
7 went kind of dark on me. All I can see is a square in
8 the upper-left corner. It says, "Exhibit 002."

9 MR. ECHEVERRIA: It's happening to me as
10 well.

11 MR. BRADY: Okay.

12 MR. ECHEVERRIA: I'm able to see the full
13 document in the column in the middle where you can see
14 the document pages lined up, but the main window on
15 the right, there's only a snippet on the top left.

16 THE WITNESS: It just came back up for me.

17 MR. BRADY: Are you seeing [Exhibit 2](#) or 8,
18 John?

19 MR. ECHEVERRIA: [Exhibit 2](#). I'll try
20 clicking on it again because [Exhibit 3](#) opened up. I
21 can now see [Exhibit 2](#) again. Sorry about that.

22 MR. BRADY: Well, now I'm concerned because I
23 just put [Exhibit 8](#) up, and you all can't see that?

24 MR. ECHEVERRIA: I can see [Exhibit 8](#).

25 MR. BRADY: Okay. Great. And Craig?

Colonel Craig Tucker - March 16, 2023

1 THE WITNESS: Yes. [Exhibit 8](#)? I'm bringing
2 it up now. Yes, "The Keefe Report."

3 ([Exhibit 8](#) was marked for identification
4 and is attached hereto.)

5 BY MR. BRADY:

6 Q Correct. All right. So we're all on the
7 same page literally. Good.

8 So I believe your testimony was -- and
9 correct me if I'm wrong -- that you were unaware of
10 any differences between the .223 and the 5.56; is that
11 correct?

12 A Mm-hmm. Yes.

13 Q So [Exhibit 8](#) is an article titled ".223
14 Remington vs. 5.56 x 45 millimeter NATO: Is It Safe?"
15 Are those the two cartridges you're referring
16 to?

17 A I don't know what the "x 45" means. I refer
18 to NATO 5.56.

19 Q 5.56 NATO?

20 A Right.

21 Q So in this article, the author talks about
22 getting the question, "Can I shoot
23 5.56 x .45 millimeter NATO in my .223 and vice versa?
24 Are these the same cartridge?"

25 MR. ECHEVERRIA: I'm going to object. I'm

Colonel Craig Tucker - March 16, 2023

1 not -- I'm not sure that Colonel Tucker has had an
2 opportunity to review this document in its entirety.

3 BY MR. BRADY:

4 Q Okay. The entire document is a paragraph.
5 Do you want to go ahead and read it, Colonel Tucker?

6 A Sure. Okay.

7 Q Do you have any basis to dispute the position
8 in this article that there is a difference between the
9 .223 and the 5.56 NATO?

10 A Do I have any -- you'll have to kind of
11 rephrase that question, please, for me.

12 Q Sure.
13 You just read this article that explains that
14 there is a difference between the .223 Remington and
15 the 5.56 NATO, correct?

16 A Correct.

17 Q Do you have any reason to dispute the
18 author's explanation of those differences?

19 A I have -- I do not dispute the author's claim
20 that you can fire 5.56 NATO and .223 through an
21 AR-style rifle.

22 Q Do you have any reason to dispute his warning
23 about shooting a 5.56 NATO in a gun that's chambered
24 for .223 only?

25 A He mentions .223 Remington, and that's a

Colonel Craig Tucker - March 16, 2023

1 particular weapon style. That's a particular weapon
2 manufacturer. So .223 Remington ammunition apparently
3 does not work properly with an AR-style rifle. So
4 probably should not purchase that type of ammunition
5 if you have a .223 chambered weapon.

6 Q Is it your understanding that .223 Remington
7 is referring to .223 ammo made by the company
8 Remington?

9 A That is my understanding based on this
10 article and previous articles I've seen.

11 Q So is the .223 that you're referring to in
12 your report not .223 Remington?

13 A I refer to .223 as a generic round fired by
14 the AR-15.

15 Q Having read this article, do you have any
16 basis to dispute anything this author is saying?

17 MR. ECHEVERRIA: Objection. Vague.

18 THE WITNESS: I'm going over it again here.

19 No, I do not dispute his inclusions that you
20 can fire both types of ammunition through both rounds
21 and that you need to be very careful when you're using
22 the .223 Remington because it may not cycle properly.
23 I agree with that.

24 BY MR. BRADY:

25 Q What about the sentence, "You should not

Colonel Craig Tucker - March 16, 2023

1 shoot 5.56 by .45 millimeter NATO out of a rifle that
2 is chambered in .223 Remington"?

3 Do you have any reason to dispute that
4 particular --

5 A I have no knowledge of the chambered .223
6 Remington.

7 Q Got it.

8 I believe I asked you before the break if
9 you're referring -- whether you know if AR-15 rifles
10 can be chambered in any other caliber or can fire any
11 other cartridge besides a .223 or 5.56, and I believe
12 your answer was "No," correct?

13 A It was no, but then I caveated it with if
14 they're chambered for those rounds. For example, I
15 would consider an AK-47, which fires a 7.62 round, an
16 automatic rifle.

17 Q Okay. But we are talking about AR-15 and
18 M4s, right?

19 A To my knowledge, they cannot be chambered,
20 but I'm not an expert on that by any means.

21 Q You're not an expert on what, on AR-15s
22 chambered in other cartridges?

23 A I am not familiar with any ARs that have been
24 chambered in any cartridge besides 5.56 and .223.

25 MR. BRADY: I'd like to mark as [Exhibit 9](#) --

Colonel Craig Tucker - March 16, 2023

1 By the way, Madam Court Reporter, just to be
2 clear, I was marking that last article as [Exhibit 8](#).
3 I don't know if that got through.

4 So I'm marking this article as [Exhibit 9](#).
5 ([Exhibit 9](#) was marked for identification
6 and is attached hereto.)

7 BY MR. BRADY:

8 Q Do you see, Colonel Tucker, on your screen a
9 document that shows various -- an image of various
10 cartridges, and it's titled "AR-15 Calibers And
11 Cartridges: What Should You Chamber Your Carbine?"

12 A Uh-huh.

13 Q Do you see that?

14 A I do.

15 Q Okay. This will be [Exhibit 9](#). It says on
16 this page, "What are the AR-15 cartridge choices?"
17 And it lists one, two, three, four, five, six, seven,
18 eight, nine, ten -- 12 different cartridges.

19 Do you see that?

20 A I do.

21 Q Is it your understanding that -- this
22 article, that it is saying that AR-15s can be
23 chambered in those other cartridges?

24 MR. ECHEVERRIA: I object to the extent that
25 the witness has not had an opportunity to review the

Colonel Craig Tucker - March 16, 2023

1 article and may not have ever seen this article.

2 BY MR. BRADY:

3 Q When the article says "What are the AR-15
4 cartridge choices?" is it your understanding that it's
5 saying that AR-15s are available in --

6 A My understanding is that it says those types
7 of ammunition can't be used in an AR-15.

8 Q Okay. And do you have any reason to dispute
9 that that is the case, that an AR-15 can shoot
10 cartridges other than a .223 or 5.56?

11 A I'm not going to comment on that one way or
12 the other until I have a chance to measure or to
13 determine what measurements are being used of these
14 other cartridges. For example, a .450 Bushmaster is
15 not almost the same round as a 5.56. The 6.5 Grendel
16 is a round they're using in the new Army rifle, and
17 it's very close to a 5.56, just a little bit bigger.

18 So these are rounds, and I'm not going to
19 make a -- I'm not going to give a professional opinion
20 on cartridges in an AR-15 or whether or not these are
21 chambered for something besides a 5.56- or a
22 .223-capable weapon.

23 Q So when the line says right beneath the list
24 of cartridges -- it says, "You want to buy an AR-15
25 but can't decide for which cartridge it should be

Colonel Craig Tucker - March 16, 2023

1 chambered."

2 Do you see that line?

3 A I do.

4 Q What is your understanding of that line?

5 MR. ECHEVERRIA: I object that this is an
6 article that the Colonel has not had an opportunity to
7 review, had no involvement in preparing, and may not
8 have ever seen this article before.

9 BY MR. BRADY:

10 Q Can you answer the question, Colonel?

11 A Could you please repeat it?

12 Q Sure. Sure.

13 So the line says, "You want to buy an AR-15
14 but can't decide for which cartridge it should be
15 chambered."

16 Do you understand that line to mean that an
17 AR-15 can be chambered in these various cartridges?

18 A Again, I have no clue who this person is.
19 And having come across other articles that made claims
20 without sources, I am skeptical, but I will say that
21 based on what you have asked me there, my read of that
22 article is that those rounds can be fired through an
23 AR-15. And if they are fired through an AR-15, they
24 apparently require a special chambering. It has
25 nothing to do with the barrel, by the way.

Colonel Craig Tucker - March 16, 2023

1 Q So the same barrel can be used for --

2 A The chamber is where the round sits before
3 it's fired. So what they're talking about here is how
4 much -- how that particular cycle of function for the
5 weapon needs to -- how that needs to be engineered to
6 fit a particular round. That's the only piece it
7 does. How do you chamber the round? You take the
8 round from sitting in the chamber doing nothing, and
9 then you load it into the rifle. Once you load it
10 into the rifle, it's the same round.

11 Q Okay.

12 A It's the same thing.

13 Q Okay. So just to clarify, it's your
14 testimony that you, in your personal experience, are
15 unaware of any AR-15-platform rifles that are
16 chambered in anything other than .223 or 5.56; is that
17 correct?

18 A That is correct.

19 Q Okay. Based on --

20 A Until now.

21 Q I'm sorry?

22 A I said, "Until now."

23 Q Okay. Setting aside -- okay. So until now.
24 Based on this article -- and I'm not asking you to
25 admit that it's accurate or -- just to be clear,

Colonel Craig Tucker - March 16, 2023

1 because you said you don't know. But based on your
2 personal experience and knowledge and expertise, do
3 you have any basis to dispute this article saying that
4 an AR-15 can be chambered in various cartridges?

5 A I have no reason to agree with or dispute
6 this article.

7 Q Okay. So when you made the statement that
8 "The AR-15 and M4 were both designed to fire a .223
9 round that tumbles upon hitting flesh," closed quote,
10 that it was your understanding that those firearms
11 were indeed designed to only fire a .223 or 5.56; is
12 that correct?

13 A No, that's not correct. Those were the two
14 rounds that I was aware of, and those are the two
15 rounds that I referenced. And it's a general
16 5.56/.223 round or cartridge.

17 Q Can you explain what you mean by "general
18 .223/5.56 round"?

19 A Well, you can get 5.56 rounds that can do
20 different things for you. They can do tracer rounds.
21 You can get a green tip that can shoot through steel.
22 You've got -- well, those are probably the three most
23 likely ones you're going to use in combat. That's my
24 experience with rounds.

25 Q And when you're saying "rounds," you're

Colonel Craig Tucker - March 16, 2023

1 talking about the projectile, the bullet, correct?

2 A I'm talking about the projectile, yes.

3 Q Okay. So you're talking about the
4 differences in projectiles. But I'm talking about
5 differences in the cartridge, right?

6 You wrote that the AR-15 and M4 are designed
7 to fire a .223 round, correct?

8 A Correct.

9 Q And --

10 A Using .223 and 5.56 interchangeably.

11 Q Yeah, correct. And we've already established
12 that. So we don't need to rehash that. When I say
13 .223 or 5.56, I assume that you were using those
14 interchangeably unless I say otherwise. Is that fair?

15 A That is clear.

16 Q I said, "Is that fair?"

17 A Oh, yes. Yes, that's fair, too.

18 Q I'm not your commanding officer.

19 A You're in a position of authority, though,
20 so, you know...

21 Q Oh, hardly. Just a lawyer.

22 Okay. So all I'm trying to get at is your
23 testimony -- correct me if I'm wrong -- was that to
24 your knowledge, AR-15s could only be chambered in .223
25 or 5.56, correct?

Colonel Craig Tucker - March 16, 2023

1 A Correct. To my knowledge --

2 MR. ECHEVERRIA: Objection. Mischaracterizes
3 the witness's testimony.

4 BY MR. BRADY:

5 Q Go ahead, Colonel.

6 A To my knowledge, I was not aware that an
7 AR-15 could be chambered in a cartridge other than
8 .223.

9 Q Okay. So when you made the statement that
10 the AR-15 and M4 are both designed to fire a .223, you
11 were taking the position or it was your understanding
12 that an AR-15 was designed to only fire those rounds,
13 the .223 or 5.56, right?

14 In other words, you were operating under the
15 assumption that that was the round -- that's the only
16 round that it fires, right? Or the only cartridge.
17 Sorry.

18 A The cartridge with its attendant differences
19 based on what it's for, correct, so --

20 Q Yes, the projectile can change, right?

21 A Right.

22 Q We're talking about the cartridge.

23 The .223 and 5.56 is a cartridge, right?

24 A Right.

25 Q So we're talking about that is the only

Colonel Craig Tucker - March 16, 2023

1 cartridge that you contemplated in your report coming
2 out of an AR-15, correct?

3 A That is correct. It does not change the
4 physics of the weapon once it's fired, but...

5 Q But different cartridges do different things,
6 correct, as far as -- let me rephrase that.

7 A difference in cartridge can mean -- can
8 have a significant difference in what the projectile
9 that that cartridge shoots does to a target, correct?

10 MR. ECHEVERRIA: Objection. Vague.

11 BY MR. BRADY:

12 Q For example, a .22 Long Rifle cartridge is
13 going to do minimal damage to a target versus a
14 .50 BMG, correct?

15 A Correct.

16 Q Okay. That's all I'm getting at. So the
17 difference in cartridge can make a significant
18 difference in the impact on a target, correct?

19 A What I'm aware of is the impact of a .223 and
20 a 5.56 cartridge on a human body. That's -- when
21 you're talking about terminal velocity, that is what I
22 have seen.

23 I'm a little bit uncomfortable with this line
24 of questioning because I'm being asked to pull
25 information off of an article that I have not had a

Colonel Craig Tucker - March 16, 2023

1 chance to study or read and don't know if the
2 individual is accurate or not, and then make a general
3 statement about those cartridges' capabilities in an
4 AR-15. What I understand is a .223 and the 5.56 NATO.

5 Q Understood. Just to be clear, I don't think
6 I've asked any questions about the article other than
7 if you had any basis to disclaim.

8 I'm simply asking the general, high-level
9 question of a difference in cartridge, regardless of
10 what firearm it's shot out of, if it's a single -- you
11 know, it's a bolt-action single-shot rifle, the
12 difference in cartridge can be -- like, can be
13 significant in what the impact is on the target,
14 correct?

15 A Right. Cartridges are designed for a
16 specific mission or mission type, and that's true for
17 hunting or -- we're in the military. So, yes, you are
18 correct. Different rounds can have different impacts
19 or different effects.

20 Q Okay. Now, you say that the AR-15 is
21 designed to, quote, "fire a .223 round that tumbles
22 upon hitting flesh"; is that correct?

23 A Correct.

24 Q And as you sit here today, do you still agree
25 with that statement?

Colonel Craig Tucker - March 16, 2023

1 A I do.

2 Q Okay. Are you saying that all .223 -- well,
3 let me back up.

4 "Round" means projectile, correct, in your
5 vocabulary?

6 A Yes.

7 Q It's the bullet, right?

8 A Correct.

9 Q Okay. And I believe you testified that a
10 .223 or 5.56 cartridge can use different bullets,
11 different rounds; is that correct?

12 A Yes. You can chamber different rounds for
13 different purposes or use different rounds for
14 different purposes, specific purposes, yes.

15 Q So are you saying that all rounds, all
16 .223/5.56 rounds fired from an AR-15 are designed to
17 tumble?

18 A That is my understanding. That is what I was
19 taught.

20 Q Can you explain what your understanding of
21 tumble is?

22 A My understanding of tumble is the terminal
23 velocity of the 5.56 or .223 round when the round is
24 designed to yaw from the barrel to the target. And
25 it's designed to yaw so that when it hits the target,

Colonel Craig Tucker - March 16, 2023

1 it hits the target along the long axis of the
2 projectile.

3 And the tumbling occurs once cavitation
4 occurs. It's designed to occur as soon as it hits
5 flesh, but sometimes it occurs when it hits the bone.
6 Sometimes it occurs when it hits a -- ligaments or
7 tendons, but the bullet starts in a tumble. Doesn't
8 always complete it, but it starts the tumble through
9 the body.

10 Q Okay.

11 A End over end.

12 Q Okay. Let me see if I follow.

13 So when you say the "round tumbles upon
14 hitting flesh," what is "upon" -- does "upon" mean
15 that the bullet's impact with flesh causes the
16 tumbling or that the bullet is already tumbling in the
17 air before hitting flesh?

18 A Bullet's impact with flesh is what creates
19 the tumbling motion. It's the yaw that allows that
20 weapon to tumble when it hits flesh.

21 Q Bear with me for one moment.

22 I want to go back to your report, [Exhibit 2](#),
23 paragraph 13 still, I believe.

24 A Hold on. I'm up at 7.

25 Q Sure.

Colonel Craig Tucker - March 16, 2023

1 A Okay. I can see it.

2 Q Okay. Line 21, halfway through, it says --
3 no, you say, "Both the AR-15 and M4 contain barrel
4 rifling to make the round tumble upon impact and cause
5 more severe injury"; is that correct?

6 A That is correct.

7 Q And do you agree with that statement as you
8 sit here today?

9 A I agree with that statement as my
10 understanding of it and how it was explained to me,
11 the words I used, yes.

12 Q Okay. Do you mean the same thing for "upon"
13 here as in the previous sentence that upon impact, the
14 round starts to tumble?

15 A Correct.

16 Q So the round is not tumbling when it leaves
17 the weapon. It tumbles upon hitting flesh?

18 A The round will usually go into a yaw when it
19 leaves the barrel. That's what allows it to -- when
20 it strikes flesh, the physics puts it into the tumble.

21 Q So are yaw and tumble two different things?

22 A Yes.

23 Q Can you explain what "yaw" is? And that's
24 Y-A-W, right?

25 A Correct.

Colonel Craig Tucker - March 16, 2023

1 Q Can you explain what "yaw" is, please,
2 Colonel?

3 A Sure. Mr. Boone actually explains it pretty
4 well, but as the round comes out of the barrel and
5 it's going to start -- yaw is a nautical term, and it
6 means that the front of your vessel, in this case, the
7 round, is essentially yawing up and down. It's --
8 it's not tumbling, but its nose is rising up and down
9 as it travels, I guess, would be the best way I can
10 explain that.

11 Q And how do you know that that's what a bullet
12 does? How did you make that determination?

13 A That's what I was taught over 26 years in the
14 Marine Corps and four different versions of the M16
15 plus the M4, how that weapon --

16 Q I'm sorry. Go ahead.

17 A How that weapon uses its mechanics to
18 increase lethality is a critical, important training
19 piece of knowledge piece. So we spent some time on
20 it.

21 Q Okay. Did the Marine Corps training that you
22 reference show slow-motion rounds coming out of a
23 barrel, or how did they explain to you what a round
24 does coming out of the barrel of an M16?

25 A You'll see a -- it's an industrial, you know,

Colonel Craig Tucker - March 16, 2023

1 education, so it's a standard class that everybody
2 goes through, and then as you move up in
3 responsibility, you gain a little bit more knowledge
4 about how the weapon works, but everybody that is
5 going to use -- which means every Marine is a
6 rifleman -- they all get a class on the lethality of
7 that weapon, what makes it lethal, because they have
8 to have confidence that that weapon works. And when
9 they look at that little round, some of them don't
10 have that. So we spent a lot of time talking about
11 how the weapon works, what its purpose is, how it
12 accomplishes that purpose, and how best to employ the
13 weapon so that you can kill efficiently.

14 Q You say -- and it's your understanding -- in
15 your report, on line 21 of that same page we were just
16 looking at, page 5 of your report, [Exhibit 2](#), it says,
17 "Both the AR-15 and M4 contain barrel rifling to make
18 the round tumble upon impact and cause more severe
19 injury."

20 Is that a correct statement from your report?

21 A That is correct.

22 Q And do you agree with that statement as you
23 sit here today?

24 A I agree with that statement as it was taught
25 to me and as I've taught it.

Colonel Craig Tucker - March 16, 2023

1 Q Okay. And how did you make that -- how did
2 you form that opinion? On what basis?

3 A On the basis of the technical manuals of the
4 M4, the M16A1 through A4.

5 Q So are those Marine Corps manuals?

6 A A combination of Army and Marine.

7 Q Okay.

8 A We use the same weapon. Army is a bigger
9 outfit. They do a lot of the training programs for
10 the kinds of systems that we have that are similar.

11 Q And those reports explain that the barrel
12 rifling in an AR-15 or M4 cause the round to tumble
13 upon impact?

14 A That's how you explain it to the young
15 rifleman. That's how it's explained by the folks that
16 took the complexity of that, whatever is inside that
17 barrel. It drove it down to a concept that was easy
18 for people to understand and it was true to the
19 physics. What the barrel does is what causes the
20 round to yaw. So that's how it was explained; that's
21 how we taught it. It's accurate in terms of weapons
22 function.

23 Q Can you explain what rifling is?

24 A In my understanding, it's the grooves inside
25 of the barrel.

Colonel Craig Tucker - March 16, 2023

1 Q Have you ever seen a definition of rifling in
2 the report you just referenced or anywhere else --

3 A I recall seeing a more technical definition
4 someplace. It might have been in Mr. Boone's report.
5 I don't recall.

6 Q Other than Mr. Boone's report, do you recall
7 ever seeing a definition for rifling in your training?

8 I'm sorry. Did you provide an answer,
9 Colonel? I didn't hear you.

10 A No, I didn't. I'm thinking. Because the
11 term at the entry level was barrel rifling. That's
12 how we explained it.

13 Q Okay. The reports that you reference about
14 explaining rifling and yaw, did you produce those as
15 any -- among the sources that you relied on in making
16 your report?

17 A No. I relied on my knowledge. I did go back
18 and double-check the field manuals as I do anytime I
19 have a conversation along these topics just to refresh
20 my mind. But, no, this comes out of my head.

21 Q Did you produce those field manuals, by
22 chance?

23 A When I was the -- when I was the --

24 MR. ECHEVERRIA: Point of clarification for
25 the record, if I may, Colonel. We produced a list of

Colonel Craig Tucker - March 16, 2023

1 materials consulted by Colonel Tucker in preparing his
2 reports. No records themselves other than the DD214
3 were produced to plaintiffs, just for clarification.

4 MR. BRADY: Correct. And so let me clarify
5 my question.

6 BY MR. BRADY:

7 Q Were the field manuals that you just
8 referenced included on that list of sources you
9 consulted in making your report?

10 A Yes.

11 Q Okay. So you explained what rifling is. Can
12 you explain the physics of how rifling makes a bullet
13 tumble?

14 MR. ECHEVERRIA: Objection. Outside the
15 scope of the witness's testimony and expertise.

16 BY MR. BRADY:

17 Q Do you know how rifling makes a bullet
18 tumble?

19 A I am not knowledgeable of the physics of the
20 rifling that makes the round tumble.

21 Q Are you familiar with an entity called the
22 Sporting Arms and Ammunition Manufacturers' Institute
23 also known as SAAMI, S-A-A-M-I?

24 A I am not.

25 MR. BRADY: I'd like to mark as [Exhibit 10](#) --

Colonel Craig Tucker - March 16, 2023

1 ([Exhibit 10](#) was marked for identification
2 and is attached hereto.)

3 BY MR. BRADY:

4 Q Do you have a page on your screen? At the
5 top it says, "SAAMI"?

6 A It's coming up. It's trying to come up.
7 I've got it.

8 Q Okay. So I'm going to scroll down to the
9 bottom to show that this is a publicly available Web
10 link that is provided -- that URL is provided at the
11 lower left-hand corner of the last page -- actually,
12 both pages. And this page is titled "About SAAMI."

13 Can you read that to yourself? You don't
14 have to read it out loud. Just the part that says
15 "About SAAMI."

16 A I'm reading it now.
17 Okay.

18 Q Do you have any reason to dispute that SAAMI
19 does what it claims to do in this description?

20 A I have no knowledge --

21 MR. ECHEVERRIA: Objection to the extent that
22 the witness is unaware of what SAAMI is and is being
23 asked about this record.

24 (Reporter clarification.)

25 THE WITNESS: Correct. I stated I have no

Colonel Craig Tucker - March 16, 2023

1 knowledge of SAAMI.

2 BY MR. BRADY:

3 Q And do you see how under "SAAMI Strategic
4 Goals" it says, "Create and maintain technical
5 standards for terminology, performance,
6 interchangeability, and safety regarding firearms,
7 ammunition, and their components"?

8 A I do see that, yes.

9 Q Do you have any reason to dispute that that's
10 what SAAMI does?

11 MR. ECHEVERRIA: Same objection. This
12 witness has stated he's unaware of SAAMI, and there's
13 no indication he's seen this record before this
14 deposition.

15 Other than that, you can answer, Colonel.

16 THE WITNESS: I'm sorry, Sean. Can you
17 repeat the question?

18 BY MR. BRADY:

19 Q Yeah. Do you have any reason to dispute that
20 one of SAAMI's purposes is defining technical terms
21 and providing definitions for firearms and ammunition
22 and components related to such?

23 MR. ECHEVERRIA: Same objection.

24 THE WITNESS: I have to dispute because
25 absent solid research on who SAAMI is, what their

Colonel Craig Tucker - March 16, 2023

1 objectives are, what their mission is, and who's
2 funding them, my experience has told me that technical
3 data can be rearranged to suit the argument in place
4 and that some of these organizations are not remiss to
5 throw out data that is either questionable in terms of
6 how it was gathered or is actually inaccurate. But I
7 will acknowledge that given this -- given you bringing
8 it up, that those strategy goals are noble.

9 BY MR. BRADY:

10 Q So just to be -- I'm not asking you to vouch
11 for SAAMI, and, just to be clear, you're making a
12 general comment about you won't -- that you would be
13 skeptical about any organization you don't have
14 personal knowledge about, correct?

15 A Correct.

16 Q I'm just asking, do you have -- other than
17 that general skepticism, which I think is healthy for
18 everybody to have about any organization they don't
19 know about, I'm specifically asking if you have any
20 specific reason to -- any specific basis to -- or
21 specific reason to dispute that SAAMI does what it
22 claims to do?

23 A I do not have any specific reason to dispute
24 SAAMI's strategic goals and mission.

25 Q Got it. Okay.

Colonel Craig Tucker - March 16, 2023

1 MR. BRADY: I'd like to mark as [Exhibit 11](#) --
2 it says at the top of the document, "Glossary, SAAMI,"
3 S-A-A-M-I. And the URL for this is in the bottom
4 left-hand corner of the document for verification
5 sake.

6 ([Exhibit 11](#) was marked for identification
7 and is attached hereto.)

8 BY MR. BRADY:

9 Q This is the SAAMI --

10 A Wait. I don't have it up yet, Sean.

11 Q Okay.

12 A It's working. Sorry. I was on 10. I'm on
13 11 now.

14 Q Got it.

15 So do you see it says "Rifling" on the top
16 left?

17 A I do.

18 Q Okay. And this is the SAAMI definition for
19 rifling, and it says, "Any type of spiral internal
20 bore feature of the barrel wall that imparts spin on
21 the projectile for the purpose of stabilizing it in
22 flight."

23 A Okay.

24 Q Do you have any reason to dispute the
25 accuracy of that definition?

Colonel Craig Tucker - March 16, 2023

1 A I have no reason to dispute that accuracy,
2 no.

3 Q Okay. So can you -- can you explain how a
4 feature that has the purpose of stabilizing a
5 projectile in flight can make the projectile tumble?

6 MR. ECHEVERRIA: Objection. Mischaracterizes
7 the witness's testimony.

8 BY MR. BRADY:

9 Q Do you understand the question, Colonel?

10 A Yes, I understand the question.

11 Because the stabilizing in flight does not
12 mean you have a straight-shooting round that goes from
13 point A to point B at however fast it spins. It means
14 that the round, as it's designed, is stabilized in
15 flight.

16 In this case, it means that the rifle in that
17 barrel is designed to spin out a projectile that goes
18 into a yaw so that when it hits flesh, it tumbles. So
19 the stabilization taking place with this rifle
20 barreling is stabilizing the round and knocking it out
21 of that spinning so that it yaws. Stabilization does
22 not mean straight arrow flight.

23 Q What does stabilization mean?

24 A In this term, it means that the round, given
25 its characteristics, will fire in accordance with the

Colonel Craig Tucker - March 16, 2023

1 physics it was designed to fire with. There's a --
2 there is a reasonable assurance when you fire a round
3 out of that barrel with that rifle aim, that that
4 round is going to come out of that barrel and go into
5 a yaw, and when it hits flesh it will tumble.

6 Q Going back to [Exhibit 2](#), your report. We're
7 still on paragraph 13.

8 A Okay.

9 Q Line 20, it says, "The round is designed to
10 kill, not wound."

11 Is that an accurate statement?

12 A That is not -- that is a very poor
13 constructed statement. That is not what I was trying
14 to say in that, and I can clarify it if you like.

15 Q Please.

16 A My point was -- is that the round is designed
17 that if -- you don't have to have a direct body hit to
18 cause death or severe injury like you do with most
19 other rounds. You can hit in the leg or you can hit
20 in the shoulder. I got hit in the shoulder with an
21 AK-47 round, and it just knocked me on the ground.
22 But if that had happened with a 5.56 and it started
23 tumbling, it's a much more dramatic level of injury.

24 Q So a 5.56 round, it has a more severe impact
25 on a human than does a round coming out of an AK-47?

Colonel Craig Tucker - March 16, 2023

1 A Yes, it does. AK-47 round doesn't tumble.
2 It flies straight until it stops.

3 Q And what do you base that on?

4 A Again, I did a lot of training and learned a
5 lot of knowledge about the threat weapons that were
6 being used against us in Iraq. I've been fired at by
7 AK-47s. I was hit twice by AK-47s. I had a very
8 vested interest in how that weapon works and very
9 vested interest that the rounds don't tumble.

10 Q And you learned that in training?

11 A I learned that in training, and I learned
12 that personally when it bounced into my shoulder.

13 Q Can you tell whether a round is tumbling when
14 it's being fired?

15 A I could tell when a tumbling round hits an
16 individual.

17 Q And how -- I'm sorry. What?

18 A Versus a 7.62 round, for example.

19 Q How can you tell that a round tumbles when it
20 hits a person?

21 A You can usually tell after the round is gone
22 because most of that -- if they hit them in the gut,
23 most of that is visible. The other way that you can
24 tell, in other circumstances, is by the exit wound.

25 Q How so? What would indicate tumbling from an

Colonel Craig Tucker - March 16, 2023

1 exit wound?

2 A It indicates a certain level of cavitation,
3 and it has that pressure -- the round isn't by itself.
4 It's pushing incredible amounts of air pressure and
5 gas pressure in front of it that blows things open.
6 And it picks that up as it's going through your body.
7 So that exit wound can be pretty dramatic if you're
8 hit with a 5.56 round.

9 Q So for clarity's sake, your sentence, "The
10 round is designed to kill, not wound," was not --

11 A It's designed to allow you to hit in a --
12 what we would call off target, but it's designed to
13 allow you to hit the extremities or the upper or lower
14 body and have a round that's going to cause more
15 damage once it's inside of you than a 7.62 round.

16 Q Okay. So you're not aware of any round that
17 is designed just to wound, right?

18 A No, that was -- that was improperly spoken,
19 and I took my lashes for it, deservedly.

20 Q I just wanted to clarify that there are no
21 rounds out there designed to wound, right?

22 A No. No.

23 Q So back to paragraph 7 of [Exhibit 2](#), your
24 report. I have it up on the screen here.

25 You have paragraph 7 in front of you,

Colonel Craig Tucker - March 16, 2023

1 Colonel?

2 A I do, yes.

3 Q The first line says, "I have fired a Colt
4 AR-15 5.56 rifle and the Smith & Wesson 5.56 AR
5 rifle," right?

6 A Correct.

7 Q You previously testified that you do not own
8 any AR-15s, correct?

9 A I do not, no.

10 Q Whose rifles were you shooting that you're
11 referring to?

12 A These rifles were part of the rifle selection
13 process when I was at the Office of Secure
14 Transportation. We made a --

15 At the Office of Secure Transportation.

16 Q And why were you firing those weapons?

17 A We were testing different weapons or
18 different rifles, see if we wanted to replace the
19 current M4 we had. So it was part of a normal cycle
20 of replacing our combat rifles.

21 Q And what was --

22 A We stayed with the M4.

23 Q Do you recall why you stayed with the M4?

24 A There's a lot of reasons. Most have to do
25 with -- so you're in the federal government. You have

Colonel Craig Tucker - March 16, 2023

1 to -- you have to send out requests for quotes for all
2 these. And when they come back, in this case it's
3 usually found that the weapon that is -- that
4 everybody already has works just fine. So we will
5 upgrade the weapon system. We may get some new
6 accessories for it, but just kept the M4.

7 Q Okay. So staying in paragraph 7 but going
8 down a line, at the end of line 18, it starts, "In
9 addition to my automatic rifle experience, I have
10 extensive experience with the AK-47."

11 Is an AK-47 an automatic rifle?

12 A It is.

13 Q Okay. I guess I'm just a little confused.
14 It says "in addition to my automatic rifle
15 experience."

16 Are you saying that's part of your automatic
17 rifle experience, the AK-47?

18 A I'm sorry. In my head I'm transitioning from
19 friendly enemy systems -- I'm sorry -- friendly
20 systems to enemy systems in that paragraph.

21 Q I don't mean to be a grammar teacher. I'm
22 just trying to clarify.

23 A I understand it's not clarified properly, but
24 your interpretation is correct.

25 Q Okay. You said you've been on the receiving

Colonel Craig Tucker - March 16, 2023

1 end of hundreds of 7.62 rounds, right?

2 A Correct.

3 Q And I believe you testified earlier that the
4 7.62 round is what the AK-47 uses?

5 A Correct.

6 Q Do you know what 7.62 stands for?
7 And it's 7.62, right?

8 A It is 7.62.

9 Q Do you know what that stands for?

10 A 7.62 millimeter. 5.56 millimeter. It's the
11 size of the round.

12 Q It's the size of the round. Is that
13 millimeters?

14 A It's millimeters, yes.

15 Q And what is it measuring?

16 A It measures the projectile.

17 Q Do you know what part -- is it like the
18 weight of the projectile? Or, no, it's millimeter,
19 right, so it's --

20 A Yeah, it's the length. I do not know, Sean.

21 Q Okay. So is there more to the description of
22 a 7.62 cartridge to tell you that it's AK-47
23 ammunition, or is saying 7.62 sufficient to indicate
24 that it is AK-47 ammunition?

25 A The 7.62 linked to AK-47 is sufficient. To

Colonel Craig Tucker - March 16, 2023

1 my knowledge, it only fires 7.62 ammunition. It has
2 red tip and green tip also, but it's mostly an
3 anti-personnel round.

4 Q So there are no other types of
5 7.62 ammunition that could be used in a firearm that
6 is not an AK-47?

7 A There is 7.62 ammunition that is used in
8 machine guns that is specifically designed to do
9 things like start fires or create smoke, but that's a
10 different weapon system.

11 Q Is that -- I'm sorry? I didn't mean to cut
12 you off.

13 A I said that's a different weapon system to
14 what I'm referring to here.

15 Q Is it the same 7.62 cartridge that you're
16 referring to?

17 A It is generally the same 7.62 cartridge. I
18 mean, the AK-47 uses a cartridge manufactured outside
19 of the United States, but it's -- they might call it a
20 30-06 cartridge, but it's a 7.62.

21 Q So does the AK-47 fire a 30-06 cartridge?

22 A If you wanted to try to visualize the
23 cartridge that comes out of an AK-47, a 30-06
24 cartridge would give you a good idea.

25 Q Could you safely discharge a 30-06 cartridge

Colonel Craig Tucker - March 16, 2023

1 out of an AK-47?

2 A I do not know.

3 Q So in describing your experience with AK-47s,
4 you talk about the Battle of Hit.

5 Is it H-I-T, or is it --

6 A Heat. Heat. Like -- like you would say, "He
7 pulled heat on me" or something. That's pronounced
8 "heat."

9 Q Got it.

10 I looked up the details of that battle just
11 to see what was going on, and it appears -- correct me
12 if I'm wrong -- that U.S. forces and Iraqi allied
13 forces were attempting to take back the city of Hit
14 from insurgents; is that correct?

15 A That was a later battle. This particular
16 battle was an attempt to get us to pull my forces
17 through Fallujah, and so the attempt there was to
18 create a situation in the city of Hit because my
19 regimen was being moved 120 miles to participate in
20 the Battle of Fallujah.

21 They did not -- bad guys did not want that to
22 happen, so they created this battle in Hit with the
23 intent of pulling us into the city and getting us
24 locked into an intense urban battle just before we
25 were supposed to go to Fallujah. We didn't do that.

Colonel Craig Tucker - March 16, 2023

1 We just surrounded the city and very carefully picked
2 off the bad guys one by one or with aircraft or an
3 LAV-25 millimeter chain gun.

4 Q Okay.

5 A The later battle in Hit was a much larger
6 affair than this one is.

7 Q Got it.

8 So your Marines were not entering the city?

9 A In this fight, no. We just stayed out there
10 until they ran out of ammunition.

11 Q Good call.

12 A We also fired the AK-47 and spent some time
13 on a rifle range with it. In case you had to pick one
14 up in the middle of a battle, you knew how to use it.

15 Q How often did that happen where U.S. Marines
16 were picking up AK-47s?

17 A I can recall one instance when it happened
18 when a Marine had his rifle shot out of his hand. But
19 he grabbed that AK-47 from an Iraqi soldier that was
20 fighting alongside of us, so...

21 Q Got it.

22 So staying in -- excuse me -- paragraph 7,
23 you say, "I have expensive experience with a Colt 1911
24 .45 caliber semiautomatic." Is that correct?

25 A Correct.

Colonel Craig Tucker - March 16, 2023

1 Q And the Colt 1911 is a pistol, correct?

2 A Correct.

3 Q And you say ".45 caliber." What does that
4 mean?

5 A That's the size of the round.

6 Q Is that -- is .45 -- go ahead.

7 A So, yeah, .45 on there pretty much refers to
8 inches, where the 9 millimeter refers to millimeters.
9 So I recognize the rounds, but...

10 Q You don't know what the cartridge is called?

11 A Well, it's called a .45 caliber, yeah. .45,
12 they're 9 millimeters, an 8 or 9 millimeter cartridge.
13 Everybody uses it.

14 Q So when you say .45, there is only one type
15 of ammunition that can be .45?

16 A There's other types --

17 Q I'm sorry. Let me rephrase that.

18 If you're talking about .45 caliber, there's
19 only one type of cartridge that would be understood
20 when you say that?

21 A That is correct.

22 Q And the same for 9 millimeter? If you say
23 9 millimeter, there's only one cartridge that people
24 would understand you to be talking about?

25 A Correct. If they understood the two weapon

Colonel Craig Tucker - March 16, 2023

1 systems. They're often referred to by their caliber.
2 So "Where's my .45?" or "Get my 9 millimeter."

3 Q Got it. I'm probably going to be --

4 MR. BRADY: Let's go off the record.

5 (Recess.)

6 MR. BRADY: Back on the record after a lunch
7 break.

8 BY MR. BRADY:

9 Q I wanted to follow up with another line from
10 your first supplemental report.

11 A I dropped out of Agile. I'm getting back in
12 now.

13 Q Okay. Can you see [Exhibit 2](#)?

14 A Paragraph 2?

15 Q It's [Exhibit 2](#), paragraph 13.

16 A Okay.

17 Q Are you seeing that on your screen?

18 A I am seeing -- I'm on 1. 2 is coming up.
19 I'm on 2, going down to paragraph 13. Okay. I have
20 it.

21 Q Okay. Line 19 in paragraph 13 says, "A
22 single round is capable of severing the upper body
23 from the lower body, or decapitation."

24 Did you write that statement?

25 A I did write that statement.

Colonel Craig Tucker - March 16, 2023

1 Q Do you agree -- is that your opinion as you
2 sit here today, that that's an accurate statement?

3 A It is my opinion that's an accurate
4 statement.

5 Q On -- let me start off by asking, the round
6 that you're referring to is the .223 or 5.56 round; is
7 that correct?

8 A It is a 5.56-type round, yes, fired out of a
9 similar-type weapon.

10 Q And just to clarify, we talked about rounds
11 are the bullets as you're using it, right, the
12 projectile?

13 A Correct.

14 Q And a round can be different -- there can be
15 different types of rounds in a cartridge; is that
16 correct?

17 A Yes, that would be correct.

18 Q So a 5.56 NATO cartridge could use different
19 types of rounds, correct?

20 A Yes. 5.56 -- an M4 chamber for 5.56 NATO
21 would be capable of firing a different 5.56 round, but
22 I could not tell you specifics.

23 Q So you're not referring to any particular
24 type of round when you make the statement that "a
25 single round is capable of severing the upper body

Colonel Craig Tucker - March 16, 2023

1 from the lower body"?

2 A I'm referring to a 5.56 round out of an
3 AK-74.

4 Q A 5.56 round out of an AK-74?

5 A Correct.

6 Q So that's a 5.56 NATO round?

7 A It's the Russian version of a 5.56 round.
8 The AK-74 is the Soviet, then Russian, effort to
9 create a mirror of the M4 and M16.

10 Q Is that similar to the .223?

11 A It's a similar caliber to the 5.56. It's
12 where I've seen it compared. I have not seen it
13 compared to a .223.

14 Q So the line preceding your report, going back
15 to line 18, says, "The AR-15 and M4 are both designed
16 to fire a .223 round," correct?

17 A Correct, in that I use the .223 round and
18 5.56 round interchangeably.

19 Q Correct. We've established that.

20 And then the next line says, "A single round
21 is capable of severing the upper body from the lower
22 body, or decapitation."

23 So it appears that you're referring to a .223
24 round in that sentence. Are you saying that you are
25 not referring to a .223 round?

Colonel Craig Tucker - March 16, 2023

1 A I'm referring to a 5.56 round in that
2 sentence. That's what it's designated. It's a
3 5.56 round.

4 Q The 5.56 NATO?

5 A It is not a 5.56 NATO to my knowledge, no.

6 Q Is the round you're referring to a round that
7 is coming out of an AR-15 or an M4?

8 A It can be fired from an AR-15 or an M4.

9 Q But the round you're referring to is
10 different than the 5.56 NATO that we talked about as
11 being very similar to the .223?

12 A The round I'm referring to is very similar to
13 the 5.56 NATO round, and it has the same
14 characteristics of yaw and tumble as the 5.56 NATO
15 round when it's fired from the M4, M16.

16 Q Have you ever witnessed -- or let me go back.
17 So when you're talking about a single round
18 that is capable of severing the upper body from the
19 lower body, or decapitation, are you referring to
20 rounds that are coming out of an AR-15?

21 A Are we talking about an AR-15 in terms of
22 its -- as an ArmaLite or as a general terminology for
23 an AR-15 as an automatic rifle regardless if it's
24 Colt, Remington, or somebody else is making it?

25 Q Sure. I guess -- let me back up before we go

Colonel Craig Tucker - March 16, 2023

1 into particulars and let me ask, on what do you base
2 your claim that a single round is capable of severing
3 the upper body from the lower body, or decapitation?

4 What is your knowledge base for making that
5 claim?

6 A Visually seeing a child with his -- actually,
7 her head decapitated except for a small strip of flesh
8 by her backbone.

9 Q Okay. Is --

10 (Simultaneous speakers.)

11 BY MR. BRADY:

12 Q I'm sorry.

13 A I'm sorry. Go ahead.

14 Q Is that what you were basing your statement
15 on when you said that a single round is capable of
16 severing the upper body from the lower body, or
17 decapitation, that instance?

18 A That is the extreme I used. I have,
19 unfortunately, hundreds of examples of the damage done
20 by a 5.56 round when it's fired from either an M4,
21 M16, or an AK-74. I show extremes here, and I show
22 extremes that apply to children have come in the line
23 of fire, ambushes initiated by terrorists. It's a
24 common tactic, and it's done intentionally.

25 So my personal experience with the

Colonel Craig Tucker - March 16, 2023

1 decapitation was a young girl in her car seat in the
2 back of a van.

3 Q Did you witness her being shot?

4 A We rolled up as the ambush was taking place.
5 We conducted our normal battle drill, which is move in
6 position, protect civilians, and neutralize the
7 threat, which we do very quickly.

8 And at that point, we sent corpsmen over to
9 the civilians. And the -- as I mentioned earlier,
10 this particular ambush took place in a location that
11 we had not seen an ambush in almost a year. So there
12 was a great deal of concern that there was a new
13 tactic that was coming into play because we had used
14 this freeway for civilian convoys, and they had been
15 safe for over a year.

16 So now we're seeing attacks on civilian
17 convoys. So we spent a lot of time dissecting that
18 scene, as I referred to earlier, with the expertise,
19 in this case, my gunner brings to the equation in
20 terms of what you can learn from the geometry and the
21 debris on the battlefield as to what actually took
22 place.

23 Q What's a gunner?

24 A Gunner is a rank in the Marine Corps, and his
25 responsibility is to be the expert on tactics and

Colonel Craig Tucker - March 16, 2023

1 weapons.

2 Q Okay. And so the gunner, who is an expert on
3 weapons -- did your gunner make a determination as to
4 what happened to that young girl?

5 A The assessment was that it was an AK-74 round
6 that had been swept across the vehicle. And based on
7 where the entrance round was, by the time we were
8 doing the assessment, the girl was gone. But based on
9 where the entrance round was and where it disappeared
10 into her car seat, the assessment was it was an AK-74
11 round and not an AK-47 round.

12 Q And who's using AK-74 firearms?

13 MR. ECHEVERRIA: Objection.

14 BY MR. BRADY:

15 Q Does the United States Marine Corps use
16 AK-74s?

17 A No, the United States Marine Corps does not
18 use AK-74. It was used by different nationalities who
19 contributed fighting groups to the terrorist side of
20 the equation.

21 (Simultaneous speakers.)

22 THE WITNESS: -- different countries.

23 BY MR. BRADY:

24 Q So it was enemy fire?

25 A Enemy fire. Yes, of course.

Colonel Craig Tucker - March 16, 2023

1 Q So the round -- the one instance that you
2 witnessed a young child decapitated was with a round
3 that did not come from an AR-15 M4 5.56, correct?

4 A What I witnessed was a round that came from
5 an AK-74 that is designed -- it's a Russian design to
6 mirror the M16. It has the same bullet behavior
7 and -- on travel and impact as the M4 or the M16.

8 Q Do you recall your gunner's name in that
9 instance?

10 A I do.

11 Q Would you be willing to share it?

12 MR. ECHEVERRIA: I'm going to object to the
13 extent the question calls for private information.

14 BY MR. BRADY:

15 Q Yeah, if it's confidential, you don't -- I
16 mean, you know, if you're worried about his safety by
17 answering that, you don't have to, but I think it
18 was -- what -- what are we at now, 20 years ago? But
19 I'll leave that up to you, Colonel.

20 A Are you asking me if I'm going to give up his
21 name?

22 Q If you're willing to offer it. And I said if
23 you don't feel it's appropriate, you don't have to,
24 but if you don't see a concern for his safety or
25 anything --

Colonel Craig Tucker - March 16, 2023

1 A It's not appropriate.

2 Q Okay. Do you know how many different types
3 of projectiles there are for a .223/5.56?

4 A No, I don't.

5 Q You do know there's more than one, though,
6 right?

7 A Yes, I know there's more than one. And I
8 know Mr. Boone articulated a number of other ones,
9 too.

10 Q Do you have any reason to dispute, based on
11 your knowledge, the rounds that Mr. Boone identified
12 as being rounds for a 5.56 NATO?

13 A I have no knowledge of any of the rounds that
14 he put up there.

15 Q Okay.

16 A In my 26 years of experience with those
17 rifles, I have no experience --

18 Q I'm sorry. Go ahead.

19 A I have no experience with those rounds other
20 than to know that they all have the same
21 characteristic when they depart the barrel.

22 Q Can you explain what you mean they have the
23 same characteristic when they depart the barrel? What
24 do you mean by that?

25 A Barrel rifling cause a yaw. Yaw stabilizes