

**In The Matter Of:**  
*Steven Rupp, et al. v.*  
*Rob Bonta*

---

*Colonel Craig Tucker*  
*March 16, 2023*

---

*Sisters-In-Law, Inc.*  
*Certified Court Reporters and Videographers*  
*SistersInLawCourtReporters@gmail.com*  
*17141 Pleasant Circle*  
*Huntington Beach, CA 92649*

Original File 3005 Colonel Craig Tucker.txt  
Min-U-Script® with Word Index

**EXHIBIT  
003**

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  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

-oOo-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25




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
<a href="#">Exhibit 1</a>	Plaintiffs' Notice of Deposition of Defendant's Expert Witness Colonel (Ret.) Craig Tucker	6
<a href="#">Exhibit 2</a>	Supplemental Expert Report and Declaration of Colonel (Ret.) Craig Tucker	13
<a href="#">Exhibit 3</a>	Expert Witness Rebuttal Report of J. Buford Boone III	14
<a href="#">Exhibit 4</a>	Supplemental Surrebuttal Expert Report and Declaration of Colonel (Ret.) Craig Tucker	14
		
<a href="#">Exhibit 6</a>	"The NRA has Entered the Province of Cowards"	52
<a href="#">Exhibit 7</a>	"Everytown, Moms Demand Action Launch Veterans Advisory Council to Support Gun Violence Prevention"	56

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X (Continued)

E X H I B I T S

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

**Colonel Craig Tucker - March 16, 2023**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THURSDAY, MARCH 16, 2023

9:10 A.M.

\* \* \*

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

EXAMINATION

BY MR. BRADY:

Q Good morning, Colonel Tucker.

A Good morning.

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

A Craig Allen Francis Tucker.

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

A I do.

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

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

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

///

**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 ■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]







Colonel Craig Tucker - March 16, 2023

[REDACTED]

**Colonel Craig Tucker - March 16, 2023**

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 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 Stinchfield -- 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



**Colonel Craig Tucker - March 16, 2023**

1 in flight. When it hits a person, it tumbles along  
2 the long axis of the round.

3 Q So is it your opinion that all of those  
4 projectiles perform ballistically the same?

5 A I do not know if they all -- I am not  
6 familiar with all the ballistics that Mr. Boone is  
7 familiar with. What I am familiar with is that the  
8 rifling of the barrel that all those rounds are fired  
9 through creates a yaw, which stabilizes in flight and  
10 impacts a person's skin and starts to tumble along the  
11 long axis. Regardless of which round is put -- unless  
12 you change the rifle barreling, the round's going to  
13 behave the way the rifle is designed.

14 Q Do you know the name of the round that you  
15 were issued in combat, the 5.56 NATO round, what it  
16 was called?

17 A In terms --

18 MR. ECHEVERRIA: Objection. Vague and  
19 ambiguous as to the definition of round in this  
20 question.

21 BY MR. BRADY:

22 Q Sure. Round is the projectile, right? So  
23 if -- you can have a 5.56 NATO cartridge, right,  
24 Colonel?

25 A Correct.

**Colonel Craig Tucker - March 16, 2023**

1 Q And then that 5.56 NATO cartridge can have a  
2 different round projectile bullet, correct?

3 A Correct.

4 Q And if that variance in projectile would be  
5 referred to -- could be referred to by a different  
6 name. Even though they're all 5.56 NATOs, they can  
7 have different projectiles which would give them a  
8 different name, correct?

9 A Correct.

10 Q Are you familiar with the name of the  
11 projectile on the 5.56 NATO rounds that you were using  
12 in Iraq?

13 A I use anti-personnel rounds, we called them.  
14 We had green tip, which allegedly penetrated steel,  
15 and we had red tip, which were our tracer rounds.

16 Q Does the designation M855 sound familiar?

17 A Yes, it does. That's the nomenclature.  
18 Yeah, I'm sorry, Sean. I didn't understand. You're  
19 talking about the nomenclature, and I would not have  
20 remembered the nomenclature M855. That's the DODIC  
21 for the weapon, for the ammunition.

22 Q So the M855, that jogged your memory that  
23 that is the nomenclature for the ammunition you were  
24 using?

25 A Correct. They call it a DODIC, but it's an

**Colonel Craig Tucker - March 16, 2023**

1 ammunition-specific term that identifies a specific  
2 type of ammunition. So a 5.56 round that had a tracer  
3 round on it would have a different DODIC than the one  
4 that doesn't.

5 Does that make sense?

6 Q Yes.

7 A Okay.

8 Q Do you know if the M855 round is still being  
9 used by the U.S. military today?

10 A I do not know. My last live fire event that  
11 I participated in or was part of was three years ago.  
12 And at that point, they were still using 5.56 NATO.

13 Q Okay. I want to show you -- let me know when  
14 it's on your screen -- [Exhibit 3](#) -- excuse me,  
15 page 10. And this is Mr. Buford Boone's report that  
16 was responding to your report.

17 A Correct.

18 Q And beginning at line 21, it says, ".223/5.56  
19 is on the lower end of terminal performance potential  
20 of the vast calibers available in centerfire rifles."

21 Do you dispute that statement?

22 A I'm sorry, Sean. I'm lost. What page are we  
23 on?

24 Q Yeah, sure. Page 10 --

25 A Okay.

**Colonel Craig Tucker - March 16, 2023**

1 Q -- of Exhibit 3.

2 A I can come down here faster. Okay. I'm  
3 catching up here. All right.

4 Q And line 21.

5 A Okay.

6 Q It says, ".223/5.56 is on the lower end of  
7 terminal performance potential of the vast calibers  
8 available in centerfire rifles."

9 Do you agree or disagree with that statement?

10 A I disagree with that statement.

11 Q On what basis? What is your disagreement?

12 A I have a couple. One is how do you define  
13 terminal performance? Terminal performance is  
14 different when you're striking a target, and it's  
15 different than when strike a gel meant to look and act  
16 like human flesh. So if you're talking about the .223  
17 and 5.56 is on the lower end of terminal performance  
18 and it's based on how much damage it causes to gelatin  
19 or to another target and then you equate that to the  
20 fast performance potential of calibers available of  
21 centerfire rifles, well, you can find a .50 caliber  
22 round projectile in a centerfire rifle, and that's a  
23 half-inch size round.

24 So, yes, if you can put a .50 caliber round  
25 through somebody, it's going to make a little more

**Colonel Craig Tucker - March 16, 2023**

1 damage than that 5.56 round did. So that's my first  
2 concern about it.

3 The second one is the .223/5.56 as a  
4 standalone ammunition -- I'm sorry. The .223 and a  
5 5.56 as an automatic rifle ammunition is completely  
6 irrelevant to the allowable minimum cartridges for  
7 deer hunting in some states.

8 Q I'm sorry. I don't follow, Colonel.

9 A Okay. So you have allowable minimum  
10 cartridges for deer hunting. It's based on whatever  
11 it happens to be. So if the minimum allowable -- if  
12 you can't use a .22 Long Rifle to shoot a deer because  
13 it's not going to cause enough damage and you're going  
14 to hurt it, then that's going to apply to a .223 and a  
15 5.56. They're not looking at its destruction  
16 potential. They're not looking at it as a weapon  
17 designed for efficient, effective killing. They're  
18 looking at it as a target, as a number that has no  
19 relationship to what happens to the round once it  
20 leaves the barrel.

21 So you could say I've got a .223 round here  
22 and .50 caliber round here, and the .223 has -- causes  
23 less damage. I would argue with that. I haven't  
24 seen -- many times seen the damage caused by .223/5.56  
25 rounds. .50 caliber round would put a hole through

**Colonel Craig Tucker - March 16, 2023**

1 your body.

2 So, I mean, that's a little bit, I think --  
3 that's a wide basis to make a comparison on for that  
4 particular point.

5 Q So do you agree that there are states that  
6 prohibit the use of .223 ammunition for deer hunting  
7 because it is not a powerful-enough round to ethically  
8 harvest a deer?

9 MR. ECHEVERRIA: Objection to the extent the  
10 question calls for a legal conclusion.

11 THE WITNESS: I have no knowledge of  
12 minimum-caliber rounds for hunting anyplace. My only  
13 exposure to it has been in his comment right here and  
14 then looking at what New Mexico's were, so...

15 BY MR. BRADY:

16 Q So I'm sorry. I'm looking for -- I want to  
17 go to your [Exhibit 4](#), which is your surrebuttal, your  
18 response to Mr. Boone.

19 A Okay.

20 Q You say in there -- paragraph 26, which is on  
21 page 7.

22 A Okay. Paragraph 26?

23 Q Yes.

24 A Okay.

25 Q So you say, "Assault weapons serve no

**Colonel Craig Tucker - March 16, 2023**

1 legitimate hunting purpose because the terminal  
2 ballistics of the projectile ruin the meat."

3 Is that an accurate description of what you  
4 said?

5 A Yes.

6 Q Do you agree with that statement as you sit  
7 here today?

8 A I do.

9 Q Can you explain on what bases you are making  
10 that statement?

11 A I make it on two bases. The first basis is  
12 seeing what that projectile does to a human being when  
13 it hits flesh and starts tumbling around inside the  
14 body. And I've seen that many times.

15 And, secondly, I've seen an individual take  
16 down a deer with an AR-15 at one point before he was  
17 arrested. I've seen -- the round impact on the deer  
18 has the same effect as a round impact on a human. It  
19 destroys blood vessels. Can knock organs off balance.  
20 Can shatter bones.

21 Q Now, do you know, are you -- in the military,  
22 like the M855 round, is that what is described as a  
23 full metal jacket?

24 A I do not know -- I do not know the term "full  
25 metal jacket." In my 26 years in the Marine Corps,

**Colonel Craig Tucker - March 16, 2023**

1 I'd say about the only time I've heard that term used  
2 was in the movie. So I don't know what a full metal  
3 jacket is.

4 Q Okay. So your determination that "Assault  
5 weapons serve no legitimate hunting purpose because  
6 the terminal ballistics of the projectile ruin the  
7 meat," are you assuming that the projectile is the  
8 same projectile that you use in your weapon in the  
9 Marine Corps?

10 A No, I am assuming that the projectile has  
11 traveled through the rifling barrel of -- if it's  
12 hunting, an AR-15, yawed on the way to the target, and  
13 when it hit the target, it hit the target broadside  
14 and started to tumble and, in the process, cavitated.

15 Q So is it your position that regardless of  
16 what projectile is coming out of an AR-15, because of  
17 its rifling, it's going to cause that type of damage,  
18 severe damage?

19 A I am not aware of a round in an AR-15 that  
20 would not cause that severe damage.

21 Q To your knowledge, are there gradations of  
22 damage depending on the round? Like, from severe to  
23 extremely severe?

24 A My understanding of that is based on my --  
25 having an understanding of what's happening to my



**Colonel Craig Tucker - March 16, 2023**

1 Marines when they are hit and being given kind of a  
2 nonmedical term to give me a sense on what the  
3 prognosis is. And that prognosis, the factors --  
4 there are so many factors at play that it's very, very  
5 difficult to see any one particular thing in that one  
6 specific case.

7 Q So it's your position that -- is it your  
8 position, I should say, that there is no way to use an  
9 AR-15 to hunt in a way to harvest meat ethically?

10 A To my knowledge and understanding based on my  
11 personal experience and my study, I do not know of an  
12 AR-15 that fires a round that would not, one, I think  
13 cause some ethical issues in the hunting world and,  
14 two, would cause damage to the meat in the vicinity of  
15 its entrance and exit wounds.

16 Q And your experience in that is what? You  
17 base that, you said, on your experience. What is your  
18 experience?

19 A I have experience using assault weapons to  
20 hunt people, but I also have a great deal of  
21 experience hunting. Prior to going to Iraq, I hunted  
22 quite a bit, and usually large animals.

23 Q And what type of hunting?

24 A Rifle. Caribou mostly.

25 Q Caribou?

**Colonel Craig Tucker - March 16, 2023**

1 A Caribou and bear.

2 Q Have you ever used an AR-15 in that type of  
3 hunting?

4 A No.

5 Q Have you ever seen it used?

6 A No.

7 MR. BRADY: I'd like to mark as [Exhibit 12](#) a  
8 "TIME" -- I guess it's no longer a magazine -- article  
9 titled "Here Are 7 Animals Hunters Kill Using an  
10 AR-15."

11 A Mm-hmm.

12 ([Exhibit 12](#) was marked for identification  
13 and is attached hereto.)

14 BY MR. BRADY:

15 Q The first one here is a coyote.

16 A Mm-hmm.

17 Q And there's an image of a dispatched coyote,  
18 correct?

19 A I see it.

20 Q Do you see any major wounding on the animal?

21 MR. ECHEVERRIA: I'm going to object to this  
22 line of questioning to the extent the Colonel has not  
23 seen this article before or is familiar with the  
24 circumstances of these incidents that are discussed in  
25 this article.

**Colonel Craig Tucker - March 16, 2023**

1 THE WITNESS: So, yes, I see what appears to  
2 be an entrance wound behind the front left hock.

3 BY MR. BRADY:

4 Q Okay. Does the animal to you appear to be  
5 generally intact?

6 MR. ECHEVERRIA: Objection. Ambiguous, and I  
7 repeat my objection that the Colonel was not involved  
8 in the killing or dispatch of this particular animal.

9 But you may answer, Colonel, if you're able.

10 THE WITNESS: It looks like there was no exit  
11 wound that I can see, so the animal is relatively  
12 intact on the outside. If they wanted to prove their  
13 point, I would like to see the animal skinned.

14 BY MR. BRADY:

15 Q And why is that?

16 A So I can see what's going on inside. Inside  
17 the animal.

18 Q Got it.

19 So I'm going to go down to --

20 A Sean, are you running this now?

21 Q Yes.

22 A Okay.

23 Q Yeah, can you see the pages moving?

24 A Yes.

25 Q Okay. Good.

**Colonel Craig Tucker - March 16, 2023**

1 MR. ECHEVERRIA: And, Sean, you're not in  
2 control of my exhibit, right?

3 MR. BRADY: I'm only in control of Agile.  
4 Like, can you see me scrolling down, John?

5 THE WITNESS: I'm scrolling.

6 MR. ECHEVERRIA: No, I'm in control of  
7 viewing the document, but it sounds like  
8 Colonel Tucker is not in control of viewing the  
9 document. You're in control; is that right, Sean?

10 MR. BRADY: Yeah, I'm supposed to be in  
11 control just so everybody can see what I'm doing. I  
12 don't mind. You know, as long as you're following  
13 along, I don't really care, but that's sort of the  
14 idea, so...

15 MR. ECHEVERRIA: Okay.

16 BY MR. BRADY:

17 Q I'm going down to page 6, it looks like, of  
18 this document. It says, "Gary Marbut, Montana:  
19 Hunting Elk." And it says, "Many hunters say the  
20 standard caliber or diameter of the bullet of an AR-15  
21 is preferable for hunting smaller animals. The  
22 average power of the shot can be less than a standard  
23 hunting shotgun."

24 Do you disagree with that statement?

25 A I don't have any knowledge --

**Colonel Craig Tucker - March 16, 2023**

1 MR. ECHEVERRIA: I'm going to state the  
2 objections that I stated on the record previously  
3 regarding this particular document.

4 But the witness may answer.

5 THE WITNESS: First of all, I don't know if  
6 the AR-10 had the same rifle barreling that the AR-15  
7 does, so it might be a moot analogy. You can have an  
8 automatic rifle. AK-47 is an automatic rifle, and it  
9 does not have rifling in it. So without knowing what  
10 the AR-10's rifling is and what the expected  
11 characteristic of that weapon is, I would  
12 anticipate -- well, that -- I can't make any judgment  
13 as to whether Gary Marbut knows what he's talking  
14 about or not.

15 Rifle velocity, or the power of the shot,  
16 again, this goes back to people talking about an  
17 assault rifle outside of its purpose and its only use.  
18 It's similar to what we were talking about earlier  
19 with the -- well, I'll just go with the assault rifle.

20 So the average power of the shot can be less  
21 than a standard hunting shotgun. But that's not what  
22 matters. What matters is what happens after the round  
23 impacts flesh, regardless of how fast it's moving.  
24 And so it's a little bit -- well, that's my answer to  
25 that one.

**Colonel Craig Tucker - March 16, 2023**

1 BY MR. BRADY:

2 Q And to that point, what are the -- what are  
3 the variables other than rifling, that affect the  
4 wound caused by the round?

5 MR. ECHEVERRIA: Objection. Calls for  
6 speculation.

7 THE WITNESS: You get a penetrating wound  
8 plus a tumbling wound, is how I describe it.

9 BY MR. BRADY:

10 Q So do you know what a soft nose bullet is?

11 A I have heard the term "soft nose bullet,"  
12 yes.

13 Q Do you know what that is?

14 A No, not particularly. Didn't pay much  
15 attention to it.

16 MR. BRADY: I'd like to mark as [Exhibit 13](#)  
17 this article pulled off of the California Department  
18 of Fish and Wildlife's website.

19 ([Exhibit 13](#) was marked for identification  
20 and is attached hereto.)

21 BY MR. BRADY:

22 Q It has a Q & A session. And if you go down  
23 to the second page, it says, "Big game rifle."

24 And the question is: "Could you help me with  
25 information regarding the use of an AR 5.56/.223 rifle

**Colonel Craig Tucker - March 16, 2023**

1 for hunting? It's a California-compliant rifle with a  
2 5-round magazine. Would this be a legal setup for  
3 hunting?"

4 The answer from the California Department of  
5 Fish and Wildlife: "Yes, you can use the rifle you  
6 described as long as it's California compliant.  
7 California hunting regulations restrict the cartridge  
8 and bullet type for hunting big game, but not the  
9 firearm itself. In short, big game may only be taken  
10 by firearms using centerfire cartridges with soft nose  
11 or expanding projectiles per California Code of  
12 Regulations."

13 It then says, "Pay close attention to be sure  
14 your .223 bullets fit this description as most .223  
15 bullets are manufactured with full metal jackets,  
16 which would be unlawful to use."

17 Do you know why California would allow soft  
18 nose .223's for hunting but not full-time metal jacket  
19 rounds?

20 MR. ECHEVERRIA: Objection to the extent that  
21 the witness has not seen this document before, and  
22 objection to the extent this calls for a legal  
23 conclusion or speculation.

24 THE WITNESS: My understanding -- well, could  
25 you repeat the question again, Sean?

**Colonel Craig Tucker - March 16, 2023**

1 BY MR. BRADY:

2 Q Sure.

3 So in the California Department of Fish and  
4 Wildlife's response about using an AR 5.56/.223 for  
5 hunting, it's saying the rifle is fine. .223 is fine  
6 to hunt with. However, it depends on the projectile  
7 of the .223.

8 Is that your understanding of what's being  
9 said here?

10 MR. ECHEVERRIA: Objection. Mischaracterizes  
11 the exhibit.

12 You may answer.

13 THE WITNESS: The fact that the bullets are  
14 soft core or expanding projectiles does not change the  
15 yaw or the impact of the terminal velocity. The  
16 reason folks go -- the reason states go to soft nose  
17 bullets or expanding projectiles so that if you miss,  
18 that round doesn't travel 700 yards downrange and kill  
19 somebody. It's all about reducing the max effective  
20 range of the weapon system so that it's not traveling  
21 a thousand meters or so past what you were shooting at  
22 because you missed.

23 BY MR. BRADY:

24 Q So it's your understanding that the laws  
25 about bullet type for hunting has to do with range and



**Colonel Craig Tucker - March 16, 2023**

1 not effect on the animal?

2 A That is my understanding. It's going to have  
3 the same effect on the animal.

4 Q Regardless of bullet type, it will have the  
5 same effect? That's your testimony?

6 A My testimony is that regardless of the  
7 projectile going downrange, it will yaw. If it comes  
8 out of an AR-15 with that rifling, it will yaw on its  
9 way downrange, and when it impacts flesh, it will  
10 start to tumble.

11 MR. BRADY: I'd like to mark as [Exhibit 14](#)  
12 Court decision in the matter of Thompson v. Virginia  
13 Department of Game & Inland Fisheries. This decision  
14 was rendered on March 30, 2007, by the United States  
15 District Court for the Western District of Virginia.

16 ([Exhibit 14](#) was marked for identification  
17 and is attached hereto.)

18 BY MR. BRADY:

19 Q So if you see -- let me go back up on page 4.

20 A We're on page 4?

21 Q Yeah, at the very bottom, there's highlight  
22 in the bottom right corner.

23 Do you see that?

24 A It looks like it's on page 3 to me.

25 Q Okay.

**Colonel Craig Tucker - March 16, 2023**

1 A VDGIF?

2 Q Correct.

3 A Okay. There. Okay. It's open now. I can  
4 see it.

5 Q So it says, "VDGIF," which is the Virginia  
6 Department of Game & Inland Fisheries as we saw in the  
7 title, "applied this statute in denying Thompson's  
8 request to use a .223 caliber gun. This statute  
9 explicitly outlaws the use of guns of less than  
10 .23 caliber in dispatching deer. The Virginia" -- and  
11 it goes to the next page --

12 A Right.

13 Q "The Virginia Administrative Code also  
14 outlaws the use of a .223 caliber gun. It shall  
15 be" -- quote, 'It shall be unlawful to use a rifle of  
16 a caliber less than .23 for the hunting or killing of  
17 bear and deer.'

18 Going down to the next highlighted paragraph  
19 where it has a "13" at the beginning of it.

20 A Mm-hmm.

21 Q It says, VDGIF argues that section 29.1 --  
22 the statute at issue -- "and the agency regulations,  
23 quote, 'serve to effectively manage the deer  
24 population in Virginia, reasonably promote the humane  
25 harvesting of wild game, and ensure hunter safety.'

**Colonel Craig Tucker - March 16, 2023**

1 The caliber regulation is necessary because, quote,  
2 'the use of rifles of a caliber less than .23 to  
3 dispatch a deer would result in an unacceptable number  
4 of crippled, wounded, and/or lost deer.'"

5 Is it your understanding what Virginia was  
6 saying in this case is that the reason it wants --  
7 that it requires hunters to use rounds larger than  
8 .223 is so that the deer is not wounded?

9 MR. ECHEVERRIA: Objection.

10 I'm sorry. You can complete the question,  
11 Sean.

12 BY MR. BRADY:

13 Q Is it your understanding of this that the  
14 reason for the Virginia law is to avoid inhumane  
15 crippling or wounding of a deer being hunted?

16 MR. ECHEVERRIA: I am going to object to the  
17 extent the witness has not viewed this document  
18 before, is unfamiliar with the reasons why an agency  
19 for a different state may have enacted a particular  
20 law or regulation to the extent that it calls for  
21 speculation.

22 THE WITNESS: My understanding of this law is  
23 that it's much easier to designate a caliber .23 and  
24 say anything less than that which covers .2  
25 Long Rifles. It covers pistols in many cases. It

**Colonel Craig Tucker - March 16, 2023**

1 covers a whole range of rifles that shoot a round  
2 smaller than a .23 that do not have the rifle barrel  
3 of an AR-15. They do not differentiate the AR-15 from  
4 those other weapons.

5 My understanding based on my personal  
6 experience on what a .223 round can do to a human  
7 being and to an animal, I think this is referring more  
8 to the smaller weapons used by less experienced  
9 hunters.

10 BY MR. BRADY:

11 Q Are you aware of any law in the country  
12 prohibiting the use of an AR-15 for hunting?

13 MR. ECHEVERRIA: Objection to the extent it  
14 calls for a legal conclusion and speculation.

15 THE WITNESS: I am not aware.

16 THE SHORTHAND REPORTER: Is this a good time  
17 to take five again?

18 MR. BRADY: Absolutely.

19 (Recess.)

20 MR. BRADY: Back on the record after a short  
21 break.

22 BY MR. BRADY:

23 Q Colonel Tucker, I want to clarify, is it your  
24 testimony that the damage caused by a round from an  
25 AR-15 or M16 that you've described in your report,

**Colonel Craig Tucker - March 16, 2023**

1 that that damage occurs regardless of the type of  
2 projectile being fired from that rifle?

3 A I say that the characteristics of the bullet  
4 that travels through the barrel through the air as it  
5 hits flesh are the same regardless.

6 Q So it's your testimony that regardless of  
7 what projectile is being used on a 5.56 NATO round,  
8 once it hits a target, it's going to have the tumbling  
9 effect and cause the sort of devastating wounds you're  
10 describing?

11 A It's going to start to tumble, yes. There's  
12 a lot of other factors that go into how that occurs or  
13 what happens with that, but yes.

14 MR. BRADY: I'd like to mark as [Exhibit 15](#) an  
15 article titled "An Army Outgunned."

16 ([Exhibit 15](#) was marked for identification  
17 and is attached hereto.)

18 BY MR. BRADY:

19 Q Have you ever reviewed this article,  
20 Colonel Tucker?

21 A It's coming up now. Do you know what the  
22 source is, which magazine?

23 Q It is --

24 A "Military Review"?

25 Q Yes.

**Colonel Craig Tucker - March 16, 2023**

1 A No, I have not seen this particular article.

2 Q Are you familiar with the "Military Review"?

3 A I am familiar with the "Military Review."

4 Q Is it a reputable source?

5 A It is a reputable peer-reviewed journal, to  
6 my knowledge.

7 Q Are you familiar with the author,  
8 Joseph P. Avery?

9 A Hold on. That name sounds familiar to me,  
10 but I could not tell you which of my -- where I would  
11 have seen it before.

12 Q So I want to go down to -- let me see what  
13 the page number is on the document. So it's page 5 of  
14 the document. It should be up on your screen if I'm  
15 still able to control what's on your screen.

16 Do you see a "5" on the page at the bottom  
17 right corner?

18 A I've got five. I'm sorry. I'm on seven.  
19 Hold on, please. Okay.

20 Q So I'm scrolling up. The first full  
21 paragraph on this page, starting with the words "by  
22 contrast."

23 Do you see that?

24 A I do.

25 Q The author says, quote, "There have been many

**Colonel Craig Tucker - March 16, 2023**

1 instances, especially in close quarters,  
2 house-to-house combat in Iraq, when the small  
3 5.56 millimeter projectile with a high velocity of  
4 3,000 feet per second would zip through an enemy  
5 combatant center mass without causing effective  
6 incapacitation, allowing further attacks on our  
7 forces. The projectile's entrance and exit occurred  
8 so quickly (the ice pick effect) that the enemy  
9 combatant did not realize he had been shot until later  
10 when either additional rounds or internal blood loss  
11 finally downed him." It goes on to say, "Soldiers  
12 have been clamoring for a new caliber (and more  
13 reliable) weapon to ensure single-shot knockdowns at  
14 close range and to effectively address the diverse,  
15 longer-range shooting environments current and future  
16 combat forces experience as they face significantly  
17 heavier caliber weapons of significant range and  
18 energy."

19 Do you disagree -- let me ask you this first.  
20 Did you hear from any of your Marines concerns about  
21 the performance of the 5.56 in combat?

22 MR. ECHEVERRIA: Objection to the extent this  
23 question calls for hearsay testimony.

24 You may answer. I think you did.

25 THE WITNESS: No, I did not hear any issues

**Colonel Craig Tucker - March 16, 2023**

1 with that.

2 BY MR. BRADY:

3 Q Okay.

4 A In 14 months of combat in 22 different  
5 infantry battalions.

6 Q And nobody ever expressed to you that these  
7 rounds aren't putting down the bad guy?

8 MR. ECHEVERRIA: Objection. Hearsay.

9 THE WITNESS: To my knowledge, we had no  
10 problem killing bad guys with M4s and M16s, and it  
11 would have come to my attention very, very quickly if  
12 it was an issue.

13 BY MR. BRADY:

14 Q So in your opinion -- let's strike that.

15 So is it your testimony that you were unaware  
16 of this claim, that the 5.56 is not performing  
17 sufficiently in combat because --

18 A It's my testimony that if this individual is  
19 going to make this claim, he better put a cite on it,  
20 because right now I think he's making stuff up.

21 Q Okay.

22 A I don't see a source for either one of his  
23 claims. If there was -- there would be a study  
24 somewhere if there was a -- if there were challenges  
25 with the 5.56 round in its current capacity with the



**Colonel Craig Tucker - March 16, 2023**

1 M4 or M16. There would be something to source there.

2 MR. ECHEVERRIA: Sean, what page are you on,  
3 again? I was trying to find it.

4 MR. BRADY: I believe it was 4. I just moved  
5 out of it, but -- hold on.

6 MR. ECHEVERRIA: This is the "by contrast"  
7 paragraph? I see it.

8 MR. BRADY: Yes. Yes, and then it basically  
9 goes on, but those two paragraphs.

10 THE WITNESS: I have been involved in many  
11 instances of close quarters, house-to-house combat,  
12 and this is not my experience. This individual, to my  
13 understanding, has not been involved in close  
14 quarters, house-to-house combat, nor does he source --  
15 or cite his sources for his claims in this paragraph.

16 May I make one caveat on this, though?

17 BY MR. BRADY:

18 Q Yes.

19 A Okay. So as I've said before, there are many  
20 factors that go into killing somebody, frankly. But  
21 many factors go into combat, and one of those is  
22 adrenaline.

23 Q What? I'm sorry?

24 A One of those is adrenaline, properly  
25 challenged adrenaline. And the chemicals of

**Colonel Craig Tucker - March 16, 2023**

1 adrenaline can keep you going for a long while after  
2 you should have been keeled over dead.

3 So an individual, for example, who has  
4 internal blood loss because of what the round does  
5 when it penetrates, he or she may travel on for a  
6 period of time longer than you and I would if it  
7 happened to us right here because of the adrenaline  
8 push. So sometimes people see things, they don't  
9 understand what they're seeing because they don't have  
10 the experience base.

11 MR. BRADY: I want to mark as [Exhibit 16](#) this  
12 article from -- I believe it's NBC News.

13 ([Exhibit 16](#) was marked for identification  
14 and is attached hereto.)

15 BY MR. BRADY:

16 Q Yes, it's NBC News. The URL is in the bottom  
17 left corner. The author is Richard Lardner. The  
18 title is "U.S. Bullets May Be Ill-suited for New  
19 Wars." And I'm going to scroll down to the first  
20 page. It starts out: "As Sergeant Joe Higgins  
21 patrolled the streets of Saab al-Bor, a tough town  
22 north of Baghdad, he was armed with bullets that had a  
23 lot more fire power than those of his 4th Infantry  
24 Division buddies. As an Army sniper, Higgins was one  
25 of the select few toting an M14. The long-barreled

**Colonel Craig Tucker - March 16, 2023**

1 rifle, an imposing weapon built for wars long past,  
2 spits out bullets larger and more deadly than the  
3 rounds that fit into the M4 carbines and M16 rifles  
4 that most soldiers carry."

5 I just read that so you understand who  
6 Sergeant Joe Higgins is to have background.

7 A Sure.

8 Q It's not just some random NBC reporter  
9 person.

10 A Correct.

11 Q On the next page -- or on the same page. I'm  
12 sorry --

13 MR. ECHEVERRIA: Which page are we on, Sean?

14 MR. BRADY: So the second page of the  
15 document, but it's, like, the first page of writing.  
16 The first page is an image with a title and the  
17 byline. It's the first page with text, yeah.

18 MR. ECHEVERRIA: Thank you.

19 BY MR. BRADY:

20 Q And I was reading the very first two  
21 paragraphs. Now I'm scrolling down on that where it  
22 says, starting with "in 2006" -- and it says, "In  
23 2006, the Army asked a private research organization  
24 to survey 2600 soldiers who had served in Iraq and  
25 Afghanistan. Nearly one-fifth of those who used the

**Colonel Craig Tucker - March 16, 2023**

1 M4 and M16 rifles wanted larger caliber bullets."

2 And on the next page -- sorry. I'm trying to  
3 find -- so it says here -- so "Paul Howe was part  
4 of" -- and this is on one, two, three, four -- fourth  
5 paragraph down on the next page.

6 A Mm-hmm.

7 Q Under "Shortcomings aren't surprising":  
8 "Paul Howe was part of a U.S. military task force  
9 15 years ago in Mogadishu, Somalia's slum-choked  
10 capital when he saw a Somali fighter hit in the back  
11 from about a dozen feet away with an M855 round."  
12 Quote, 'I saw it poof out the other side through his  
13 shirt,' says Howe, a retired master sergeant and a  
14 former member of the Army's elite Delta Force. 'The  
15 guy just spun around and looked at where the round  
16 came from. He got shot a couple more times, but the  
17 first round didn't faze him.'"

18 It says, "With the M855, troops have to hit  
19 their targets with more rounds, said Howe, who owns a  
20 combat shooting school in Texas. That can be tough to  
21 do under high-stress conditions when one shot is all a  
22 soldier might get." Quote, "'The bullet is not big  
23 enough,' he says. 'If I'm going into a room against  
24 somebody that's determined to kill me, I want to put  
25 him down as fast as possible.'"

**Colonel Craig Tucker - March 16, 2023**

1 MR. ECHEVERRIA: Is there a question, Sean?

2 MR. BRADY: Yeah, I'm trying to find --

3 BY MR. BRADY:

4 Q Is it your testimony that you've never heard  
5 criticisms of the 5.56 rounds such as the ones made by  
6 these military folks?

7 MR. ECHEVERRIA: I'm going to have to object,  
8 Colonel, to the extent that the question is referring  
9 to round in an ambiguous way. But I believe this  
10 exhibit is referring to a projectile.

11 MR. BRADY: My understanding is  
12 Colonel Tucker uses round as the same as projectile,  
13 and we're talking specifically about the M855 round  
14 projectile bullet, which is the round on the 5.56 NATO  
15 that Colonel Tucker used in combat.

16 BY MR. BRADY:

17 Q Correct, Colonel?

18 A Correct, yes. I will try to start using  
19 "projectile." It's a more accurate term.

20 So I'm sorry, sean. What was the question  
21 again?

22 Q So you just never heard these sorts -- is it  
23 your testimony you never heard this criticism of the  
24 M855 by other military folks?

25 A I've heard anecdotal and unverified, uncited,

**Colonel Craig Tucker - March 16, 2023**

1 and generally discreet individuals complaining about  
2 the ability of M855 to take down -- take down an  
3 enemy. The comments in here are, for example, when  
4 Mr. --

5 Q Howe, H-O-W-E.

6 A -- Mr. Howe shoots a guy in the back, well,  
7 that guy's insides are disintegrating. It's going to  
8 take him a while to die. He's going to turn around  
9 and get shot a few more times. That's what happens in  
10 combat. You get shot, you look at it, and you either  
11 die or someone comes and gets you and patches you back  
12 up.

13 So, again, I get frustrated by these  
14 anecdotal complaints about uncited, unverified, and  
15 without objective or critical analysis done to the  
16 problem or for the problem being actually identified  
17 in the article. My personal experience in 14 months  
18 of combat is there was very few challenges. I can't  
19 remember a single complaint about the 5.56 round,  
20 NATO -- 5.56 round not being an effective killer.

21 Q Is there a source that might change your  
22 mind? What source, if any, might change your mind, or  
23 would you -- strike that. I'm not going to ask you of  
24 a change of mind because I'm asking you to speculate.

25 What source would you take seriously

**Colonel Craig Tucker - March 16, 2023**

1 criticizing the M855 round as not being very effective  
2 on human targets?

3 MR. ECHEVERRIA: Objection. Calls for  
4 speculation. Ambiguous.

5 THE WITNESS: Somebody at the same level or  
6 close to the same level of combat experience as I do.  
7 Somebody who is in a position to have done something  
8 about those reports when they came up. For example, a  
9 regimental commander, a battalion commander.

10 If your weapon is not killing bad people when  
11 you shoot it at them, people make that known very,  
12 very quickly. I do not recall that being an issue  
13 either in the intense combat at both Fallujahs or in  
14 the less, still intense with smaller fights that were  
15 occurring in other parts of Iraq during my 14 months  
16 there.

17 BY MR. BRADY:

18 Q I believe earlier in your testimony you  
19 mentioned -- I think it's a rank of gunner.

20 A Correct.

21 Q Is that a rank?

22 A That's a rank.

23 Q And I believe you said that a gunner is a  
24 weapon specialist, right, for the Marine Corps; is  
25 that correct?

**Colonel Craig Tucker - March 16, 2023**

1 A That's correct. Ground weapon specialist.

2 Q I'm sorry?

3 A I'm sorry. Ground weapons. We have air  
4 weapons, too, so...

5 Q They stay on the ground. They don't jump in  
6 planes?

7 A He's not an expert on attack helicopter  
8 weapons, for example.

9 Q But the M4, yes?

10 A Yes.

11 Q Would you say that a gunner would have more  
12 technical knowledge of the M4 than yourself?

13 A Yes. Because I rely on him for advice, yep.  
14 That's his job.

15 MR. BRADY: I'd like to mark as [Exhibit 17](#) an  
16 article from -- I don't know -- I just pulled this up  
17 in my feed. I think it's "The Federalist." Yeah, the  
18 URL is at the bottom of the page.

19 ([Exhibit 17](#) was marked for identification  
20 and is attached hereto.)

21 BY MR. BRADY:

22 Q It's titled "Here Are All The Problems With  
23 California's Expert Witness Testimony In Gun Ban  
24 Case."

25 So the author is talking about this case and



**Colonel Craig Tucker - March 16, 2023**

1 the preceding part and the case law, all the stuff  
2 around these types of rifles and the lawsuits around  
3 the country going on. And on page -- let's see  
4 here -- on page 6, I don't think there's pages because  
5 it's an Internet article, but on page 6 of the  
6 document here, the version on Agile, it's 6.

7 John, do you see it?

8 MR. ECHEVERRIA: I am on 6. The first  
9 paragraph says, "So I spoke to"?

10 MR. BRADY: Yes, correct. Okay. So it's the  
11 author talking in first person. "So I spoke to two  
12 Marine Corps veteran friends of many years of whose  
13 experience I'm certain, and one of them introduced me  
14 to another Marine whose credentials are also  
15 unassailable. The three are Chief Warrant Officer 5  
16 Jeffrey L. Eby, " E-B-Y, "28 years in the Marines, 11  
17 as a Marine gunner, combat veteran in Iraq." There's  
18 some other -- "Officer-in-Charge of the USMC Small  
19 Arms Instructor Course, which developed the USMC  
20 Combat Marksmanship Program."

21 It goes to the next paragraph.

22 "Chief Warrant Officer 5 Mike Musselman,  
23 Infantryman for 25 years of his 30 years with the  
24 Corps. Marine Gunner and Infantry Weapons Officer.  
25 Three combat deployments to Iraq, one to Afghanistan."

**Colonel Craig Tucker - March 16, 2023**

1           There's a picture of them.

2           So the next page, it goes on to say,  
3 "Staff Sergeant Jack Leuba," I assume, L-E-U-B-A,  
4 "Infantry Rifleman, Marksmanship and Small Arms  
5 Weapons Instructor. Combat veteran in Iraq, in  
6 Afghanistan. Staff Non-Commissioned Officer-in-Charge  
7 and Chief Instructor, USMC Small Arms Weapons  
8 Instructor School."

9           So I believe two of them are gunners. I  
10 don't see gunner in the third individual, Mr. Leuba's  
11 description.

12           Are these three individuals whose opinion on  
13 the subject matter of the M4 and the ammunition that a  
14 M4 uses -- are these individuals whose opinions you  
15 would say carry weight?

16           A     Yes. Go ahead. I'm sorry.

17           MR. ECHEVERRIA: Objection to the extent that  
18 Colonel Tucker does not know these individuals. And  
19 objection to the extent the Colonel Tucker is  
20 unfamiliar with this article and has not had an  
21 opportunity to review this article in full context.

22 BY MR. BRADY:

23           Q     Have you reviewed this article,  
24 Colonel Tucker?

25           A     I have not.

**Colonel Craig Tucker - March 16, 2023**

1 Q Are you familiar with any of the three  
2 individuals I just named?

3 A I've heard of those names, yes.

4 Q But, I guess, regardless of whether you know  
5 them, you know their -- assuming that their  
6 credentials are what are put here, are these  
7 credentials of an individual you would -- whose  
8 opinion you would take seriously --

9 (Simultaneous speakers.)

10 THE WITNESS: Yes, I trust --

11 BY MR. BRADY:

12 Q -- on the subject matter of AR-15, M16, M4s,  
13 and the ammunition they use?

14 A I do respect their opinions, yes.

15 Q Okay. I'm scrolling down. So on page 13 of  
16 this -- again, this was off the Internet, so it's  
17 all -- there's no pages. But page 13 on AgileLaw  
18 says, "Power of the Bullets," and it has your position  
19 about the capability of severing the upper body from  
20 the lower body, or decapitation, which we --

21 A What page are we on?

22 Q Thirteen.

23 MR. ECHEVERRIA: I think Colonel Tucker  
24 should be given an opportunity to look at this  
25 document rather than select discrete pages that may be

**Colonel Craig Tucker - March 16, 2023**

1 taken out of context.

2           Could we go off the record for five minutes  
3 to give the Colonel an opportunity to look at this  
4 document given that he's not familiar with it?

5           MR. BRADY: I mean -- I guess. I don't mind,  
6 but, you know, we're going to be here a little bit  
7 longer. I mean, I can tell you, I'm not going to be  
8 asking questions about the entirety of the article,  
9 and I think it's pretty long. There's a lot of  
10 stuff -- the author is talking about the case law and  
11 all that sort of thing. I just wanted to focus in on  
12 the individuals he was talking to, which is a small  
13 part of the article.

14           MR. ECHEVERRIA: So if the Colonel is  
15 comfortable answering questions about the select  
16 portions that you're examining him about, I'll let him  
17 answer without going off the record.

18           THE WITNESS: I'm comfortable doing so.

19 BY MR. BRADY:

20           Q       So the first paragraph here quotes, I  
21 believe, the NBC report or, I guess, article that we  
22 were previously looking at with Mr. Howe and those  
23 individuals, right? And it has a quote from there,  
24 which we don't have to go over because I think we  
25 already did. It has that same quote about the M855

**Colonel Craig Tucker - March 16, 2023**

1 rounds continue to be a weak spot in the American  
2 arsenal, right.

3 Staff Sergeant Leuba says, quote, "Standard  
4 ballistics gelatin tests prove that the 5.56,  
5 5.45 millimeter NATO projectiles are not capable of,  
6 quote, 'severing the upper body from the lower body,  
7 or decapitation,'" close quote.

8 CW05 Musselman says, quote, "In my combat  
9 experience, I never saw a 5.56 millimeter projectile  
10 cause the damage Colonel Tucker claims."

11 CW05 Eby says, quote, "The Marine Corps  
12 abandoned the M16/M4 ammunition used in Afghanistan  
13 and Iraq due in part to its failure to perform against  
14 enemy personnel in short-range combat engagements."

15 I'd like to focus on the last statement real  
16 quickly. Were you aware or do you have any knowledge  
17 about the Marine Corps having abandoned the ammunition  
18 that was used in Iraq and Afghanistan?

19 A To my knowledge, the Marine Corps has not  
20 abandoned the ammunition that was used in Iraq and  
21 Afghanistan. I believe what the gunner is referring  
22 to here is the next follow-on rifle has a little  
23 larger caliber than the 5.56.

24 Q So it's your position that -- or to your  
25 knowledge, it is not correct to say that the

**Colonel Craig Tucker - March 16, 2023**

1 Marine Corps has abandoned the ammunition for the M4  
2 and M16 that it was using in Afghanistan and Iraq?

3 A It has not abandoned it at this point. I  
4 know what he's referring to is in the next follow-on  
5 weapon system, which he was actually involved in  
6 putting together, they went to a different round of  
7 ammunition, a different caliber of ammunition.

8 Q He was involved in putting it together?

9 A He was involved in the early stages of the  
10 new rifle design. Very early stages.

11 Q How do you know that?

12 A Because I studied the rifle design. And I  
13 was part of the executive group based on my combat  
14 experience and my time at TTECG that reviewed the  
15 information that came from the various committees that  
16 were looking at different aspects of the new assault  
17 rifle.

18 Q So are you saying that the Marine Corps has  
19 not yet made a transition but intends to? Is that  
20 what is going on?

21 A The Marine Corps is buying a new assault  
22 rifle. They are getting rid of the M16 and the M4.

23 Q And were you saying that CW05 Eby was  
24 involved in that decision?

25 A He was involved in the early stages of making

**Colonel Craig Tucker - March 16, 2023**

1 the transition to a new automatic weapon system. I  
2 don't know if he was involved in the caliber decision  
3 or not.

4 Q Is it your understanding that the reason for  
5 the Marine Corps making that transition, whether it's  
6 been made or is going to be made, is, as Mr. Eby says,  
7 due in part to the previous ammunition's failure to  
8 perform against enemy personnel in short-change combat  
9 engagements?

10 A I don't -- I'm not -- in my experience, that  
11 was not the case.

12 Q Were you a part of the discussions of the  
13 transition of ammunition, or this transition?

14 A In terms of what was required for the rifle?  
15 The new assault rifle?

16 Q Yes. Were you a part of the conversation as  
17 to why and the decision-making into transitioning to a  
18 new rifle in the Marine Corps?

19 A In the very, very early stages before it was  
20 even a concept drawn on paper when they were still  
21 going through requirements, yes.

22 Q So does Mr. Eby's statement about the  
23 ammunition used in Iraq and Afghanistan failing to  
24 perform against enemy personnel in short-range combat  
25 engagements -- does that change your opinion in any

**Colonel Craig Tucker - March 16, 2023**

1 way about the effectiveness or the severity of wounds  
2 caused by 5.56 rounds?

3 A No, it doesn't.

4 Q And why not?

5 A Because in my personal experience, most you  
6 hit with -- pepper with .223 rounds go down. I have  
7 not observed what Gunner Eby says he has observed  
8 here.

9 Q I want to go briefly back to your report,  
10 [Exhibit 2](#), paragraph 14. It goes from page 5 to 6.  
11 So it's the very last line on page 5 of your report,  
12 line 28. You say, "It is my opinion, based on my  
13 military service, that these features" -- and I  
14 believe you just got done describing the features --  
15 or let me ask you. Let me step back, actually.  
16 Strike all that.

17 You understand that you are here as an expert  
18 about -- what are you here to be -- what do you  
19 consider yourself to be an expert on, why the State of  
20 California asked you to be an expert witness in this  
21 matter?

22 A Because of my extensive experience with the  
23 M4 and the M16 and my knowledge that the AR-15 as  
24 we're discussing it here and the M4 and the M16 are  
25 essentially all the same weapon.



**Colonel Craig Tucker - March 16, 2023**

1 Q And why do you say they're essentially the  
2 same weapon? What makes them the same weapon?

3 A Cycles of functioning are the same. The use  
4 of the pistol grips and the rails, flash suppressor,  
5 all those accoutrements that are necessary for assault  
6 rifle designed for efficient killing have been  
7 transferred to the AR-15.

8 Q And do you understand that in this matter the  
9 plaintiffs are challenging the constitutionality of  
10 California's so-called Assault Weapon Control Act,  
11 correct?

12 MR. ECHEVERRIA: Objection to the extent the  
13 question includes the phrase "so-called."

14 But the witness may answer.

15 THE WITNESS: I am aware of the case, yes.

16 BY MR. BRADY:

17 Q And in your report -- I'm sorry to do this.  
18 I'm going to go up to paragraph 12, which is on the  
19 preceding page. You state that you have reviewed the  
20 definitions of an assault weapon under California's  
21 assault and control act; is that correct?

22 A Yes. What page are we on?

23 Q This is page 4 of your --

24 A Okay.

25 Q And it is paragraph 12.

**Colonel Craig Tucker - March 16, 2023**

1           A     Okay. I see it.

2           Q     And so you reviewed the definitions of what  
3 is considered an assault weapon under California law,  
4 correct?

5           A     Correct.

6           Q     And here -- you understand that there's a  
7 list of specific makes and models of firearms that  
8 California considers assault weapons; is that right?

9           A     I have seen that list, yes.

10          Q     Okay. And then there is another statute that  
11 defines assault weapons by their characteristics,  
12 correct?

13          A     I do not know that I'm aware of that statute.

14          Q     Can you go to paragraph 12 of your report?

15          A     If it says I read the statute, then I did  
16 read the statute. I just don't remember the number.

17          Q     Sure.

18                 Is it your understanding that California is  
19 defining firearms, rifles as assault weapons if they  
20 have certain features?

21          A     That is my understanding.

22                 MR. ECHEVERRIA: Objection to the extent that  
23 it calls for a legal conclusion.

24                 THE WITNESS: That is my understanding.

25                 ///

**Colonel Craig Tucker - March 16, 2023**

1 BY MR. BRADY:

2 Q Okay. And do you know what those features  
3 are that would make a rifle an assault weapon under  
4 California law?

5 A My understanding is they're listed -- I  
6 listed them in the "Opinions" paragraph, starting with  
7 line 17, "if it has any of the following features."

8 Q Okay. So those are the features that make --  
9 and it has to be a semiautomatic centerfire rifle,  
10 correct? Rim fire?

11 A Yes, I see that. Yes.

12 Q Single shots are not included, right?

13 MR. ECHEVERRIA: Objection to the extent that  
14 question calls for a legal conclusion.

15 But the Colonel may answer.

16 THE WITNESS: I'm sorry. I didn't hear the  
17 question.

18 BY MR. BRADY:

19 Q I was just saying we're talking about  
20 semiautomatic centerfire rifles, not rim fire or  
21 single-shot rifles, right?

22 A Correct.

23 MR. ECHEVERRIA: Same objection.

24 BY MR. BRADY:

25 Q Is it your understanding that that only

**Colonel Craig Tucker - March 16, 2023**

1 applies to -- that those features, that definition  
2 only applies to AR-15s?

3 MR. ECHEVERRIA: Objection to the extent it  
4 calls for a legal conclusion.

5 THE WITNESS: How are we defining an AR-15,  
6 again?

7 BY MR. BRADY:

8 Q The way you used it in your report.

9 A Okay.

10 Q Semiautomatic version.

11 A Right. So it's my understanding that --  
12 could you repeat the question?

13 Q Yes. Is it your understanding that this  
14 statute is limited to the AR-15?

15 MR. ECHEVERRIA: Objection.

16 BY MR. BRADY:

17 Q Or does it -- additional rifles? Would it  
18 apply to other rifles as well?

19 MR. ECHEVERRIA: Objection to the extent that  
20 the question is calling for legal conclusions about  
21 the applicability of the statute to other weapons.

22 THE WITNESS: My read of this is that it  
23 would apply to any weapon that had these features.

24 BY MR. BRADY:

25 Q Okay. And to your knowledge, are there

**Colonel Craig Tucker - March 16, 2023**

1 rifles that meet that definition that are not AR-15s?

2 MR. ECHEVERRIA: Objection to the extent that  
3 calls for a legal conclusion.

4 THE WITNESS: AK-47s.

5 BY MR. BRADY:

6 Q Okay. Any others?

7 A Give me a moment. The new Army version of  
8 the assault rifle is now sold in a civilian market.  
9 It meets all these also.

10 Q So you were not assuming in writing your  
11 report that California's assault weapon law only  
12 applies to AR-15s, correct?

13 A That is correct. I read that it applies to  
14 any weapon that has those characteristics.

15 Q Okay. So when you say in paragraph 14, what  
16 we were reading previously, why I came back to this  
17 page -- it says, "It is my opinion, based on my  
18 military service, that these features."

19 When you say "these features" in that  
20 sentence, you're talking about the features listed in  
21 paragraph 12 --

22 A Correct.

23 Q Okay. So I'm going to read it in its  
24 entirety without that. I just want to make clear that  
25 those are the features we're talking about.

**Colonel Craig Tucker - March 16, 2023**

1           So you say, "It is my opinion, based on my  
2 military service, that these features individually and  
3 in combination make semiautomatic rifles more lethal  
4 and most useful in combat settings."

5           Do you agree with that statement as you sit  
6 here today?

7           A     I do.

8           Q     I previously asked if you could identify any  
9 military in the world that uses semiautomatic-only  
10 rifles, right?

11          A     Right.

12          Q     As assault rifles, right?

13          A     United States Army.

14          Q     Well, I believe your testimony was that they  
15 are considering getting semiautomatic --

16          A     No, they bought the weapon. They're going to  
17 be issued next year -- two years.

18          Q     And they have machine guns in those units  
19 with the semiautomatic?

20          A     Yeah -- correct. The semiautomatic rifles,  
21 and then there is a machine gun variant that assumes  
22 the machine gun -- well, it used to be the squad  
23 automatic weapon role.

24          Q     And I believe you also identified the  
25 Israelis, the Uzi, as a possible one?

**Colonel Craig Tucker - March 16, 2023**

1           A       Correct.

2           Q       Okay. So if there is only one, maybe two  
3 examples of militaries employing semiautomatic-only  
4 rifles, how can you say that a semiautomatic-only  
5 rifle is most useful in combat settings?

6           A       The automatic on the military M4 has been an  
7 anachronism since right after Vietnam. In the later  
8 versions of the M16, it was kept on there more as a --  
9 I won't say a comfort level, but it was kept on there  
10 to ensure that there was the capability to have an  
11 automatic rifle located in the Marine fire team and  
12 rifle squad. In those days, that person who was  
13 designated as the automatic rifleman had his M16, and  
14 he just had more magazines. So he would fire his M16  
15 on automatic, and then everybody else would be on  
16 semiautomatic.

17                   As that progressed, they developed  
18 specialized weapons for the squad and fire team  
19 automatic weapon capacity, and at that point, much of  
20 my career in the Marine Corps, the automatic fire on  
21 the M4 and M16 was irrelevant. I did not hear it used  
22 once in my entire 14 months of combat experience in  
23 Iraq. It's a -- it does not -- it does not change the  
24 nature of the weapon. If I have an M4 that's got  
25 automatic, semi, and safe on it and I'm firing that

**Colonel Craig Tucker - March 16, 2023**

1 thing on automatic and automatic breaks, I still have  
2 an assault weapon capable of firing 45 rounds in a  
3 minute, one every 1.33 seconds. That is a much more  
4 effective combat capability than firing an automatic.

5 Automatic out of any weapon is an area fire  
6 weapon. You can't aim it with any degree of precision  
7 outside of saying a left and right lateral limit.

8 It's not used because it's inefficient use of  
9 ammunition. It's inefficient use of a killing  
10 machine, and it's much more efficient to stay in  
11 semiautomatic and use aimed fire at the max sustained  
12 rate of fire to be effective killers in combat.

13 Q I'd like to go to Mr. Boone's report, which  
14 is [Exhibit 3](#) to page -- I believe it's 12.

15 Is everybody there? We're going to start at  
16 line 18.

17 A Okay.

18 Q Actually, we're going to start at 19 because  
19 I just want to make sure this is what made me come  
20 here. I believe you just said even in semiautomatic  
21 mode, you'd be able to shoot 45 rounds a minute, which  
22 is equivalent to approximately one round in  
23 1.33 seconds; is that right?

24 A Correct. That's a tactical way to fire. If  
25 they're given a fire command to fire at the maximum



**Colonel Craig Tucker - March 16, 2023**

1 sustained rate, then those Marines will fire 45 rounds  
2 in a minute.

3 Q Okay. Is there a difference between rate of  
4 fire and volume of fire?

5 A I have no idea -- volume of fire only applies  
6 to -- in my experience, it applies to machine guns.  
7 I've never heard volume of fire referenced in an  
8 AR-15, M4, or M16. The tactical, correct term is rate  
9 of fire.

10 Q Okay. So Mr. Boone says, "Time is of the  
11 essence in situations wherein one's life is in  
12 danger."

13 Would you disagree with that statement?

14 A No, I would not disagree with that statement.

15 Q The next line, he says, "It is certainly  
16 reasonable to believe that a person in a self-defense  
17 situation would have a need to fire one round every  
18 1.333 seconds," which is more or less, he says,  
19 "3 rounds in about 4 seconds."

20 Do you disagree --

21 A Where are we now?

22 Q So we're still on page 12, same paragraph.  
23 Go to line 21.

24 A Okay. The full sentence.

25 Q So do you disagree with that statement, that

**Colonel Craig Tucker - March 16, 2023**

1 it is reasonable to believe that a person might need  
2 three rounds in about four seconds in a self-defense  
3 situation?

4 MR. ECHEVERRIA: Objection to the extent the  
5 question calls for speculation.

6 THE WITNESS: I think that's a very  
7 unreasonable statement.

8 BY MR. BRADY:

9 Q Can you explain why?

10 A The requirement to fire 45 rounds in one  
11 minute in a self-defense situation means you are  
12 either in combat or you're missing your target.  
13 45 rounds in a minute, that's a round every  
14 1.3 seconds. If you're firing that many rounds in a  
15 self-defense situation, you either don't know what  
16 you're doing or you're dead.

17 Q I think in 99.9 percent of the cases, I'm  
18 going to go ahead and concede that point to you. I  
19 don't think that's the point being made here, and  
20 that's why I want to refocus. What he's saying or  
21 what's being said here is that the rate of fire,  
22 1.3 seconds, is a reasonable rate of fire at low  
23 amounts of rounds, in other words, volume of fire. So  
24 he gives the example of three rounds in four seconds.

25 If your rate of fire is 1.3 seconds -- is one

**Colonel Craig Tucker - March 16, 2023**

1 round every 1.3 seconds, that means three rounds in  
2 about four seconds.

3 A Correct. Okay. I get it. I'll bring it  
4 back down. There's three rounds.

5 Q Is it unreasonable to believe that a person  
6 might need three rounds in four seconds to defend  
7 themselves?

8 MR. ECHEVERRIA: Objection to the extent that  
9 it calls for speculation.

10 THE WITNESS: A well-trained individual could  
11 put down three rounds in four seconds. It's not  
12 unreasonable.

13 BY MR. BRADY:

14 Q And so -- I know you don't know of a term,  
15 and I'm not suggesting that there is a term of "volume  
16 of fire," that that's some technical term, but when  
17 I'm using that, I'm talking about the 45 rounds,  
18 right?

19 A Got it.

20 Q Is it fair to say that your contention about  
21 the capacity of an AR-15 with its rate of fire is that  
22 it has the ability to shoot up to 45 rounds that  
23 quickly, not that it can shoot three rounds in  
24 four seconds? Is that fair to say?

25 A So when I talk of rate of fire or volume of

**Colonel Craig Tucker - March 16, 2023**

1 fire, I think that's the same word for the same thing  
2 here. I talk about it in two tactical terms and one  
3 mechanical.

4 So the two tactical are the sustained rate of  
5 fire, which is 12 to 15 rounds for an M16 or an M4 and  
6 an AR-15. And then the maximum sustained rate, which  
7 is 45 rounds in one minute. Those two tactical are --  
8 I mean, they are specifically directed. He may tell  
9 Smith, "You fire max sustained rate." "Jones, you  
10 fire a sustained rate." And so it's actually  
11 orchestrated -- rates of fire orchestrated based on  
12 the enemy situation and how much ammunition you have.

13 The mechanical rate of fire is how many  
14 rounds you can push through that thing, is  
15 700-something. You can get through that thing just by  
16 itself. So I can get out... I think my point is you  
17 don't need to have an AR-15 to get out one round every  
18 1.4 seconds if that's what's needed for self-defense.

19 Q But that rate of fire -- if it was restricted  
20 to five rounds and you couldn't go to 45, that rate of  
21 fire, 1.3 seconds, is not your concern, correct? It's  
22 that you would be able to do 1.3 rounds a hundred  
23 times -- I'm sorry. A hundred rounds at 1.3 seconds,  
24 right?

25 A Correct. I have -- yeah.

**Colonel Craig Tucker - March 16, 2023**

1 Q Going on to Mr. Boone's, the next line, it  
2 says, "In any event, Colonel Tucker's point is  
3 irrelevant because none of the features that can  
4 qualify as semiautomatic, centerfire rifle with a  
5 non-fixed magazine as an assault weapon," and he gives  
6 the examples, a pistol grip, a flash suppressor or  
7 adjustable/holding stock, "affects the rifle's rate of  
8 fire or its capacity for ammunition."

9 Do you disagree with that statement?

10 A I do, yes.

11 Q And what's your disagreement?

12 A So what affects the rifle's rate of fire is  
13 the function of the weapon system. And a weapon  
14 system for an AR-15 and an M16 and M4 functions in a  
15 certain manner. And that mechanical functioning  
16 allows that weapon system to fire at a sustained or a  
17 maximum sustained rate for a certain period of time.

18 If you are firing a rate of fire coming out  
19 of a shotgun, for example, the same thing applies as  
20 it does to the M16. The capability to fire so many  
21 rounds out of that weapon is based on the design of  
22 the weapon system. So you may be able to put out a  
23 round out of a shotgun every 1.3 seconds, and you  
24 might break the shotgun because it's not designed for  
25 that.

**Colonel Craig Tucker - March 16, 2023**

1           The M16, M4, AR-15, they're designed to fire  
2 one round every 3.3 seconds for a fixed period of time  
3 and one round every 12 to 13 minutes [sic] forever.  
4 I'm sorry. 12 or 15 rounds per minute for an extended  
5 period of time.

6           So a rate of fire, first of all, it's  
7 tactical. Secondly, it's based on the purpose of a  
8 weapon, the design of the weapon, and the type of  
9 ammunition that's in the weapon, and that's going to  
10 be different based on different weapon systems.

11           You're not going to achieve a -- for example,  
12 you're not going to achieve a sustained rate of fire  
13 12 to 15 rounds per minute for an extended period of  
14 time with a shotgun or even a 30-06. The weapon is  
15 not made for that.

16           Q     Got it.

17           As we established, California talks about  
18 features on these rifles, right, that would -- that  
19 trigger -- pardon the use of that word -- that qualify  
20 a semiautomatic centerfire rifle as an assault weapon,  
21 right?

22           A     Correct.

23           Q     So my question is how does a pistol grip on a  
24 rifle affect that rifle's rate of fire, or does it?

25           MR. ECHEVERRIA: Objection to the extent that

**Colonel Craig Tucker - March 16, 2023**

1 it mischaracterizes the testimony in the report.

2 But, Colonel Tucker, you may answer.

3 BY MR. BRADY:

4 Q Just to clarify, I'm asking -- I'm not saying  
5 you said anything. I guess, I'll say, does a pistol  
6 grip affect a rifle's rate of fire?

7 A The pistol grip impacts the accuracy of your  
8 rate of fire.

9 Q Accuracy but not the actual rate of fire?

10 A No, the pistol grip is not -- it's not part  
11 of the cycle function of the weapon. The cycle  
12 functioning of the weapon is what allows the rate of  
13 fire. So what the pistol grip allows you is the  
14 ability to pull the weapon in tight and accurately  
15 employ those 45 rounds that are coming out in one  
16 minute.

17 Q So the pistol grip affects controllability  
18 and accuracy of the rifle?

19 A The pistol grip improves the stability of the  
20 rifle and the stability of the shoulder well in less  
21 steady positions, and it allows you to lock that stock  
22 into your shoulder well tight and prevent what we  
23 would call a lateral motion in a weapons fire.

24 Q So it has no impact on the rate of fire,  
25 meaning how quickly rounds are coming out of the

**Colonel Craig Tucker - March 16, 2023**

1 firearm, correct?

2 A The pistol grip itself?

3 Q Yes.

4 A It's not related to the number of rounds  
5 coming out of the rifle.

6 Q And what about stocks? Does a stock --

7 A I'd like to talk -- I'm sorry. Go ahead,  
8 sir.

9 Q Just really quick, I just want to run  
10 through. We can talk about things that you want to  
11 raise, but I just want to get the rate of fire thing  
12 established with each of the features so we're clear.

13 Does a stock on a rifle affect the rifle's  
14 rate of fire? Setting aside a bump stock or something  
15 like that, right? A stock that we're talking about  
16 that doesn't move, does it affect a rifle's rate of  
17 fire?

18 A I'm a little -- the reason I'm a little  
19 uncomfortable with this is because of my -- because it  
20 takes all of those things to accurately execute a rate  
21 of fire. So if you take them in isolation, the stock  
22 itself actually does have an impact on the rate of  
23 fire because the -- well, Carrier Group retreats into  
24 the stock. So it's -- but in and of itself minus that  
25 operating piece, it does not affect the rate of fire.



**Colonel Craig Tucker - March 16, 2023**

1 Q And let's be clear. Does the fact that the  
2 stock is move -- adjustable, moveable alter the  
3 rifle's rate of fire in any way?

4 A Moveable stock would not alter a rifle's rate  
5 of fire.

6 Q Okay. Would a flash suppressor alter a  
7 rifle's rate of fire in any way?

8 A No. And the reason I hesitated is you can  
9 get a buildup on that, on the flash suppressor that  
10 will -- carbon that will sometimes flame out with the  
11 gas, but it doesn't impact the rounds at all.

12 Q Okay. Speaking of rounds, actually, I want  
13 to ask that same question. Do you have anything about  
14 any features, making note I'm happy to hear you out on  
15 them. I just want to get these questions out because  
16 you raise round.

17 Does a pistol grip on a rifle affect what the  
18 bullet fired from that rifle does to a target in any  
19 way?

20 A Yes, it does, in proving the accuracy and the  
21 stability of the shooter.

22 Q Okay. Let's assume we're talking about two  
23 rifles that are being held by vices, right?

24 A Got it. Okay.

25 Q I hear you. You're talking about -- I'm not

**Colonel Craig Tucker - March 16, 2023**

1 talking about placement or accuracy. We've already  
2 established that accuracy is affected -- or your  
3 opinion is that accuracy is affected by the pistol  
4 grip.

5           Setting aside accuracy, just the effect of  
6 the round upon impact, is that -- does the pistol grip  
7 affect what a round does to a target in any way?

8           A     No.

9           Q     Does a stock in any way affect what a round  
10 does to a target?

11          A     No.

12          Q     Does a flash suppressor affect what a round  
13 does to a target in any way?

14          A     No.

15          Q     Focusing in on stocks, I might be getting --  
16 I know you wanted to ask a question about that or  
17 raise a point, and perhaps my question will get to  
18 that. And if it doesn't, you're more than welcome to  
19 include it in your answer.

20                Your report talks exclusively about, quote,  
21 "folding stocks." Are you aware of or do you consider  
22 that the same as telescoping or adjustable stocks?

23          A     So I use those interchangeably. They started  
24 with the folding stocks in my younger days, and that  
25 just became the term I used when they went to the

**Colonel Craig Tucker - March 16, 2023**

1 extendable stock and the telescoping stocks.

2 Q So is it --

3 A I am referring to the telescoping and the --

4 Q Okay. That's what I wanted to know. So your  
5 report is equally talking about telescoping stocks and  
6 adjustable stocks as to folding stocks?

7 A Correct.

8 Q Is there a difference in purpose between a  
9 folding stock and a telescoping stock, to your  
10 knowledge?

11 A The telescoping stock was an improvement on  
12 the folding stock, and that's -- and it also reduced  
13 weight, and that's why they went to what you see now  
14 on the telescoping stock.

15 Q And what is the purpose of the telescoping  
16 stock? What is your understanding of the purpose of  
17 the telescoping stock?

18 A In the military, the purpose of a telescoping  
19 stock is to give those Marines who are in a tank -- a  
20 larger weapon system. It could be a helicopter, a  
21 tank, a fighter jet, an armored vehicle, a light  
22 armored vehicle. If their weapon system, which is  
23 that vehicle or that aircraft, is hit and is no longer  
24 functioning, then the telescoping stock on the M4  
25 allows for a fairly -- allows it to be stored kind of

**Colonel Craig Tucker - March 16, 2023**

1 out of the way inside of a tank, where there's not a  
2 whole lot of room, and it allows it to be removed from  
3 a damaged tank much easier than the longer even M4  
4 could be in terms of getting it out of a turret, for  
5 example.

6 Q Okay. And that's your understanding of the  
7 adjustable stocks that are being prohibited by  
8 California on these rifles?

9 A I didn't understand that question.

10 Q That's your understanding of the adjustable  
11 stocks that are being targeted by California in the  
12 assault and control act, are those sort of stocks that  
13 are designed to make the weapon more compact for those  
14 purposes?

15 A No, I see no reason to develop a civilian  
16 version of either an M4 or an M16 to have a  
17 telescoping or folding stock.

18 Q What about a non-M16 or a non-AR-15 rifle  
19 that just has an adjustable stock that moves 2 inches?  
20 Would you have a concern about that?

21 A I have -- my concern -- I do have concerns  
22 about folding stocks of any type because of the reason  
23 that I reference in here. And the concern that that  
24 could be translated to a flash of adrenaline in a  
25 very, very dangerous situation in a civilian world.

**Colonel Craig Tucker - March 16, 2023**

1 Q Let me ask you this. Are you familiar with  
2 the term "fit" for a rifle or a shotgun or any  
3 shoulder-fired weapon in?

4 A What was the term again?

5 Q Fit, F-I-T.

6 A If it's not an acronym for something, I don't  
7 know.

8 Q Are you familiar with the term "length of  
9 pull"?

10 A Length of -- no, I'm not.

11 Q Okay. When you're firing a rifle, and I  
12 assume you've fired a rifle many times. Is that the  
13 case?

14 A That's correct.

15 Q There are certain rifles that might fit the  
16 length of pull on a 5'6 individual --

17 A Got it. I'm sorry. Yes. Length of pull.  
18 I've got it in the right framework now. I was  
19 thinking combat. I couldn't figure it out, but now I  
20 know what you're talking about. It's not a phrase  
21 that's used in the military, but I do understand it.

22 Q If the adjustable stocks that we're talking  
23 about or that are included in California's  
24 restrictions are ones that simply slide up and down a  
25 couple inches on the buffer tube to accommodate a

**Colonel Craig Tucker - March 16, 2023**

1 different size length of pull, a different size  
2 individual, or a person wearing a heavy coat versus a  
3 T-shirt, would that be a function that you would say  
4 is military -- that civilians should not have because  
5 it's military featured?

6 A I do not think civilians should have any  
7 automatic rifles -- I'm sorry -- AR-15s in their  
8 world, but I will say that the -- give me the question  
9 one more time, Sean.

10 Q Is there a negative -- setting aside, right,  
11 we don't like automatic guns. We don't like  
12 semiautomatic firearms.

13 A Right.

14 Q We're just simply talking about practical use  
15 of a firearm. Think about it like an adjustable seat  
16 in your car as you're driving. You can move it closer  
17 to the steering wheel or back. Just because you don't  
18 want people driving a NASCAR on public streets -- and  
19 NASCARs probably don't have those adjustable seats  
20 because they're probably custom-made for the driver,  
21 but going along with the fantasy analogy -- just that  
22 ability to give the person, the user of the rifle, the  
23 proper fit, is there any negative that you can see or  
24 that would make that a military function?

25 MR. ECHEVERRIA: Objection. Incomplete

**Colonel Craig Tucker - March 16, 2023**

1 hypothetical.

2 THE WITNESS: First of all, I think that it's  
3 important that people that are purchasing weapons  
4 purchase weapons that they can fire given their length  
5 of pull without having to make adjustments to the  
6 weapon. So I professionally and personally think that  
7 folding stocks, the preference to a folding stock that  
8 would allow a length of pull to be adjusted would be  
9 to get a weapon system that the length of pull -- and  
10 they make those. Find a weapon that your length of  
11 pull works with and use that instead of one that's in  
12 pieces.

13 BY MR. BRADY:

14 Q Can length of pull change depending on what  
15 you're wearing? Coat versus a T-shirt? Time of year?

16 A In my experience, if you're holding the  
17 weapon properly, it doesn't because the angle is not  
18 from your shoulders. It's from your elbow in. That's  
19 the -- and that can be adjusted, and it is adjusted  
20 depending upon body type by moving your elbow.

21 MR. ECHEVERRIA: I think we've been going for  
22 over an hour since our last break. I just want to  
23 check with the court reporter and with the Colonel and  
24 also you, Sean, how you're all feeling.

25 MR. BRADY: Now is fine with me if you all

**Colonel Craig Tucker - March 16, 2023**

1 want to do it. I could do some other questions, or we  
2 can take a few minutes. It's up to you all. Don't  
3 worry about me.

4 THE WITNESS: I wouldn't mind a break.

5 MR. ECHEVERRIA: Yeah, five minutes?

6 MR. BRADY: Sure.

7 THE WITNESS: Sure.

8 (Recess.)

9 MR. BRADY: Back on the record.

10 BY MR. BRADY:

11 Q So we were talking about the features that  
12 California restricts on these rifles, and I just  
13 wanted to get down to the point here, if an AR-15 had  
14 the pistol grip and the flash suppressor and the  
15 moveable stock removed, would you still consider it to  
16 be a rifle most useful for military purposes?

17 A So if the pistol grip, the flash suppressor,  
18 and the stock were removed?

19 Q Yeah, let's say it's a fixed stock, right?  
20 Fixed stock, no pistol grip, no flash suppressor.

21 A Would I still consider it viable for military  
22 use?

23 Q Yes.

24 A No, I would not.

25 Q So without those features, the rifle would



**Colonel Craig Tucker - March 16, 2023**

1 not be most useful in combat settings as you think the  
2 AR-15 is in its standard form?

3 A I got confused on that one, too.

4 Q Oh, you want me to restate the question?

5 A Please.

6 Q Yes. So if it does not have those features,  
7 then the rifle would not be most useful in combat  
8 settings even though you think an AR-15 with those  
9 features would be, correct?

10 I'll restate.

11 A What pieces are missing from each rifle, I  
12 guess, is --

13 Q I think you already answered. I just wanted  
14 to clarify.

15 A Okay.

16 Q You said that without the pistol grip and the  
17 flash suppressor and an immobile stock, the rifle  
18 would not be most useful in combat settings; is that  
19 correct?

20 A That's correct because those features are  
21 what -- part of what allows it to be fired at the  
22 rapid fire.

23 Q In your report in the first paragraph, you  
24 talked about having reviewed California's Assault  
25 Weapon Control Act and what it defines as assault

**Colonel Craig Tucker - March 16, 2023**

1 weapons, correct?

2 A Correct.

3 Q And you noted that they had a list of  
4 firearms that it considered assault weapons, correct?

5 A Correct.

6 Q Are you aware that California considers  
7 rifles on that list to be assault weapons regardless  
8 of whether it has a pistol grip or a flash suppressor  
9 or an adjustable stock?

10 MR. ECHEVERRIA: Objection to the extent it  
11 calls for a legal conclusion.

12 BY MR. BRADY:

13 Q I was just asking if you're aware.

14 A No, I'm not aware.

15 Q Would your position about those features not  
16 being present on those rifles be the same as they are  
17 for the AR-15? It would make them not useful for  
18 combat?

19 A It depends on how the weapon is structured or  
20 how the weapon is built. For example, the AK-47 has a  
21 rear pistol grip, but it does not have a front pistol  
22 grip and cannot take a front pistol grip, but it has  
23 grooves in the barrel shields that allow you to use it  
24 for the same function you could use a front pistol  
25 grip for. So not knowing what other features might be

**Colonel Craig Tucker - March 16, 2023**

1 on those weapons that are built in to provide that --  
2 that stability, I can't really comment on that.

3 Q Okay. I want to go to paragraph 22. I'm  
4 sorry. Let me make sure -- yeah -- of [Exhibit 2](#).

5 A We're going back to 2. Okay.  
6 Paragraph 22?

7 Q Yes. I'm going to get to that. I'm sorry.  
8 I'm trying to find it on my --

9 A I got it.

10 Q Okay. So you start off that paragraph with  
11 "The AR-15 is an offensive combat weapon no different  
12 in function or purpose than an M4," right?

13 A Correct.

14 Q Do you stand by that opinion as you sit here  
15 today?

16 A I do.

17 Q Okay. There is at least one difference  
18 between them, though, right? The M4 is select fire  
19 and the AR-15 is not?

20 A M4 has automatic fire. The AR-15 does not.

21 Q So when you say there's no difference in  
22 function or purpose, there is at least one difference,  
23 right, and that is one has automatic capabilities and  
24 one does not?

25 A So I'm talking about the purpose and nature

**Colonel Craig Tucker - March 16, 2023**

1 of the weapon. It's not changed. Whether it has an  
2 automatic capability or not, it's -- the weapon is  
3 designed to function the same way and to efficiently  
4 kill as effectively as possible.

5 Q So is it your opinion that automatic fire and  
6 semiautomatic fire are not different functions?

7 A No, they are both controlled by the same  
8 functions in the weapon system. The same cycle of  
9 function control both.

10 Q The next line says, "In my opinion, both  
11 weapons are designed to kill as many people as  
12 possible as efficiently as possible."

13 Is that correct?

14 A Correct.

15 Q And do you stand by that opinion today?

16 A I do.

17 THE WITNESS: Hold on, folks. Something is  
18 going on with my Zoom here. For some reason, Bing  
19 decided to show me the news. Hold on, please. I'm  
20 sorry about that.

21 MR. BRADY: No problem. Are you able to hear  
22 me still?

23 THE WITNESS: Yes, I have you again.

24 MR. BRADY: Because you are kind of getting a  
25 little, like -- it's definitely some technical,

**Colonel Craig Tucker - March 16, 2023**

1 weird -- I can still see and hear you, but I can tell  
2 there's an issue. Can you still hear me?

3 THE WITNESS: I can hear you, yes. If it  
4 gets worse, let me know, and I can take these  
5 headphones off.

6 (Discussion held off the record.)

7 BY MR. BRADY:

8 Q So I was asking, the sentence, "In my  
9 opinion, both weapons are designed to kill as many  
10 people as possible as efficiently as possible."

11 And your response was you agree with that  
12 statement as you sit here today?

13 A I do.

14 Q It is -- were you trained in the Marine Corps  
15 that the purpose of using a weapon is to kill?

16 A Yes, the purpose of using a weapon is to  
17 kill.

18 Q So if you were to shoot somebody in combat  
19 and they were to be wounded and no longer a threat,  
20 would you continue firing on that person?

21 A No. Because the threat has been neutralized.

22 Q Okay. So isn't it fair to say that the  
23 purpose of a weapon is to neutralize a threat, not  
24 kill it?

25 A In combat, you're firing that weapon to kill.

**Colonel Craig Tucker - March 16, 2023**

1 If you wounded somebody, then you screwed up.

2 Q So the second part of this sentence says --  
3 I'm adding "both weapons" because it's a two-part  
4 sentence -- "serve no legitimate sporting or  
5 self-defense purpose," right?

6 A That is my professional opinion, yes.

7 Q And what do you base that on?

8 A I base the first one on, as we discussed  
9 before, there are weapons that are much more effective  
10 for hunting than the M4, the M16, or the AR-15, which,  
11 because of the nature of how the round impacts flesh,  
12 can damage that flesh. Whether it's visible on the  
13 outside or not, what happens on the inside is what is  
14 important.

15 On the sporting piece of that, it's my  
16 personal belief that weapons of war have no legitimate  
17 sporting purpose in civil society.

18 Q I want to focus more on the self-defense  
19 piece. So what are you -- why would a round -- or why  
20 would a weapon that apparently is very effective at  
21 neutralizing a threat not be a good weapon for  
22 self-defense purposes?

23 A First of all, there's weapons that are much  
24 more effective for self-defense than an offensive  
25 combat rifle.

**Colonel Craig Tucker - March 16, 2023**

1 Q And what do you base that opinion on?

2 A I base that opinion on the ability of a  
3 shotgun and a pistol to provide more effective  
4 self-defense, in my professional opinion, than an  
5 automatic -- than an AR-15, which is either sitting in  
6 the house loaded and ready to fire or has to be  
7 loaded, aimed, and fired in the darkness. Yeah, it's  
8 difficult if you are not well trained, and it's very  
9 difficult to maneuver with an M4 or an M16 or an AR-15  
10 inside your house. You do not need that much  
11 ammunition to have an effective self-defense role.

12 You've got an M4 that can fire a round  
13 700 meters. You're not going to hit -- if you go out  
14 there shooting a machine gun, you're not going to hit  
15 the bad guy every single time. Rounds are going to be  
16 flying downrange. That is probably one of the biggest  
17 reasons why the use of a shotgun or a pistol is much  
18 more effective in self-defense in the house because it  
19 is as effective as a machine gun, and you take less  
20 risk at killing your child in the next bedroom or your  
21 neighbor down the street.

22 Q Let's assume for this part that we are  
23 talking about semiautomatic AR-15s because that is  
24 what's at issue here.

25 A Right.

**Colonel Craig Tucker - March 16, 2023**

1 Q Does your opinion change in any way, assuming  
2 that it is a semiautomatic versus an automatic?

3 A There is -- it doesn't change at all, no.

4 Q What training or source or experience are you  
5 relying on in making your opinion that a handgun or a  
6 shotgun is superior for self-defense?

7 A My own personal experience and my study and  
8 my research.

9 Q For example?

10 A For example, if you look at a large picture,  
11 the ability that people with a shotgun -- if you want  
12 to talk about the human factor, people with a shotgun  
13 and a pistol tend on aim before they fire. People  
14 with a machine gun do not. So that's one piece of it.

15 But the ability to maneuver with -- first,  
16 the ability to gain competence in a shotgun or a  
17 pistol is much easier than it is to gain competence in  
18 an AR-15. The ability to use that pistol or that  
19 shotgun in an effective manner if you are not highly  
20 well trained in it is much easier to employ than an  
21 AR-15. And there's other examples I could give, too.

22 Q Have you taken any defense courses with a  
23 shotgun?

24 A No, only had offensive course with a shotgun.

25 Q What about a self-defense course with a



**Colonel Craig Tucker - March 16, 2023**

1 handgun?

2 A I have taken a self-defense course with a  
3 handgun.

4 Q Have you consulted any -- would you consider  
5 yourself a self- -- civilian self-defense expert?

6 A I don't know what that means when you talk  
7 about civilian self-defense. For one thing, I really  
8 don't worry about it a whole lot. I don't consider  
9 that a -- you know, necessarily a profession that's,  
10 frankly, worthy of the title. But I am perfectly  
11 capable of defending myself or anybody else that needs  
12 defending and doing it well.

13 Q I'm asking about the study of self-defense  
14 tactics. Have you taken any courses in self-defense  
15 tactics outside of a military setting?

16 A Nope, I have not. Mostly because they don't  
17 make any sense to me.

18 Q And why is that?

19 A Well, primarily because most of them teach  
20 about using an AR-15 as a self-defense weapon. And  
21 that's -- that's -- I believe there's a responsibility  
22 when you're training people to give them the best  
23 option available to them given their abilities and  
24 what they're able to handle emotionally, mentally, and  
25 physically in a moment of crisis. That's the deciding

**Colonel Craig Tucker - March 16, 2023**

1 factor.

2 Q And an AR-15 could alter somebody's  
3 decision-making versus a handgun or a shotgun?

4 MR. ECHEVERRIA: Objection. Calls for  
5 speculation.

6 THE WITNESS: Yeah, I'm having trouble  
7 answering that because I'm ratcheting through study  
8 after study we did for the police, our decision-making  
9 course.

10 BY MR. BRADY:

11 Q You don't have to answer the question. Let  
12 me back up and ask you about police.

13 I believe you testified earlier, other than  
14 your military police training by the Army early on in  
15 your career, you have no law enforcement experience;  
16 is that correct, as a peace officer?

17 A That is correct.

18 Q So you've never taken any peace officer  
19 training?

20 A I have taken law enforcement training in my  
21 capacity of emergency management.

22 Q Okay. And did that entail firearm use?

23 A No. I taught post-certified classes that did  
24 involve firearms usage in decision-making. But I was  
25 not a member of law enforcement. I was a contractor.

**Colonel Craig Tucker - March 16, 2023**

1 Q I believe we talked about this earlier. You  
2 are aware -- you don't dispute that law enforcement  
3 agencies in this country employ the AR-15 -- some, the  
4 M4, but let's just stick with the AR-15.

5 Law enforcement agencies do employ the AR-15  
6 in this country, correct?

7 A Law enforcement agencies employ the AR-15  
8 with their offensive tactical units.

9 Q With their SWAT teams?

10 A SWAT teams, correct. Yes.

11 Q I want to go back real briefly to [Exhibit 17](#),  
12 which is the article with the three former Marines. I  
13 know you're not supposed to say "former." You're  
14 always, right, but --

15 A I gotcha.

16 Q On page -- let's see here. Starting at -- it  
17 goes on in two pages. It's the last paragraph in the  
18 article. And it says, "I'll close with a final  
19 observation by Staff Sergeant Leuba," L-E-U-B-A.

20 Have you seen it? Are we all on that page?

21 MR. ECHEVERRIA: Which page are you on, Sean?

22 MR. BRADY: It's the last -- on mine it says  
23 16 of, like, 22 because I think the whole bottom is,  
24 like, ads they got.

25 MR. ECHEVERRIA: I see it.

**Colonel Craig Tucker - March 16, 2023**

1 MR. BRADY: Okay.

2 MR. ECHEVERRIA: Colonel, are you on there?

3 THE WITNESS: Yes, I'm on there. I'm  
4 reading.

5 BY MR. BRADY:

6 Q Okay. And Staff Sergeant Leuba says,  
7 "Tucker's most egregious errors are his claims that  
8 M4s and AR-15s are not useful for individual  
9 self-defense. As a graduate of the USMC Close  
10 Quarters Battle Course, with significant experience in  
11 military operations in urban terrain and enclosed  
12 spaces, I can attest that not only is the M4, and,  
13 therefore, an AR-15, a suitable firearm for use in  
14 compressed spaces, it is preferred. It gives a  
15 defender -- military or private citizen -- a greater  
16 ability to end a threat at close range without  
17 endangering others in close proximity."

18 Do you disagree with Staff Sergeant Leuba?

19 A I do.

20 MR. ECHEVERRIA: Objection to the extent that  
21 that statement mischaracterizes Colonel Tucker's  
22 testimony.

23 BY MR. BRADY:

24 Q Do you think that that mischaracterizes your  
25 testimony, Colonel Tucker?

**Colonel Craig Tucker - March 16, 2023**

1           A     It does.

2           Q     How so?

3           A     It conflates combat training and operations  
4 with operations in a civilian environment, and they  
5 are completely different. Not the same. There is no  
6 comparison. You cannot talk about a graduate of the  
7 USMC Close Quarters Battle Course and significant  
8 experience in military operations in closed spaces and  
9 urban train and translate that into "I'm an expert in  
10 self-defense at somebody's house." They're two  
11 completely different missions and operations.

12                     Staff Sergeant Leuba failed to mention in his  
13 USMC Close Quarters Battle Course that he's never  
14 alone in those situations. If I'm battling five bad  
15 guys in my house room to room, then by all means, yes,  
16 I'd say what he's talking about is valid. Other than  
17 that, I think it's egregious when there are weapons  
18 that are much better suited for self-defense, much  
19 easier to use for those people who may need to use  
20 them for self-defense, than an offensive combat rifle.

21           Q     And have you conducted any studies or surveys  
22 or seen any by people about whether the AR-15 is  
23 easier to operate than other firearms?

24           A     I mean, it's designed to be easy to operate.  
25 It's an industrial weapon designed to teach tens of

**Colonel Craig Tucker - March 16, 2023**

1 thousands of people how to use it. Using it properly  
2 is a whole different story.

3 MR. BRADY: Let's take a couple minutes. I  
4 might be able to wrap up here. I just want to go over  
5 my notes to make sure I have no more questions.

6 (Recess.)

7 MR. BRADY: Back on the record.

8 BY MR. BRADY:

9 Q I just have a couple more questions. On  
10 page 8 of your surrebuttal, which is [Exhibit 4](#), you  
11 state that "It rarely takes more than a couple of  
12 rounds to incapacitate an intruder."

13 Is that your opinion as you sit here today?

14 A My point there is, is that a well-trained  
15 individual, the one who wants a shot to be used in  
16 weapons in self-defense, should not need more than two  
17 rounds per bad person, maybe three if it's dark.

18 Q And what do you base that on?

19 A I base that on what's expected out of  
20 somebody who knows how to fire a weapon and kill a  
21 human being. Two rounds. One in the chest, one in  
22 the head.

23 Q Outside of SWAT teams -- or let me ask you  
24 this.

25 Would you consider what SWAT teams do to be

**Colonel Craig Tucker - March 16, 2023**

1 combat?

2 A There are elements of combat to what we ask  
3 SWAT teams to do just like there are elements of  
4 combat with what we ask normal law enforcement to do  
5 in those cases where they are first or second person  
6 into a situation where there is a bad guy with an  
7 AR-15. So there are differences, and the primary  
8 difference is that in SWAT teams, they normally have  
9 control of the situation.

10 But in terms of going in that door, going in  
11 the door for a SWAT team is no different than going in  
12 the door for one of my squads in Fallujah. At that  
13 moment, you're involved in urban combat. You don't  
14 know what's behind that door. And the same level of  
15 guts it takes my guys to do it, same level of guts and  
16 training it takes those SWAT guys to do it, so that  
17 element is just like combat.

18 Q So when they go into structures, they take  
19 with them sometimes M4s or AR-15s?

20 A They almost exclusively. It's an offensive  
21 operation.

22 Q I believe in a hypothetical you provided  
23 where you were explaining your concerns about the use  
24 of an AR-15 for self-defense in the home, you  
25 indicated killing your neighbor or your loved one in

**Colonel Craig Tucker - March 16, 2023**

1 the next room; is that correct?

2 A Yes, I was referring to rounds that are able  
3 to travel with the max effective range, yes.

4 Q So is there a way to avoid that with  
5 ammunition, certain types of ammunition to avoid  
6 overpenetration?

7 A The best way to avoid an overpenetration is  
8 to have very, very highly trained shooters. That's  
9 it. And SWAT, in my observation, are very, very  
10 highly trained shooters, and that's the difference.  
11 Somebody who understands the weapon system, practices  
12 daily to employ an offensive operations, and practices  
13 probably daily on how to incapacitate a threat.  
14 That's different than your basic homeowner.

15 Q Sure. A person in a SWAT team is almost  
16 certainly going to be able to put rounds on target  
17 better than John Q. Citizen, right? But if a round  
18 hits a wall, whether it's coming out of a rifle being  
19 held by a SWAT member or John Q. Citizen, that round  
20 is going to do the same thing, correct?

21 MR. ECHEVERRIA: Objection to the extent it  
22 calls for speculation.

23 BY MR. BRADY:

24 Q Is it speculating to say that it does not  
25 matter who's holding the rifle as to what the round



**Colonel Craig Tucker - March 16, 2023**

1 does when it hits a wall?

2 A Yes, I think that it is immaterial. If the  
3 two rounds are hitting the same infrastructure,  
4 whether it came from a law enforcement officer or from  
5 a citizen, it would have the same effect.

6 Q Okay. So --

7 A But I want to clarify.

8 Q Go ahead.

9 A Well, my clarification is that the training  
10 is the difference, not -- nothing to do with the  
11 weapon system. It's the training and the ability to  
12 use the --

13 Q Got it. So there's not necessarily a concern  
14 with the AR-15 over other firearms about penetration  
15 through walls. It's about missing your target?

16 A No. I think what you will find is with the  
17 SWAT teams, they won't shoot if they aren't certain of  
18 where their round is going to go. And that's -- same  
19 thing with Marines in urban combat under the rules of  
20 engagement we had. You don't fire that weapon unless  
21 you know where the round is going to go. And if it's  
22 going to go someplace where it could cause more  
23 damage, then you don't fire it. And sometimes you  
24 take the shot. I mean, that's the nature of the  
25 beast.

**Colonel Craig Tucker - March 16, 2023**

1           So I think that in that comparison, to me,  
2 the difference is an individual who is not trained,  
3 woken up in the middle of the night, grabs their  
4 machine gun, and now what are they going to do?

5           Q     Would you --

6           A     They're in a position where they need to have  
7 that level of training to be effective, and they  
8 don't.

9           Q     Okay. Would you consider peace officers who  
10 are not on SWAT to be engaged in combat?

11          A     I believe that a police officer -- and I will  
12 give an example, if I may. I believe that the first  
13 police officer in the building at Uvalde was engaged  
14 in combat. And at the end of the day, they were all  
15 engaged in combat in that situation, but it was an  
16 environment that was created by the presence of a  
17 machine gun.

18                So the -- yes, law enforcement officers can  
19 find themselves involved in combat.

20          Q     And are law enforcement officers trying to  
21 kill as many people as possible as effectively as  
22 possible?

23          A     They're trying to neutralize the threat as  
24 efficiently and effectively as possible. If that  
25 requires killing one person, then that's it.

**Colonel Craig Tucker - March 16, 2023**

1 Q Got it.

2 MR. BRADY: Thank you for your time,  
3 Colonel Tucker. I appreciate it. I believe I am  
4 finished.

5 THE SHORTHAND REPORTER: Mr. Echeverria, do  
6 you need a copy?

7 MR. ECHEVERRIA: I actually do have some  
8 questions for redirect.

9 THE SHORTHAND REPORTER: Okay.

10 MR. ECHEVERRIA: I won't take too much time,  
11 I promise you all.

12

13 EXAMINATION

14 BY MR. ECHEVERRIA:

15 Q Colonel, you testified that you retired from  
16 the U.S. Marine Corps in 2006; is that right?

17 A Correct.

18 Q And when you were -- when you retired, that  
19 would also qualify as being discharged from the  
20 Marine Corps; is that right?

21 A Correct.

22 Q And what was the status of your discharge?

23 A Honorable.

24 Q I'd like to look at [Exhibit 17](#), which was  
25 marked by plaintiffs' counsel during this deposition.

**Colonel Craig Tucker - March 16, 2023**

1 This is the Federalist article entitled "Here are all  
2 the problems with California's expert."

3 Do you see that exhibit, Colonel?

4 A Yes.

5 Q If you look at the first page, do you see the  
6 date that the article was published?

7 A I lost Agile. Give me one moment, please.  
8 Oh, it brought me right back in. Okay.

9 Q Do you see the first page of [Exhibit 17](#)?

10 A I see the first page. And the date is  
11 March 16th, 2023.

12 Q And what's today, Colonel?

13 A March 16, 2023.

14 Q You described having been shot by at least  
15 two rounds fired from an AK-47 rifle; is that right?

16 A Correct.

17 Q Were you injured in either of those  
18 instances?

19 A The first round caught my flak jacket and  
20 traveled the flak jacket. It was in my shoulder, and  
21 it essentially tore a deep furrow in my shoulder but  
22 did not penetrate.

23 The second round was towards the end of its  
24 max effective range, and it knocked me on my back and  
25 broke a rib, but that was it.

**Colonel Craig Tucker - March 16, 2023**

1 MR. ECHEVERRIA: Okay. I don't have any  
2 further questions, Colonel. Thank you for your time.

3 THE SHORTHAND REPORTER: Anyone else?

4 MR. BRADY: No.

5 Should we go off the record, John?

6 MR. ECHEVERRIA: Yeah, off the record.

7 THE SHORTHAND REPORTER: Now can I ask if you  
8 need a certified copy?

9 MR. ECHEVERRIA: Yes, please.

10 MR. BRADY: Yes. Please. And thank you.

11 MR. ECHEVERRIA: And thank you, Vicki, for  
12 enduring today.

13 (Proceedings concluded at 4:53 p.m.)

14 \* \* \*

15

16

17

18

19

20

21

22

23

24

25

**Colonel Craig Tucker - March 16, 2023**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DECLARATION UNDER PENALTY OF PERJURY

I hereby declare under penalty of perjury under the laws of the State of California, that the foregoing is my deposition under oath; are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

\_\_\_\_\_

COLONEL CRAIG TUCKER



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, VICKI RENEE RESCH, RPR, CSR No. 6645, certify: that the foregoing proceedings were taken before me at the time and place herein set forth; at which time the witness was duly sworn; and that the transcript is a true record of the testimony so given.

Witness review, correction and signature was  
(X) by Code. (X) requested.  
( ) waived. ( ) not requested.  
( ) not handled by the deposition officer due to party stipulation.

The dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificate null and void.

I further certify that I am not financially interested in the action, and I am not a relative or employee of any attorney of the parties, nor of any of the parties.

Dated this 24th day of March, 2023.

  
\_\_\_\_\_  
VICKI RESCH