

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

* * * * *
*
M. PETER KUCK, ET AL., *
Plaintiffs, *
* CASE NO. 3:07-CV-1390-VLB
V *
* FEBRUARY 23, 2012
JOHN A. DANAHER, III, ET AL., *
Defendants. *
*
* * * * *

DEPOSITION OF THOMAS KARANDA

Taken on behalf of the Plaintiffs in the above-entitled cause, before Patricia Tyszka, Registered Merit Reporter, License No. 46, Notary Public, in and for the State of Connecticut, on Thursday, February 23, 2012, at 9:03 a.m., at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, pursuant to the Rules of Civil Procedure.

TYSZKA COURT REPORTING SERVICES

189 Old Forge Road

West Hartland, Connecticut 06091

pat7995@charter.net Phone/Fax (860)379-7955

1 APPEARANCES

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

For the Plaintiffs:

LAW OFFICES OF RACHEL M. BAIRD
379 Prospect Street
Torrington, Connecticut 06790-5238
BY: RACHEL M. BAIRD, ESQ.
(860)626-9991

For Defendant State of Connecticut:

OFFICE OF THE ATTORNEY GENERAL
55 Elm Street P.O. Box 120
Hartford, Connecticut 06106
BY: ROBERT D. SNOOK, ESQ.
(860)808-5020

Also Present:

M. Peter Kuck

STIPULATIONS

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

IT IS STIPULATED by counsel that formalities as to the proof of the authority of the Notary Public and sufficiency of Notice are waived.

IT IS STIPULATED and agreed between counsel that all objections, except as to form, are reserved to the time of trial.

IT IS FURTHER STIPULATED and agreed that the deposition may be signed before a Notary Public.

1 THOMAS KARANDA,
2 Of Connecticut Department of Emergency Services
3 and Public Protection, 111 Country Club Road,
4 Middletown, Connecticut 06457, having first been
5 duly sworn, was examined and testified as follows:

6
7 (Plaintiff Exhibit 91 and 92 marked for
8 identification.)

9
10 DIRECT EXAMINATION

11
12 BY MS. BAIRD:

13 Q Good morning.

14 A Good morning.

15 Q Should I address you as Detective Karanda? Is
16 that your --

17 A That's fine.

18 Q Okay. That's how I'll do it then.

19 My name is Rachel Baird, and I represent Peter
20 Kuck in a case that was originally filed in 2007. And I
21 see you have a complaint in front of you. That would, in
22 fact, be the case we're here on today.

23 Were you aware of this case prior to today, Kuck
24 versus Danaher?

25 A Yes.

1 Q Okay. And you know that you've been noticed for
2 deposition as a party in this case, as a party
3 defendant --

4 A Yes.

5 Q -- to testify today? Have you ever done a
6 deposition before?

7 A Yes.

8 Q How many, approximately?

9 A Oh. Less than 10.

10 Q Okay.

11 A Between five and 10.

12 Q Okay. I'll just go over the ground rules very
13 quickly then.

14 If you don't understand a question that I'm
15 asking you or you need further clarification if I'm not
16 making it clear, please ask me to make it clear before
17 you answer. When you answer, respond out loud "yes" or
18 "no."

19 If you need a break at any time, tell me. Or if
20 there's any other issue that comes up that you want to
21 raise, feel free to do so. Your attorney is sitting
22 right next to you and that's what he's here for.

23 Do you understand all that?

24 A I understand that.

25 Q Okay. Good.

1 What years were you in the Department of Public
2 Safety, which is now the Department of Emergency Services
3 and Public Protection? But I'm going to refer to it as
4 DPS today because during the time all this was going on
5 it was called DPS. Does that make sense to you?

6 A That's fine.

7 Q Okay. What years did you serve in the Special
8 Licensing and Firearms Unit of the DPS?

9 A I was there from May of 2002 to October of 2008.

10 Q During that time, did you become familiar with a
11 state permit holder by the name of James Goldberg because
12 of a report that had been received by the Town of
13 Glastonbury regarding his arrest?

14 A Yes.

15 Q I'm going to show you what's been marked as
16 Exhibit 3 in this case. And when I hand you documents
17 today, I'll assume that when you're looking at the
18 document you're reviewing it, and when you're done, if you
19 could tell me when you're ready for me to resume
20 questioning.

21 A Reviewed.

22 Q Now, this Plaintiffs' Exhibit 3, there is a name
23 at the bottom, Detective Barbara Mattson. Do you know
24 Detective Mattson?

25 A Yes.

1 Q Did she serve in the Firearms Unit during the
2 entirety of your service there from May 2002 to
3 October 2008?

4 A Yes.

5 Q So when you arrived in May 2002, Detective
6 Mattson was already in the unit.

7 A Correct.

8 Q And when you left in October 2008, she was still
9 in the unit.

10 A Yes.

11 Q When you arrived in the unit in May 2002, what
12 was your understanding of your assignment?

13 A Well, when I first arrived in the unit I wasn't
14 specifically tasked to doing firearms, per se; there was
15 all sorts of other things that come under the licensing
16 unit.

17 Q Okay.

18 A So I was basically a fill-in at that point to
19 find a spot where they actually wanted me to work while I
20 was within that unit. I wasn't primarily tasked for
21 firearms when I first got there. That was by Lieutenant
22 Kiehm.

23 Q Was Detective Mattson, to your knowledge,
24 primarily tasked with firearms when you arrived in May of
25 2002?

1 A Yes.

2 Q Were there any other detectives who were
3 primarily tasked with firearms when you arrived in the
4 unit?

5 A I believe there were one or two others.

6 Q Do you recall their names?

7 A I believe Detective Joseph Kubish --
8 K-u-b-i-s-h -- he was one. He was more on the firearms
9 side, firearms expert on that side. I can't remember who
10 the sergeant was at that point, though.

11 Q When did Detective Kubish leave the unit?

12 A He went to the Firearms Task Force 2007 maybe?
13 2006 -- late 2006, maybe 2007?

14 Q So it's my understanding that when you first came
15 to the Firearms Unit in 2002, you were performing a
16 fill-in function?

17 A Within the Licensing. Right. There's all sorts
18 of different aspects of Licensing; there's security
19 guards, security companies, there's private investigators,
20 there's bail bondsmen. And there was a primary detective
21 that was assigned to each one of those particular tasks,
22 but when I got there I think they were trying to find
23 where they wanted to put me, where I could best be
24 utilized. I think that's the easiest way to explain it.

25 Q Did there come a time when you were placed in an

1 assignment that became your routine assignment and was not
2 on a fill-in basis?

3 A Yes.

4 Q When did that occur?

5 A Oh, that's probably maybe a couple of months
6 after I had been there.

7 Q So that would have been in 2002 as well?

8 A Yes.

9 Q And what was that assignment that became your
10 routine assignment?

11 A That was the -- anything related to firearms
12 within the unit. So that would do with the permitting,
13 firearms themselves, evidence into the State Police vault
14 that came in. Everything related to firearms. Outside
15 everything else that's in Licensing.

16 Q Were your duties at that time when you were
17 assigned these routine duties you just described the same
18 or similar to the duties that Detective Mattson was
19 already performing?

20 A Yes.

21 Q And is it fair to say that you two were assigned
22 similar duties within the Firearms Unit in May -- after
23 your arrival in 2002?

24 A Yes.

25 Q How long did that last where your duties and

1 Detective Mattson's duties were similar in the Firearms
2 Unit?

3 A Until I left.

4 Q What training specific to your duties in the
5 Firearms Unit did you receive?

6 A Related to Firearms itself?

7 Q Yes.

8 A Oh, boy. There's a variety of federal programs
9 that were offered through the Department of Alcohol
10 Tobacco and Firearms, through the National Instant
11 Criminal Background Check System. There was state
12 training and -- going back, it's been a while since I've
13 been there or reviewed any of my files. These were all --
14 I don't want to say in-services, but they were specific to
15 any item that -- or any issue that would be related to
16 firearms. They came up on -- the NIC stuff came up on a
17 yearly basis. The Alcohol, Tobacco and Firearms, we
18 worked with them; any kind of class that they offered we
19 were offered. So it's a variety. I wouldn't just say it
20 was one pinpoint, but we became that -- the entity that,
21 in fact, was responsible for that. So we were tasked with
22 doing that. Or they give us the nod to go ahead and go to
23 that particular training. So that occurred from the time
24 I got there to the time I left.

25 Q Did you receive specific training in the process

1 of revocation of state permits?

2 A In-house, because it's specific to the State of
3 Connecticut. I would say, sure, that was done by the
4 supervisors that were there at the time. That would have
5 been the sergeants there, the lieutenant who -- Lieutenant
6 Kiehm when I was first there. Detective Mattson, who had
7 been doing that job for a period of time, she became my
8 quasi-training officer when it first occurred. That's the
9 best way to describe that.

10 Q So was there any formal training specific to the
11 decisions that you were expected to make regarding the
12 revocation of state permits?

13 A Well, I won't say -- I don't know how -- well, I
14 would call it training. I guess you would call it
15 training just by the fact that I was in that particular
16 unit, this is what we do here, this is how we do it. So
17 if you would call that training, I guess I would call that
18 training, yes.

19 MR. SNOOK: Counselor?

20 Would it be fair to characterize part of
21 this training as mentoring?

22 THE WITNESS: Oh, absolutely.

23 BY MS. BAIRD:

24 Q Or perhaps on-the-job training?

25 A Sure.

1 Q And you've mentioned a Lieutenant Kiehm a number
2 of times. Was he at some point replaced by Captain Masek?
3 Did they serve the same function or --

4 A No. Captain -- no.

5 Q Okay. What exactly did Lieutenant Kiehm
6 supervise?

7 A Lieutenant Kiehm was in charge of the Special
8 Licensing and Firearms Unit.

9 Q When did he leave?

10 A Oh, boy. I have no idea.

11 Q And who replaced him?

12 A I -- boy. We've had so many in there, I can't --
13 I have to tell you the truth, I couldn't recall who came
14 in after him.

15 Q Is there a reason why there was a transition of
16 personnel in the Firearms Unit?

17 A That's our command staff, and I have no idea the
18 reason why they do the things they do.

19 Q Well, let me ask you this. Why did you leave the
20 Firearms Unit? Was there a reason?

21 A It was -- I had spent -- I had been in that
22 building for, boy, 11 years? Time to leave.

23 Q Getting back then to Exhibit 3 that you have in
24 front of you already, are you familiar with the format of
25 the letter?

1 A Yes. It's the boilerplate form that we send out
2 to any person that's in a revocation status. The only
3 thing that I can think of is just the -- that first little
4 paragraph, that two-line sentence where it is specific to
5 that particular person.

6 Q At the bottom of Exhibit 3, it has the name of
7 John A. Danaher, III. He was the commissioner at least
8 for part of the time you were in the Firearms Unit.
9 Correct?

10 A Correct.

11 Q And then it says "by Detective Barbara Mattson."
12 Did you ever sign any of these letters so that it would
13 say "by Thomas Karanda" and then put your initials?

14 A Yes.

15 Q What guidelines or policies were there with
16 regard to the delegation of the commissioner's authority
17 to you to sign these documents?

18 A We were the commissioner's authority.

19 Q When the commissioner changed, and there was at
20 least one change of commissioner while you were in the
21 unit, and maybe more, do you recall various commissioners
22 having different directives with regard to you
23 implementing their designated authority to revoke permits?

24 A No.

25 Q Did you ever talk or discuss with Commissioner

1 Danaher your duties within the Firearms Unit?

2 A Yes.

3 Q Did you ever discuss with Commissioner Danaher
4 James F. Goldberg in particular, and the revocation of his
5 permit?

6 A I don't recall him specifically, no.

7 Q Did you ever discuss James F. Goldberg for any
8 reason with Commissioner Danaher?

9 A I don't recall. And I'll qualify all of this
10 with I haven't been there in three years and there's
11 probably -- I don't even know when -- this case goes back
12 to 2007. So with that said, just by, you know, trying to
13 recall a conversation I may have had with Mr. Danaher, I
14 can honestly say I don't recall him -- or us having a
15 conversation with him specifically.

16 MR. SNOOK: To the extent that you recall,
17 did Commissioner Danaher ever make any requests
18 to you for information with respect to
19 Mr. Goldberg's revocation?

20 THE WITNESS: I don't think Commissioner
21 Danaher specifically. Maybe somebody within his
22 office; maybe chief of staff or whatever, you
23 know, matter-of-factly. As a regular course of
24 business there we don't really have access to
25 the commissioner, so I would say maybe somebody

1 within his office. Maybe one of his staff
2 assistants might have said can you give me some
3 information there. I don't recall it, but I
4 would say that would probably be the form, as
5 opposed to sitting down having coffee with the
6 commissioner.

7 BY MS. BAIRD:

8 Q Was James Goldberg, in your opinion and based on
9 your, what, six years in the Firearms Unit, a revocation
10 that received more attention than perhaps other
11 revocations that were made by the unit?

12 A Initially?

13 Q Yes.

14 A No.

15 Q Okay. And at some point after the initial
16 revocation, did James Goldberg's revocation receive more
17 attention than the majority of revocations that occurred?

18 A I would have to say yes.

19 Q Do you recall that there was an article or two in
20 the Hartford Courant about Mr. Goldberg?

21 A Yes.

22 Q And that there were various inquiries to the unit
23 from Mr. Goldberg's father about the revocation?

24 A Yes.

25 Q And by Edward Peruta about the revocation?

1 A Yes.

2 Q And by myself about the revocation?

3 A Most definitely.

4 Q Okay. And what effect, if any, did this have on
5 discussions within the DPS about how to handle the James
6 Goldberg case?

7 MR. SNOOK: If I can object to one thing.

8 To the extent that it did not include Dawn
9 Hillier or counsel.

10 A I would say through most of it it was more a
11 matter of fact. This is one that is -- I want to say does
12 have a lot more attention to it. Are we aware of it? Is
13 everything the way we've always done things? Is it a
14 regular standard operating procedure for the way we handle
15 anybody else? It was no different than anybody else.

16 BY MS. BAIRD:

17 Q Okay. Prior to sending this letter in
18 Plaintiffs' Exhibit 3, did you perform any investigation
19 to determine if revocation was warranted? You. Detective
20 Karanda.

21 A Yes.

22 Q And what investigation did you perform?

23 A After the fact -- and I'm just going by my
24 recollection; I don't have any of the Firearms notes or
25 anything else, I'm just -- I remember going out and

1 interviewing the woman that was at the establishment where
2 this incident had occurred --

3 Q Well, wait a second. I just want to make my
4 question clear. Prior to June 27th, 2007.

5 A Nothing.

6 Q Okay. So prior to June 27th, 2007 when
7 Plaintiffs' Exhibit 3 was sent to Mr. Goldberg, what
8 investigation did you perform, if any, to determine if the
9 initial revocation was warranted?

10 A I wasn't involved in it.

11 Q Did you discuss with Detective Mattson the
12 decision that went into sending out the revocation letter
13 of June 27th, 2007?

14 A I don't believe so.

15 Q Handing you Exhibit 24.

16 A Reviewed.

17 Q Prior to the notice of revocation going out to
18 Mr. Goldberg dated June 27th, 2007, did you review the
19 documents contained in Exhibit 24?

20 A No.

21 Q Subsequent to June 27, 2007, did you look at the
22 police report from the Glastonbury Police Department
23 that's contained in Exhibit 24? At some point.

24 A Probably.

25 Q And in looking at Exhibit 25 which you've just

1 reviewed, do you see any reference in -- Exhibit 24, I
2 mean -- to statements taken by any individuals at Chili's
3 during the incident? And I mean written statements.

4 A They are not contained within this document, no.

5 Q Exhibit 26. And while we're waiting for
6 Exhibit 26 and you have Exhibit 24 in front of you, the
7 first page of that appears to be a letter from a
8 Lieutenant Woessner at the Glastonbury Police Department.
9 Have you ever dealt with or communicated with Lieutenant
10 Woessner, or did you ever during your time in the Firearms
11 Unit?

12 A Yes.

13 Q And in looking at this letter dated June 25th,
14 2007 from Lieutenant Woessner, do you consider that letter
15 to be a request for revocation?

16 A I would say I don't know because I don't know
17 what their conversation consisted of while they spoke of
18 it on the phone. So --

19 Q Okay. Just looking at the letter I'm asking you
20 based on your familiarity with --

21 A If they went as far as sending the police report
22 along, I would probably say it was a case that they had
23 looked at and were -- and going back to the last page, I
24 would say it was probably -- it was being -- form
25 completed and faxed to the Statewide Firearms Trafficking

1 Task Force which is different than our unit.

2 So in looking at the document, I would say this
3 would -- this isn't any different than any other request
4 that would come into our office.

5 Q Okay. So police departments wouldn't say "we are
6 requesting that the permit be revoked." It's your
7 testimony they would just send their incident reports
8 along to you?

9 A And for the most part they would probably -- in
10 the cases I was involved with, the majority of the time
11 they wouldn't send something along just for us to read.
12 So I would say once again, not knowing what occurred, what
13 the conversation was on the phone, if he said, "look,
14 we're looking for a revocation of this particular
15 individual," I couldn't comment on that; but I would say
16 this wouldn't be out of the norm for something that would
17 make its way to our office for consideration.

18 Q Okay. So based on your experience in the unit,
19 just looking at Exhibit 24 this constitutes or you would
20 imply or you would consider this a request from the
21 Glastonbury Police Department for revocation?

22 A I would -- I would say it would probably be
23 reviewed by our office. They would want us to review it,
24 as some of this may not be in their forte. That's why
25 they forward it along to us for consideration. And we are

1 the issuing authority. So if they wanted that, they would
2 have to send something along that would consist of a
3 document like this.

4 MR. SNOOK: I don't want to interrupt, but
5 just so I understand, so when you would receive
6 something like this in the normal course of
7 business, you would imply or deem this a request
8 for your consideration for the purpose of
9 determining whether to revoke or not?

10 THE WITNESS: Yes.

11 BY MS. BAIRD:

12 Q Well, you're familiar with the statute which
13 provides two alternative means to justify revocation, and
14 that one of those means is a request from the local
15 issuing authority, and one of them is the investigation
16 performed by the Firearms Unit. Correct?

17 A Commissioner's designee. Correct.

18 Q If a municipal police department made a request
19 during the time you were there -- and all these questions
20 pertain to the time you were there. We're not testifying
21 how it is now because you're not there.

22 If a municipal police department made a request
23 for revocation, would there be any follow-up
24 investigation that the Firearms Unit would do prior to
25 revocation?

1 A Depending on the circumstances. Once again,
2 every case is different. So I would -- I would say that
3 depending on the circumstances that involved any
4 particular case, if it warranted going out to the field
5 and doing a particular investigation on it, supplement the
6 information to what the local authority may have done, I
7 would say sure, we would do that. Absolutely.

8 Q So even though in some circumstances a local
9 issuing authority requested revocation, would it be
10 possible that a revocation wouldn't occur?

11 A Oh, absolutely.

12 Q And in the alternative, perhaps if a local
13 issuing authority didn't request revocation, it could
14 still occur. Correct?

15 A Yeah. Oh, yes. Yes.

16 Q And the ultimate authority was in the State
17 Police to determine whether revocation was warranted.

18 A Yes.

19 MR. SNOOK: By saying "State Police" you
20 mean SLFU?

21 THE WITNESS: Correct.

22 MR. SNOOK: Which means you and Barbara
23 Mattson.

24 THE WITNESS: Correct. Or the sergeant or
25 the lieutenant.

1 BY MS. BAIRD:

2 Q Well, I mean the ultimate authority was in the
3 commissioner, Commissioner Danaher. Correct?

4 A Yes.

5 Q And that authority was delegated to you.

6 A Correct.

7 Q Did Commissioner Danaher ever talk to you or did
8 you ever receive any communication down through the
9 hierarchy that you had not used his authority in the way
10 he expected it would be used?

11 A Never.

12 Q This is Exhibit 26.

13 (Brief discussion held off the record.)

14 A Reviewed.

15 BY MS. BAIRD:

16 Q If you know, where did the contents of Exhibit 26
17 originate from?

18 A They are maintained within the Firearms Unit
19 itself. Or the Special Licensing and Firearms Unit.

20 Q Am I correct that it's a printout of content that
21 was on a computer database?

22 A Yes.

23 Q There are initials in Plaintiffs' Exhibit 26
24 which include initials TMK. Are those your initials?

25 A Yes, they are.

1 Q And then there are initials BJM. Are those
2 Detective Mattson's?

3 A Yes.

4 Q What was the procedure, if any, for entering
5 information in the Firearms Unit database about
6 revocations in these notation forms?

7 A Any time there was contact, correspondence, any
8 kind of investigation, any kind of notes that were
9 specific to this particular case that could be germane
10 somewhere down the line were entered into that particular
11 person's information under their name.

12 Q Was there information that would be relevant to
13 communications or contacts or investigation about a case
14 that would not go in these notes, but would go somewhere
15 else?

16 A No. If it was specific to that particular
17 individual you'd want to keep everything in a file. I
18 mean there was hard-copy files within our office for every
19 case, which would include Exhibit 3, Exhibit 24;
20 everything that would be relevant to that particular case.
21 There would be a case jacket with all that information in
22 it. Which would be hard copies; not everything was
23 electronic in our office. So you have to look at the
24 information that's on this table here, you would see that
25 within the files.

1 Q What was the purpose of putting the notes such as
2 appear in Exhibit 26?

3 A The electronic notes would be just simple daily
4 information gained from a particular individual or
5 something that we did on it where, in fact, we wouldn't
6 generate -- our first lieutenant was a paper-friendly guy
7 who didn't want to see all these particular documents, and
8 if you could be just doing electronic submission of a
9 particular note, that's how we did it. We're trying to
10 get into the 21st Century in our department.

11 Q And the lieutenant that you're referring to, was
12 he still there in 2007 when the Goldberg case came to the
13 attention of the Firearms Unit?

14 A No. This was back in Lieutenant Kiehm's era.

15 Q In 2007, was Sergeant Bastura affiliated somehow
16 with the Firearms Unit?

17 A Yes.

18 Q What position did he hold?

19 A He was the executive officer of the unit.

20 Q Did he perform some of the job functions that
21 Lieutenant Kiehm had performed previously?

22 A He might have done it -- I mean he was
23 administrative sergeant, he was an executive sergeant. He
24 may or may not have done it. I wasn't really familiar
25 what went on in his cube.

1 Q Okay. And Sergeant Bastura, were his duties
2 greater in scope than just the Firearms Unit? Did he
3 supervise more than just the Firearms Unit?

4 A The whole Special Licensing and Firearms Unit.
5 So licensing was under there also.

6 Q Was Sergeant Bastura your direct supervisor?

7 A I believe so. There was periods of time there
8 was two sergeants in there, then it was one sergeant in
9 there, and then another sergeant came. So it fluctuated
10 and their duties fluctuated. So at any given point I
11 couldn't -- I can't remember when Mr. Goldberg's case was
12 occurring, if he was our direct supervisor. I would
13 venture -- I won't even venture a guess because I don't
14 remember who was there at the time.

15 Q I know you had testified that when you arrived at
16 the unit and some time thereafter when your duties became
17 more specific to licensing in the unit, Detective Mattson
18 trained you. Correct?

19 A Yes.

20 Q Was she ever in a supervisory capacity --

21 A No.

22 Q -- to you? Is there a way of telling who
23 outranked the other? Did you have the same rank?

24 A We were both detectives at the time.

25 Q Right. And in DPS when two people are the same

1 rank, does the one who has been in the department longer
2 outrank the other?

3 A That's a good question. Seniority is, in fact,
4 in place. She's only six months senior to me, but you
5 would -- in our regular scope -- not so much within the
6 Firearms Unit, but within our agency that person does have
7 seniority -- and I don't want to say "rank" or
8 "supervisory capability," but that's a senior person to
9 whoever else it is. So I'm not going to say supervision,
10 but that person is senior to the other individual. Sure.

11 Q Did that in any way impact on the working
12 relationship you had with Detective Mattson in terms of
13 how duties were assigned or what roles you played in the
14 unit?

15 A No.

16 Q Okay. Is it fair to say that you two for all
17 intents and purposes were equal in your assignments,
18 duties, and what was expected of you?

19 A Yes.

20 Q In Plaintiffs' Exhibit 26, is there information
21 in here about what factors went into the decision to
22 revoke Mr. Goldberg's permit?

23 A No.

24 Q Let me ask you about the entry on the first page
25 of Plaintiffs' Exhibit 26 dated July 31st, 2007, where it

1 states: Firearms note. This incident occurred two months
2 after the Virginia Tech incident. Military gear with
3 exposed firearm. App had failed to show mature judgment
4 as referenced in the Board of Firearms Web site and
5 handbook question 36.

6 Are those your initials that appear after what I
7 just read?

8 A Yes.

9 Q How did that note impact, if at all, the decision
10 to revoke Mr. Goldberg's permit? And when I say "that
11 note," I'll start with the fact that there had been an
12 incident at Virginia Tech.

13 MR. SNOOK: Can I?

14 Unless my memory is incorrect, was a
15 previous exhibit, the revocation itself, dated
16 prior to this?

17 MS. BAIRD: Well, can I just go through it?

18 MR. SNOOK: Oh, please. Go ahead. I'm not
19 sure where you were going, but go ahead. Knock
20 yourself out.

21 A Can you give me the question again now that I'm
22 off --

23 BY MS. BAIRD:

24 Q Yes. Well, let me just ask you this. Why does
25 that note appear on July 31st, 2007 in Plaintiffs'

1 Exhibit 26? Why did you put that there?

2 A I would say because it is relevant to the case
3 that was before Mr. Goldberg's case. It was similar.
4 Just as a note to us, this is another incident. It's not
5 like it was singular. This is an incident that had
6 occurred similar to Mr. Goldberg's incident. That's all.

7 Q Well, how was Mr. Goldberg's incident similar to
8 the Virginia Tech incident?

9 A Dressed in military gear with an exposed firearm.

10 Q Was it similar in any other way?

11 A In the fact that nobody was killed in
12 Glastonbury, I would say that's dissimilar. But I would
13 say not.

14 Q Was there any attempt to kill anybody in
15 Glastonbury?

16 A No. No, absolutely not.

17 Q Was there any threat to kill anybody in
18 Glastonbury?

19 A Not so much the threat, but I think it was the
20 alarm that occurred when he walked into a family
21 restaurant with an exposed firearm. I think that's what
22 originally generated from the Glastonbury police report.

23 Q Okay. And when you say "originally generated
24 from the Glastonbury Police Department," you're talking
25 about Exhibit 24?

1 A Correct.

2 Q So is it fair to say by July 31st, 2007, you had
3 read the Glastonbury police report to put that notation in
4 there?

5 A I would probably say yes.

6 Q Well, to know it was similar. Right?

7 A June, July -- a month later. I would say I
8 probably read it somewhere along the line, yes.

9 Q Now, you make a reference to "mature judgment" in
10 the entry dated July 31st, 2007. Correct?

11 A Yes.

12 Q When did you first learn about this mature
13 judgment that you're referring to?

14 A When I reviewed the Board of Firearms Permit
15 Examiners Web site.

16 Q Okay. Did you review that sometime after May
17 2002 when you arrived at the unit?

18 A Yes.

19 Q Did you review it specifically with regard to
20 Mr. Goldberg's case?

21 A No. As a matter of fact, I think there had been
22 prior board hearings where their guidelines -- the Board
23 of Firearms Permit Examiners, they have their own set of
24 guidelines that they work under. I thought it would be
25 prudent to review those if I was going to be, in fact,

1 presenting the cases before them.

2 Q Okay. So you were familiar with the Board of
3 Firearms guidelines.

4 A Yes.

5 Q I'm handing you Exhibit 91. Instead of looking
6 at the whole thing, let me just direct your attention --
7 you've free to look at the whole thing if you'd like and
8 maybe after I ask the question you'll want to. But what
9 I'm going to focus on is question No. 36. The pages
10 aren't numbered, but the questions go in order.

11 A Reviewed.

12 Q Okay. That question that you just reviewed in
13 Exhibit 91, question No. 36, is that the one you're
14 referring to in your July 31st, 2007 entry?

15 A Yes.

16 Q And at that time of July 31st, 2007, what was
17 your understanding of the law in Connecticut as to whether
18 a pistol or revolver was to be carried concealed or
19 whether it was allowed to be carried openly? By a valid
20 permit holder not otherwise prohibited.

21 A Okay. So your question --

22 Q What was your understanding of the law in
23 Connecticut on July 31st, 2007, as to whether a valid
24 permit holder could carry a pistol or revolver openly,
25 given that he had a valid permit and it wasn't otherwise

1 prohibited?

2 A Wherein the fact that there is no statute that
3 says you cannot carry that firearm openly, we refer back
4 to if, in fact, you carry that handgun openly and it
5 causes inconvenience, annoyance, and alarm to other
6 persons in a public place, you're subject to arrest
7 similar to the way Mr. Goldberg was.

8 Q And what did you base that understanding that you
9 just expressed on?

10 A Through my training as a police officer for
11 almost 30 years.

12 Q So it's your testimony that you didn't base it in
13 whole on question 36 contained in the Board of Firearms
14 Permit Examiners questions on-line?

15 A Correct.

16 Q Okay. And that that had been your training for
17 many years as a police officer.

18 A Yes.

19 Q Now, in question 36 in Exhibit 91, it mentions
20 mature judgment. Do you know if there was a time when the
21 board removed that phrase "mature judgment" from its
22 Web site as a standard that it operated under?

23 A Am I aware of that now? No, I'm not.

24 Q Okay. And you never became aware of that while
25 you were in the Firearms Unit?

1 A I can't recall. No.

2 Q Was there a time when you stopped using the
3 standard of "mature judgment" while you were in the
4 Firearms Unit?

5 A I want to -- I'll qualify that with mature
6 judgment to -- and go with a responsible person that is,
7 in fact, carrying that firearm. I'll qualify that a
8 little more. Not mature judgment, I guess -- every case
9 is different on its face. Every person is different on
10 its face. When I look at something like that, "mature
11 judgment," would I be comfortable with this person
12 carrying a firearm within the State of Connecticut? I
13 would say if the person could carry that -- was legally
14 and lawfully carrying that firearm and they were a
15 responsible person, I would say that person would be a
16 qualified permit holder.

17 Does that explain that?

18 Q Well, is it fair to say that with -- well, let me
19 ask you this. Did Detective Mattson and you always agree
20 on the definition in various circumstances that came to
21 your attention of "mature judgment"? Was there always 100
22 percent agreement on whether somebody had exercised mature
23 judgment or not?

24 A Oh, I don't think so. Not all the time, no. And
25 I'll qualify that with it was a general consensus, and if

1 there was something that her and I didn't see eye to eye
2 on in a particular case, talk to the supervisor there.
3 There's other people that had experience there within the
4 unit that could say, hey, what would be your take on this?
5 Go to the supervisor, supervisor would make a
6 determination. People that were associated with the
7 board, if that would be Sergeant Rosado when he was the
8 authority for the department as the hearing officer, if
9 that was Lieutenant Fox while he was the hearing officer,
10 we'd run that by them also.

11 Q And did supervisors ever have any disagreements?
12 Were they always in 100 percent agreement about whether
13 someone had exercised mature judgment or failed to do so?

14 A Once again, case-by-case basis. I mean every
15 case was different; similar or dissimilar to members on
16 the board, how they have their -- how they would think of
17 a particular case. Everybody's different how they --
18 could be how they grew up, how they were raised had -- a
19 totality of circumstances what would make a person think
20 that that was, in fact, a reasonable or mature judgment.
21 With that said, I would say we didn't agree on everything;
22 but as a general rule we agreed on most of the stuff that
23 came before us.

24 Q I'm handing you Exhibit 29, and for some reason
25 there is only one page to Exhibit 29.

1 MR. SNOOK: Which is it?

2 BY MS. BAIRD:

3 Q I'll hand it to you anyway.

4 A Reviewed.

5 Q Have you seen this page that's been marked as
6 Exhibit 29 previously?

7 A No.

8 Q Okay. Have you had either a municipal chief of
9 police or his designee send you or the Firearms Unit a
10 letter asking to be kept apprised of all proceedings with
11 regard to a particular revocation?

12 A Occasionally.

13 Q Did the letter that's dated September 25th, 2007
14 in Plaintiffs' Exhibit 29 come to your attention through
15 the hierarchy down from Commissioner Danaher?

16 A I can't recall ever seeing this letter, so with
17 that said I'd say no.

18 Q Okay. Going on to Exhibit 30.

19 A Reviewed.

20 Q Have you seen Exhibit 30 previously?

21 A I believe I have.

22 Q And did that come to your attention while you
23 were in the Firearms Unit?

24 A Yes.

25 Q Do you know how it came to your attention?

1 A No.

2 Q Were you familiar with court orders as part of
3 your job in the Firearms Unit?

4 A Absolutely.

5 Q Did you understand this court order to mean that
6 Mr. Goldberg's case had been dismissed?

7 A Yes.

8 Q Well, why would you receive a court order
9 indicating that a case was dismissed at the Firearms Unit?
10 How was that relevant to your job?

11 A Well, it would be relevant to my job if the
12 person had, in fact, been convicted of a crime which would
13 have been a misdemeanor handgun disqualifier. Something
14 along that line.

15 Q Right.

16 A That's maybe a reason why it would have made its
17 way to my office. Why this particular one made this I --
18 once again, I don't know who presented this document, so I
19 would think that would have some bearing on the reasoning
20 behind it.

21 Q Did you ever take into account the fact that a
22 criminal charge had been dismissed into whether an
23 individual's permit should be reinstated or not?

24 A Absolutely.

25 Q What factors did you take into account in

1 determining whether a dismissal warranted reinstatement?

2 A Based on the involved incident or whatever the
3 incident was that occurred. I think, once again, a
4 case-by-case basis. If I'm looking at a particular case
5 and, you know, make a determination that this may be
6 something that should appear before the board and not be
7 returned by our authority, the commissioner's authority,
8 we'd make the proper notifications to the Board of
9 Firearms Permit Examiners and make them make the
10 determination.

11 Q Were you involved at all in determining whether
12 the fact that Mr. Goldberg's case had been dismissed in
13 criminal court would impact his request that his permit be
14 reinstated?

15 A Would it make -- the fact that it was dismissed
16 in court --

17 Q No. What I'm asking you is there's two
18 detectives in the unit, you and Detective Mattson. And
19 you've already testified that Detective Mattson had
20 already done some work on the Goldberg case. Correct?

21 A Correct.

22 Q That she had been contacted by the Glastonbury
23 Police Department. Correct?

24 A Correct.

25 Q And that the letter of revocation went out from

1 Detective Mattson.

2 A Correct.

3 Q So what I'm asking you is whether you made any
4 decision or were involved in any decision to determine
5 whether the fact that Mr. Goldberg's case was dismissed
6 would warrant reinstatement? Were you involved in that?

7 A I would say no.

8 Q Would the fact that a case had been dismissed
9 appear anywhere in the computer database notes that are
10 contained in Exhibit 26? I'm looking and I'm just trying
11 to figure out, would notes regarding a dismissal of a
12 criminal case be relevant or be included within notes that
13 appear in Plaintiffs' Exhibit 26?

14 A I would say if this particular document had made
15 its way to our office, I would say there would be some
16 kind of entry somewhere along the line.

17 Q Well, okay. I think I found it. Let me direct
18 your attention to July 30th, 2007.

19 A Okay.

20 Q And I'll let you read that entry. It starts with
21 "app's father."

22 A Reviewed.

23 Q Okay. Those are your notes from July 30th, 2007.
24 Correct?

25 A Yes.

1 Q So is it fair to say on that date you became
2 aware that the case was dismissed? Or at least became
3 aware that there may be information from the court that
4 the case was dismissed?

5 A Yes.

6 Q And then there are other notes in there made by
7 you from July 30th, 2007, about a visit by Mr. Goldberg's
8 father to the unit. Correct?

9 A Yes.

10 Q Were you involved or did you relay that
11 information to Detective Mattson to discuss whether the
12 dismissal warranted reinstatement?

13 A Can't recall.

14 Q Is it fair to say that in a number of cases while
15 you were in the Firearms Unit, when a criminal charge was
16 dismissed there would be a reinstatement of the permit?

17 A In all cases?

18 Q In a number of cases.

19 A I would say no. Once again, depending on the
20 circumstances involved in the case. We didn't take it
21 upon ourselves to make determinations on cases similar to
22 this or any other case where we believed it to be a
23 serious enough nature where we wouldn't make the
24 determination. We, in fact, referred to the Board of
25 Firearms Permit Examiners for them to make the

1 determination.

2 Q Okay. Let me just ask you about Plaintiffs'
3 Exhibit 61, to look through there and just basically be
4 able to answer the question whether you recognize those as
5 entries taken from the SLFU computer database?

6 A I won't review all of them, but they look like
7 they are similar to notes that would be within the
8 Firearms database. Sure.

9 Q Okay. And from your memory of the various cases
10 you worked on, do you agree that if you were to look
11 through the computer database notes from the Firearms
12 Unit, that there would be entries in there saying, you
13 know, case dismissed, permit reinstated? Does that sound
14 familiar --

15 A Yes.

16 Q -- entries like that?

17 A Yes.

18 Q And do you agree that in Mr. Goldberg's case that
19 didn't happen? There's no notation in there "case
20 dismissed, permit reinstated."

21 A Let me --

22 Q Well -- okay.

23 A Somewhere down the line I believe that may have
24 occurred.

25 Q Good point.

1 A (Reviewing.) I don't see anything in the
2 notations here, but I know for a fact that that had
3 occurred.

4 Q Right. The notations here only go up to
5 September 17th, 2007.

6 A Okay.

7 Q But let me put it this way. When you found out
8 Mr. Goldberg's case was dismissed, there wasn't a decision
9 at that time immediately following to reinstate his
10 permit.

11 A Correct.

12 Q And is that because you deemed the situation that
13 Mr. Goldberg was involved in to be of such a serious
14 nature that the board should review it?

15 A Yes.

16 Q And what was the serious nature of Mr. Goldberg's
17 situation that merited the board's review instead of
18 reinstatement, in your opinion?

19 A In my opinion? Was the fact that -- and going by
20 the Glastonbury report of the incident, that he had walked
21 into a family restaurant with an exposed firearm, causing
22 inconvenience, annoyance, alarm to the people, the patrons
23 within the restaurant and to the workers, the employees of
24 that particular facility. Just based on that fact right
25 there, we deemed it -- or Detective Mattson deemed it

1 originally, that it was something that their person --
2 that person's permit should be revoked. And everything
3 that transpired was subsequent to the revocation.

4 Q Is it fair to say then that if the Glastonbury
5 police report had indicated, you know, he walked into the
6 Chili's restaurant, nobody cared, nobody was afraid,
7 nobody was alarmed, nobody felt threatened, that your
8 determination would have changed entirely?

9 A If he hadn't been arrested?

10 Q No. Is it fair to say -- he would have still
11 been arrested, but it would have been he was arrested just
12 because he was carrying openly. Nobody was afraid, nobody
13 was concerned, nobody was alarmed.

14 A In the years that I've been there, the State of
15 Connecticut isn't an open -- let's -- we'll put it as an
16 open-carry state. This is -- people in the Chili's
17 restaurant aren't used to seeing a person come in with an
18 exposed firearm unless they're in uniform, with a badge on
19 and a police car. I would say for the State of
20 Connecticut that's not the normal course of business here.

21 Q Right.

22 A People don't carry exposed firearms here.

23 Q Right.

24 A This isn't Arizona or Texas or wherever else they
25 may have open-carry issues. I think -- and I don't want

1 to make societal comments about, you know, what people
2 think and don't think here, but for the most part people
3 don't carry exposed firearms in the State of Connecticut.

4 Q Okay. So was it the information that was
5 contained in the Glastonbury police report that somebody
6 was afraid or inconvenienced or annoyed or alarmed that
7 made it a serious incident to you?

8 A Yes.

9 Q Okay. And if there hadn't been any information
10 in there that, you know, nobody really was afraid,
11 alarmed; all of them, you know, were familiar with
12 firearms, they had pistol permits on their own, nobody was
13 worried about it, would it still have been a serious
14 incident?

15 A I would -- to me? I would say probably not.
16 Probably not.

17 Q Well, let me ask you this. Have you ever in your
18 career with the Department of Public Safety been assigned
19 where you wore plainclothes instead of a uniform?

20 A Yes.

21 Q And when you wore plainclothes, did you carry a
22 firearm?

23 A Yes.

24 Q And where did you carry that firearm?

25 A On my person. On my hip.

1 Q And was it concealed?

2 A All the time.

3 Q Okay. Are you familiar with plainclothes police
4 officers within the Department of Public Safety who dress
5 in plainclothes and wear the firearms exposed?

6 A I would hope not.

7 Q You've never been out and seen police officers
8 dressed like you are today, you know, a nice shirt, nice
9 tie, pants, with their firearm on their hip, in a holster?

10 A Have I seen it?

11 Q Yes.

12 A I've seen it with a badge that's in front of
13 their firearm so --

14 Q Right.

15 A -- so there -- you know, something that would
16 make them identifiable as a police officer. We have State
17 Police jackets, raid jackets, whatever. But as a normal
18 course of business, our guys -- I would -- I would say
19 this almost with certainty: Our members don't go out with
20 exposed firearms, just because of incidents that may be,
21 in fact, similar to what may have happened here. I don't
22 know if that's a train -- you could talk to somebody in
23 the training academy if they, in fact, teach that; but I
24 would believe that would be the course of business.
25 Because we -- in fact, when we do training and stuff like

1 that, that's what we -- we tell any training classes or
2 anybody else that we do training for, carry your firearm
3 in a responsible manner, you won't have a problem.

4 Q So if I were to say to you there are State Police
5 officers from Troop L who travel around Litchfield and go
6 into coffee shops dressed in, you know, civilian shirts,
7 ties, khaki pants, with their firearms exposed on their
8 hip in a holster, would that surprise you?

9 A I would say do they -- I don't know if -- once
10 again --

11 Q Well, we're taking it --

12 A -- a badge --

13 Q -- step by step.

14 A Okay.

15 Q I'll get to the badge part next.

16 A Okay. That would surprise me, yes.

17 Q Okay. And if I were to tell you when they do
18 that, they have their badge on, attached to their belt in
19 the front. Correct?

20 A Yes.

21 Q Is there a rule about where badges are attached?

22 A No.

23 Q Okay. Do they ever attach them in the back of
24 their pants? Have you seen that?

25 A I would hope not.

1 Q Is it fair to say that -- well, let me just get
2 this straight. And I won't ask any further questions
3 about it if your answer is no.

4 You're not familiar at all with police officers
5 who wear their firearms exposed? You've never seen that;
6 Is that your testimony?

7 A Troopers? Local departments? Which one are we
8 talking about? Our individuals, individuals with the
9 Connecticut State Police Department?

10 Q Yes; I'll ask you that.

11 A I would say I -- without any other identifying --

12 Q I'm not asking you that.

13 A Okay. Then I'll say no.

14 Q Okay. So you are familiar, then, that State
15 Troopers wear their firearms exposed, with a badge?

16 A Gun and badge. Yes.

17 Q You're familiar with that.

18 A Yes.

19 Q Okay. And they wear the badge where? In the
20 front?

21 A For the most part. I would say where it's easily
22 identifiable by whoever may be seeing them. Yes.

23 Q Okay. And does the firearm go on the side of
24 their body?

25 A Whatever they're wearing, it's a personal

1 preference, I believe.

2 Q Okay.

3 A So I don't know if they have some kind of a
4 shoulder holster, if they have one on their ankle? I
5 wouldn't know. I mean if it's visible, if it's, you
6 know -- I would say there would be some other -- I would
7 hope there would be some other identifying item on them to
8 identify them as a police officer.

9 Q Okay. Because this is where I'm going. Is it
10 possible that someone could see a State Trooper with an
11 exposed firearm and a badge, but only see the exposed
12 firearm? For instance, if they're from behind them and
13 the badge is in front.

14 A Is it possible?

15 Q Yes.

16 A Oh, absolutely. Sure.

17 Q And could they be afraid?

18 A Sure.

19 Q Could they call 911 and say there's somebody in
20 here with an exposed firearm?

21 A Absolutely.

22 Q Okay. And would the State Trooper be arrested
23 for causing that annoyance and alarm?

24 A I would -- I would hope that -- once again, every
25 individual is different, but I think if you're

1 identifiable as a police officer, which Mr. Goldberg
2 wasn't at this particular point, I would tell you that
3 you -- it shouldn't be an issue.

4 Q Okay. And by "identifiable" you mean if -- so if
5 someone sees, for instance, a State Trooper who has a
6 badge on the front and a gun on the side -- or let's say
7 this. If someone sees someone with a gun on their side
8 and they are behind them, that person should make a full
9 circle around that person to see if they have a badge
10 before they act?

11 A Once again, I would hope that our guys have
12 enough common sense to have a jacket on and conceal it.
13 That's what goes to this whole issue of an open-carry
14 state and a concealed-firearms state. We don't have that
15 here. But I would hope our individuals within our
16 department carry that firearm concealed so it doesn't get
17 to that point where somebody would be inconvenienced,
18 annoyance, and alarmed.

19 Q Would you term that, if a police officer did
20 that, to be a lack of mature judgment; that somebody could
21 become annoyed or alarmed in seeing that firearm and not
22 identifying the badge immediately and knowing they're a
23 police officer?

24 A Could it be an issue? Sure it could be an issue.

25 Q But while you were in the Firearms Unit, did you

1 ever receive a call that someone was -- well, let me put
2 it this way. Did you ever revoke or -- was there any
3 action ever taken by the Firearms Unit against a police
4 officer for openly carrying a firearm?

5 A Not while I was there, no.

6 Q Okay. Is there a specific statute that allows
7 police officers to openly carry a firearm?

8 A I don't believe there's any statute, per se. But
9 it falls within your authority as a police officer within
10 the State of Connecticut entitled to enforce the laws and
11 everything else that goes along with that. So I would
12 venture a guess to say not so much that would list it out
13 specifically as saying you may carry a firearm openly. I
14 wouldn't know of any statute that would apply to that
15 statement. But once again, I'd have to say no.

16 (Brief discussion held off the record.)

17 BY MS. BAIRD:

18 Q There's Exhibit 32.

19 A Reviewed.

20 Q Did Plaintiffs' Exhibit 32 come to your attention
21 while you were in the Firearms Unit?

22 A I don't believe so.

23 Q Is it fair to say that this is the first time you
24 reviewed it or, if that's not the case, the first time you
25 recall reviewing it?

1 A I know of the -- I know of the reasoning behind
2 this, but I don't -- I don't believe I've seen the
3 documents, per se.

4 Q Okay. Is it your understanding that while
5 Mr. Goldberg was awaiting a hearing on his appeal from the
6 July 2007 revocation, that he made a new application to
7 carry a pistol or revolver?

8 A Yes.

9 Q In your time in the Firearms Unit, had anyone
10 ever done that while they were in revocation status and
11 awaiting a hearing before the board, made a new
12 application for a temporary state permit?

13 A I believe there may have been cases -- not
14 similar to this, but for other reasoning they may have
15 reapplied if they moved out of a particular residence,
16 moved to another town; they've done that before. There's
17 been other cases where they would reapply. Sure.

18 Q Well, wait a second. So is it your testimony if
19 somebody was in revocation status and that they moved to
20 another town that they would apply for a temporary state
21 permit?

22 A I'll qualify. Not in revocation status. If
23 somebody was revoked within our unit and they went to
24 another town, when the particular town, the local
25 authority did their review they would, in fact, and they

1 did all their -- whatever their process was in their town,
2 they would show that individual being in a revoked status
3 within our unit.

4 Q Do you know of any statute or authority which
5 states that if someone is in revocation status with the
6 Firearms Unit awaiting a hearing, that they can't apply
7 for a new temporary state permit?

8 A I remember this years ago, and I don't have a
9 firearms book in front of me or -- and without having to
10 review it; but I believe there's something within one of
11 the statutes that says if you're -- not -- if you're --
12 I'm almost positive it's there. I can't be sure; I'll
13 qualify that. That says if you're in a revoked status you
14 can't -- not so much can't reapply, but you have to wait
15 for the outcome of whatever that original case was.

16 Q Well, in 29-28e, subsection B, there are 10
17 disqualifiers. Correct?

18 A Correct.

19 Q And do you agree that none of them states that if
20 you're in revocation status you're disqualified?

21 A Correct.

22 Q Okay. And then there's that other part of 29-28,
23 the suitability standard. Correct?

24 A Correct.

25 Q Is it your testimony that being in revocation

1 status would somehow make someone unsuitable for a
2 temporary state permit?

3 A Yes.

4 Q And that's what you're relying on?

5 A That and the commissioner's designees and their
6 investigation. I would include that within the scope of
7 this also.

8 Q Okay. When you became aware that Mr. Goldberg --
9 well, let me ask you this. How did you become aware that
10 Mr. Goldberg was making application to the Town of
11 Wethersfield for a temporary state permit?

12 A I believe I was contacted by someone within their
13 department. And I don't know if this was before the fact
14 or after the fact. I can't be sure.

15 Q I'm handing you Exhibit 34. There is a third
16 page attached to that which I don't believe should be
17 attached to it, but since it's in the exhibits that way
18 I'll just leave it there. I'm really going to direct your
19 attention to the first and second pages of Exhibit 34.

20 MR. SNOOK: Could we take one second?

21 MS. BAIRD: Yes.

22 (Brief discussion held off the record.)

23 BY MS. BAIRD:

24 Q Let's switch that one out for Exhibit 4.

25 A Reviewed.

1 Q I should have handed this to you at the beginning
2 because I know it's been a while, and I will try to do
3 that. That's why I have so many documents, because I know
4 you need to be refreshed. You know, who doesn't at this
5 point.

6 A That's fine.

7 Q So it appears from Plaintiffs' Exhibit 4 that
8 there was some kind of conversation with you around
9 January 29, 2008?

10 A Yes.

11 Q Does it refresh your memory that it was a
12 Detective Michael Connolly from the Town of Wethersfield
13 that contacted you?

14 A Yes.

15 Q How many contacts did you have with Detective
16 Connolly about Mr. Goldberg?

17 A I can't think of any. I think maybe this might
18 have been the one, maybe one other? I would say this was
19 probably it.

20 Q Had you been in contact with Detective Connolly
21 related to your duties in the Firearms Unit previous to
22 this contact in 2008?

23 A In other matters?

24 Q Yes.

25 A Oh, absolutely.

1 Q Was he somewhat of the point man at the
2 Wethersfield Police Department for firearms issues?

3 A He was one of many.

4 Q Okay. Had you relied upon information previously
5 that Detective Connolly had provided to you?

6 A Yes.

7 Q For example, the information that was provided
8 from the Glastonbury Police Department related to James
9 Goldberg and the incident that occurred at Chili's, is it
10 fair to say the Firearms Unit relied on that?

11 A Yes.

12 Q Okay. Is it fair to say that the Firearms Unit
13 had relied on information from Detective Connolly in the
14 past in making determinations?

15 A Yes.

16 Q Okay. Did you have any reason when you spoke to
17 Detective Connolly, if you recall back in 2008, to
18 distrust his competence as a police officer?

19 A Not at all.

20 Q Had you ever questioned information he had
21 provided you previously?

22 A No.

23 Q And after 2008, this contact while you were in
24 the Firearms Unit, did you ever have reason to call into
25 question information Detective Connolly had provided you?

1 A No.

2 Q And in looking at Plaintiffs' Exhibit 4, do you
3 agree that it appears that when Detective Connolly
4 contacted you, you had indicated that you would not be
5 considering any information provided by the Town of
6 Wethersfield because Mr. Goldberg was awaiting an appeal?

7 A Yes.

8 Q Did you believe that when you made that decision
9 in January 2008, you had any discretion with regard to
10 issuing Mr. Goldberg another state permit based on the
11 temporary state permit issued by the Town of Wethersfield?

12 A Did I have reservations in doing that?

13 Q No. Did you have any discretion? Were you bound
14 by law to make this decision that you wouldn't do it or --

15 A I was bound by the previous revocation case.

16 Q That was your belief, that you were bound by the
17 previous revocation case?

18 A Yes.

19 Q Now, let me make clear that Plaintiffs' Exhibit 4
20 was not written by you. Correct?

21 A Correct.

22 Q Okay. And if you look at the bolded paragraph,
23 the third paragraph down on Page 1, it appears that
24 Detective Connolly reported to Chief Cetran that Detective
25 Karanda felt that a new temporary license should not be

1 issued. However, he said there was no case law stating
2 one can't be issued.

3 Did Detective Connolly represent your position
4 accurately in Plaintiffs' Exhibit 4?

5 A I would take exception to "however, he said there
6 was no case law stating that one can't be issued."

7 Q Okay. Is there anything else in that bolded
8 paragraph three that you would want to correct for the
9 record with regard to a conversation you had with
10 Detective Connolly?

11 A No.

12 Q (Handing.)

13 A Reviewed.

14 Q Exhibit 5 contains your signature?

15 A Correct.

16 Q At that time while you were in the unit between
17 2002 and 2008, in making decisions about revocations were
18 you required to have a supervisor sign off on revocation
19 decisions?

20 A No.

21 Q Okay. How about decisions to reinstate? Was
22 there any time during 2002 and 2008 where you would have
23 to go to a supervisor and have a supervisor say, yes,
24 that's okay; no, that's not okay?

25 A A requirement for us to go see him?

1 Q Yes.

2 A No.

3 Q So revocation decisions were entirely within your
4 discretion when they came to you?

5 A I'll qualify that with: If there was something
6 that there was a question on, would we use other assets
7 within the unit? Absolutely. Would you use a sergeant?
8 Absolutely. Would you use a lieutenant? Absolutely.

9 Q But it wasn't a protocol or requirement?

10 A It wasn't normal course of business, no.

11 Q Did that change when Sergeant Hall came to the
12 unit and became the -- what was his exact position?

13 A Executive officer?

14 Q When he became the --

15 A Administrative sergeant?

16 Q He basically took over Sergeant Bastura's duties?

17 No?

18 A I think they were both in there at the same time.

19 Q Okay.

20 A If I'm not mistaken.

21 Q Okay. So when Sergeant Hall came to the unit,
22 was there any protocol that changed with regard to
23 revocations and reinstatement decisions? And I mean by
24 that, supervisory input or authority over whether those
25 decisions would be made.

1 A Ones where we would question -- suitability
2 issues, I think those all made their way to him, as he was
3 the hearing officer at that particular time.

4 Q Right.

5 A So I think being the person that would be
6 adjudicating those cases, I think he took it upon himself
7 that he would, in fact, review those cases. I don't know
8 where that came -- if that came from the lieutenant or
9 somewhere else; I couldn't tell you. But I believe he
10 reviewed -- ones that were beyond restraining orders,
11 protective orders, misdemeanor handgun disqualifications,
12 I think he may have done that.

13 Q At what point would he want to -- for example,
14 Sergeant Hall want to review a revocation? Would it be
15 before the revocation occurred or afterwards?

16 A I would say for the most part -- boy. I would
17 say beforehand. If there was a question on it, it would
18 be as simple as would you take a look at this, and what
19 did he think.

20 Q Were there ever revocations that would just be
21 based on suitability that you wouldn't take to Sergeant
22 Hall?

23 A No, I don't think -- well, at that particular --
24 the juncture you're talking about?

25 Q Right.

1 A I would say probably not. I think they all went
2 to him at that particular point.

3 Q So if it was a suitability issue, it presented a
4 question. Correct?

5 A Sure.

6 Q But if somebody had just been convicted of a
7 felony, then that didn't really --

8 A Really no need.

9 Q -- present a question for --

10 A It's a statutory disqualification.

11 Q So let me go back to Exhibit 4. Do you still
12 have that in front of you?

13 A Yes.

14 Q I wanted to follow up. I see in Exhibit 4 at the
15 bottom of the second paragraph it talks about Mr. Goldberg
16 would have to wait until around May of 2009 for a hearing.
17 Do you know if that was the case back in 2008, where there
18 was longer than a year wait for an appeal before -- appeal
19 hearing before the board?

20 A I believe so. Yes.

21 Q While you were in the unit, was there a point in
22 time where the issue of the time period for hearings to be
23 held before the board became of concern to the unit?

24 A Yes.

25 Q Was it a concern when you came into the unit in

1 2002?

2 A Not knowing what I know now as opposed to then, I
3 would say -- was it an issue? I would say probab -- I
4 don't know. I can't -- because I don't know how things
5 operated when I first got there.

6 Q Right. When do you recall there being discussion
7 about the delay while you were in the unit?

8 A Probably going back to 2006 maybe? Probably
9 maybe 2006, 2007?

10 Q And when the discussion came up, the discussion
11 that you recall as, you know, first coming up about this
12 delay, did it come up in the context of you should do
13 something about it or you should act differently or there
14 should be different procedures that you should follow?

15 A I think the very first time that occurred was
16 actually a meeting with Mr. Kuck, Mr. Carr, Lieutenant Fox
17 where we spoke about the Board of Firearms Permit
18 Examiners and DPS. I don't know if the backlog was -- I
19 believe Mr. Kuck had actually said he was concerned about
20 it at that time. So I'm going back five -- probably five
21 years, six years.

22 Q Was there any concern in the Firearms Unit about
23 the backlog?

24 A Absolutely.

25 Q Why?

1 A Because we were looking at people that were going
2 out probably 16, 18 months before they could get a
3 hearing. That was -- of course, that was a huge concern
4 to us. It was a large number of people that it was
5 affecting.

6 Q But what did it matter to detectives or
7 individuals in the Firearms Unit whether somebody got a
8 hearing one month or three years away?

9 A I think it -- me personally, it goes to the
10 fairness of how the system works. I mean, I would look
11 for a hearing in a reasonable amount of time; but then
12 once again, you have to look at the amount of revocations
13 and hearings that can occur on a monthly basis. When I
14 was in there, we were doing a thousand cases a year. And
15 with that said, out of that thousand cases if people
16 wanted to go to appeal, there are certain things we had no
17 control over. I mean the local authority, if they didn't
18 want to issue a temporary permit, that's all stuff that
19 goes into the pot. All the -- and that's -- absent all
20 the suitability issues that could occur, there is a myriad
21 of things that go on of why a chief or a local authority
22 won't issue a permit. That doesn't fall under our thing,
23 but as the issuing, the final issuing authority and the
24 representative for the State of Connecticut, we're
25 obligated to take that case on and that goes into the file

1 with every other one. So you could see cases going up. I
2 don't know what they went -- if they went from 200 to 250
3 to 350. That's beyond the control of myself or Detective
4 Mattson sitting there.

5 Q Did you notice any efforts made within the
6 Firearms Unit after 2006, 2007 and during 2006 and 2007 to
7 decrease the backlog?

8 A Absolutely.

9 Q What were those efforts?

10 A That was -- and they were meetings high above me
11 where, in fact, the chairman of the Board of Firearms
12 Permit Examiners, I don't know if he had meetings or
13 whatever. He talked to Captain Masek. Once again, he's
14 the -- Captain Masek was the commanding officer of not
15 only the State Police Licensing and Firearms, but other
16 units within the department. Support Services was -- all
17 fell under him. He had met with all sorts of people to
18 discuss ways and, you know, how they can decrease the
19 backlog.

20 Q Did you consider while you were in the Firearms
21 Unit --

22 MR. SNOOK: Is this a good time?

23 MS. BAIRD: Oh, yes. I'm sorry.

24 (A recess was taken at 10:34 a.m.)

25 (The proceedings resumed at 10:55 a.m.)

1 (Plaintiff Exhibit 93 marked for
2 identification.)

3 BY MS. BAIRD:

4 Q Back to Exhibit 5. How many reasons did you
5 provide in Exhibit 5 for the department's decision to
6 revoke Mr. Goldberg's temporary state permit?

7 A One reason.

8 Q Okay. And what was that one reason?

9 A That it was in a revoked state based upon his
10 case that had occurred -- or the incident that occurred on
11 June 21st, 2007 and that was currently under appeal.

12 Q Exhibit 33.

13 A Reviewed.

14 Q Is Exhibit 33 the temporary state permit that was
15 issued to Mr. Goldberg and the subject of the revocation
16 in Exhibit 5?

17 A I'll need you to clarify. Is Exhibit 33 the
18 underlying reasoning behind Exhibit 5?

19 Q I'll ask it again. You're right.

20 Is Exhibit 33 the temporary state permit issued
21 to Mr. Goldberg that was revoked by the letter in
22 Plaintiffs' Exhibit 5?

23 A If you could clarify. I can't -- I don't know
24 what the date -- I don't know what --

25 Q You're unable to read the date?

1 A I can't read the date.

2 Q Okay. If I were to tell you the date on
3 Exhibit 33 is February 4th, 2008 and you were to answer on
4 that basis.

5 A Then I would say that would be the reasoning
6 behind the letter dated February 20th from myself to
7 Mr. Goldberg.

8 Q Okay. So the letter dated February 20th in
9 Exhibit 5 is a revocation of the temporary state permit in
10 Exhibit 33. If you accept my date of February 4th, 2008.

11 A Yes.

12 Q How many times previous to February 20th, 2008
13 had you revoked a temporary state permit issued by a local
14 authority --

15 A It happens. There's cases. It happens.
16 Infrequent, but it does happen.

17 Q And were the cases so infrequent that you were
18 involved in that you're able to recall them and the
19 reasons for them?

20 A Well, people -- well, it becomes an issue when
21 the person shows up with a temporary state permit and, in
22 fact, there's underlying reasons why they shouldn't have
23 been issued that permit to begin with.

24 Q And in your experience, had those underlying
25 reasons, outside of Goldberg, been based on disqualifiers?

1 A Disqualifiers, convict -- well, we'll use the
2 conviction, misdemeanor handgun convictions, incidents
3 that happened within the town where -- another town where
4 something may have occurred. And there is a new place of
5 residence; they reapply to a new local, and at that point
6 the local issues without having knowledge of the previous
7 incident that occurred in another town. Along that line.

8 Q Now, in Mr. Goldberg's case you agree that the
9 Wethersfield Police Department was entirely aware of what
10 had happened in the Town of Glastonbury on June 21st, 2007
11 when Mr. Goldberg was arrested?

12 A Yes.

13 Q And other than that, Mr. Goldberg wasn't
14 disqualified from holding a state permit back in February
15 of 2008.

16 A Well, he would be disqualified because he had
17 one -- his name and date of birth and pistol permit were
18 revoked based on that previous incident. So he would not
19 be eligible for a new permit based on the fact that his
20 other one is revoked.

21 Q Okay. And in Plaintiffs' Exhibit 5, that letter
22 dated February 20th, 2008, you used that as one of the
23 reasons in the last sentence, paragraph one, where you
24 say: Additionally, as you know, your state permit --
25 pistol permit was revoked based upon the June 21st, 2007

1 incident and is currently under appeal with the Board of
2 Firearms Permit Examiners.

3 Is that a second reason for revoking the
4 temporary state permit?

5 A No. I think -- my intention there is to give him
6 a reasoning of why; just that it wasn't unilaterally
7 denied. There was a reason behind you not being able to
8 get a new state permit. It's based on the underlying
9 incident that occurred back on June 21st.

10 Q And between February 4th, 2008 when Plaintiffs'
11 Exhibit 33 says that Mr. Goldberg received his temporary
12 state permit, and February 20th, 2008 when you sent out
13 the notice of revocation, did you do any additional
14 investigation into the facts of the June 21st, 2007
15 incident?

16 A Did I do anything after June 21st -- I'll have to
17 refer back to my notes here if I did or did not -- going
18 back to Exhibit 26. I would say I did, yes. Oh, I'm
19 sorry -- oh. Yes, I did.

20 Q Okay. And what did you do? And what are you
21 referring to? What exhibit?

22 A 26.

23 Q Okay. I have it. You know what I'm going to do?
24 Since you're looking at that, I'm going to give you
25 Plaintiffs' Exhibit 93 which has a cover letter indicating

1 that the documents contained in Exhibit 93 were obtained
2 pursuant to a Freedom of Information request.

3 A Okay.

4 Q And I believe that Exhibit 26 is contained within
5 93, and 93 is a more complete version. So I'll give that
6 to you, as well, to refresh your memory or refer to.

7 A I would say in relation to this temporary permit
8 right here, there is no other investigation that went on.
9 It was just the basic fact that this was issued contrary
10 to the revocation that was in place; and without that
11 first issue being addressed by the Board of Firearms
12 Permit Examiners, this would be null and void.

13 Q Okay. Did you want to look at Exhibit 93 --

14 A Sure, I'll --

15 Q -- before we go on? You don't have to. I just
16 don't want to --

17 A Sure.

18 Q -- prevent you from doing that.

19 A (Reviewing.) Okay. I'm okay with this.

20 Q Okay. Exhibit 6. After your review I'll just
21 ask you if you've seen Exhibit 6 before.

22 A Reviewed.

23 Q On the last page of Exhibit 6, Chief Cetran
24 writes that Mr. Goldberg, and I quote, He -- meaning
25 Mr. Goldberg -- had not approached the unit to obtain a

1 regular state permit and we had not even sent the state's
2 copy in yet.

3 Do you agree with that statement that when you
4 revoked Mr. Goldberg's temporary state permit on
5 February 20th, 2008, that Chief Cetran had not been
6 contacted in advance of that decision and that the unit
7 had not even received its copy of Mr. Goldberg's
8 temporary state permit?

9 A I don't believe that it would have been revoked
10 without some kind of document making its way to our office
11 to, in fact, say that that second temporary had been
12 issued. So I would venture a guess to say that this was,
13 in fact -- he produced this document at our office or he
14 came to the office, because that's the only way that he'd
15 be able to get that secondary permit if he, in fact, had
16 this in hand. I don't think we would unilaterally just
17 say we're going to revoke it based on something we heard
18 from Detective Connolly or without some kind of document
19 that said it had, in fact, been issued.

20 Q And then in Exhibit 6 on Page 3, that same
21 paragraph, Chief Cetran asked the question: What gives
22 the Firearms Unit the authority to revoke a permit that a
23 chief of police issues?

24 Do you have an answer to that question?

25 A Well, it's the issue that goes along with -- the

1 chief's the local authority, we're the state authority.
2 We're actually the issuing authority. So when the final
3 determination comes, if there is an outstanding issue that
4 hasn't been addressed it would be kind of nonsensical to
5 issue a permit to a person that has an outstanding issue
6 that is, in fact, going before the Board of Firearms
7 Permit Examiners for their determination, not ours.
8 Wouldn't leave it in my hands about what actually happens.
9 We'll give it to the board for their determination of what
10 they think and the proper remedy. Going back to the
11 questions we entertained earlier: Their reasoning and
12 criteria behind what -- you know, what a person does and
13 how they handle a firearm. Goes back to them also.

14 Q Okay. Is it fair to say that you treated
15 Mr. Goldberg's pending appeal before the board as a
16 disqualifier, basically, for him to get a temporary state
17 permit?

18 A Would I treat it as a disqualifier? Yeah. Based
19 on the fact that he had an unresolved issue. Yes.
20 Absolutely.

21 Q Exhibit 28.

22 A Reviewed.

23 Q Are these codes you relied on in inputting
24 reasons for revocations into the SLFU database?

25 A Yes.

1 Q At the time that you revoked Mr. Goldberg's
2 temporary state permit, as represented in your letter of
3 February 20th, 2008, Exhibit 5, is it fair to say that the
4 code No. 1, "criminal charges pending," no longer applied?

5 A Correct.

6 Q How about No. 7, code 7, "revocation police
7 request?" Did that code still apply at the time you
8 revoked Mr. Goldberg's temporary state permit in 2008?

9 A Well, based on the fact that we're looking at
10 just a 1 to 25, these aren't meant to be end-alls. I
11 could probably go up to 80 with the reasons, so --

12 Q Okay. I'll follow up with that then.

13 A Okay. So this is as -- if I came to this, I
14 would probably -- going back, I would look under the
15 police request being me. I would -- I mean it's the
16 catchall. I hate to use that term, but some of these
17 aren't specific to how this would actually apply. Unless
18 I came down here and put 26, "issuance of temporary
19 permit" or what I mean -- or "denial of temporary permit."
20 I guess it could fall under somewhere else.

21 Q Let me just go back to code 7, though, revocation
22 of police request. Did you receive a call from the chief
23 of the Glastonbury Police Department requesting that
24 Mr. Goldberg's temporary state permit be revoked?

25 A From Glastonbury? Did I? I don't recall

1 myself -- I know I spoke to him, but I don't know if it
2 was specific to that.

3 Q Okay. Then I'm going to go down to No. 22, code
4 No. 22, "unsuitable." At the time you revoked
5 Mr. Goldberg's temporary state permit on February 20th,
6 2008, was code 22, "unsuitability," applicable?

7 A Is there a -- in looking at the list is there a
8 better coding that I could put? I mean would 22 catch
9 that? I would say yes, 22 would catch that just based on
10 the fact that it goes back to the original incident of
11 which it was originally revoked for.

12 Q And now I'm going to follow up based on what you
13 told me earlier. Are there any reasons not included under
14 these codes on Plaintiffs' Exhibit 26 why Mr. Goldberg's
15 temporary state permit was revoked?

16 A I guess you could use 16b if you wanted to, deny.
17 You'd specify the incident. You could use that.

18 Q Any others?

19 A No, not really. Not specific to him.

20 Q In drafting Plaintiffs' Exhibit 5 and in the
21 thought that you put into the decision communicated in
22 Exhibit 5, did you get any input from Detective Mattson?

23 A No.

24 Q Did you talk to a supervisor about your decision?

25 A Yes.

1 Q Who did you talk to?

2 A Oh. I believe it was Lieutenant Fox and Captain
3 Masek. I believe.

4 Q Were you ever told about a phone call between
5 Commissioner Danaher and Chief Cetran regarding
6 Mr. Goldberg's application for a temporary state permit in
7 2008?

8 A No.

9 Q Were you ever informed of a position that the
10 commissioner had taken with regard to Mr. Goldberg's
11 application for a temporary state permit?

12 A No.

13 Q Were you given any directives by Lieutenant Fox
14 or Captain Masek about what to do in response to
15 Mr. Goldberg having been issued a temporary state permit?

16 A I don't believe it was a directive on their part,
17 but I believe there was a conversation between myself and
18 I want to say Lieutenant Fox and Captain Masek about what
19 had occurred, and the fact that it was our determination
20 that based on the outstanding incident you couldn't have a
21 new permit, based on the previous incident that was --
22 that had occurred.

23 Q Exhibit 8.

24 A Reviewed.

25 Q Have you seen Exhibit 8 before?

1 A No.

2 Q You didn't have any input into its drafting?

3 A No.

4 Q Directing your attention to the second to the
5 last paragraph in Exhibit 8, the second sentence. It
6 states: Particular attention should be paid to those
7 facts and circumstances which support an inference that an
8 individual to be arrested intended or recklessly created
9 an unreasonable risk of danger or alarm.

10 Was that the standard that you applied in
11 assessing Mr. Goldberg's case in Glastonbury?

12 A It's articulated a lot better than I could ever
13 possibly do, but it's along the same lines. Yes.

14 Q Okay. And in determining in issuing the notice
15 of revocation on February 20th, 2008, other than the
16 Glastonbury police report what factors did you consider in
17 determining that there had been an unreasonable risk of
18 danger or alarm created by Mr. Goldberg in Chili's?

19 A What reasoning did I do back then?

20 Q Yes.

21 A As opposed to now?

22 Q Back on February 20th, 2008. Other than the
23 Glastonbury police report, what did you rely on in
24 determining that Mr. Goldberg had recklessly created an
25 unreasonable risk of danger or alarm?

1 A Well, once again, I wouldn't characterize my
2 determination then based on this particular document -- I
3 don't know who drafted this or whatever -- to say that
4 once again did he -- once again, I wasn't the police
5 officer that arrested him. I was the issuing authority
6 who is acting on the complaint from the Glastonbury Police
7 Department based on the fact and the circumstances that he
8 went into a particular restaurant, did he cause that -- a
9 risk of danger or alarm? If somebody maybe didn't know
10 who he was and somebody else was armed within that
11 restaurant, and they saw a gentleman walk up to the
12 counter with a gun on his hip with maybe the intention to
13 commit an armed robbery in that place, and something
14 happened and bullets started flying within the restaurant,
15 would that be recklessly creating a risk of danger and
16 alarm? I would say yes, probably. Those would be the
17 facts and circumstances where I would go back and say
18 that's the reasoning behind why Mr. Goldberg had his
19 permit revoked.

20 Q Okay. Because there was a risk of somebody
21 thinking that he might --

22 A When a gun is out in the open there is always a
23 risk.

24 Q Okay. So is there any time when a nonlaw
25 enforcement officer could openly carry a firearm without

1 creating that risk?

2 A Is there any time? Sure, there is.

3 Q When?

4 A What if they're at a range? What if they're at a
5 pistol range?

6 Q Okay. Other than a pistol range.

7 A Oh, I could go -- I mean can I list off
8 everything in the State of Connecticut where it might be
9 acceptable? There's nothing that would prohibit it. Once
10 again, we go back to the fact if a person has a firearm
11 should they carry it concealed to avoid all of this?
12 Yeah. That's the reasoning behind it.

13 Q Because if they don't and somebody --

14 A You could -- not everybody's the same. Mr. Kuck
15 is familiar with guns, I'm familiar with guns, there's
16 people that are familiar with guns. There are laypeople
17 that are not familiar with guns that that could -- if I
18 was a mom with a little baby going down the street and I
19 saw somebody walking down with a pistol on their hip,
20 would that cause me alarm? Possibly. If they're not
21 familiar with it. Would it be my wife? There's all sorts
22 of different things that could happen.

23 This one in particular came to the attention of
24 the police department by somebody that saw it, that he
25 caused the alarm at that particular point. That's what

1 started the whole thing. If he had covered it up
2 probably wouldn't have had a problem.

3 Q In the Firearms Unit, were you aware during your
4 time there that the Department of Public Safety had
5 submitted proposals for legislation to specify in 29-35
6 that a firearm, a pistol or revolver, had to by law be
7 carried concealed?

8 A I believe -- I believe that was after I had left.

9 Q Okay.

10 A I don't know if they had still gone forward with
11 that or whatever. I couldn't venture a guess either way.
12 Probably be a good idea.

13 Q After the Goldberg revocation, did anyone ask for
14 your input as someone on the front line in the Firearms
15 Unit of making decisions, whether that was legislation
16 that should be sought to clarify --

17 A Did anybody ask me?

18 Q Right.

19 A I'm here. They're here. (Gesturing.)

20 Q Okay. For the record, "here" is down below,
21 "here" up here.

22 A Way above my pay grade, as we say.

23 Q So you don't recall any discussions being had in
24 the Firearms Unit about proposing legislation to mandate
25 concealed versus open carry?

1 A I don't believe there were sit-downs with any
2 command staff that we could have addressed that. Probably
3 something along the line maybe -- once again, maybe after
4 I left that they -- if they approached that. Once again,
5 I'd support that fully.

6 Q And so sitting here today, you would have no
7 opinion as to why such legislation hasn't been passed?

8 A Once again, that goes to the legislature and how
9 they want to approach things and their Public Safety
10 committees and everything else that goes along with it.
11 I'll be more than happy to put it in.

12 MR. SNOOK: While you're doing that,
13 Rachel, can I ask a question?

14 MS. BAIRD: Yes.

15 MR. SNOOK: Let me get this straight,
16 Detective Karanda. If I'm up in Pomfret and
17 it's hunting season -- actually, let me ask a
18 first question. Is it legal to hunt with a
19 handgun in Connecticut?

20 THE WITNESS: Yes.

21 MR. SNOOK: And if it's hunting season and
22 I walk into a coffee shop, and it's hot so I
23 take my coat off, my hunting jacket, and there I
24 have an exposed handgun, and everyone else in
25 that coffee shop is either a gun owner or

1 getting ready for their hunt that morning, and a
2 police officer, not called, walks in, says,
3 "Hey, you got a permit for that?" And I say,
4 "Yeah, I do." Would that necessarily require
5 that you revoke my permit?

6 THE WITNESS: No.

7 MR. SNOOK: So there are circumstances
8 outside of firearms ranges that a person could
9 conceivably have an exposed handgun and not
10 require a revocation for lack of suitability?

11 THE WITNESS: Yes.

12 BY MS. BAIRD:

13 Q But can a person ever be sure where those places
14 are or when somebody might become alarmed or annoyed by a
15 firearm?

16 A Goes back to the original start of the whole
17 case. If nobody sees it, no harm, no foul. I guess
18 that's what it all comes down to. Because there's always
19 somebody out there that -- once again, wouldn't bother me,
20 but would it bother somebody else? I wouldn't venture a
21 guess.

22 MR. SNOOK: I'm sorry. You had --

23 MS. BAIRD: Yes. I'll put that in later.

24 Let me keep going on this line, though.
25

1 BY MS. BAIRD:

2 Q This is Exhibit 13. It is two pages, but
3 Exhibit 13 should actually only be one page. The second
4 page attached to it is actually the second page from a
5 previous exhibit that we were missing the second page.
6 Perhaps we can resolve that during the break. I'm just
7 going to refer you to Page 1 of Exhibit 13 for now.

8 A Reviewed.

9 Q Have you ever seen the first page of Exhibit 13,
10 that November 14th, 2007 letter from Commissioner Danaher
11 to Chief Sweeney?

12 A No.

13 Q Were you asked for any input into that letter?

14 A No.

15 Q In that letter, do you agree that Commissioner
16 Danaher writes to Chief Sweeney in paragraph two that the
17 Department of Public Safety revoked Mr. Goldberg's firearm
18 permit? In the first sentence.

19 A Yes.

20 Q Okay. Do you agree in the first sentence in
21 paragraph two of Commissioner Danaher's letter he says
22 that the permit was revoked, and I quote, subsequent to
23 review of the facts and circumstances surrounding his
24 arrest by officers of your department on June 21st, 2007?

25 Do you agree that that's what Commissioner

1 Danaher wrote?

2 A Yes.

3 Q And do you know what he means by "review of the
4 facts and circumstances surrounding the arrest"?

5 A I would say the facts -- everything that occurred
6 related to the incident, if that's what he was looking
7 for.

8 Q Okay. Do you know if any State Police officers
9 independently did any investigation outside of the
10 documentation they had received from the Glastonbury
11 Police Department?

12 A Concerning that particular incident?

13 Q Yes.

14 A Yes.

15 Q And when did that occur?

16 A I want to say probably --

17 Q Are you talking about later, after --

18 A Later --

19 Q -- November?

20 A Oh. After November --

21 Q Well, wait.

22 A Oh, okay. Okay. No. I would say no. I don't
23 believe so, no.

24 Q I mean is Commissioner Danaher when he states in
25 the November 14th, 2007 letter talking about as "a review

1 of the facts and circumstances," looking at the
2 Glastonbury police report?

3 A I can't answer. I would venture a guess to say
4 that was it. Or everything -- I don't know if it's just
5 the report itself or the whole file? I don't know how --
6 and the reasoning why he responded to it the way he did.

7 Q Okay. Well, in looking at Exhibit 93, is there
8 anything notated in Exhibit 93 showing what the review of
9 the facts and circumstances were prior to the revocation
10 of Mr. Goldberg's permit?

11 MR. SNOOK: Which permit?

12 MS. BAIRD: The revocation from June 27th,
13 2007.

14 A That was the original incident?

15 BY MS. BAIRD:

16 Q Yes. Because November 14th, 2007 when
17 Commissioner Danaher wrote Plaintiffs' Exhibit 13, there
18 had only been one revocation, and that had occurred on
19 June 27th, 2007.

20 I'm just trying to -- what is in the record of
21 the SLFU computer database notes showing what the review
22 of the circumstances and facts were?

23 A I believe he's -- and he would have to answer
24 this question about what he actually did to review those
25 facts and circumstances. I don't know if he had the file

1 or if he came in and looked at it? I wouldn't know.

2 Q Okay.

3 MR. SNOOK: Respectfully, the deponent has
4 said twice he doesn't know.

5 MS. BAIRD: Right.

6 BY MS. BAIRD:

7 Q So that would be something that Commissioner
8 Danaher would have done outside of talking to you or
9 gathering information from you?

10 A I believe so. I --

11 Q Whatever he's talking about.

12 A I wasn't privy to any conversation with the
13 commissioner about this at all. Once again, this is the
14 first time I've seen this document.

15 Q Okay.

16 MS. BAIRD: For the record, the second
17 page --

18 MR. SNOOK: Correcting that right now.

19 MS. BAIRD: -- of Exhibit 13 should
20 actually be the second page of Exhibit 29.

21 MR. SNOOK: Counsel stipulates.

22 MS. BAIRD: Okay.

23 BY MS. BAIRD:

24 Q Did you become aware -- at some point in 2008
25 after your letter revoking Mr. Goldberg's temporary state

1 permit of February 20th, 2008, did you become aware after
2 that letter that Mr. Goldberg went and applied for another
3 temporary state permit from the Town of Wethersfield?

4 A No.

5 Q I'm showing you what's been marked as Plaintiffs'
6 Exhibit 37. Oh, I'm sorry. We have to get the original
7 for you.

8 Direct your attention to the first page. If you
9 want to look at the second, fine; I'm not sure it's
10 relevant to the question. But the first page, do you
11 recognize that document?

12 A Inasmuch as it's a temporary state permit, yes.
13 I've never seen this before, but --

14 Q Okay. Plaintiffs' Exhibit 39. Did you take that
15 statement?

16 A Yes, I did.

17 Q Okay. And then Exhibit 40. I'll ask you if you
18 took that statement and I'll ask you if you took
19 Exhibit 41, and then if you want to have time to look at
20 them.

21 A Yes. They are all in my handwriting.

22 Q When did you take those statements?

23 A Looks like the 29th of July 2008.

24 Q Do you agree that's after the February 20th, 2008
25 notice of revocation of Mr. Goldberg's temporary state

1 permit?

2 A Yes. I'm sorry. It's -- which one are we
3 talking about once again?

4 Q Hold it just one second. I'll make it clear.

5 MR. SNOOK: 33?

6 BY MS. BAIRD:

7 Q Exhibit 5.

8 A Okay. Yes. Yes. It's after.

9 Q So it looks to me as if you took three statements
10 in July 2008, what, approximately five months after
11 revoking Mr. Goldberg's temporary state permit? Correct?

12 A Yes.

13 Q For what reason did you take these statements
14 contained in Exhibits 39, 40, and 41?

15 A I believe it was to clarify who the exact
16 witnesses were on the date of the incident.

17 Q Okay. Did you decide to do this on your own or
18 were you assigned this task of taking these statements?

19 A I believe as the -- I don't know if it was a
20 review at that particular point. Because, once again, the
21 state becomes responsible for providing the witnesses
22 before any case goes before the Board of Firearms Permit
23 Examiners, it would probably be prudent upon us to get, in
24 fact, who was involved in the incident, written
25 statements, as they weren't taken the night of the

1 incident, to, in fact, go over what the witnesses would
2 say about how it occurred and how they felt at that
3 particular point.

4 Q Okay. And do you know when the hearing was
5 scheduled for Mr. Goldberg's appeal before the board?

6 A No.

7 Q There had been another letter that we looked at
8 earlier, indicating that it was in May of 2009, and I
9 asked you if it surprised you that the hearing would be
10 held so far out from the June 2007 revocation. Do you
11 remember that testimony today? Or do you remember that
12 question today?

13 A I didn't remember that question.

14 Q Well, do you know at about that time, in 2007 to
15 2008, how long the delay period was?

16 A No. That -- I know it was over a year.

17 Q Okay. If I were to tell you that Mr. Goldberg's
18 hearing was scheduled for May of 2009, would that be
19 consistent with you going out and taking statements in
20 July 2008 to prepare for that hearing?

21 A I would say it would be consistent if for
22 whatever reason and, once again, doing police work, that
23 you'd say it's better to get a witness before it's two
24 years out than, you know, whatever the time period was
25 before this hearing occurred. So fresher information on

1 my part.

2 Q Would it surprise you to know that there's been
3 testimony in this case that the Firearms Unit didn't
4 really start preparing for hearings until they received
5 the names from the board for upcoming hearings?

6 A Would that surprise me?

7 Q Right.

8 A Yes.

9 Q Okay. Would it surprise you to hear that there's
10 been testimony that there was an issue at the Firearms
11 Unit of not really reviewing cases until it came time for
12 hearing?

13 A No; I would disagree with that.

14 Q And it would surprise you to hear that there was
15 actually a push within the Firearms Unit to decrease the
16 delay by actually digging up all the pending cases and
17 looking through them to see which ones could be resolved?

18 A Well, once again, the Firearms Unit doesn't have
19 control over what cases are presented to us. As I said
20 previous, there's a thousand cases that are done a year,
21 and with that said, the way they come up and in what order
22 they come up it is almost -- it's probably physically
23 impossible for us to know which cases are going to happen.
24 Some cases are expedited for whatever reason. Some people
25 meet the criteria, they can get their permits back.

1 Restraining orders, protective orders, cases dismissed.
2 That's all out there. So the number that the board would
3 give to us could fluctuate at any point.

4 Q So this was entirely routine that you would go
5 out and take three separate statements more than a year
6 after an incident, a breach of peace that had been
7 dismissed, in preparation for an upcoming board hearing?

8 A Well, when it comes to the fact that all the
9 attention that goes with it, we should probably have
10 everything at our disposal. We want to get the right
11 information from the people that were there involved in
12 it. I wasn't involved in it. Could I throw stones at
13 Glastonbury Police Department for not taking written
14 statements? I guess you could. To review it, did I
15 review it at this particular point and say -- or somebody
16 say, hey, why don't we go out, make sure we have everybody
17 we're going to need for the hearing that's going to happen
18 somewhere down the line? Lieutenant Fox is an attorney;
19 he's quite well versed in who he's going to need and what
20 he's going to need as a hearing officer. So with that
21 said, I don't know if he happened to say it to me.
22 Captain Masek might have said, hey, make sure we get all
23 the statements. Look in the file. Well, we don't have
24 any statements; let's go out and take three statements.
25 No big deal.

1 Q Do you know what time period while you were in
2 the Firearms Unit that Lieutenant Fox was there?

3 A I can't give you dates. I want to -- maybe '06,
4 '07, somewhere around there.

5 Q Well, this happened -- well, these statements in
6 39, 40, and 41 were taken in July 2008. Do you know if he
7 was there then?

8 A I can't be certain.

9 Q This was right near the time you were leaving.
10 Right?

11 A Yeah. I left in October.

12 Q I think you said --

13 A October, '08.

14 Q Yes.

15 A Because I've been gone three years or so.

16 Q When you took the statements in 39, 40, and 41
17 and brought them back to the Firearms Unit, did you just
18 file them away, you know, for the upcoming hearing?

19 A Yes.

20 Q Okay. You didn't talk to anybody about what
21 information you had gathered?

22 A I'm sure there might -- I might have told
23 Sergeant Bastura or whoever the -- we went out there and
24 did -- I mean because leaving for a period of time, "where
25 did you go?" "What did you do?" He's a good supervisor.

1 Q Other than the statements in 39, 40, and 41, did
2 you take any other statements around that time period?

3 A Can't recall.

4 Q Did you do any other investigation in addition to
5 taking the three statements in 39, 40, and 41?

6 A We had done some follow-up as far as residency of
7 Mr. Goldberg; where he actually lived -- or, you know,
8 checked on the house. Never went to the house or -- you
9 know, went by the house, there was nobody there. That's
10 what I can remember off the top of my head. I believe
11 there was some other mail inquiries about, you know, where
12 he actually received his mail, just for proof of residency
13 to make sure that he was, in fact, applying in the right
14 town.

15 Q Okay.

16 A Which I believe was Chief Sweeney's concern.

17 Q Okay. Well, Chief Sweeney had submitted a police
18 report dated June 21st, 2007, correct, to the Firearms
19 Unit?

20 A Lieutenant Woessner.

21 Q Right.

22 A Right. Yes.

23 Q As the chief's designee. Correct?

24 A Yes.

25 Q Are you saying that there was a request by Chief

1 Sweeney to revoke Mr. Goldberg because of a residency
2 issue?

3 A No. I'm just saying if that had been the issue
4 you're -- once again, and I'm not sure with all these
5 different temporary permits that started being issued by
6 all these different authorities, I didn't know if that was
7 something that -- I mean we want to make sure that the
8 person lived where, in fact, we were talking about. We
9 don't want to be talking out of school. If the kid lives
10 in Wethersfield, that's fine. If he lives in Glastonbury,
11 that's fine also. Just you're trying to verify where the
12 person is and -- where he is.

13 Q Okay. In Exhibit 5, the February 20th, 2008
14 revocation of Mr. Goldberg's temporary state permit, you
15 don't list the residency issue as a reason for the
16 revocation, do you?

17 A No. No. That's just a qualification for the
18 temporary permit. You're supposed to go to the local
19 authority where he resides.

20 Q Was that an issue in the revocation of February
21 20, 2008 --

22 A No.

23 Q -- that Mr. Goldberg -- no?

24 A This was just -- you asked me about other
25 investigation. It was just the other follow-up stuff that

1 we were doing.

2 Q Okay. So in addition to that residency follow-up
3 and the three statements, anything else you recall?

4 A No.

5 Q And these follow-up statements and following up
6 on the residency issue, are those the kinds of pieces of
7 information that would have been entered as notes in the
8 computer database?

9 A Yes.

10 Q In other words, issues related to Mr. Goldberg's
11 temporary state permit, those wouldn't be put in a
12 separate area because they're different than the
13 revocation issues from June 2007. It would all be a
14 continuous course of notation?

15 A It's all in the same -- it's the same person.

16 Q Okay. Under the same permit.

17 A Right. And once again, with a thousand cases, we
18 don't want to start putting papers all over the desk.

19 Q Okay. Was there any relationship between the
20 fact that you went out in July 2008 and took three
21 statements regarding the June 21st, 2007 incident and the
22 fact that Mr. Goldberg's case had become well known?

23 A I think the basis behind it was we knew it would
24 be going to appeal and, once again -- and why that date
25 was in particular? Maybe I didn't have anything to do

1 that day and that was the day I said, well, I can go out
2 and get all this done in preparation for this. Because it
3 had to be done eventually. I had to track down these
4 witnesses and get their version. So that was the reason
5 behind it.

6 Q Well, wait a second. We've been hearing a lot
7 about how the Firearms Unit was understaffed and under
8 budget. How could there have been a day when you didn't
9 have anything to do, Detective Karanda?

10 A There was -- let me tell you. If I go back and I
11 reflect upon my days there, I'm enjoying my life a lot
12 more now.

13 Q I'm not sure you answered my question.

14 A It's a ridiculously busy place. That's what it
15 is. It really is.

16 Q Would the process at the Firearms Unit and the
17 ability to review cases and perform the tasks that you
18 formerly performed as a detective in the Firearms Unit be
19 assisted by more personnel?

20 A Sure. With the proper training. Yes.

21 MR. SNOOK: Can I follow up with that?

22 MS. BAIRD: Yes.

23 MR. SNOOK: Well, I don't want to put you
24 off. Why don't you do your thing and --

25 MS. BAIRD: No, no. Go ahead. I'm fine.

1 MR. SNOOK: Back in your days in SLFU -- or
2 actually, maybe I'll start with your statement
3 earlier: A day in which you had nothing else to
4 do. Do you mean that to say that you were
5 sitting there drinking coffee with an empty
6 desk? Or things that you had to have done that
7 day permitted you -- so few that were absolutely
8 obligations to get done that day, that permitted
9 you to go out in the field?

10 THE WITNESS: I would say that's a
11 correct --

12 MR. SNOOK: The latter or the former?

13 THE WITNESS: I would say that on that
14 particular day there were -- knowing that this
15 had to be done and maybe have a block of time
16 where I could actually go out there and do it
17 all in the same day instead of trying to
18 piecemeal everything because of the volume that
19 comes through there, I would say it was done on
20 a free moment that I had.

21 MR. SNOOK: Okay. You said you had roughly
22 a thousand cases a year?

23 THE WITNESS: Yes.

24 MR. SNOOK: Could you even estimate how
25 many hours a week you worked during that period?

1 THE WITNESS: Oh, boy. It's an easy
2 60-hour-a-week workweek.

3 MR. SNOOK: And your responsibilities would
4 include reviewing cases?

5 THE WITNESS: Did everything. It was
6 firearms-related, reviewing cases. We had all
7 sorts of legislative mandates that had to be
8 done, restraining orders, protective orders.
9 The protocol that went on there: Make sure
10 people properly surrendered their firearms after
11 they were no longer eligible. I was an assault
12 weapons expert. I've done a couple of cases in
13 front of Attorney Baird, as a matter of fact.
14 So if it came in and had a gun question -- we
15 did training for all the departments in the
16 state if they wanted it. We did --

17 MR. SNOOK: How many police departments are
18 there in the state?

19 THE WITNESS: I want to say it's 84 that
20 have formal police departments.

21 MR. SNOOK: Are all local police
22 departments equally informed as to the state
23 firearms laws?

24 THE WITNESS: We honestly made it a
25 priority in our office to have a contact in

1 every police department in the State of
2 Connecticut, let alone the State Police troops
3 that know both myself or Detective Mattson, so
4 they were properly informed and properly trained
5 on not only the 29 statutes, but the firearms
6 database that made them eligible to look up
7 firearms out in the field to make it a safer
8 environment for them, as well as investigating
9 criminal conduct. There was a lot of little
10 separate areas that one led into another led
11 into another.

12 MR. SNOOK: And during your time in SLFU,
13 would the phone ring occasionally?

14 THE WITNESS: On any given day you come in
15 in the morning and the voice mail is full, and
16 there's 26 messages on there and 32 messages
17 you'd need to return. You had two people doing
18 it.

19 MR. SNOOK: Let me follow up with the
20 question from opposing counsel. Is it your
21 testimony today that the workload at SLFU could
22 be materially reduced by additional staff?

23 THE WITNESS: Oh, without a doubt.

24 BY MS. BAIRD:

25 Q Exhibit 38 actually contains three separate

1 documents. After you've had time to review them, I'm
2 going to ask you if you've ever seen the first document
3 which is eight pages; the second document which is a
4 one-page letter; and then -- well, the third document
5 which is a fax cover.

6 A Reviewed.

7 Q Independent of the second document in Exhibit 38
8 which is a September 22nd, 2008 letter from Commissioner
9 Danaher to Mr. Goldberg reinstating Mr. Goldberg's permit,
10 independent of that letter that you see today in front of
11 you, did you know that Mr. Goldberg's permit was
12 reinstated?

13 A Yes.

14 Q Okay. So you know it didn't go to a hearing.

15 A Yes.

16 Q How did you find that out, that Mr. Goldberg's
17 permit had been reinstated? Did someone tell you?

18 A I believe so.

19 Q Were you still in the Firearms Unit?

20 A I believe so.

21 Q And did anyone talk to you about the fact that
22 someone was considering reinstating Mr. Goldberg's permit?

23 A No.

24 Q Did you go to anyone in your chain of authority
25 or command and say Mr. Goldberg's permit should be

1 reinstated?

2 A No.

3 Q Did you go to anyone in your chain of authority
4 and say Mr. Goldberg's permit should not be reinstated?

5 A No.

6 Q Did anyone ask you?

7 A No.

8 Q Did anyone, to your knowledge, ask to review the
9 documents in Mr. Goldberg's file and what was in the
10 computer, with an eye towards considering reinstating
11 Mr. Goldberg's permit?

12 A Not that I'm aware of.

13 Q Okay. Did you discuss with Sergeant Hall
14 Mr. Goldberg's reinstatement of his permit?

15 A I don't believe so, no.

16 Q Now, in Exhibit 38, that letter that I'm talking
17 about from Commissioner Danaher to Mr. Goldberg dated
18 September 22nd, 2008, it actually has the name Detective
19 Shawn Musial with what appears to be his initials next to
20 it in that letter. When did Detective Musial come into
21 the Firearms Unit?

22 A Probably 2006.

23 Q So after Detective Musial arrived, did he take on
24 the same or similar duties to you and Detective Mattson?

25 A No.

1 Q What duties, if you know, did he have?

2 A He would run our vault, the State Police vault
3 where surrendered firearms are stored.

4 Q Prior to Detective Musial coming into the
5 Firearms Unit, was that something that you and Detective
6 Mattson did, ran the vault?

7 A No. There's always been different people in
8 there.

9 Q The person assigned to the vault, does that
10 comprise their entire duty, the vault, or did they have
11 other duties?

12 A They had other duties also.

13 Q How did it come to be -- well, did Detective
14 Musial's duties change over time? Between 2006 and 2008?

15 A Not -- I can't answer that. I don't know what
16 his -- what was listed out on what his assigned duties
17 were.

18 Q Okay.

19 A That would be a question for him. I don't know
20 if his duties changed or whatever.

21 Q Well, do you know if --

22 A Does he have the ability to go into the database?
23 He absolutely does.

24 Q But do you know if between 2006 and the time you
25 left the Firearms Unit whether Detective Shawn Musial had

1 the same or similar duties and assignment as you and
2 Detective Mattson?

3 A I would say that's a stretch to say that he had
4 the same or assigned duties. I mean, it's within the
5 Firearms Unit. There's -- the roads intersect at
6 different points, you know, for return of firearms if he's
7 in the vault or whatever. If he's doing protocol,
8 restraining, protective orders, if he's doing surrendered
9 firearms, it may have come to him, then come to us; or us
10 to go to him. So there's different ways for that to
11 happen.

12 Q Well, you and Detective Mattson had similar
13 duties.

14 A Yes. Yes.

15 Q Okay. And in the way that you and Detective
16 Mattson had similar duties, what I'm hearing from you is
17 Detective Musial was not exactly the same as you and
18 Detective Mattson.

19 A Well, he wasn't sitting in our cube with us,
20 but -- I mean he had -- you know, he had the basic
21 knowledge of -- you know, I mean I'm sure of -- smart kid.
22 I mean, he has knowledge of what goes on there and how it
23 works. He had been there for a period of time.

24 Q Was he involved in the same number of revocation
25 decisions and reinstatement decisions that you and

1 Detective Mattson were in the fall of --

2 A No.

3 Q -- 2008?

4 A No.

5 Q Was Detective Mattson training him as she had
6 trained you in the Firearms Unit?

7 A We tried to make sure that everybody's on the
8 same page as far as all the firearms issues, yes. Yes.

9 Q Do you know how it came to be that Detective
10 Shawn Musial was the detective in the Firearms Unit who
11 issued the reinstatement letter to Mr. Goldberg?

12 A No idea.

13 Q Okay. In other words, we agree that Detective
14 Mattson had been involved in the Goldberg case. Correct?

15 A Yes.

16 Q And that you had been involved in the Goldberg
17 case?

18 A Yes.

19 Q And then Detective Shawn Musial is involved in
20 the reinstatement. Correct?

21 A Yes.

22 Q Do you know why that would be?

23 A Wouldn't venture a guess.

24 Q Did you have any opinion about the reinstatement
25 of Mr. Goldberg's permit in 2008 that you expressed to

1 anyone in the State Police?

2 A No.

3 Q Okay. Were you upset about it?

4 A No.

5 Q Do you know what changed so that in September of
6 2008 it was determined that Mr. Goldberg was suitable to
7 hold a state permit?

8 A Couldn't give you an answer. Maybe the
9 commissioner got together with his legal staff and went
10 through it, hashed it out.

11 Q Okay.

12 A That would be my guess.

13 Q In Exhibit 38, had you ever seen the eight-page
14 letter from me to Sergeant Hall prior to today?

15 A No.

16 Q And then in the last page of Exhibit 8, that fax
17 cover sheet, it lists Detective Barbara Mattson, Detective
18 Thomas Karanda, and Trooper Shawn Musial in the permit
19 revocation weapons compliance section of the Firearms
20 Unit. The weapons compliance, was that primarily what you
21 just described as the vault that Trooper Musial was
22 involved in?

23 A Yes.

24 Q Exhibit 63.

25 (Brief discussion held off the record.)

1 BY MS. BAIRD:

2 Q I just handed you 63 to review.

3 A Reviewed.

4 Q I'm going to hand you Exhibit 62 and ask you to
5 look at the date on that and then the date on Exhibit 63.

6 A Reviewed.

7 Q Exhibit 63, do you know when that memorandum was
8 written?

9 A Looks like April 12, 2006 is the date on it.

10 Q Okay. And in looking at Exhibit 2, the date on
11 there is April 5th, 2007?

12 A Correct.

13 Q Okay. Do you know if the April 12th, 2006 could
14 have been an error? Or sitting there today you have no
15 idea?

16 A No idea.

17 Q Okay. We'll go on then.

18 In Exhibit 63, tell me about how it came to be
19 that your name appears on Page 3 with Detective
20 Mattson's. How it came to be that you two were tasked or
21 assigned to draft this memorandum to Captain Masek.

22 A I would venture that he told us to give him a
23 response to Senator Guglielmo's inquiry.

24 Q Had you ever been asked while you were in the
25 Firearms Unit to respond to an inquiry from either a

1 senator or a representative?

2 A Yes.

3 Q Was this a usual occurrence?

4 A It happened occasionally. Sure.

5 Q And when you would respond to these inquiries on
6 occasion, would it always be you and Detective Mattson or
7 were there occasions when one or the other of you
8 responded?

9 A I would say it was probably sent to both of us,
10 whoever could -- if it was anything particular to me or to
11 her, she'd draft the response. If it was particular to
12 me, I'd draft the response. But if it came -- once again,
13 some of this stuff was joint, a lot of this was joint, so
14 I imagine we both responded to it to make sure that it, in
15 fact, is correct.

16 MR. SNOOK: If I could interrupt. The
17 first paragraph, third sentence. It says
18 "Detective Mattson and I." Am I correct in
19 assuming that you primarily wrote this?

20 THE WITNESS: Yes.

21 BY MS. BAIRD:

22 Q Going down in Plaintiffs' Exhibit 63, it looks
23 like you have numbers one through six in response to an
24 inquiry from Senator Guglielmo. In drafting those numbers
25 one through six, what was the question from Senator

1 Guglielmo that you believed you were responding to?

2 A I believe it's concerning the reinstatement and
3 handling of revoked permits.

4 Q Do you know what the senator's concern was about
5 permits and their revocation?

6 A Not prior to just reading this other letter, no.

7 Q When you say the "other letter," you're referring
8 to Exhibit 62?

9 A Correct.

10 Q Had you been provided a copy of Exhibit 62 prior
11 to drafting that memorandum to Captain Masek?

12 A I don't believe so.

13 Q So was it Captain Masek that presented the issues
14 to you to respond to?

15 A Yes.

16 Q And what did he say that led you to set forth six
17 different factors that have an effect on the reinstatement
18 of an applicant?

19 A By looking at this document, I would say that he
20 said give me the reasons why we do what we do.

21 Q Okay. And in looking at Exhibit 63 then, No. 1,
22 it says "pending criminal charges." Are you saying under
23 No. 1 that while criminal charges are pending, their
24 permit is held until a final adjudication of the case?

25 A Yes.

1 Q Okay. Were there circumstances where criminal
2 charges were pending, but a permit was returned prior to a
3 final adjudication of the case?

4 A I do not believe so, no.

5 Q Okay. So the fact that a criminal charge had
6 been brought and was still pending was a reason not to
7 reinstate. Correct?

8 A Depending on if that could, in fact, be a
9 disqualifier, yes.

10 Q Okay.

11 MR. SNOOK: Could I interrupt you?

12 Are there criminal charges that would have
13 nothing to do with handgun disqualifiers?

14 THE WITNESS: Sure. Yes.

15 MR. SNOOK: So No. 1, you're talking --

16 THE WITNESS: Breach of peace, disorderly
17 conduct we could -- I mean unless there becomes
18 a restraining order, protective order issued
19 where, in fact, it be mandated that --

20 MR. SNOOK: So certainly No. 1 is not an
21 exhaustive list of --

22 THE WITNESS: Oh, absolutely not.

23 BY MS. BAIRD:

24 Q And then the second sentence in No. 1 says --

25 A I'm sorry, Ms. Baird. If I may. And it said "in

1 the event they are convicted of." So then it becomes a
2 moot point if they're convicted of that particular
3 disqualification.

4 Q Okay.

5 A If that works for you.

6 Q Yes. But under No. 1 it says, "While criminal
7 charges are pending against a particular individual, their
8 permit is held until final adjudication of their case."
9 And then it says, "In the event they are convicted of" --
10 basically disqualifiers -- "their permit may not be
11 reinstated by state and federal statutory requirements."

12 Was it your representation in Exhibit 63 that
13 while criminal charges are pending we don't return the
14 permit, and if they are convicted of disqualifiers it
15 never gets returned?

16 A Yes.

17 Q Okay. Could there be criminal charges that are
18 pending and while those criminal charges are pending a
19 permit be reinstated to a person?

20 A In thinking back to it, I'm -- unless that's a
21 disqualifier, could it be returned to them? It probably
22 could. Would we? Don't know if -- unless it came -- once
23 again, most of the stuff that came to us under our purview
24 of the firearms, there was a firearms-related issue that
25 went along with it. So with that said, if a person gets

1 arrested for breach of peace in West Hartford and I don't
2 see a report, I would have no idea -- or revoke the
3 person's permit --

4 Q Right.

5 A -- would I reinstate it? I mean, if it nothing
6 to do with it? I probably would. I mean, if it wasn't
7 related to anything that would have disqualified them at
8 that particular point. I mean if he had an assault third
9 which becomes a handgun disqualifier on that, would we
10 hold that? Yes, we probably would hold it because that
11 could, in fact, be a disqualifier down the line.

12 Q But the first sentence of No. 1 says "while
13 criminal charges are pending against a particular
14 individual, their permit is held until final adjudication
15 on their case."

16 A If it's firearms related.

17 MR. SNOOK: So --

18 BY MS. BAIRD:

19 Q Okay. But when issues came to you, they were
20 firearms related. Correct?

21 A Yes.

22 Q That's why they came to you.

23 A Correct.

24 Q Okay.

25 MR. SNOOK: While you're working,

1 Counselor.

2 So I live in West Hartford, I get into an
3 argument with my neighbor about the trash can --
4 it's trash-can Thursday. The police roll up,
5 they -- you know, because there is, in fact, a
6 police officer lives down the street -- and they
7 say, you know, "Calm down, Snook," and I throw
8 the trash can in the street. Okay? And then
9 I'm arrested. Now, I don't have -- let's
10 assume, hypothetically, I have a handgun permit.
11 There is no handgun. You never hear of it.

12 THE WITNESS: Know nothing about it.

13 MR. SNOOK: Okay. So this sentence in the
14 first part of No. 1 --

15 MS. BAIRD: Well, if you don't have a
16 handgun permit then --

17 MR. SNOOK: No; let's assume I did have a
18 handgun permit.

19 MS. BAIRD: Oh. You did.

20 MR. SNOOK: So the sentence in No. 1 is
21 perhaps not grammatically complete of the entire
22 world of cases in which criminal charges are
23 pending.

24 THE WITNESS: Right.

25 MR. SNOOK: Thank you. That one threw me.

1 THE WITNESS: I do the best I can.

2 MR. SNOOK: This isn't an inquest.

3 BY MS. BAIRD:

4 Q No. 2, the nolle period: While the applicant is
5 under the supervision of the court, the permit is held
6 until that time he or she successfully completes the
7 13-month period dictated by the court concerning record
8 retention of the incident.

9 Were there times when a case was nolle, but the
10 13-month period had not elapsed where it was determined
11 that a permit would be reinstated? Or was No. 2 a
12 hard-and-fast rule while you were there?

13 A That's pretty much a hard-and-fast rule.

14 Q By the way, in looking through Exhibit 61 I
15 noticed that there were various periods of time, in
16 particular, six-month periods of time where a person's
17 permit would remain revoked if they, for instance,
18 provided a wrong address on -- they had failed to change
19 their address when they moved.

20 A Right.

21 Q Do you recall inputting some of those?

22 A I don't recall doing that many of them, but it is
23 a felony in the State of Connecticut.

24 Q Okay. And what is a felony?

25 A For the failure to change your address with us.

1 MR. KUCK: You get 48 hours?

2 THE WITNESS: Two business days.

3 BY MS. BAIRD:

4 Q And did you ever report that as a felony in
5 any --

6 A We've arrested people for it.

7 Q Okay. In the cases that I'm referring to
8 contained in the database where a person was given an
9 additional six months until they could be reinstated
10 because they had failed to change their address, what kind
11 of considerations went into the determination that there
12 should be an additional six-month suspension period as
13 opposed to a felony arrest or any other action you could
14 have taken?

15 A I guess you could say in light of the expediency
16 of it sometimes, to avert keeping those people in a
17 revoked status for however long they could get a hearing
18 before the board decides to -- I mean if -- I wouldn't go
19 as far as saying that would be the end-all, "we're
20 revoking your permit because you failed to change your
21 address," because that wasn't the case. In fact, if there
22 was a six-month addition to that, I would say there's
23 probably -- there were other -- many other underlying
24 incidents that went in addition to that failure to change
25 the address. Like the total disregard of all the permit

1 rules.

2 Q What did you see as your authority while you were
3 in the Firearms Unit to keep people in a revocation status
4 for a period of time prior to reinstating their permit?

5 A How did I feel about it?

6 Q Well, do you agree that some people you made wait
7 until their hearing came up before the board to see
8 whether they would be reinstated or not? Correct?

9 A Sure. Yes.

10 Q But there were some people that you didn't make
11 wait for that hearing; that you reinstated them ahead of
12 time.

13 A Right.

14 Q And you made various determinations about how
15 long they'd have to wait for the reinstatement or what
16 would have to happen before the reinstatement. What were
17 your guidelines in exercising that authority you had?

18 A My guidelines? Was it reasonable. That's all.
19 Was it reasonable.

20 Q But that was your determination of reasonability.
21 Correct?

22 A That is how I approached it, yes.

23 Q Do you know why there were certain cases that
24 were settled with individuals on the actual day their case
25 was to be heard before the board?

1 A Used to happen all the time.

2 Q But why did it happen on the actual day of
3 hearing?

4 A Some of these people you wouldn't have contact
5 with. Never responded to certified mail, contact
6 information. People didn't live at the addresses they
7 were supposed to be living at, never got their
8 notifications. They would get a notification from the
9 board. As much as we talked between the Board of Firearms
10 Permit Examiners and our office, a lot of times it
11 wouldn't -- it would come down to the final day where the
12 people actually -- this is the first contact we've had
13 with them. The onus didn't come back to the DPS to
14 make -- I mean we'd reach out as much as we could, but if
15 we keep getting stuff back that -- no response, no reply,
16 didn't call us, what's the status of my permit? No
17 control over that, especially when you're doing a thousand
18 cases a year, Ms. Baird.

19 Q So these individuals would request a hearing and
20 show up for the hearing, but they hadn't had any contact
21 with the Firearms Unit.

22 A Happened all the time.

23 Q And if the individuals didn't show up for the
24 hearing, then they wouldn't be reinstated, because they
25 weren't there. Correct?

1 A Right. And as Mr. Kuck would be first to tell
2 you, if you're not there, you can't present your case, you
3 lose your case.

4 Q Did the Firearms Unit reinstate individuals
5 because the unit believed that it would not win its case
6 before the board?

7 A No. I don't -- and I don't think we would -- I
8 wouldn't do that just based on the fact, I mean, we're
9 responsible to the local authority that sent it there. I
10 mean if they provide the information about a revocation
11 and having officers come up there and testify before --
12 you know, before the board on any particular case, I think
13 it would be categorically unfair of me to make any kind of
14 determination without their input. It's their case.

15 MR. SNOOK: And you're referring to the --

16 THE WITNESS: The local authority, sure.

17 MR. SNOOK: -- denials.

18 THE WITNESS: Denials or revocation. A guy
19 pulls a guy over with a D.W.I. with a handgun.
20 The officer arrests the guy, brings him to jail.
21 The guy's got a gun on him when he's
22 intoxicated? I don't think it would be my duty
23 to reinstate a permit of somebody like that.
24 And especially my only involvement as the
25 issuing authority to put it before the board.

1 BY MS. BAIRD:

2 Q But it's the issuing authority's ultimate
3 decision whether a permit should be revoked.

4 A Yes.

5 Q Okay.

6 A Yes.

7 Q Were there times prior to the date of hearing
8 when the schedule for the hearing would be distributed to
9 the Firearms Unit, where individuals were reinstated?

10 A Absolutely.

11 Q And with those individuals, you would in all
12 likelihood have their addresses, because if you're
13 reinstating them prior to the hearing you would feel
14 comfortable that you could notify them of that?

15 A If they were calling me. Once again, it's a
16 little problematic to have us trying to find everybody
17 that comes before a hearing. Did the pace pick up to, you
18 know, try to locate people -- once again, we're doing that
19 many cases a year -- to say, "Do you know that Steve Smith
20 is coming up for his hearing this month?" Okay, we could
21 look at it. "Do we have any other contact with him?"
22 Haven't heard from him in all this time. He comes up,
23 shows up that day. We would have given the permit back
24 eight months ago.

25 Q Okay. Going on then in Exhibit 63, the second

1 page where it says "court order" at No. 3.

2 A Yes.

3 Q What was the position of the Firearms Unit, while
4 you were in the unit, regarding individuals who were still
5 subject to accelerated rehabilitation with regard to
6 whether they would be reinstated or not while they were on
7 AR?

8 A If they are on AR, as long -- and same thing to
9 continue to probation. As long as they successfully
10 complete all of the requirements of their AR, whatever
11 those may be, they may be, sure, eligible for
12 consideration for reinstatement once they successfully
13 complete it. Sure.

14 Q Okay. Would you agree that No. 4 in Exhibit 63,
15 basically you're just talking about a disqualifying event
16 there? Correct?

17 A Yes.

18 Q That you have no discretion about.

19 A Correct.

20 Q And No. 5, I think you already talked about this
21 a little bit, the noncontact of the appellant. Is that
22 what you were talking about before?

23 A Very much so.

24 Q Okay. Now, No. 5 talks about suitability.

25 A Six.

1 Q Yes. No. 6 talks about suitability. What do you
2 mean by the last sentence in paragraph six?

3 A Those would be chiefs' denials. If a chief of
4 police within a local authority makes a determination that
5 they do not want to issue a local permit which would, in
6 fact, give the appellant an opportunity to appear before
7 the board, we wouldn't issue that contrary to the chief's
8 determination.

9 Q Well, wait a second. You probably didn't have a
10 chance to read the whole paragraph, because the sentence
11 preceding that says: A local authority may request a
12 revocation of a permit for cause. These cases are not
13 settled without approval of the local authority, which
14 would result in a full hearing before the Board of
15 Firearms Permit Examiners.

16 Now, do you agree with me that if you go by the
17 words in those two sentences it appears that you're
18 telling Captain Masek that if a local authority requests
19 revocation, the Firearms Unit doesn't reinstate unless
20 the local authority says okay?

21 I may be reading it wrong, but I'm just telling
22 you how I read it.

23 A I'm trying to think of an example which would
24 make it easier. Say you had an individual that had for --
25 once again, say you had a person with a D.W.I. with a

1 handgun. It goes before the chief. The chief makes a
2 request to the Firearms Unit. The Firearms reviews the
3 case, revokes the permit, tells the person you're going to
4 be going before a hearing before the Board of Firearms
5 Permit Examiners just based on the serious nature of the
6 incident.

7 We would not make any determination at our level
8 if that, in fact, came forward, unless there were
9 extenuating circumstances about there was a problem with
10 the case, the adjudication of the case, without the
11 chief's approval to do that. Or the point person for
12 that particular department, the contact person for that
13 particular department, the chief's authority. We don't
14 just say, "okay, we're settling the case" without letting
15 the local authority know, unless there's extenuating
16 circumstances that go along with it.

17 Q And do you know if Chief Sweeney was contacted
18 before James Goldberg's permit was reinstated?

19 A I do not know.

20 Q So you didn't do it.

21 A I was out of that. No.

22 Q Were you told that you were out of it?

23 A No. I'm just saying from your exhibit, Detective
24 Musial reinstated it, so obviously I didn't do it. So I
25 wouldn't know that, in fact, if he had contacted him or

1 not contacted him.

2 Q I mean just help me out here because it seems to
3 me that back in September of 2008 James Goldberg was one
4 of the more prominent cases in the Firearms Unit; is that
5 fair to say?

6 A I would say any time you put a federal lawsuit
7 into play I would say that would be a determining factor.
8 Sure.

9 Q And the Firearms Unit wasn't that big. There
10 were three detectives.

11 A Well, there's more, but it's primarily. Right.

12 Q Right. And is it your testimony that you really
13 weren't kept informed of or didn't hear about the decision
14 that James Goldberg would get reinstated?

15 A I'm sure that somebody mentioned something
16 somewhere along that, hey, they're going to reinstate
17 Goldberg's permit. Okay. I've got 999 other ones to do.
18 I have -- I had enough business.

19 Q Okay. Are you familiar with entries in the SLFU
20 database, in particular with Detective Mattson, where if
21 somebody was rude to her on the phone that she would make
22 a note of that and, say, give them additional time where
23 their permit would not be reinstated?

24 A No.

25 Q No?

1 A Well, I don't know if she did that. I mean,
2 would we put in notes that people were rude? Absolutely.
3 It goes to their suitability to say, hey, is this a person
4 that -- I mean if they're threatening on the phone?

5 Q Well, I didn't say threatening.

6 A Well, I'm just saying. I've had discussions with
7 people that were absolutely irate. You know what? You do
8 your best with them. But would you make a notation?
9 Absolutely.

10 Q So what was the standard for how somebody needed
11 to talk on the phone to a detective so that they wouldn't
12 be deemed unsuitable?

13 A The regular day-to-day stuff about courtesy to
14 anybody that you have a contact with that you never talked
15 to before.

16 Q Was there anything about any of the contacts that
17 you had with James Goldberg that contributed to a
18 determination that he would be unsuitable?

19 A I don't -- I don't know if I ever had but maybe
20 one conversation with him. The whole time.

21 Q Okay. Any conversation with Jack Goldberg, James
22 Goldberg's father, that led you to believe that maybe he
23 wouldn't be suitable to have a state permit?

24 A Absolutely.

25 Q Okay. And what was it about those conversations?

1 A He just was not a pleasant man.

2 Q Okay. And any conversations with Ed Peruta that
3 led you to believe that he was not suitable to have a
4 state permit?

5 A I would reserve judgment on Mr. Peruta, too.

6 Q Well, there wasn't any action to revoke him --

7 A No, no.

8 Q -- because of his conversations. Correct?

9 A No. I've never had a problem with Mr. Peruta
10 either.

11 Q Okay. Well, let's complete going over this
12 letter. Were you ever asked to have a conversation
13 one-on-one with Senator Guglielmo about this memo?

14 A No.

15 Q The last paragraph of the second page of
16 Exhibit 63 talks about documentation with regard to an
17 individual's legal status to be in the United States. Do
18 you recall when Mr. Kuck raised this issue in terms of
19 what documents he needed to show to the State Police when
20 he came to renew his state permit?

21 A Yes.

22 Q Did Captain Masek discuss with you his position
23 on whether Mr. Kuck should be renewed without submitting a
24 birth certificate, voter registration card or U.S.
25 passport?

1 A Did he ask for my input? Is that the question?
2 I'm sorry.

3 Q Did he discuss with you what position the
4 Firearms Unit was going to take?

5 A As far as Mr. Kuck specifically?

6 Q Yes.

7 A Yes.

8 Q And what was the position that the Firearms Unit
9 ultimately took with regard to the renewal of Mr. Kuck's
10 permit?

11 A That they were going to require at that secondary
12 form of identification for renewal purposes.

13 Q Well, were you the detective that was handling
14 Mr. Kuck's renewal?

15 A I don't believe so.

16 Q Okay. Do you know if it was Detective Mattson?

17 A I don't believe so.

18 Q Okay. Were you involved at all in the decision
19 not to issue Mr. Kuck's permit?

20 A No, I don't recall. No.

21 Q But was that a requirement that you implemented
22 with other individuals renewing their permit --

23 A Yes.

24 Q -- that they show identification?

25 A Yes.

1 Q And were you ever asked to investigate whether
2 Mr. Kuck was legally in the United States?

3 A No.

4 Q Were you ever asked to check on the SLFU computer
5 database as to where Mr. Kuck was born?

6 A No.

7 Q Were you ever asked to investigate whether
8 Mr. Kuck had renounced his citizenship?

9 A No.

10 Q Did you ever raise the issue that since Mr. Kuck
11 had not shown the secondary identification, that it really
12 needed to be investigated whether he was an illegal alien?

13 A That would be part of it. Sure. Yes.

14 Q Did you have a concern that Mr. Kuck was an
15 illegal alien?

16 A No.

17 Q Did you have a concern that he was illegally in
18 the United States?

19 A Him specifically? And I'll have to qualify. You
20 can't make exceptions for people when you're doing this.

21 Q So is it your testimony that everybody was asked
22 to present that secondary identification?

23 A Yes.

24 Q Were you told whether there was a statute or a
25 regulation or guideline that required individuals renewing

1 their permit to show that identification?

2 A And I'll base everything I say just by on my
3 knowledge in trying to reflect back to what it was back
4 four or five years ago. Through the federal government's
5 National Instant Criminal Background System, the NIC
6 system, they -- on the trainings that they gave on a
7 yearly basis, their priorities were that the person was
8 legally and lawfully within the United States; and if, in
9 fact, they were, that was a checkmark by them. They're
10 okaying that person, once again, that they're legally and
11 lawfully in the United States. That became one of their
12 protocols federally.

13 Q That was a pretty important protocol, wasn't it?

14 A I would say, yes.

15 Q Other than asking individuals to present
16 documentation, given that this was such an important
17 protocol did you follow up to investigate whether that
18 documentation was valid and whether there was any
19 corroboration of that documentation?

20 A Well, once again, that was a secondary form of
21 identification. So if you're looking at a driver's
22 license and a birth certificate, that secondary form to
23 identify that that person was, in fact, who they were.
24 Once again, with the way things are, I'm sure things are a
25 lot more stringent than they used to be; but at that point

1 if you could verify that that person was who it was with a
2 birth certificate and a driver's license, I would say --
3 and running through the various checks that they do, which
4 they have a lot more down at the Firearms Unit because
5 they go onto the federal databases also, then I would say
6 if it comes back and there's no disqualifying event or
7 incident for that particular person, I would say that was
8 a person that was legally and lawfully in the United
9 States.

10 Q Did the State Police rely wholly on the
11 documentation that an individual would present to
12 determine that that individual was, in fact, the same
13 person, what, that appeared on the pistol permit or --

14 A Well, I would hope whoever's -- and once again,
15 the people that do these checks that are at the front
16 window that are observing these, hopefully you're not
17 looking at a photographed copy of somebody from Guam that
18 didn't -- I mean it has to be a legitimate document, an
19 official document. That's how they make that secondary
20 validation that the person is, in fact, who they are.
21 Driver's license, birth certificate. A official state
22 document -- an official state, federal document.

23 Q Okay. But it had to be -- for instance, for
24 Mr. Kuck it needed to be a birth certificate, United
25 States passport or voter registration card. Correct?

1 A Those are the three -- I mean do you try to be
2 reasonable? Sure. I mean if you have something else, you
3 have a military ID, would they take a military ID? Sure
4 they would.

5 Q Exhibit 69.

6 A No offense to the people of Guam.

7 MR. KUCK: They're U.S. citizens.

8 THE WITNESS: Yeah.

9 MR. SNOOK: For a minute there that's why I
10 was scratching my head on that one.

11 A Reviewed.

12 BY MS. BAIRD:

13 Q You know what, Detective? We're growing to trade
14 out 69 for 70. I think that is a more complete copy.

15 A Okay. Reviewed.

16 Q I'm just going to be addressing the first three
17 pages of Exhibit 70.

18 A Okay.

19 Q In Captain Masek's letter dated April 26, 2007,
20 he references in paragraph two an instruction sheet. Do
21 you agree that Page 3 of Exhibit 70 is the instruction
22 sheet he's referring to?

23 A Yes. I believe this goes out with renewals.

24 Q Okay. And in that instruction sheet in the first
25 section, pistol permits new and renewals in-state, at

1 No. 4 it says: Proof of citizenship or legal residency
2 must be provided for new and renewals, and acceptable
3 proof includes one of the following: Birth certificate,
4 U.S. passport or voter's registration card. Correct?

5 A Correct.

6 Q Okay. You had testified that you try to be
7 reasonable and maybe a military ID would be okay.
8 Correct?

9 A As a secondary. In looking at this, that's the
10 required document that's sent out to these people.
11 There's -- unfortunately, not everything has a photograph
12 on it. So they do that all the time. You'll see a
13 driver's license. I don't know, there is no photograph on
14 my birth certificate so I would tell you that's the reason
15 why sometimes if there's a question, they'll look at it
16 and they'll say, okay, do you have any other
17 identification? That happens occasionally.

18 Q Well, on that same section under No. 3, it says:
19 A driver's license or state ID card and expired pistol
20 permit. Correct?

21 A Correct.

22 Q So you have to show your permit. Right?

23 A The one that's getting ready to expire. Sure.

24 Q And then you have to show either your Connecticut
25 driver's license or state ID card. Correct?

1 A Correct.

2 Q And that's for everybody.

3 A That's for everybody.

4 Q And then under No. 4, in addition to those you
5 have to show one of these. Right?

6 A Yes.

7 Q And Mr. Kuck had the expired pistol permit.
8 Correct?

9 A I believe so. I'm not very familiar with
10 Mr. Kuck's case --

11 Q Okay.

12 A -- but I would say yes. If he's coming for
13 renewal, I would say he had one -- it was a renewal, so I
14 would say he had one.

15 Q Okay. Under No. 4 where it says U.S. passport,
16 voter's registration card or birth certificate, you've
17 already mentioned that your picture isn't on your birth
18 certificate?

19 A Yes.

20 Q Okay. And do you agree that for a lot of people
21 their name that they have on their pistol permit isn't the
22 one they have on their birth certificate?

23 A Yes.

24 Q And that some people, many people do not have a
25 United States passport?

1 A Yes.

2 Q And it's perfectly lawful to never vote, to never
3 have a voter's registration card. There is no requirement
4 in the United States that you vote.

5 A That's correct.

6 Q So what would you do for an individual who
7 doesn't have a passport, doesn't vote, and maybe they've
8 changed their name since they were born?

9 A Perfect example is a woman that got married.
10 We'd ask for a marriage certificate. You bring your
11 marriage certificate down with your maiden name on it.

12 Q So in addition to the birth certificate, she
13 would need to bring her marriage certificate.

14 A If it was an issue. If it was a different name.
15 Just to ensure that they're legally and lawfully within
16 the United States. That's one more step. This is -- this
17 is just the first step just to provide it to see who that
18 person actually this. That's before you start running
19 them through every database that we have available to us.

20 Q There's further investigation that you do --

21 A Absolutely.

22 Q -- correct?

23 A Yes.

24 Q Okay. Is it your testimony that without the
25 birth certificate, U.S. passport or voter registration

1 card you wouldn't be able to proceed with that further
2 investigation? That you would be forestalled from that?

3 A Once again, as the instructions to the applicant,
4 is this what the department is looking for? That's what
5 they're looking for. If you have those documents, is it
6 all-inclusive? That's what they are trying to do. It's
7 the proof that they're legally and lawfully in the United
8 States. Can you do that with a birth certificate? You
9 absolutely can.

10 Q But what I'm asking you is if someone didn't have
11 these three documents, does that mean the Department of
12 Public Safety was somehow prevented or had no other way of
13 determining if somebody was lawfully in the United States
14 or a U.S. citizen?

15 A I would refer back to the federal government, how
16 they purport it to be. Most of these came from the
17 federal government, not from the State of Connecticut.
18 These are federal requirements by Attorney General
19 Ashcroft, I believe at the time, that put these into play
20 after a series of events post-911.

21 Q And it's your testimony that General Ashcroft
22 said that when a person -- that a person needs to present
23 these forms of identification? He didn't say that you
24 need to determine whether they're lawfully in the United
25 States, he said that the person needs to present

1 identification?

2 A They wanted -- the federal government wanted to
3 ensure that these people were legally and lawfully in the
4 United States, and how they did that to make sure they're
5 a U.S. citizen, of course you took identification.

6 Q Okay. The federal government did that.

7 A Immigrations and Customs Enforcement. If there's
8 something that -- they come in with a passport, you can
9 run that number against a passport. They're legally
10 within the United States. They can have a pistol permit.
11 We don't want to have people that are illegally in the
12 United States or have some kind of conviction from out of
13 the country which would be a disqualification here to, in
14 fact, be able to go out and have a handgun and carry it
15 around with them.

16 Q And given that, the Department of Public Safety
17 entrusted people to bring in their own proof. Correct?

18 A Yes.

19 Q Okay. And the Department of Public Safety didn't
20 believe it was important to follow up on that proof or to
21 verify that proof?

22 A They verify that as soon as the person presents
23 it.

24 Q Just because the person presented it?

25 A Right.

1 Q Okay.

2 A Right.

3 Q Just by looking at it?

4 A Well, you're looking for an official -- I mean,
5 do you have an embossed seal on it? I mean is it a
6 regular document or something that somebody just took off
7 a Xerox copier.

8 Q Who does that at the front window of DPS?

9 A There's nonsworn personnel that do that daily.

10 Q What is their exact duty assignment?

11 A They're office assistants and processing
12 technicians.

13 Q So they're office assistants. Do you know what
14 exactly the job code or title is for these office
15 assistants?

16 A I think that is their job code. That's their --
17 they're an office assistant within the Department of
18 Public Safety, Division of State Police Special Licensing
19 and Firearms Unit.

20 Q Do they go to any technical training or school?

21 A Yes. They're given just as much as the troopers
22 are.

23 Q Okay. Office assistants are.

24 A Yes. And processing technicians.

25 Q Okay.

1 A They're one step higher.

2 Q Now, about the military ID card that you had
3 mentioned, how would that come into play? Why would that
4 be acceptable when there are such set forth guidelines?

5 A Not on the secondary part, but the first part
6 where they -- Connecticut driver's license, state ID.

7 Q Okay.

8 A Military ID.

9 Q Oh. So that --

10 A Connecticut National Guard, whatever. With a
11 face. The secondary -- that would be -- actually, it
12 would be a secondary identification form. Sure.

13 Q Okay. Were you involved at all in a request by
14 Mr. Kuck for all documentation concerning the requirement
15 by the Department of Public Safety that a birth
16 certificate, voter registration card or passport be a
17 requirement for renewal?

18 A Was I involved in that?

19 Q Yes.

20 A No, I was not.

21 Q Were you asked to collect any information or --

22 A No.

23 Q -- anything?

24 A No, I was not.

25 Q And what authority again did Sergeant Bastura

1 have over you?

2 A He was the unit -- make sure I get this. He was
3 the executive officer of the unit.

4 Q Okay. I'm handing you Exhibit 92. Do you recall
5 a time either because Sergeant Bastura told you about it
6 or because you assisted in collecting information or in
7 preparation for a hearing that he was asked to attend,
8 with regard to a Freedom of Information Act request by
9 Mr. Kuck?

10 A I do not have any knowledge of that, no.

11 Q Okay. Do you want to read this entire transcript
12 or --

13 A No. That's okay. I'll refer to it if I need to.

14 Q If there is a point where you say, listen, I just
15 need to read it, tell me. Okay?

16 A Sure.

17 Q And these questions are based on my
18 representation that this was testimony given by Sergeant
19 Bastura. And if that's not correct, then obviously any
20 answers you have to my questions won't be valid. Okay?
21 So for purposes of these questions I'm going to ask you
22 just to accept my representation that this is Sergeant
23 Bastura's testimony --

24 A Understood.

25 Q -- during a hearing on April 1st, 2008.

1 If I could just direct your attention to Page 5
2 of the exhibit.

3 A Okay.

4 Q It says that the Assistant Attorney General at
5 that time -- I believe he's retired now -- Henry Alexander
6 was asking some questions. And he asked Sergeant Bastura
7 at line four of Page 5: Now, you heard Attorney Janeiro
8 testify that when the request came in, she sent it to
9 Captain Masek; the F.O.I. request for the documents that
10 Mr. Kuck is looking for, that she sent it to Captain
11 Masek. Now, did Captain Masek assign you to do the search
12 for these documents?

13 And Sergeant Bastura answered: Yes. Captain
14 Masek went to myself and office supervisor Diane Morrell,
15 and also Detective Tom Karanda and Detective Barbara
16 Mattson.

17 Do you recall Captain Masek coming to you and
18 asking you to help do a search for documents requested by
19 Mr. Kuck?

20 A No.

21 Q Okay. And then there's testimony by Sergeant
22 Bastura at line 19 of Page 5: We looked through our
23 current files, we looked for correspondence, any paperwork
24 related to the implementation back in either late 2002 or
25 2003 regarding the requirement to persons, applicants for

1 pistol permits to show a birth certificate -- birth
2 certificate, passport or voter registration card. We also
3 looked at old -- in old files, boxed files in our storage
4 area. We also looked through the offices of prior
5 commanding officers that we currently utilize that had
6 bankers' boxes and things of that nature, and files, old
7 files and paperwork.

8 Do you remember any search being conducted like
9 that for documents with regard to Mr. Kuck's request?

10 A Not that I had any involvement in. No.

11 Q Okay. Do you remember other people scurrying
12 around looking for documents?

13 A I can honestly say we used to do that all the
14 time: Hey, can you point me where I could find this? Can
15 you point me where I can find that?

16 Q Okay.

17 A I had a lot of information from ATF that, you
18 know, would that be involved in it? Not necessarily.
19 There's the book, Sarg. If you like them, feel free.

20 Q Well, how many F.O.I. requests did you receive
21 between 2002 and 2008 from members of the Board of
22 Firearms Permit Examiners?

23 A I don't recall any that I've ever been around.

24 Q Okay. Page 6, line eight. In there, Sergeant
25 Bastura refers to "what we ultimately had were the three

1 items that we had turned over to Attorney Janeiro from
2 Legal Affairs Unit.

3 And Sergeant Bastura's responding to that
4 previous question that starts at line 5: Okay. And sir,
5 in terms of the documents referenced in the
6 implementation of the change in the policy, what did you
7 come up with?

8 And Sergeant Bastura at line 13 on Page 6 says:
9 The instruction form for permit applicants.

10 At line 16 he talks about the audit from the
11 federal government.

12 If we go back to the instruction sheet,
13 Exhibit 70, Page 3, were you relying on that instruction
14 sheet, as well, when I asked you about where the
15 requirement for the birth certificate, passport or voter
16 registration card came from?

17 A Yes. And my knowledge of the other requirements
18 from the federal government.

19 Q Okay. And on Exhibit 92 at Page 6 it talks about
20 at line 16: And the other was the audit from the federal
21 government.

22 And I'll direct your attention to Exhibit 70
23 which --

24 MR. SNOOK: 79?

25 MS. BAIRD: 70.

1 BY MS. BAIRD:

2 Q -- which contains a National Instant Criminal
3 Background Check System audit report dated June 18th,
4 2002, and ask you if that's the audit that you relied on
5 in implementing the requirement that a birth certificate,
6 U.S. passport or voter registration be a requirement for
7 renewal?

8 A Once again, I wasn't involved in so much the
9 audit. That comes on the administrative side which is
10 Sergeant Bastura's purview, himself and Diane Morrell who
11 is the office supervisor. So I'm sure they had all the
12 information from the FBI. Once again, I wasn't involved
13 in the audit any time when I was there, and whatever
14 happened after their appearance there would be whatever
15 changes came within the unit. It's on the administrative
16 side.

17 Q In implementing the requirement that a birth
18 certificate, passport or voter registration card is
19 required for renewal of a state permit, were you going
20 according to what Sergeant Bastura told you to do then?

21 A Yes.

22 Q Okay. And if Sergeant Bastura had said that's
23 not required, you would have gone by that.

24 A Sure.

25 Q Other than the audit and the instructional sheet

1 that went out to applicants who were attempting to renew
2 their state permits, did you ever see any other written
3 policy or procedure, a regulation, perhaps, stating that
4 presentation of the passport -- U.S. passport, birth
5 certificate or voter registration was a requirement for
6 renewal?

7 A As far as the State of Connecticut law
8 regulation?

9 Q Yes.

10 A No.

11 Q A DPS regulation.

12 A I don't know if that might have been a unit
13 order. I can't tell you if that was put into a unit order
14 about -- mostly this is -- this is on the administrative
15 end. I would say it would be more an administrative
16 function than on a -- on a technical level more than what
17 we have as far as, you know, state laws or regulations
18 itself.

19 Q Exhibit 92, Page 8. At line five, Sergeant
20 Bastura states: I was unable to locate any written change
21 of procedure or policy outside of that instructional
22 sheet.

23 Do you have any reason to disagree with Sergeant
24 Bastura's representation as it stood back on April 1st,
25 2008, that other than the instructional sheet there

1 wasn't any written change of procedure or policy?

2 A Once again, I don't know when he came into the
3 unit; if it was prior to 2002. I don't believe he was
4 there at that time. So I don't know if there was
5 something prior to that by a previous commanding officer
6 or a different administrative sergeant. So I couldn't
7 answer that truthfully.

8 Q But sitting here today, you don't know of any
9 procedure or policy other than the instructional sheet
10 that was distributed to you, saying passport --

11 A Right. What's on the instruction sheet is what
12 we took as the required documentation.

13 Q Okay. And you didn't look beyond the
14 instructional sheet to see if there was a regulation that
15 guided what the actual instructions would be to permit?

16 A No. Because I had very limited access to people
17 when they came in to get their permit. This really wasn't
18 under any of my assigned duties.

19 Q Okay. But in determining whether somebody's
20 permit wouldn't be renewed, that was within your assigned
21 duty. Correct?

22 A If they didn't have the required documentation,
23 which pretty much was handled at the front, it never made
24 it back to my section of the world. If they didn't have
25 the required documentation they were sent away right at

1 the front.

2 Q So the office --

3 A Office assistant or the processing tech. Sure.

4 Q They made that decision.

5 A Yes.

6 MR. SNOOK: Would that be technically a
7 revocation or a lapse?

8 THE WITNESS: It would be an expiration of
9 a permit.

10 MR. SNOOK: Which is not a revocation.

11 THE WITNESS: It's not a revocation.

12 Permit expired.

13 BY MS. BAIRD:

14 Q When the statute indicates that an individual may
15 file an appeal to the board from the denial of a temporary
16 state permit, from the revocation of a permit or from the
17 denial of a permit renewal, what is the denial of a permit
18 renewal? Is there such a thing?

19 A Ask Mr. Kuck. Yes. That wasn't -- to tell you
20 the truth, in all the time I was there I don't think
21 anybody besides Mr. Kuck had objection to the required
22 documentation. He's the landmark case here.

23 Q But do you also agree that his permit lapsed?

24 A Yes.

25 Q But it lapsed because he was denied renewal.

1 A Because he didn't provide the proper
2 documentation that was required.

3 Q Required by the instructional sheet.

4 A And however that made its way into that document.

5 Q And you don't know how it made its way into that
6 document?

7 A It made its way by the federal government.
8 That's why it's in there, by the requirements from the
9 National Instant Criminal Background Check System.

10 Q Are you relying on Sergeant Bastura when you say
11 that or can you look at this audit and tell me where it
12 says that?

13 A I can't look at that audit and say that.

14 Q Yes.

15 A I can look at what was required by the NICS
16 people, the National Instant Criminal Background Check
17 people that they made that a requirement that the person
18 was legally and lawfully in the United States.

19 Q Well, where is that document, though?

20 A That could be a federal document somewhere. I
21 don't have it.

22 Q So it's your testimony that the justification for
23 the instructional sheet is in some federal document?

24 A And I'll quantify that with could that have
25 happened in one year, 2002, post-911, and that it made its

1 way in there and it changed somewhere along the federal
2 guidelines? Possibly. Was that part of the training that
3 the federal people give to us on a yearly basis? Could
4 be.

5 MS. BAIRD: Do you want to take a
6 half-hour? It's 1:00 o'clock.

7 MR. SNOOK: Sure.

8 (A lunch recess was taken at 1:00 p.m.)

9 (The proceedings resumed at 1:35 p.m.)

10 BY MS. BAIRD:

11 Q Did there come a time when you wanted to see
12 Peter Kuck removed from the Board of Firearms Permit
13 Examiners?

14 A I wouldn't go as far as saying "removed," but I
15 would say I think a little more restraint within the
16 hearing offices. I think that was a better -- as far as I
17 was concerned. I didn't have nearly the problems other
18 people had with Mr. Kuck. Some other people did. Me, not
19 so much.

20 Q Can you point to a certain year or a time or a
21 chain of events when the Firearms Unit began to take issue
22 with some of the things that Mr. Kuck was doing during
23 hearings?

24 A A time frame?

25 Q I mean was it -- was that present when you came

1 to the unit in 2002?

2 A I think there -- I think it might have been
3 underlying. I really didn't have a lot of contact at the
4 outset because I wasn't as involved in the hearings. And
5 as they -- see, I was probably there a couple of years
6 before I was actually that much involved in it. Maybe
7 2005, 2006 seemed to be more of a tension between not so
8 much the board members, just Mr. Kuck and people within
9 the unit itself, I think.

10 Q Did some of that tension arise from comments that
11 Mr. Kuck made about police officers at hearings?

12 A Oh, sure.

13 Q And what was the nature of those comments about
14 police officers?

15 A I wish I had all the notes. I used to sit there
16 and just scribble things down as they came. They were
17 fast and furious with Mr. Kuck at particular points.

18 Q Did Mr. Kuck bring up an audit that was performed
19 by the New York State Police of the Department of Public
20 Safety at some point?

21 A Yes.

22 Q What kinds of things in the audit did Mr. Kuck
23 bring up at hearings in general?

24 A I can't go back into what exactly the comments
25 were, but I knew they weren't -- they weren't there on an

1 ingratiating level with people in our side of the room;
2 let's just put it that way. Once again, I can't give you
3 specifics. I'm sure somewhere I would be able to find,
4 you know, all of the hand-scribbled notes. But once
5 again, that was a lot of years ago. I put that all behind
6 me, tell you the truth.

7 MR. SNOOK: Was Mr. Kuck critical of the
8 quality of police investigations in given cases?

9 THE WITNESS: Absolutely.

10 MR. SNOOK: Was he critical of the
11 decisions made by the unit in certain cases?

12 THE WITNESS: Yes.

13 MR. SNOOK: Was he critical of the basis
14 for certain revocations or denials?

15 THE WITNESS: Yes.

16 BY MS. BAIRD:

17 Q Did he talk about the backlog at hearings?

18 A Yes.

19 Q Did he place any blame for the backlog on the
20 Firearms Unit?

21 A I can't really remember him saying anything -- I
22 think it was the system in general. I think he was very
23 critical of how the whole operation worked.

24 Q Did you ever hear him use the term that the
25 process was used as punishment?

1 A I can't recall that.

2 Q Okay. And in your time in the unit, the six
3 years you were in the unit, did you come to an opinion
4 about whether the delay was the fault of either the board
5 or the Department of Public Safety, or a combination of
6 both?

7 A I think it was the totality of just the volume
8 that started coming in post-911; that there was
9 significantly more cases that came before us and before
10 the board. I don't think it was a matter of expediting
11 certain cases, it was just the sheer volume and how many
12 cases the board could hear on any particular day.
13 Sometimes I know there was frustration on the board when
14 there was 10 or 12 cases set on the docket, and for a
15 variety of reasons -- no show, agreements, whatever --
16 they'd be down to, you know, three or four cases to be
17 heard. But then there was other times that the day went
18 the whole way and people weren't leaving until 10:00 and
19 10:30 at night.

20 So with that said, I mean, are there inherent
21 flaws in it? There probably were. But for a group that
22 only met once a month at that particular point and had 10
23 cases when there's 300 on the docket, it's going to take
24 a period of time to get through it.

25 Q What do you recall, if anything, about Mr. Kuck's

1 opinion about the horizontal gaze nystagmus test?

2 A Don't recall.

3 Q Okay. Do you recall Mr. Kuck taking issue with
4 testimony by police officers about the HGN test as a
5 result of the audit performed by the New York State
6 Police?

7 A I don't recall that.

8 Q Do you recall a case where there was a
9 Mr. Erisoty that was involved, and Mr. Kuck approached
10 Captain Masek about that case?

11 A Without going into particulars about particular
12 individuals, based on the confidentiality of their cases,
13 unless the deceased Mr. Erisoty wanted to give a release
14 and let me disclose all his information about what that
15 was, I'd be happy to entertain that; but I'd be in
16 violation of state statute if I threw that out there.
17 Confidentiality issue.

18 MR. KUCK: If he's dead?

19 MS. BAIRD: Please.

20 BY MS. BAIRD:

21 Q My understanding is that if someone's deceased,
22 that the confidentiality no longer applies; but I
23 understand what you're saying and I won't be going into
24 details about his particular case. But it's my position
25 that it's not confidential.

1 MR. SNOOK: Could I?

2 Do you recall Captain Masek discussing
3 Mr. Erisoty's case with Mr. Kuck?

4 THE WITNESS: No.

5 BY MS. BAIRD:

6 Q Okay. Do you recall the case being brought to
7 your attention by Captain Masek with regard to an issue
8 that Mr. Kuck had with the case?

9 A No.

10 Q Do you know if Captain Masek referred Mr. Kuck's
11 complaint about that case to Sergeant Rosado to look into?

12 A No.

13 Q Did Sergeant Rosado ever approach you about that
14 case and ask you questions?

15 A No.

16 Q Okay. And --

17 A Not that I recall.

18 Q Sitting there today, were you surprised at my
19 questions that Mr. Kuck brought the Erisoty case to
20 Captain Masek's attention? Or did you know that that had
21 happened?

22 A I didn't know that happened, but I remember that
23 case to this day. I was very involved in it and I
24 remember the case today. I remember all the circumstances
25 that surrounded it.

1 Q But you're not aware that Mr. Kuck approached
2 Captain Masek about that case --

3 A No.

4 Q -- after it was heard?

5 A No.

6 Q Exhibit 22 is a book of e-mails that's already
7 been admitted into testimony. If I could direct your
8 attention to Page 71.

9 A Reviewed.

10 Q Okay. In the second paragraph, this is an e-mail
11 and I recognize that it's not either from you or to you
12 and you've never seen it before. Correct?

13 A Correct.

14 Q In the second paragraph, Ms. Mazzoccoli talks
15 about the relationship, the board's relationship with DPS
16 being further damaged.

17 Do you know if the relationship between the
18 Department of Public Safety and the board was damaged by
19 Peter Kuck?

20 A I don't think so much between the board. I think
21 between Mr. Kuck and the unit. I would think that would
22 be more appropriate than the board itself, than everybody
23 else that was on the board.

24 Q And it talks in the e-mail further at the second
25 paragraph, about three local officers who were angry with

1 Mr. Kuck. Did you receive complaints from local officers
2 about Mr. Kuck?

3 A Yes.

4 Q And how would those complaints be handled?

5 A Most of the time we'd tell them submit it in
6 writing, have your chief submit a letter in writing if you
7 thought you were somehow disrespected, or whatever the
8 reasoning was behind their complaint, and put it through
9 the proper channels.

10 Q Did any of the officers or their chiefs do that,
11 to your knowledge?

12 A Not that I know of.

13 Q Did you ever submit a complaint to a supervisor
14 in written form about Mr. Kuck?

15 A Nothing in written form, no.

16 Q Did you ever complain verbally to a supervisor
17 about Mr. Kuck?

18 A Yes.

19 Q And who was that supervisor?

20 A Oh. Whoever was there.

21 Q Did you complain to more than one person --

22 A Absolutely.

23 Q -- about Mr. Kuck?

24 Page 93 in that same exhibit, 22.

25 A I'm sorry. 93?

1 Q Page 93.

2 A Okay. Have it.

3 Q I'll ask you to read that e-mail and then I'll
4 ask you questions about it.

5 A Okay. Reviewed.

6 Q Okay. This is an e-mail from Mr. Adams to Susan
7 Mazzoccoli -- excuse me -- from Ms. Mazzoccoli to Chairman
8 Adams. Is it fair to say you haven't seen this before?

9 A Correct.

10 Q And that it wasn't written by you?

11 A Correct.

12 Q Ms. Mazzoccoli informs Chairman Adams in that
13 e-mail that Mr. Kuck had had a meeting with Captain Masek
14 and asked that Captain Masek fire you and Detective
15 Mattson.

16 Had you heard that Mr. Kuck was attempting to
17 fire you?

18 A I believe so, yes. Captain Masek said, "Mr. Kuck
19 wants me to fire you." I said, "Well, the Governor has to
20 fire me, but that's okay."

21 Q And did Captain Masek say why?

22 A No. I'm sure he had a -- I think he was aware of
23 the tensions between Mr. Kuck and myself or Detective
24 Mattson.

25 Q Were you ever disciplined as a result of any

1 complaints made by Mr. Kuck?

2 A No.

3 Q And did Mr. Kuck actually file a complaint
4 against you, an Internal Affairs complaint?

5 A Yes.

6 Q And you responded to that Internal Affairs
7 complaint with a written statement. Correct?

8 A Yes.

9 Q And that written statement that you made, that
10 was a truthful statement, correct, because it was
11 submitted for business purposes?

12 A Yes.

13 Q Okay. Did you indicate to Captain Masek that
14 Mr. Kuck wasn't objective and should be removed from the
15 board? Is that accurate what Ms. Mazzoccoli reported to
16 Mr. Adams in that e-mail?

17 A I don't believe I said that to the captain, no.

18 Q Okay.

19 A And I'll qualify that with I probably told him I
20 didn't think he was probably objective anymore; but I
21 didn't -- we didn't pass anything along that he should be
22 removed from the board. I don't recall that at all.

23 Q Now, did Detective Mattson discuss with you any
24 issues that she had with Mr. Kuck?

25 A Yes.

1 Q Were her issues with Mr. Kuck different in any
2 respect than your issues with him?

3 A Yes.

4 Q What were her issues that she conveyed to you?

5 A I can't even remember all of them. I mean this
6 had started prior to me being in the unit, but -- I can't
7 recall specifics. I think it was all -- you know, for the
8 most part it was all board related; you know, issues that
9 had gone on with hearings and whatnot. But once again, I
10 wasn't there for it and I wasn't privy to anything. I can
11 only comment on what I saw.

12 Q What was your working relationship with Barbara
13 Mattson during the six years you were in the unit?

14 A That's a loaded question. I've known -- and I'll
15 give you the whole thing. I've known her for 25 years.
16 We're -- I mean, we worked at the same barracks together.
17 I came up there. We socialize together, vacation
18 together. Godmother to my daughter. We have a pretty
19 decent relationship, I would say.

20 Q Was there some sort of Internal Affairs complaint
21 that related to you and Detective Mattson where either she
22 filed one about you or you filed one about her while you
23 were in the unit?

24 A She never filed one against me and I never filed
25 one against her.

1 Q Was there some sort of physical altercation
2 between you and Detective Mattson?

3 A Absolutely not.

4 Q Was there some sort of incident that would have
5 led Sergeant Hall to believe that you and Detective
6 Mattson had a falling-out at some point?

7 A From his perspective?

8 Q Right.

9 A I don't know. We worked in the same cube, so
10 kind of hard to --

11 MR. SNOOK: Did you and Detective Mattson
12 ever have disagreements?

13 THE WITNESS: Every day.

14 MR. SNOOK: Do you consider Detective
15 Mattson still a friend of yours?

16 THE WITNESS: Absolutely.

17 MR. SNOOK: Were there any incidences
18 between yourself and Detective Mattson that
19 caused you to leave the unit?

20 THE WITNESS: No. It was just it was time
21 for me to leave. I had been there for quite a
22 period of time. I had been in that building for
23 a long time. I missed doing my patrol work of
24 which is my -- my first love, let's just say.
25 And it was time to get out of the building.

1 MR. SNOOK: And did you look forward to
2 your new assignment at the airport?

3 THE WITNESS: Love it.

4 BY MS. BAIRD:

5 Q Okay. So you never made a complaint about
6 Detective Mattson?

7 A Never.

8 Q And there wouldn't be any reason for anybody to
9 have the opinion that you and Detective Mattson had some
10 sort of falling out that led you to leave the Firearms
11 Unit?

12 A Anybody else? I mean if -- let's just put it
13 this way. Detective Mattson's husband was my supervisor
14 for seven years. We know everything about each other's
15 life that could possibly happen. I used to spend 60 hours
16 a week with her. They used to call her my work wife. The
17 relationship we had, what other people may sound which may
18 put them that we had some falling out, would be no worse
19 than a brother and a sister talking -- you know, or if
20 somebody yelled, said something. Her and I always worked
21 out whatever differences we had. Never -- it was never
22 ever an issue. That's why we -- when people used to see
23 us go out in the field, they knew one was with the other
24 and vice versa, because that's how we did everything. And
25 that was every day for the whole time I was in there.

1 Q Are you familiar with a phone call that Detective
2 Mattson made to T. William Knapp about the transfer of
3 some firearms?

4 A Yes.

5 Q Okay. Did you ever talk to T. William Knapp
6 about the transfer of those firearms?

7 A No.

8 Q Were you present when Detective Mattson made the
9 phone call to Chief Knapp about the transfer of those
10 firearms?

11 A I don't believe I was there when the phone call
12 was made, but I was made aware of it shortly thereafter it
13 happened.

14 Q Okay. And what led to that phone call from
15 Detective Mattson to Chief Knapp about the transfer of the
16 firearms?

17 A From my recollection, it was an illegal transfer
18 of a handgun that he took possession of. I can't remember
19 the basis of how the call came in or the reasoning behind
20 it, but I know that, in fact, there was an illegal
21 transfer of a handgun.

22 Q Were any charges ever lodged against Chief Knapp?

23 A No.

24 Q And how was the issue resolved; if you know?

25 A Before we even got to his house to take

1 possession of the gun, he brought it down to the
2 Wethersfield Police Department and surrendered it.

3 Q Okay. So you and Detective Mattson were in a
4 cruiser on the way to Chief Knapp's house in Wethersfield?

5 A Yes.

6 Q And were you talking -- was Detective Mattson
7 talking to Chief Knapp while in the car?

8 A No.

9 Q On the way?

10 A No.

11 Q So how did you know to not go to Chief Knapp's
12 house and turn around?

13 A I believe one of the Wethersfield detectives, and
14 it may have even been Detective Connolly who called and
15 said, "Hey, Chief Knapp just brought that gun down."
16 Okay. Matter resolved.

17 Q Okay. And were you present for any of the
18 conversations that Detective Mattson had with Chief Knapp?

19 A No.

20 Q On the phone.

21 A No. No.

22 Q Okay. Did she relay to you what she had said to
23 Chief Knapp during the conversation on the phone with him?

24 A Just the basics of what had happened. Just that
25 he had possession of a gun he shouldn't have possession

1 of.

2 Q Was there ever an issue of whether Chief Knapp's
3 state permit should be revoked?

4 A No. I don't even know if he has a permit.

5 Q Do you know, did Detective Mattson tell you that
6 she, whether she had or not, threatened Chief Knapp with
7 any arrest or action?

8 A No. I don't think Detective Mattson made a habit
9 of threatening out a police chief.

10 Q Did Detective Mattson, this individual that you
11 spent six years with side by side as you've testified, who
12 was considered your work wife and you have all these
13 personal relationships and ties with, did she ever convey
14 to you her position on whether nonlaw enforcement
15 personnel should possess firearms?

16 A No.

17 Q Was it her position that nonlaw enforcement
18 person -- individuals, you know, properly permitted had
19 the right to possess firearms?

20 A Was that her position?

21 Q Right.

22 A I would hope it would be her position.

23 Q Okay.

24 A If it's the law and you're constitutionally
25 guaranteed that right, I would hope that would be her

1 position.

2 MR. SNOOK: Did you ever see her act in a
3 way that you interpreted as contrary to that?

4 THE WITNESS: No.

5 BY MS. BAIRD:

6 Q Page 106 in Exhibit 22. I'm going to focus
7 primarily on the third paragraph of the second e-mail.

8 A Reviewed.

9 Q That third paragraph where Ms. Mazzoccoli reports
10 to Maryann Boord that the Department of Public Safety had
11 a position that Mr. Kuck couldn't appeal because his
12 permit lapsed, was that a position that you ever held?

13 A Not so much -- well, his permit expired.

14 Q Right.

15 A So if a permit expires -- and I'm trying to go
16 back to the 60 days, 90 days, whatever the time period was
17 that they gave them leeway just in case a person would get
18 there at that particular time -- you know, forgive me on
19 the dates. But if it's expired, once you get to the
20 expiration date, even within the unit itself it doesn't
21 give the ability to renew. You can't. There's firewalls
22 set up that let -- if you get to that end date plus that
23 leeway -- whatever that was; I can't remember the time
24 period. But if you get to that date, that's a drop-dead
25 date. So then that's it, it's expired. You can't renew

1 it. It's expired.

2 Q But how about when Ms. Mazzocoli indicates that
3 he's unable -- that Mr. Kuck was unable to appeal before
4 the board because he wasn't denied? Do you agree with
5 that?

6 A In going by how the process worked. Because his
7 permit expired, there is no avenue of appeal for an
8 expired permit. You let your permit -- you let your
9 permit lapse, it expired. So now what you have to do is
10 you have to reapply.

11 Q But Mr. Kuck did appeal before the board. Do you
12 agree?

13 A I don't know. Did he?

14 Q Oh, okay.

15 A I'm not sure. I don't know if they gave him a
16 hearing date on this issue or did he reapply? I don't
17 know.

18 Q Okay.

19 A I don't know.

20 Q Fair enough.

21 I know I said I was just going to concentrate on
22 that one paragraph, but if we could remain on Page 106,
23 it talks about -- the next paragraph, the fourth one
24 down: The detectives at DPS believe Mr. Kuck has a
25 conflict of interest and should not be serving on the

1 board while investigating the department for his own
2 behalf.

3 Is that statement an accurate position that you
4 had while you were in the unit?

5 A Well, seeing that I'm just seeing this now, I
6 don't know what the investigating department is.

7 Q Okay.

8 A So it's kind of hard for me to make a decent
9 judgment on that, not knowing what the conflict was. I
10 don't know what he was investigating. I mean, it's hard
11 for me to make a determination on it because I don't know
12 what he was investigating.

13 Q How often did you talk to Ms. Mazzoccoli about
14 board affairs or Firearms Unit affairs?

15 A Every once in a while. Once a week, maybe? You
16 know, about things that are coming -- not even -- not even
17 so much -- maybe once every couple of weeks?

18 Q And these conversations would take place by
19 phone?

20 A Phone.

21 Q What did you see as your relationship with
22 Ms. Mazzoccoli in terms of your duties in the Firearms
23 Unit? What role did she play?

24 A Well, she was the intermediary between the board
25 and us. She set the docket, if you want to -- the

1 caseload or whatever that was. Detective Mattson had a
2 lot more conversations with her than I did because she had
3 known her a longer time. But with that said, I used to
4 speak with her frequently about case statuses and who was
5 coming up, what are you sending along. I mean, we spoke
6 frequently enough.

7 Q Page 107 in Exhibit 22, the first e-mail. I'll
8 give you an opportunity to review it.

9 A Reviewed.

10 Q Do you know Maryann Boord?

11 A No.

12 Q Have you heard the name before today, Maryann
13 Boord?

14 A Yes.

15 Q Did you hear it for the first time back in 2007
16 when you were in the Firearms Unit?

17 A Yes.

18 Q Who told you about Maryann Boord?

19 A Ms. Mazzocoli.

20 Q For what reason, if you know, or in response to
21 what did Ms. Mazzocoli tell you about Maryann Boord?

22 A There was a couple of different issues that were
23 going on at that time, one of them being the opening for
24 the DPS representative to the board; and we were inquiring
25 about who or how that appointment -- who could submit a

1 name for that particular position.

2 I believe I actually reached out to Maryann
3 Boord, and I had probably a one-minute conversation with
4 her to which she said, "I wish I could give you some kind
5 of direction, but I'm no longer here, I'm no longer going
6 to be in this position." And that was the basis of the
7 whole conversation.

8 Q What was your understanding of the role of the
9 Firearms Unit in providing names or making recommendations
10 for board members to fill the DPS-nominated position or
11 -appointed position?

12 A What was our role?

13 Q Yes.

14 A Well, basically our role is because we have to
15 work with the board for all these cases in review, we were
16 looking for who they were possibly appointing. If we knew
17 the particular person or where they were coming from or --
18 I wasn't familiar with the process about how they actually
19 appointed members to the board.

20 Q Right.

21 A So -- and having the DPS, we weren't sure if the
22 commissioner was aware of it, of who that was. It's the
23 commissioner's position to appoint to that particular
24 spot, so we were just curious as far as the fact who are
25 they going to put on the board for our DPS representative.

1 Q And that was one issue that you were concerned
2 about with regard to board appointments, and I think you
3 said there were two issues in actuality. What was the
4 second issue?

5 A That's the only one I can recall. That was our
6 major issue. I must have misspoke. That was our issue
7 about why we would have spoken with her.

8 Q Did you have any intent to discuss with Maryann
9 Boord Mr. Kuck's continued position on the board?

10 A No. Because I believe I spoke to Ms. Mazzoccoli
11 and I -- if I can remember correctly, I think she had
12 approached a lot of this with Ms. Boord to begin with.
13 But once again, Ms. Boord was leaving, so it became a kind
14 of a moot issue.

15 Q On Page 107 in that first e-mail, the third line
16 down, Ms. Mazzoccoli reports: Detective Mattson and
17 Karanda tried to make an appointment with Maryann, but she
18 convinced them that they didn't need an appointment.

19 Is that sentence, to your knowledge, accurate?

20 A I don't believe so.

21 Q Do you recall ever trying to make an appointment
22 with Maryann Boord?

23 A No. I spoke to her on the phone for that minute
24 that I talked to her, and she said she's no longer on
25 Boards and Commissions. So that phone call ended.

1 Q Did you ever have a conversation with Maryann
2 Boord or receive communication where she convinced you
3 that you didn't need an appointment?

4 A I don't recall that at all. No.

5 Q Now, going on in that e-mail at Page 107 it says:
6 She told them she had enough information and was sending a
7 letter to Ye Connecticut Gun Guild asking for three names
8 to appoint to the board.

9 Do you know anything about what Ms. Mazzoccoli's
10 talking about when she says Ms. Boord told them she had
11 enough information and was sending a letter to Ye
12 Connecticut Gun Guild?

13 A No.

14 Q Do you know who the representative on the board
15 for Ye Connecticut Gun Guild is?

16 A Mr. Kuck.

17 Q And Maryann Boord never told you that she was
18 sending a letter to Ye Connecticut Gun Guild asking for
19 three names to appoint to the board?

20 A No.

21 Q Because it's your testimony you had that very
22 short conversation with her and that's it.

23 A That's correct.

24 Q Were you present when Detective Mattson made a
25 phone call to Maryann Boord?

1 A No.

2 Q Did Detective Mattson discuss with you any intent
3 to contact Maryann Boord to discuss removing Peter from
4 the Board of Firearms Permit Examiners?

5 A No.

6 Q Did you discuss with Ms. Mazzocoli your desire
7 to see Peter Kuck removed from the board?

8 A I don't think it was a desire to have him removed
9 from the board. I think it was a desire to have a little
10 more restraint in open hearings. That was my desire.
11 That's my personal desire.

12 Q So it was never an intent of yours to contact
13 Maryann Boord to discuss Peter Kuck?

14 A No. That was not -- my intention was to try to
15 see who we would be dealing with on the board.

16 Q And when you say "who we would be dealing with on
17 the board" --

18 A As the DPS representative.

19 Q While you were in the Firearms Unit, was it an
20 acceptable practice for local police departments,
21 municipal police departments to seize state permits from
22 individuals who were placed under arrest?

23 A Yes.

24 Q Okay.

25 A Or I'll clarify that. It happened, yes.

1 Q What is your understanding of who has the
2 authority under the statutes to revoke state permits?

3 A The commissioner has the authority, or his
4 designee.

5 Q And what's your understanding, if any, of the
6 statutory authority to physically seize state permits?

7 A That, once again, is with notification. Did it
8 happen at a local level? Once again, you go into --
9 there's a lot of police officers and every department does
10 things in their own way. Once again, a case-by-case
11 basis. If it was such an incident where, say, it happened
12 on a Friday night and the person was a D.W.I. with a
13 handgun, and they didn't take possession of that permit
14 and for whatever reason the person could actively go out
15 the next day and buy new handguns during that time, that
16 maybe that person shouldn't have been so eligible to
17 obtain another handgun. I'm not -- and this goes down to
18 maybe a mental health issue.

19 So did that happen where local authorities
20 would, in fact, take custody of that permit? Yes, it
21 did. Were they statutorily guaranteed to do that? I
22 would say no, they're not. That's not the way the
23 statute reads. It's upon notification of the
24 commissioner or his designee that the permit is revoked.
25 But it did happen.

1 Q Was there any legislation discussed at the
2 department while you were there, to amend the statute to
3 fix this discrepancy between what was actually done in the
4 field and what the statute allowed?

5 A I think the things that are done -- not for
6 expediency, but everybody does things differently. And
7 once again, we can control what happens in the Department
8 of Public Safety because that's under our dominion. But
9 you talk about going out to all other local police
10 departments to tell them this is what you do? We do the
11 best we can. I mean there's all sorts of little nuances
12 within the 29 statutes that police officers don't use on a
13 regular daily basis. It's not 53 statutes or 14 statutes
14 dealing with motor vehicles. This is something that's
15 kind of contrary to what they do on a daily basis. So in
16 fact, they said, well, this is what happened. I have the
17 guy's gun permit, I'll send it up to you. It happened.

18 Q What authority does the Department of Public
19 Safety have over municipal police departments in terms of
20 telling them how to interpret the law?

21 A Well, you never really want to tell -- I mean
22 would you like to give them that educational background as
23 far as how the statutes work and how they read and what
24 actually happens when you, in fact, revoke somebody's
25 permit? We'd get out there as much as we could. We

1 trained a lot of people, thousands of officers. We used
2 to do in-service training. All the new recruits. We
3 trained as many people as we can, but once again, there's
4 people out there that -- once again, that we didn't have
5 daily or monthly contact with. Officers on the road. We
6 don't see everybody out there. It would be physically
7 impossible to do. So you do the best you can with what
8 you have.

9 Q But my question is authority. For example, if
10 you tell -- if the then Commissioner Danaher told Chief
11 Sweeney of the Glastonbury Police Department that this is
12 the way you do it, and Chief Sweeney said no, this is the
13 way we do it, what authority did Commissioner Danaher have
14 over Chief Sweeney to order him what to do?

15 A Commissioner Danaher, the Department of Public
16 Safety is the issuing authority. We try to be a little
17 more diplomatic about telling people yes, no. We try to
18 explain to them the reasoning behind it, and hopefully
19 that will suffice for the reasons why we do what we do.

20 Q So, for example, if I were to tell you that the
21 Torrington Police Department has issued a roll call
22 memorandum informing its officers that open carry is legal
23 in Connecticut and that people should not be stopped
24 merely for doing so, would the commissioner have the
25 ability -- the Department of Public Safety commissioner

1 have the authority to tell the chief of police of the
2 Torrington Police Department that that is not right, you
3 can't do that?

4 A Could he do that? Would he do that? Should he
5 do that? There's too many variables in there to tell him
6 what he could or could not do. Could he explain to them
7 the Department of Public Safety's position about open
8 carry? He probably could. Could he show them memos that
9 we've had concerning that particular issue? Sure he
10 could. But once again, that's his authority, that chief
11 of the Torrington Police Department. If that's his
12 authority, he should be able to work within that.

13 MR. SNOOK: Just for my own personal
14 knowledge because I've never even -- are all
15 chiefs of local police under the direct
16 authority, supervisory authority of the
17 commissioner of Public Safety? Can he hire and
18 fire and tell them what to do?

19 THE WITNESS: No. They're hired within the
20 town of where their jurisdiction is purported to
21 be.

22 BY MS. BAIRD:

23 Q And if a chief of a municipal authority says to
24 the commissioner, I don't care if you're the issuing
25 authority or not, I disagree with you and I'm doing it

1 this way, what would the commissioner then do?

2 A I guess that's when you have to have the legal
3 minds get together and decide what the proper outcome of
4 that particular event should be: Statutorily, by
5 regulation, change the law.

6 Q Okay.

7 A Way beyond the scope of us.

8 Q Did you receive inquiries at an e-mail address
9 that you and Detective Mattson shared in the Firearms Unit
10 asking about open carry in Connecticut?

11 A I believe so.

12 Q What was the policy with regard to responding to
13 requests for information about the legality of openly
14 carrying?

15 A I believe they were referred to the statutes. I
16 believe they were referred to -- I mean we gave them as
17 much direction as possible similar to "this is the way the
18 statute reads." Didn't really go into where -- I mean
19 except for the prohibited places: Courts, schools, any
20 place designated by signage.

21 Q When you say "any place designated by signage,"
22 that goes back to 29-28 subsection e, where if it's
23 prohibited by the premises owner --

24 A Correct.

25 Q -- then you can't carry there?

1 A Yes.

2 Q Now, that statute doesn't say anything about the
3 requirement of signage, though, does it?

4 A Just the way it reads that if it's prohibited by
5 law or -- in fact, I believe posting is in there
6 somewhere. Once again, I'm trying to go back in time
7 here --

8 Q Sure.

9 A -- because we actually have Department of Public
10 Safety marked -- because that became an issue with us down
11 there as far as people walking into the building with
12 firearms -- law enforcement personnel only.

13 Q This is Exhibit 93 that you've already had a
14 chance to look at and may want to look at some more, I
15 don't know. But let me go through that with you.

16 There are a number of pages at the beginning of
17 Exhibit 93 that are in chart form and talk about the
18 approval date of firearms and things like that. If you
19 can find the page that begins with the SLFU computer
20 database printout -- I could actually show it to you. It
21 has "App was arrested by Glastonbury for breach of
22 peace."

23 A Okay. I have it.

24 Q Okay. It says "July 9th, 2007" in a box
25 contained on that page in Exhibit 93. Correct?

1 A Yes.

2 Q And is that information in that box the same
3 information that's contained in that printout that we've
4 been discussing before? Let me find what exhibit that is.
5 It's Exhibit 26.

6 A Okay.

7 Q So does Exhibit 26 come from the box on Page 11
8 of Exhibit 93?

9 A This is just a screenshot, and I believe that's
10 for the most part the way they all read out once you go
11 into the "miscellaneous" comments.

12 Q So there is a function in the computer database
13 where you can select to print out what's in that
14 "miscellaneous" box. Correct?

15 A I don't know, I think -- I can't tell you.

16 Q Okay. So we'll go through it then. If you go on
17 to the next page in Exhibit 93, the twelfth page of
18 Exhibit 93, the "miscellaneous" box. It continues onward
19 with the notes that are contained in Plaintiffs'
20 Exhibit 26. Correct?

21 A Yes.

22 Q Okay.

23 A The date that starts the "miscellaneous," if you
24 could give that to me?

25 Q 7/9/07. It's on both pages, actually. Looks

1 like a repeat of the same page.

2 A Exhibit 26 is actually this whole group of pages
3 that you have, just laid out, and just this one screenshot
4 as opposed to these multiple pages.

5 Q So I'm going to continue on then in Exhibit 93
6 all the way through the last date that appears in
7 Exhibit 26, which is September 17th, 2007.

8 A Okay. I have it.

9 Q And the page I have, see if we have the same one.
10 In "miscellaneous" it says "deliver mail app shortly
11 after"?

12 A Yes.

13 Q Okay. Would you agree that the last entry in
14 Exhibit 26 is 9/17/07, "received a package from app"? And
15 that that's also contained on the page we're looking at in
16 Exhibit 93, "received a package from app"?

17 A Yes.

18 Q So now looking at Exhibit 93, the next entry
19 after 9/17/07 is a 9/22/08 entry, "per Sergeant Hall
20 incident reviewed, app reinstated." Correct?

21 A Yes.

22 Q Do you know who put that entry into the computer
23 database, 09/22/08, "per Sergeant Hall incident reviewed,
24 app reinstated"?

25 A No idea.

1 Q And do you agree that between September 17th,
2 2007 and September 22, 2008, no entries appear with regard
3 to Mr. Goldberg's activity on his permit?

4 A Correct.

5 Q In other words, you went out and you took three
6 statements in July of 2008, and the fact that you took
7 those three statements is not contained in the SLFU
8 computer database.

9 A Okay, hold on. I'm going back to September 29th?
10 Let's see. I don't see anything on this particular
11 screenshot. And I'm looking back to this other one and it
12 doesn't seem to be sequential. So for whatever reason
13 that may be. I don't know if there were notes put in
14 here. I'm going back to your Exhibit 26 where there seems
15 to be --

16 Q What is not sequential?

17 A -- out of order. Well, I'm looking at the first
18 page on this particular one and it says 8 -- if you go to
19 the bottom of the page it says, 8/13/07, Ed Peruta and his
20 daughter came to HQ." And then I go to the next page and
21 it says 7/31/07.

22 Q Okay.

23 A So I don't know if -- how these play out or if
24 there is something missing or if there wasn't anything put
25 in? I don't know.

1 MR. SNOOK: Does the record anywhere
2 reflect on Exhibit 93 the three statements you
3 took in September of '08?

4 THE WITNESS: Or July of -- July of '08?
5 Excuse me. July 29th, '08. I do not see them
6 here. I do not see them.

7 BY MS. BAIRD:

8 Q And does the record in 93 indicate at all that
9 there was a revocation of Mr. Goldberg's temporary state
10 permit on February 20th, 2008?

11 A It goes from 9/17/07 to that 9/22/08. So I don't
12 see anything in between those dates.

13 Q Okay. Now, you're the one that sent out the
14 notice of revocation on February 20th, 2008 of his
15 temporary state permit. Correct?

16 A Yes.

17 Q Is there any reason you wouldn't have put that in
18 the database?

19 A I don't know if for whatever reason if -- if they
20 put them in a "temp deny" -- there's all sorts of
21 different spots you can put people in, going back to that
22 disqualifying list. And if he came in -- and I'm just
23 supposing here that if he came in and he had that permit,
24 maybe they put him in a "temp denied" state. I don't
25 know. I can't answer the reason why or if there might

1 have been a different file. I don't know. I can't answer
2 that. I don't know the reason why.

3 Q But you were there for six years and you're the
4 one who would put all the entries into the database with
5 your initials afterwards. Correct?

6 A Correct. But if he came to the front window, I
7 wouldn't -- I probably would not have seen that until it
8 made its way back somehow, some way; and I don't recall
9 that. I mean I know I sent a letter out, but I don't
10 recall how that information made its way to me when he
11 showed up with that temporary permit from Wethersfield. I
12 don't see a notation here.

13 Q Wouldn't all revocation decisions and denial
14 decisions and renewal decisions be put in the same
15 database that appears under Mr. Goldberg's permit number?

16 A They would, but there are other screens where, in
17 fact, you're referring back to the original incident. And
18 in a spot similar to these lines right here which show the
19 case ID, case date, case number? There would be a spot
20 where it would say "temporary denied" just with that
21 particular date.

22 Why or how their -- if it was omitted by
23 whatever particular reason, I can't tell you. I don't
24 know the reason why it's not in here, or if it just
25 became a "temp denied." That temporary permit comes in,

1 he was temp denied from the front, it comes back to me, I
2 give him the secondary letter that's the reasoning behind
3 it. That's all I can tell you.

4 Q Okay. So there may be other SLFU computer
5 database entries regarding Mr. Goldberg that are not
6 contained or reflected in Exhibit 93?

7 A I would say -- I mean this is the incident, but
8 there's -- I mean there's different spots for different
9 permit statuses. Those could be in here. It's very
10 similar to the one that has his photograph, similar to
11 firearms that he has registered to him, the photograph.
12 These are all different screens. The guns that he's
13 authorized to buy.

14 Here's an example about what I'm talking about
15 here. He shows that he's a pistol permit holder and he's
16 also a security officer. In here there's -- like I said,
17 there's all sorts of different boxes in here, and there
18 could have been like a "status: temp denied." But then
19 once he's reinstated, all that goes away because he's now
20 not temporary denied anymore, he is approved.

21 Q Well, how about the fact that he was reinstated?
22 Why wouldn't all the revocation information go away if
23 he's now reinstated?

24 A Because that's part of the record that's -- I
25 don't know -- once again, talking about business records

1 about that being totally deleted or it's an actual
2 representation of the case in point. We don't destroy
3 those. I don't know if there is a record retention that
4 goes along with it. But it's different than him actually
5 taking a temporary denied status to approving his permit.
6 There's nothing else to show except for a copy of that
7 60-day temporary permit.

8 Q Well, do you agree that the statements that you
9 took in July 2008 had nothing to do with Mr. Goldberg's
10 application or his temporary state permit that he received
11 in February 2008? He had already been revoked.

12 A Correct.

13 Q Okay. So is there a reasoning why the statements
14 that were taken in July 2008 don't have mention in the
15 notes or details in Exhibit 93?

16 A I would say probably in looking at the time of
17 all the statements, very simply if it would have been
18 "7/29 took three statements from involved parties," if
19 that's not in there, that's probably an error on my part
20 probably because of the fact that I just did them at that
21 particular point; maybe just didn't put the note in there.
22 Because this is going back to the case in point of when he
23 was originally revoked.

24 So is there a quick -- this is by no means
25 all-encompassing of all the work we do on any particular

1 case. I mean that would just be physically impossible to
2 do that for us. I mean, people call up all the time:
3 Can you tell me this? We tell them that. We don't
4 necessarily put up -- for the most part they're in here.
5 But went out, took a statement? It's in the case, it's
6 in the case jacket. That would be reviewed upon the
7 appellant going to hearing.

8 Q Well, there is a lot of detail in the notes in
9 Exhibit 93 about the whole residency issue. Do you agree?

10 A Yes.

11 Q And that was an issue that never resolved in any
12 action. Correct?

13 A Correct.

14 Q And there are notes at the beginning about
15 conversations with Jack Goldberg and Mr. Peruta and Chief
16 Sweeney. Are you saying that there are probably other
17 conversations from that period in time that aren't
18 included in there?

19 A As far as conversa -- I mean --

20 Q Right.

21 A -- I wouldn't go as far as saying conversation
22 like -- I guess you could put in "talked to Mr. Peruta
23 today," date. Not necessarily. We talk to way too many
24 people to put a note on every single person that we have a
25 conversation with.

1 (Reviewing.) I'll go as far as to say, also,
2 this gives a pretty good chronology about where we are as
3 far as the case and how it proceeded.

4 Q Well, while you were working in the Firearms
5 Unit, would you sometimes look at these notes regarding an
6 individual to determine if they had been revoked
7 previously and for what reason, and things like that?

8 A Yes. Sure.

9 Q Looking at Exhibit 93 where it has the entry
10 9/22/08, "per Sergeant Hall incident reviewed and app
11 reinstated," are you able to tell from that why
12 Mr. Goldberg was reinstated?

13 A No.

14 Q Is that unusual that there wouldn't be a reason
15 in there?

16 A I would have to -- no. Sergeant Hall, he's a
17 supervisor of the unit at that particular point for --
18 once again, you'd have to ask him the question.

19 Q Well, no; I had asked you if you relied on these
20 notes in your job in the Firearms Unit to kind of, you
21 know, look up somebody, figure out if they've been
22 revoked, what the reason was. And you did do that. I
23 mean --

24 A Well, the reasoning behind it. But the reasoning
25 why it was reinstated? No.

1 Q Okay. So the reason why something was reinstated
2 wasn't really an issue that would necessarily have to be
3 noted?

4 A Well, they noted the fact that it was reinstated,
5 but I don't know -- to elaborate on the reasoning behind
6 it? I don't know for -- No. 1, I don't know if he put it
7 in there. No. 2, I don't know Sergeant Hall's reasoning.
8 I don't know who he spoke to and the reasons behind it, so
9 I can't really tell you, you know. It was in there. He
10 reviewed it. He reinstated it. Okay.

11 Q So there is no way to tell from the notes that
12 are in Exhibit 93 what occurred between June 27th, 2007
13 and September 22nd, 2008 to make Mr. Goldberg now a
14 suitable person to hold a permit?

15 A I don't know the reasons behind it.

16 Q Okay.

17 A No.

18 Q And there's no indication in Exhibit 93 to show
19 why from February 20th, 2008 when you deemed Mr. Goldberg
20 unsuitable, to September 22nd, 2008, what occurred to make
21 the department change its mind and decide that
22 Mr. Goldberg was then suitable?

23 A I have no idea. Or who was involved in it.

24 THE WITNESS: May I make a quick call?

25 MR. SNOOK: Please.

1 (A recess was taken at 2:37 p.m.)

2 (The proceedings resumed at 2:39 p.m.)

3 BY MS. BAIRD:

4 Q Do you have any knowledge of an allegation
5 against Detective Mattson that she had destroyed a paper
6 that came over the fax machine at the Firearms Unit?

7 A No.

8 Q Have you ever heard any allegation like that?

9 A No.

10 Q Have you ever had an opportunity to read an exit
11 memo written by Sergeant Hall when he left the Firearms
12 Unit?

13 A No. I believe I was gone when he left. No.

14 Q In what ways, if any, did the Firearms Unit
15 change when Sergeant Hall and Trooper Hatfield started
16 looking and reviewing cases in the unit?

17 A I was only there probably another month before
18 Hall and Trooper Hatfield started doing it, so -- even if
19 that. I mean, I think he was far removed from -- I don't
20 even think Hatfield was involved in it, so I can't really
21 tell you what changes or anything else that happened while
22 he was reviewing them.

23 Q Did you observe a pattern while you were in the
24 Firearms Unit of permits being returned to individuals
25 close in time to the date of the hearings before the

1 board?

2 A Was there a pattern of returning them?

3 Q Yes.

4 A I won't say it's a pattern, but I will say when
5 the cases were reviewed and people were told that they
6 were eligible for reinstatement, that did occur. And it
7 occurred quite frequently.

8 Q But to determine if an individual should be
9 reinstated, first their case would have to be reviewed.
10 Correct?

11 A Yes.

12 Q Did you ever use the term in making notes in the
13 database that a person's permit would be suspended? I
14 mean I don't want to test you or anything. Here's
15 Exhibit 61. If you could turn to Page 881. The entry
16 that I'll be asking you about is the February 11th, 2009
17 entry which starts on Page 881 and ends on 882.

18 A Reviewed.

19 Q At the bottom of 881, the last sentence says:
20 App had the gun in her possession when she came to
21 headquarters. Spoke with Sergeant Hall and we made an
22 agreement with app for six-month suspension of permit due
23 to the nature of storage of the firearm.

24 What was your authority in the Firearms Unit to
25 issue suspensions of state permits?

1 A Hold on. I'm trying to find it.

2 Q I'm sorry.

3 A Okay. I'm sorry. I would characterize the use
4 of "suspension" as an inappropriate word as opposed to
5 "revocation," for the revocation of her permit due to the
6 nature of the storage of the firearm.

7 Q So basically when you say "suspension," you mean
8 we're revoking it and we're going to reinstate it in six
9 months?

10 A Yes.

11 Q What was expected to transpire during that six
12 months to change that person's status from unsuitable to
13 suitable?

14 A I would venture a guess to say that it was no
15 other incidents similar to what had transpired here.

16 Q What did you mean when you just testified that
17 "suspension" wasn't the proper term?

18 A Because it's actually the revocation.
19 Suspension -- I guess we could use the same word:
20 Revocation, suspension.

21 In looking at this once again with Sergeant
22 Hall, I don't know if there was a more detailed
23 explanation from whoever this individual was about what
24 had actually occurred. I think the nature of it was the
25 gun being reported stolen and entered into the National

1 Criminal Information Center as far as being stolen. I
2 think there was the totality of everything that was
3 involved here; I believe that was the reasoning behind
4 it, as her mother had actually taken possession of that
5 gun without her knowledge as she was taking the groceries
6 out of the car. And she also put in that she always
7 keeps the gun in the trunk of her car. I said I think
8 that was --

9 Q That was part of the reason why it would be
10 reinstated in six months?

11 A I don't know the reasonings behind it or what
12 agreement we came with her; if she said this was an
13 isolate -- whatever the reasons were.

14 MR. SNOOK: If I may?

15 So based on what you see here, to the
16 extent you recall, a handgun left in a car,
17 apparently stored in an automobile trunk which
18 was, in fact, taken from that trunk without the
19 person's knowledge, we don't know exactly what
20 happened, but it eventually was recovered. And
21 at one point it was called in as stolen. It was
22 not. Those are the indicia of a lack of suit --
23 potential indicia of a lack of suitability in
24 your regard?

25 THE WITNESS: Yes.

1 MR. SNOOK: And do you believe the agency,
2 the SLFU has the authority to settle cases by a
3 period of revocation?

4 THE WITNESS: Yes.

5 MR. SNOOK: Okay. And that was apparently
6 approved by Trooper Hall?

7 THE WITNESS: Sergeant Hall. Correct.

8 BY MS. BAIRD:

9 Q So that's a correct term, a period of revocation?
10 Is that akin to a suspension?

11 A Sure. You no longer have possession of it. And
12 your ability to carry would, in fact, be forfeited during
13 that time. So I would say yes.

14 Q Are there various guidelines for the periods of
15 revocation relevant to various conduct that individuals
16 engage in?

17 A Absent the nolle period which is the 13 months,
18 there's nothing as far as the guide. But once again, it's
19 reason -- it's what we determined or people within the
20 unit had determined as reasonable. That's what I think it
21 came down to: What is reasonable. Reasonable revocation
22 period. Those were few and far between.

23 Q If the Firearms Unit decided to revoke
24 individuals for six-month periods because they drive blue
25 cars, and that if the person agreed to get rid of the blue

1 car and get a red one, and upon that agreement the
2 Firearms Unit said, okay, we'll reinstate you in six
3 months, what oversight, if any, would the Board of
4 Firearms have over the exercise of authority by the
5 Firearms Unit? The case would never come before the
6 board. Correct?

7 A As I said, these were maybe few and far between
8 that you would see something like this that didn't go --
9 if a case made it with the -- and once again, every case
10 is different, and the reasonings behind it. You put
11 together a totality of the circumstances of how it
12 happened, what -- in speaking to a supervisor there, what
13 do they think would be an adequate -- is this an issue
14 that it should make its way to the board? Or do we have
15 the ability as the issuing authority to make a
16 determination to say we understand the circumstances of
17 it, it's something that shouldn't be totally disregarded;
18 but then again, I don't know if it rises to the level of
19 making it to the Board of Firearms Permit Examiners.

20 Q But do you agree that you were able to use your
21 discretion to give these people six-month suspensions
22 because you knew if they appealed they wouldn't be heard
23 within that time anyway?

24 A No. I'd say we were totally contrary to that. I
25 mean if people were revoked and we wouldn't reinstate

1 their permit for whatever reason that would be, I would
2 say a majority, if not -- I would say a -- well, I don't
3 want to put a percentage on it of what would actually make
4 it to the board. Once again, we didn't relent on a lot of
5 these cases because of the serious nature to them.

6 Q But what I'm asking you is this 2/11 -- this
7 incident on Page 881 and 882, the 2/11/2009 incident --

8 A Right.

9 Q -- where there was an agreement for a six-month
10 suspension. At that time, if that individual had appealed
11 back in -- actually, your agreement occurred on
12 August 12th, 2008 while you were still there. Do you have
13 it in front of you?

14 A Yes.

15 Q Yes. I don't know why it has a date in the
16 left-hand corner 2/11/09, but you were actually there in
17 8/12/08. And do you agree that when you made that
18 agreement for the six-month suspension, that if that
19 individual had disagreed with you and wanted to appeal,
20 that she would have ended up waiting far in excess of six
21 months for her hearing before the board?

22 A Well, just in looking at this case, to tell you
23 the truth, I'm kind of dumbfounded by the reason why we
24 did give it back to her.

25 Q Didn't or did?

1 A Did. I wouldn't have given this permit back to
2 her. I don't know the reasons behind it. I think it's of
3 a most -- I mean here's a person that loses a gun, that
4 leaves it in the trunk. Can't find it because her mother
5 took it. Reports it stolen to the police department. The
6 police department's now doing whatever they have to do at
7 Hartford P.D., like they don't have enough to do, looking
8 for a stolen handgun that may be in a residential
9 neighborhood, when, in fact, the mom took it and didn't
10 want her daughter to have it. For whatever the reasons
11 are behind it, and the six-month possible -- you know, the
12 six-month suspension? To me, this is a board hearing.
13 And I think I'd win that one at the board.

14 Q Do you think in going through all the various
15 entries in is it fair to say Exhibit 61, that we could
16 probably spend days and days here discussing each case and
17 the various opinions one might have about it and whether
18 it was justified or not justified and whether it was fair
19 or not fair and what went into it?

20 A If you want to go through the 7,000 cases that I
21 did over the course of my term --

22 Q Right.

23 A -- in the Firearms Unit, and to pick out one and
24 say why did you give this lady a break? Can't tell you,
25 don't know the reasons behind it. There might have been

1 extenuating circumstances. Was she on medication? I
2 don't know. That's not here. I don't have that in front
3 of me. I don't know if Sergeant Hall had a conversation
4 with her and she explained it him. But what I'll tell
5 you, you took one-tenth of one-half of a percent to say
6 this one, this lady is different than the other 7,000, the
7 issues that we have there? It's a case-by-case basis.
8 Hopefully you make a good, reasonable determination on
9 what you have in front of you and you go from there.
10 That's the best I can offer.

11 Q Actually, the reason I brought it up was because
12 it has the word "suspension" in it, and I wanted to ask
13 you about where the authority came from to suspend.

14 A Right.

15 Q And that's how we got there.

16 A It probably would have been better suited as a
17 revocation.

18 MR. SNOOK: Can we go off the record a
19 second?

20 MS. BAIRD: Sure.

21 (Brief discussion held off the record.)

22 BY MS. BAIRD:

23 Q Did Detective Mattson ever mention to you or
24 discuss with you the exit memo that Sergeant Hall wrote
25 when he left the Firearms Unit?

1 A No.

2 MS. BAIRD: That's it. I think I've gone
3 over all my questions.

4

5 CROSS-EXAMINATION

6

7 BY MR. SNOOK:

8 Q How many years have you been a police officer?

9 A I've been a trooper for 25 years and I was a
10 police officer in the Town of East Hartford for
11 four-and-a-half.

12 Q And for a period of that time you were also a
13 patrol officer?

14 A Yes.

15 Q And when you were acting as a patrol officer have
16 you made investigatory stops?

17 A Yes.

18 Q Have you made arrests?

19 A Sure.

20 Q And in your experience in determining probable
21 cause for an investigatory stop or an arrest, is it
22 possible for reasonable patrol officers to differ?

23 A Yes.

24 Q And have you seen it happen?

25 A Yes.

1 Q And these determinations are based on a
2 case-by-case basis, based on the circumstances and facts
3 of each case; is that true?

4 A Yes.

5 Q Is that also true of revocations and denials of
6 firearm permits?

7 A Yes.

8 Q In your experience, have police officers -- or
9 can police officers rely on the reports by -- sworn
10 reports of other police officers in conducting an
11 investigation?

12 A Yes.

13 Q If they find sufficient facts within their
14 discretion to make a determination of the facts and
15 circumstances of a case on the sworn officer's report, is
16 that an acceptable investigation, in your view?

17 A Yes, it is.

18 Q And does that happen infrequently?

19 A It happens quite frequently.

20 Q Have you ever heard Detective Mattson ever state
21 her opinion that firearms should only be held by people
22 who are in military or law enforcement?

23 A I've never heard that.

24 Q We talked briefly about incidences of people
25 being rude. Have you ever had people use profanity on the

1 telephone with you?

2 A Yes.

3 Q Have you ever revoked a person's permit based on
4 the use of profanity?

5 A No.

6 Q Have you ever had people -- during the period of
7 time when you were in SLFU, have you ever had irate
8 individuals on the telephone make statements that could be
9 interpreted as threats?

10 A Yes.

11 Q Like "you should be careful about how you handle
12 this"?

13 A Yes.

14 Q Have you ever revoked a person's permit based
15 solely upon such conversations?

16 A No.

17 Q This is going to be awkward. To what extent are
18 you familiar with the initial revocation of Mr. Goldberg's
19 permit by Ms. Mattson?

20 A I have no independent knowledge of how that
21 originally occurred.

22 Q Do you know anything about the sequence of events
23 in that case?

24 A No.

25 Q Oh, a few things. Have you ever been subject to

1 official censure or reprimand for any of your conduct
2 while on SLFU?

3 A Never.

4 Q You testified that at some point during 2002 you
5 became integrated into the firearms function of the unit.

6 A Yes.

7 Q And it wasn't until approximately -- and correct
8 me if I'm wrong -- the 2005, 2006 period that the backlogs
9 became a material issue?

10 A Yes.

11 Q In your experience while you were in SLFU, did
12 increasing number of people, citizens of the State of
13 Connecticut, seek to have permits to own handguns?

14 A Yes.

15 Q And did that increase significantly after the
16 Cheshire murders?

17 A Yes.

18 Q And after the election of President Obama?

19 A Yes.

20 Q And did that, in your opinion, having worked
21 there for many years, increase -- contribute materially to
22 the increase of the backlog?

23 A It was exponential.

24 MR. SNOOK: Thank you. That will do it for
25 me.

1 MS. BAIRD: Let me ask a couple more.

2

3

REDIRECT EXAMINATION

4

5 BY MS. BAIRD:

6 Q Why, if the Firearms Unit had received a report
7 from the Glastonbury Police Department about what occurred
8 on June 21st, 2007, did you take valuable time to go out
9 and take statements in July of 2008?

10 A Probably because when you start doing reviews of
11 cases, which we do probably on a daily basis depending on
12 how it makes its way to us, to go through, see -- as the
13 case is going to be an administrative hearing before an
14 administrative board, that you want to have everything
15 that you may need to present your case properly.

16 Q But didn't you want everything that you needed
17 before you made the decision to revoke?

18 A Well, a lot of time it's not available. I mean
19 just by going -- and this is maybe how I do work, which
20 may be different from how the Glastonbury Police
21 Department does work. Did they take written statements
22 that day? No, they didn't. Well, that was something that
23 within our department we do all the time. We take written
24 statements from everybody. So I went out there, seeing
25 that the written statements were absent from the file,

1 which would give more credibility to members of the board
2 to present an actual document, signed document by a person
3 that was involved in the incident to say this is their
4 statement and their version of what happened on that
5 particular day.

6 Q Are you saying that the Firearms Unit believed it
7 needed more evidence in a case that was going before the
8 board than it needed to simply revoke?

9 A No. The issue to revoke the permit at that time
10 was based on the complaint from the Glastonbury Police
11 Department. Now that the case now comes before us as the
12 presenting authority, as the issuing authority, it's our
13 responsibility to put that case together. The Glastonbury
14 Police Department has nothing else to do with it at that
15 point.

16 Q But isn't your responsibility to put the case
17 together before you revoke somebody's permit?

18 A Well, for the most part you have the -- what
19 actually transpired. The incident.

20 Q So if the information you had was sufficient to
21 revoke, why wasn't it sufficient to give to the board to
22 uphold your revocation?

23 A Well, once again, the members of the board are
24 looking for as much information as possible and so are we.
25 We want to present a good case to the board.

1 Q Right. And aren't you looking for as much
2 information as possible before you make a decision to
3 revoke somebody?

4 A But pretty much everything that happened was in
5 that original report.

6

7

RECROSS-EXAMINATION

8

9 BY MR. SNOOK:

10 Q At any point while you were at SLFU was there a
11 policy of deliberately delaying meritorious returns of
12 permits in order to punish people?

13 A No.

14 Q Did you ever, quote, sit on the permits for no
15 other reason than just to hold them back from people until
16 the day before the hearing?

17 A Absolutely not.

18 Q And do you recall going through cases prior,
19 prior to having any notice come from the board that the
20 case was coming up?

21 A Yes.

22 Q Did that happen commonly?

23 A Yes.

24 Q I believe I heard testimony from another deponent
25 that you and Barb Mattson spent two days a month working

1 on these cases; is that correct?

2 A Specifically to sit down at a table like this.
3 But cases -- once again, every case, more information
4 comes into the office. We work -- you could be working on
5 a case not even knowing when that particular appellant was
6 coming up. You could get more reports from the police
7 departments.

8 There's a lot more work that goes into the case
9 two months, three months prior to that. Now you're
10 trying to get all the copies of the reports, getting
11 applications, all the legwork that goes along with that,
12 which may not necessarily come when the person is first
13 revoked -- similar to the Glastonbury incident -- or if
14 it's a chief's denial. So we build a case as it comes.
15 It happens every day. It's not just that it happens
16 two --

17 Q So you were working on these cases continually.

18 A Continuously.

19 Q Finally, were there times that there were what
20 you call "chief's denials" that you could review
21 immediately and determine were insufficient?

22 A Yes.

23 Q Did you ever view that as a problem?

24 A Yes.

25 Q And what, if anything, did you do about it?

1 A You try to be as diplomatic as possible when
2 you're talking to the chief of any particular authority.
3 He is the law enforcement top of that particular
4 jurisdiction. We try to educate them as far as what the
5 board is looking for, what we're looking for; if that is,
6 in fact, a proper denial and he has everything. Because
7 he's the one that has to sit with us before the board and
8 get questioned concerning his reasons for denial.

9 Q Were there a material number of these cases?

10 A Yes.

11 MR. SNOOK: Thank you.

12

13 CONTINUED REDIRECT EXAMINATION

14

15 BY MS. BAIRD:

16 Q This is Exhibit 52. This is an e-mail I was
17 trying to find earlier and I just found it. Did you write
18 this e-mail?

19 A Yes.

20 Q And the first line in this e-mail reads: The
21 issue remains that this is not an open-carry state.

22 Was that your opinion at the time you wrote this
23 on July 7, 2008?

24 A Yes.

25 Q And is that still your opinion?

1 A Insomuch as the fact that we are not like Arizona
2 which is, in fact, an open-carry state. You can go on to
3 various Web sites. Opencarry.org. They give you all the
4 listings of what you can and can't do by every state.

5 My issue here is to try to explain to Mr. Wilson
6 that if, in fact, he puts on a handgun and he walks out,
7 there could be ramifications that go along with it. So I
8 didn't want to just say yes, this is an open-carry state.
9 I'm trying to insulate him a little bit from going out
10 and putting himself in a predicament, thinking that he
11 can just put his gun on and go walking around town.

12 Q Well, do you think it would have been an accurate
13 response to Mr. Wilson to say, "This is an open-carry
14 state, but you can be arrested when you open carry"?

15 A Put it that way if you'd like. I think I went
16 into that when I tried to explain it out a little farther.
17 There are instances where the open carry of a firearm may
18 lead to others being inconvenienced, annoyed or alarmed by
19 the presence of an openly-carried firearm.

20 We believe that the firearm being concealed will
21 allow the permit holder to carry a firearm, but still
22 assure other members of the public from being exposed to
23 the firearm which they not may be comfortable around.

24 Q Did you have any input into the budget and
25 resources that would be directed into the Firearms Unit

1 while you were there?

2 A No.

3 Q Did anybody ask you if you needed more money or
4 more personnel to do your job?

5 A No. (Gesturing.)

6 Q Well, when the people higher up than you were
7 making these decisions, did anybody ever come to --

8 A No.

9 Q -- you and say, "What do you need to do your job
10 better"?

11 A No.

12 Q Have you ever been assigned to the missing
13 persons unit at the Department of Public Safety?

14 A No.

15 Q Do you know what that is?

16 A No. I know we have one. They're efforting --
17 it's through our major crime unit that they're efforting
18 now a little harder than they were.

19 Q Have you ever been involved in a search for a
20 missing person during your career as a --

21 A Yes.

22 Q -- police officer? And how many times?

23 A I was a dog handler for 10 years. I did it more
24 times than I can probably remember. Couple dozen times,
25 maybe? Because I had a dog that was trying to do that.

1 Q So did you work for the missing persons unit --

2 A No.

3 Q -- when you did that?

4 A No.

5 Q Do you know if there was such a unit when you
6 were doing that?

7 A I don't know. I can't tell you.

8 Q Did the missing persons unit assist you when you
9 were searching for missing persons?

10 A Can't tell you.

11 Q Did that hinder your ability to search for
12 missing persons, whether there was a unit or not?

13 A I don't believe so.

14 MS. BAIRD: Done.

15 MR. SNOOK: Thank you.

16

17 (Whereupon, the witness was excused and the
18 proceedings were concluded at 3:09 p.m.)

19

20

21

22

23

24

25

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

SIGNATURE PAGE

I, THOMAS KARANDA, have read the foregoing transcript of the testimony given at the deposition held on FEBRUARY 23, 2012, and it is true and accurate to the best of my knowledge as originally transcribed or with the changes as noted on the attached Errata Sheet.

THOMAS KARANDA

STATE OF CONNECTICUT
COUNTY OF _____

Sworn and subscribed to before me this _____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires: _____

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

INDEX

INDEX OF EXAMINATIONS

Direct Examination by Ms. Baird.....4
Cross-Examination by Mr. Snook.....190
Redirect Examination by Ms. Baird.....194
Recross-Examination by Mr. Snook.....196
Continued Redirect Examination by Ms. Baird.....198

PLAINTIFFS' EXHIBITS FOR IDENTIFICATION
(Retained by Counsel)

91 - Board of Firearms Permit Examiners Online
Questions.....30
92 - 4/1/08 F.O.I. Hearing Testimony of Sgt. Bastura...132
93 - F.O.I. Request Production.....65

