

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

\* \* \* \* \*  
\*  
M. PETER KUCK, ET AL., \*  
Plaintiffs, \*  
\* CASE NO. 3:07-CV-1390-VLB  
V \*  
\* JANUARY 30, 2012  
JOHN A. DANAHER, III, ET AL., \*  
Defendants. \*  
\*  
\* \* \* \* \*

DEPOSITION OF BARBARA J. MATTSON

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 Monday, January 30, 2012, at 9:28 a.m., at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut, pursuant to the Rules of Civil Procedure.

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16  
17 Also Present:

18 M. Peter Kuck  
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STIPULATIONS

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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 BARBARA MATTSON,

2 Of Connecticut Department of Emergency Services  
3 and Public Protection, 1111 Country Club Road,  
4 Middletown, Connecticut 06457, having first been  
5 duly sworn, was examined and testified as follows:

6  
7 DIRECT EXAMINATION

8  
9 BY MS. BAIRD:

10 Q Good morning, Detective Mattson. How are you?

11 A Fine. How are you?

12 Q Good. My name is Rachel Baird and we're here on  
13 a case called Kuck v Danaher, and you've been named as a  
14 defendant in the case. Are you aware of that?

15 A Yes.

16 Q And I see you have a copy of the complaint in  
17 front of you. You've had an opportunity to read it or  
18 review it?

19 A Yes.

20 Q Okay. I'm going to just start out with some  
21 background. You're a member of the Firearms Unit over at  
22 the Department of Emergency Services and Public  
23 Protection?

24 A Yes.

25 Q Okay. I'll be referring to it just as "the

1 department" throughout this deposition; make it a little  
2 easier.

3 How long have you been a member of the  
4 department?

5 A Twenty-six years.

6 Q And during that time what are the various units  
7 you've served in or the various tasks you've been assigned  
8 to?

9 A I've been assigned to two troops and the Firearms  
10 Unit.

11 Q Okay. What was the first troop that you were  
12 assigned to?

13 A Canaan.

14 Q What kind of work did you do there?

15 A I was a road trooper.

16 Q For how long?

17 A I was in Canaan for approximately a year.

18 Q And then what troop did you go to after that?

19 A Colchester.

20 Q And how long were you there?

21 A Approximately 12 or so years.

22 Q And when you left Colchester, was it to go to the  
23 Firearms Unit?

24 A Yes.

25 Q And what rank were you?

1           A     Trooper. Trooper First Class.

2           Q     And how did it come about that you joined the  
3 Firearms Unit?

4           A     There was an opening and I put in an application.

5           Q     Who was the sergeant -- well, tell me how the  
6 Firearms Unit is set up in terms of who commands it and  
7 what the different ranks are and how many people are in  
8 it.

9           A     Currently?

10          Q     Currently.

11          A     I have a lieutenant. I have a -- there's two  
12 sergeants in the unit now and there's six troopers in the  
13 unit.

14          Q     Okay. And who is the lieutenant?

15          A     Lieutenant Larry Terra.

16          Q     And the two sergeants?

17          A     Sergeant Bill Krauss and Sergeant Paolo  
18 D'Alessandro.

19          Q     What is your role within the Firearms Unit?

20          A     The issuance and revocations of state pistol  
21 permits, and the seizing of firearms to persons who are  
22 ineligible to possess.

23          Q     How many detectives are in the Firearms Unit who  
24 serve the same function as you?

25          A     Myself, Detective Imbimbo, and Detective Musial

1 who is at the vault most of the time, but he assists when  
2 we need that assistance.

3 Q And other than the three detectives you've just  
4 named are there other detectives in the unit?

5 A Yes; but not doing what we do.

6 Q And how many detectives are in the unit but they  
7 don't do what you do?

8 A Three.

9 Q And what do they do?

10 A Our unit also does security guards, licensing  
11 security companies, private detectives, bounty hunters or  
12 bail enforcement agents, and we do boxing.

13 Q When you came into the Firearms Unit, did you  
14 serve the same function that you're serving now?

15 A The first year I was in the unit I did security.

16 Q And then since then you've been doing the  
17 firearms issues that you just named?

18 A Yes.

19 Q And how long has that been?

20 A Since probably about 2000, the end of 2000.

21 Q Are you the longest-serving detective in the  
22 Firearms Unit at this point?

23 A I'd say at this point, yes.

24 Q And was there a point when you worked with  
25 Detective Karanda?

1 A Yes.

2 Q How long was he in the unit?

3 A Approximately five years?

4 Q And do you know an individual, a retired state  
5 trooper Douglas Hall?

6 A Yes.

7 Q And how long was he in the unit?

8 A Three or four years.

9 Q Okay. What function did he serve? Was he a  
10 sergeant in the unit?

11 A He initially came as a trooper and then he became  
12 a sergeant.

13 Q Okay. I'm going to go back to 2007. You were a  
14 member of the Firearms Unit back in 2007, right?

15 A Yes.

16 Q Did it come to your attention sometime in 2007  
17 that there was an issue raised about a backlog of cases  
18 before the Board of Firearms Permit Examiners?

19 A Yes.

20 Q And do you have in your own mind what that means,  
21 a backlog? When the word "backlog" is mentioned to you in  
22 terms of cases before the Board of Firearms, what does  
23 that mean to you?

24 A There's a volume of cases to be heard.

25 Q Okay. And when was the first time that you had



1 heard that a backlog was an issue at the board?

2 A It was before 2007. Exact date I don't recall,  
3 but I was aware of it prior to 2007 that they said there  
4 was a backlog.

5 Q And when you say "they," who did you first hear  
6 this from?

7 A The board.

8 Q What was expressed to you about the backlog?

9 A I'm not following.

10 Q Was it expressed to you that the backlog was a  
11 problem? What was said to you about there being a  
12 backlog?

13 A That that was a problem.

14 Q In your experience during the approximate time  
15 you've been at the Firearms Unit, have there been times  
16 when the backlog of cases has gone up or down or been more  
17 of a concern or less of a concern?

18 A It certainly has gone up and down.

19 Q Appreciably? Or just one or two cases?

20 A I don't know the number every day. I don't have  
21 that information because that's the board's information.  
22 I am aware of it, and at times I've assisted to try to get  
23 the backlog down. Other than that I'm not sure what  
24 you're asking.

25 Q Okay. I'm going to show you an exhibit that's

1 already been marked in this case as Exhibit 21. It's a  
2 May 14th letter from the chairman of the board at that  
3 time, Chris Adams, to Commissioner Danaher. First I'll  
4 just ask you to look at Exhibit 21 and then indicate  
5 whether you've ever seen it before.

6 A (Reviewing.)

7 Q Have you ever seen that letter dated May 14th,  
8 2007 that's been already marked as Exhibit 21 in this  
9 case?

10 A I believe, yes.

11 Q Who showed it to you?

12 A I don't recall.

13 Q Do you remember when, around, was the time when  
14 you saw it?

15 A Probably in '07.

16 Q Did you discuss the letter with anyone?

17 A I'm sure with my boss.

18 Q Okay. And was any input sought from you with  
19 regard to the issues raised in the letter?

20 A Yes.

21 Q Okay. What input was sought from you?

22 A You know, how could we assist in working on the  
23 backlog.

24 Q Okay. Well, let me direct your attention to  
25 Exhibit 21 and the third paragraph which says, "One

1 strategy we are contemplating is providing the unit more  
2 advanced notice of our hearing docket so they can clear  
3 out the uncontested matters and focus on the cases that  
4 will require more work on their part."

5 Does that make any sense to you, that sentence?

6 A Yes.

7 Q What does that mean to you? What was Chairman  
8 Adams asking?

9 A Well, if we could resolve any of the matters  
10 before the hearing if we had more advance notice to look  
11 at them.

12 Q Okay. And it says, furthermore, the last  
13 sentence in the third paragraph, "Presently we provide  
14 about one-month advance notice of hearings. We are  
15 considering setting our calendar 90 days in advance to  
16 provide the unit more lead time."

17 Do you agree with that, that there was about  
18 one-month advance notice of the hearings back in 2007?

19 A It could be. Honestly, I -- I don't recall  
20 specifically, but it could have been.

21 Q So is there a particular time frame that you  
22 received notice of hearings from the board?

23 A Would have been probably about a month.

24 Q Has that changed over time?

25 A I don't even know if I have an answer for that.

1 We work on so many cases I can't recall specifics.

2 Q Okay. Well, let me ask you this. If there is  
3 going to be a board meeting on a particular Thursday in a  
4 month, for example, and there are a number of cases that  
5 the board schedules for hearing during that month -- and  
6 let's talk about the present time frame --

7 A Okay.

8 Q -- is there any set pattern or any practice where  
9 you receive notice of what hearings are going to be heard  
10 in the next hearing coming up on that Thursday?

11 A Yes. Sue either faxes me or now she's e-mailing  
12 me that information.

13 Q And is there a time frame when you want to get  
14 that information from Sue? And you're referring to Sue  
15 Mazzoccoli, right?

16 A Correct.

17 Q Is there a time frame when it's agreed that you  
18 get that information in advance of the board meeting?

19 A I don't know if it's agreed upon; it just gets to  
20 me, you know, a month or six weeks, two months -- I don't  
21 honestly know the time frame, but I get it prior to the  
22 hearing date.

23 Q So it can vary.

24 A Sure.

25 Q There is no, for instance, 30-day rule or 45-day

1 rule, or anything like that?

2 A No.

3 Q So back in May of 2007, from Exhibit 21 it could  
4 have very well been you received notice about one month in  
5 advance.

6 A It's possible.

7 Q Okay. And in this letter it talks about  
8 considering setting the calendar 90 days in advance to  
9 provide the unit more lead time. Would the unit have done  
10 anything differently had it been provided 90 days' advance  
11 lead time as Chairman Adams refers to in this letter?

12 A If there was available time we would have had  
13 that opportunity to look at the advanced hearing dates  
14 prior to maybe that month out or whatever.

15 Q And in doing that, in looking at the cases  
16 perhaps 90 days out instead of 30 days out, what would you  
17 have done when you looked at the cases?

18 A Well, if something was able to be reinstated at  
19 that time, we would have reinstated it prior to going to  
20 hearing.

21 Q Okay. And when you say you would have reinstated  
22 it prior to hearing, would you have reinstated it 90 days  
23 prior to hearing or at the hearing? I mean what exactly  
24 is the procedure or policy?

25 A If something is reinstatable, I would call Sue

1 and say, you know, have Johnny Jones give me a call.  
2 We'll be able to resolve this matter. And then she'd get  
3 ahold of the appellant and the appellant would then call  
4 us, and if there was nothing in his background we would  
5 reissue the permit.

6 Q So really what I hear you saying is if it would  
7 have changed from a 30-day lead time to a 90-day lead time  
8 it may have made a 60-day difference in whether somebody  
9 got reinstated or not?

10 A That's possible.

11 Q Okay. Going back to Plaintiff's Exhibit 21,  
12 Chairman Adams had written to Commissioner Danaher that  
13 Chairman Adams was interested in the department's response  
14 to the idea and also any ideas the department might have  
15 to expedite the appeals process.

16 Do you recall when you were discussing with your  
17 supervisor -- and who was it that you discussed this  
18 letter with?

19 A Honestly, I don't even recall.

20 Q Okay. Did you ever discuss the letter with  
21 Commissioner Danaher?

22 A Specifically? Probably not.

23 Q Okay. What was your response, if any, to this  
24 idea of having the 90-day advance notice rather than the  
25 30-day advance notice?

1           A       It's not a problem, it's just a time issue. So  
2 that wasn't the problem. We were always willing to  
3 assist; we've done that previously. So it was just the  
4 timing to research each of those cases that at times was  
5 the issue.

6           Q       Okay. And when you say the timing to research  
7 the issues, what are you talking about research the cases?

8           A       Well, to review each of those cases, as you can  
9 imagine we have a day full of a lot of things. So to find  
10 an allotted time where we could go through, you know,  
11 however many cases were sent over for us to review, at  
12 times could be the difficult. It's just a lack of time.

13          Q       So if you were to receive 90 days in advance  
14 rather than 30, then it would be -- how would that affect  
15 the number of cases you were -- I'm just trying to  
16 understand how the unit works.

17          A       Well, obviously I want to work on the cases that  
18 are coming up most recent because those cases have to be  
19 completed within a time frame. So once those were  
20 completed, then I could work on the next batch. And  
21 again, depending on the time that we have available would  
22 depend on when we could get to that to review and bring up  
23 each of those cases to determine whether it's reinstatable  
24 or if it's something we still would want to go to appeal.

25          Q       Okay. And the cases that you would want to work

1 on immediately because the hearing was coming right up,  
2 give me a little idea what you would do with regard to  
3 looking at each of those cases and prepping them or making  
4 a determination how they would be treated prior to the  
5 hearing coming up.

6 A Well, first thing, I want to run a background to  
7 see if they're prohibited due to a criminal history; a  
8 conviction, a protective order or a court order that might  
9 prohibit them. So that would be the first thing. If  
10 there's something -- I mean that can go down multitude of  
11 factors: Are they on a probation condition, do they have  
12 anything like that. Or let says it's a restraining order  
13 and the restraining order has been vacated and there is  
14 nothing else in their background. That's something that  
15 would be reinstatable. Or if it's something does he still  
16 have a pending felony hanging over his head, that would be  
17 something I would still want to go to the board.

18 Q So during the time then while the cases are  
19 pending, waiting to go for appeal before the board, there  
20 could be changes in circumstances that you would want to  
21 look to prior to those cases going to the board?

22 A Yes.

23 Q Okay. Do you conduct any further investigation  
24 by contacting individuals who may have been involved in  
25 the incidents that brought on the revocation?



1           A     Have we contacted witnesses?  Yes, we have.

2           Q     Okay.  And when you gave your input, if you  
3 recall any input to the May 14th, 2007 letter, was that  
4 the input you gave; that the time issue may be a factor  
5 because you were concentrating more on the cases coming  
6 right up for hearing rather than the ones 90 days out?

7           A     Yes.

8           Q     Okay.  Any other concerns about the suggestion by  
9 Chairman Adams about the 90-day window?

10          A     I didn't have a problem with it.

11          Q     Did you discuss or give any input with regard to  
12 any other actions that could be taken that would affect  
13 the backlog?  In a positive manner; bringing the backlog  
14 down.

15          A     We have in the past gone through the backlog.

16                   MR. SNOOK:  Excuse me.  Are you asking the  
17 question of the deponent based on the letter or  
18 just generally?

19                   MS. BAIRD:  Well, back in 2007.

20 BY MS. BAIRD:

21          Q     Back in 2007 when this letter was being -- when  
22 you were giving your input to whatever supervisor you had  
23 at that time, did you give any input as to ideas other  
24 than those expressed by Chairman Adams what could affect  
25 the backlog positively and decrease it?



1 time?

2 THE WITNESS: I don't think it was  
3 constant. I think it fluctuated.

4 MR. SNOOK: Were there any times when there  
5 were any external events that would have  
6 increased the backlog?

7 THE WITNESS: We've had a larger volume of  
8 people applying for permits over the last few  
9 years. People who have been arrested, people  
10 who have court orders. I mean there could be a  
11 multitude of reasons for the revocation which  
12 resulted in the backlog.

13 MR. SNOOK: I have been informed that  
14 political events affected the backlog. Have you  
15 heard anything like that?

16 THE WITNESS: I have heard that. And the  
17 volume, like I said, has risen on not only  
18 permit applications, but on firearm sales.

19 MR. SNOOK: And what political events may  
20 have been involved?

21 THE WITNESS: We saw the rise when then  
22 President-Elect Obama was in, then we saw a rise  
23 come up.

24 MR. SNOOK: You did observe a rise in  
25 permit applications?

1 THE WITNESS: I can say I did. I don't  
2 know why, but people have talked about that  
3 and --

4 MR. SNOOK: Did the department make any  
5 efforts to reduce the backlog while you were  
6 serving as you served?

7 THE WITNESS: Yes.

8 MR. SNOOK: What efforts?

9 THE WITNESS: We have over the years gone  
10 through the backlog at different times to try to  
11 help eliminate or get the backlog down with  
12 people who are able to be reinstated prior to  
13 waiting to the hearing date.

14 MR. SNOOK: When you said "we," did you  
15 mean yourself and who else?

16 THE WITNESS: Detective Karanda and I had  
17 done it. And Detective Musial and I had.

18 MR. SNOOK: Were the efforts successful?

19 THE WITNESS: We did get to eliminate a  
20 number of hearings that were scheduled.

21 MR. SNOOK: I'm sorry. I didn't want to --

22 MS. BAIRD: Oh, no. That's fine --

23 MR. SNOOK: We're all trying to get to the  
24 same place trying to figure out where the  
25 backlog came from and why.

1 BY MS. BAIRD:

2 Q So if the board -- I just heard you tell Attorney  
3 Snook that you were able to go through at various points  
4 and decrease the backlog by identifying people who could  
5 be reinstated. Right?

6 A At the request of the board, yes.

7 Q Okay. If the board had been able to hear these  
8 cases sooner -- for example, let's say they met five times  
9 a week eight hours a day and they could hear the cases  
10 sooner -- then those people that were eligible for  
11 reinstatement, their cases would have popped right up and  
12 they would have been heard without waiting for you to have  
13 to go through and identify them. Does that make any  
14 sense?

15 A No.

16 Q Okay. You testified that you would go through at  
17 the board's direction and identify people who could be  
18 reinstated. Correct?

19 A Yes.

20 Q Those people that you identified that could be  
21 reinstated, they probably could have been reinstated for a  
22 little while, right? I mean it wasn't just that day that  
23 you looked that they were reinstatable. Right?

24 A Possible.

25 Q Okay. So if the board had held hearings and that

1 person who was reinstatable had had a hearing scheduled  
2 already, they would have probably been reinstated.

3 Correct?

4 A Possibly, yes.

5 Q Okay. Do you think the board could have done  
6 anything to decrease the backlog that it wasn't doing  
7 already during this 2007 time frame?

8 A That would be at the board's discretion.

9 Q Did you think the backlog was a problem?

10 A I knew there was a backlog. And like I said  
11 previously, we've worked at it on times. But I didn't  
12 think of the backlog. That wasn't -- that was the board's  
13 responsibility, so --

14 Q Okay. Did you ever talk to any particular person  
15 on the board about the backlog?

16 A Yes.

17 Q Who did you talk to?

18 A I've obviously discussed it with Sue Mazzoccoli.  
19 I've discussed it with Mr. Adams and different members.  
20 So it has been brought up.

21 Q Was it brought up at formal meetings of the board  
22 where you had these discussions or you're talking about  
23 discussions that occurred outside of board meetings?

24 A Both.

25 Q Okay. And when you had the discussions outside

1 of board meetings, did you get the impression that anybody  
2 had any expectation that you as a member of the Firearms  
3 Unit would help out with the backlog to decrease it?

4 A Oh, sure.

5 Q And what was your impression of what it was  
6 expected you might be able to do to help out with the  
7 backlog?

8 A Well, again, the same thing. Just to assist in  
9 this manner or to possibly be able to review the backlog  
10 at some point again and see if any of those cases were  
11 resolvable.

12 Q Were there cases that you reviewed when you went  
13 through the cases to see if they were resolvable, where no  
14 changes had necessarily occurred in, you know, restraining  
15 order status or felony status or any of the other things,  
16 but reinstatement was warranted anyway?

17 A Could you repeat that?

18 Q In other words, were there times when you decided  
19 to reinstate somebody just because of the passage of time;  
20 there had really been no change in circumstance?

21 A No.

22 Q Okay. For instance, the person had never been a  
23 felon and they still weren't a felon. There had never  
24 been a restraining order and there still wasn't a  
25 restraining order. There were never these factors that

1 changed, but you still decided to reinstate them?

2 A That's a tough answer because there are so many  
3 variables. I'm not sure what you're saying. But have I  
4 reinstated people? Yes.

5 Q Okay. We'll get to -- I'm referring specifically  
6 to Mr. Goldberg, but we'll go through all of his  
7 information as we come up. It will be clear. You don't  
8 have to look so confused. That's fine. We'll get through  
9 it.

10 A Okay.

11 MS. BAIRD: If we could have this marked.

12 Let me find a copy.

13 (Plaintiff Exhibit 24 marked for  
14 identification.)

15 BY MS. BAIRD:

16 Q This is Exhibit 24. It's a four-page document.  
17 Have you seen Exhibit 24 dated June 25th, 2007?

18 A Yes.

19 Q Do you know a Lieutenant -- is it Woessner?

20 A Yes.

21 Q Had you ever communicated with Lieutenant  
22 Woessner from the Glastonbury Police Department before  
23 June 25th, 2007?

24 A Yes.

25 Q And in your communications with him had it been



1 about firearms issues?

2 A Yes.

3 Q You received this letter dated June 25th, 2007  
4 from Lieutenant Woessner; is that correct?

5 A Yes.

6 Q And he talks about "a case we spoke about on the  
7 phone." What case was that?

8 A That would have been the Goldberg case.

9 Q And there's three pages -- there's four pages in  
10 total of Exhibit 24. The second, third, and fourth page  
11 appear to be a police report?

12 A Yes.

13 Q Do you recall receiving that from Lieutenant  
14 Woessner attached to his letter?

15 A Yes.

16 Q What is the conversation that Lieutenant Woessner  
17 references in the June 25th, 2007 letter?

18 A The arrest of Mr. Goldberg.

19 Q Okay. He says, "Enclosed is a case we spoke  
20 about on the phone." What did you talk about with  
21 Lieutenant Woessner on the phone?

22 A The arrest of Mr. Goldberg.

23 Q Okay. Did he say anything about the arrest?

24 A I don't remember the specific conversation, but I  
25 do recall having the conversation regarding the arrest of

1 Mr. Goldberg.

2 Q Okay. And what did you say, if anything, during  
3 that conversation with Lieutenant Woessner about the  
4 arrest of Mr. Goldberg?

5 A That he could send me the report to review.

6 Q Okay. Did Lieutenant Woessner indicate to you  
7 during the conversation that he references in Exhibit 24,  
8 that he had seized Mr. Goldberg's pistol permit or state  
9 permit?

10 A I believe he did.

11 Q Did you tell Lieutenant Woessner to forward the  
12 permit to the Firearms Unit?

13 A Yes.

14 Q And if I could direct your attention to Page 4 of  
15 Exhibit 24, it indicates that Goldberg's weapon was logged  
16 as evidence and his pistol permit was seized for return to  
17 the state firearms bureau.

18 Do you know if when that permit was seized the  
19 Firearms Unit had already revoked Mr. Goldberg's permit?

20 A I don't believe we revoked him until -- I didn't  
21 revoke him until I got the police report.

22 Q Okay. What is your understanding of who has the  
23 authority under state law to seize state permits?

24 A The state has the authority.

25 Q Okay. Did the Glastonbury Police Department have

1 that authority?

2 A I believe so.

3 Q Okay. So it's your understanding that under  
4 state law the Glastonbury Police Department had the  
5 authority to seize Mr. Goldberg's state permit at the time  
6 of his arrest?

7 A And then send it to us.

8 Q Is there a particular directive or policy or  
9 state law that you rely upon in that understanding?

10 A They are forwarding that information for the  
11 state to review.

12 Q Well, maybe you misunderstood me. I was talking  
13 about the state permit, Mr. Goldberg's state permit.

14 A Yeah.

15 Q And I was asking you if there was a regulation or  
16 rule, a policy or state law that you rely upon in your  
17 response that Glastonbury Police Department had the  
18 authority to seize the state permit?

19 A I don't have a statute off the top of my head.

20 Q Okay. Well, you've been working in the unit a  
21 long time.

22 A True.

23 Q I mean you're experienced, right?

24 A Yes.

25 Q Okay. And you're kind of the go-to person in the

1 State of Connecticut for firearms issues. Right?

2 A Yes.

3 Q Sitting here today, do municipal police  
4 departments have the authority to physically seize state  
5 permits from individuals prior to the State Police  
6 revoking those state permits?

7 A I believe they do.

8 Q And what do you base that belief on?

9 A They're forwarding the information to the State  
10 Police for review of the status of that permit.

11 Q And when you say they're forwarding the  
12 information to the State Police, you mean they're  
13 forwarding the state permit.

14 A And a police report.

15 Q Okay. Well, I'm talking about the state permit.  
16 I probably agree with you that a police department has the  
17 authority to write a police report and send it to you.  
18 You agree with that, right?

19 A Oh, absolutely.

20 Q Well, what we're talking about is the state  
21 permit. And --

22 MR. SNOOK: Just for -- if I may? I'm  
23 assuming that this entire line of questioning is  
24 in the context of some kind of police action  
25 like an arrest or --

1 MS. BAIRD: Oh, anything.

2 MR. SNOOK: It's not just wandering around  
3 to people's homes and taking permits. It would  
4 be in the context of some kind of incident.

5 MS. BAIRD: I'm asking about anything.  
6 Whether they have the authority, no matter under  
7 what, to seize a state permit. Municipal police  
8 departments.

9 A Again, I cannot think of a statute off the top of  
10 my head that tells them they can do that. But I've never  
11 had a problem with them forwarding the permit along with  
12 the police report to ask SLFU to review for status of the  
13 permit.

14 BY MS. BAIRD:

15 Q And when you say you've never had a problem with  
16 it, you mean you don't see a problem with it, you don't --

17 A I don't see a problem with it.

18 Q When you received this letter from Lieutenant  
19 Woessner dated June 25th, 2007 which is Exhibit 24, what  
20 was the purpose of him sending the police report to you?

21 A To review for the status; if we're going to  
22 revoke him or not.

23 Q And did you, in fact, do that?

24 A Yes.

25 Q Did anybody else review the police report in the

1 unit other than you?

2 A Not at that time, I don't believe.

3 Q Was this case particularly assigned to you, the  
4 James Goldberg case?

5 A There was only two of us at the time, so it went  
6 to one or the other.

7 Q Okay. And once a case goes to one or the other,  
8 does it stay with one or the other or are duties shared?

9 A Duties are shared.

10 Q And "the other" at that time would have been  
11 Detective Karanda?

12 A Yes.

13 Q What do you recall about his input into reviewing  
14 the Glastonbury Police Department report?

15 A I really don't have any recollection.

16 Q Okay. Do you recall discussing it with him?

17 A Oh, I'm sure I did.

18 MS. BAIRD: If this could be marked as  
19 Exhibit 25.

20 (Plaintiff Exhibit 25 marked for  
21 identification.)

22 BY MS. BAIRD:

23 Q Okay. This is Exhibit 25. It's a June 27th,  
24 2007 letter. That's your name that appears on that  
25 letter. Correct?

1 A Yes.

2 Q Do you recall this particular revocation letter  
3 dated June 27, 2007 to Mr. Goldberg?

4 A Yes.

5 Q And would you agree with me that this is a notice  
6 of revocation that was issued to Mr. Goldberg?

7 A Yes.

8 Q And at the bottom it actually has Commissioner  
9 Danaher's name under the signature -- above the signature  
10 line. Correct?

11 A Yes.

12 Q But he didn't sign it. Right?

13 A No.

14 Q That's your name that appears on there.

15 A Yes.

16 Q What authority are you designated by the  
17 commissioner in your duties involving revocation of state  
18 permits?

19 A I'm his designee.

20 Q But what were you told when you came to the unit  
21 about your designated responsibilities?

22 A Could you be more specific?

23 Q Was it your impression that anything you did in  
24 your job in the Firearms Unit was as the commissioner's  
25 designee?

1 A That's how I believed it.

2 Q Okay. That you were acting on his behalf when  
3 you revoked state permits?

4 A His name is above there, yes.

5 Q Were you ever issued any policies or directives  
6 from an acting commissioner or commissioner of the State  
7 Police with regard to what duties you were designated to  
8 perform on his behalf?

9 A On the commissioner's behalf?

10 Q Right.

11 A I don't recall anything, no.

12 Q Are there any guidelines for you to follow in how  
13 to exercise this authority that you've been designated to  
14 do on the commissioner's behalf?

15 A We do have policies and procedures in the office.

16 Q As the commissioners have changed during the time  
17 you've been in the Firearms Unit, has any of the authority  
18 that you're designated to exercise on the commissioner's  
19 behalf changed? Has there been any change in that?

20 A Yes.

21 Q And how has that changed?

22 A Cases now have to go through a supervisor in  
23 regards to revocations.

24 Q And what commissioner did that change with?

25 A I don't remember.



1 Q Well, do you know if it had anything to do with  
2 the change in commissioner?

3 A I couldn't even tell you that.

4 Q So sitting here today, do you know whether as the  
5 commissioners have changed they've changed any of the  
6 designated authority they've given you to exercise in the  
7 Firearms Unit?

8 A Well, as I just said, I go through a sergeant or  
9 a lieutenant regarding the revocation of cases of  
10 suitability.

11 Q And I'm just trying to figure out if that change  
12 is due to a change in the commissioner or if it's just a  
13 change that came up?

14 MR. SNOOK: It's asked and answered.

15 A Yeah; I don't know the answer to that.

16 BY MS. BAIRD:

17 Q Okay. When did this change come about where you  
18 have to go to a supervisor with regard to revocations?

19 A Three years ago? Approximately?

20 Q Was that a written policy change?

21 A I was just instructed that I needed to have the  
22 sergeant review those cases.

23 Q Who instructed you?

24 A Whoever the commanding officer was at that time.

25 Q Do you recall who the commanding officer was?

1           A     I don't know. It was three or three-and-a-half  
2 years ago.

3           Q     Was this change in writing?

4           A     No.

5           Q     Was anybody else told about the change; if you  
6 know?

7           A     Detective Karanda?

8           Q     So is it your impression that this change that  
9 you were told about verbally is being followed by  
10 detectives in the unit who perform your job function in  
11 revocations?

12          A     Absolutely.

13          Q     What exactly is the procedure now with regard to  
14 going to a supervisor?

15          A     If there's cases for review that have been sent  
16 in, the sergeant reviews them and lets us know if we're  
17 going to revoke them or if we're not going to revoke them.

18          Q     So for example, if a case like the Goldberg case  
19 came in now where you were informed by a municipal police  
20 department that somebody had been arrested, and you  
21 received a police report, what would you do with that  
22 police report?

23          A     Have the sergeant review it.

24          Q     And based on your experience the past --  
25 approximately past three years in the unit while this

1 change has been in effect, has that affected the number of  
2 revocations?

3 A I don't have a number.

4 Q Have you seen any changes that this policy has  
5 made in the Firearms Unit's process of revocation?

6 A No.

7 Q Okay. Do you agree with the change in policy?

8 MR. SNOOK: For the record, I have to  
9 object on the deliberative processes privilege.  
10 What any governmental official believes is not  
11 really properly part of an investigation. It's  
12 what they do. Because, you know, as we've  
13 explained this in the past with Judge Danaher,  
14 state officials' subjective thoughts are really  
15 not a proper line of inquiry in this case.

16 BY MS. BAIRD:

17 Q Do you know why the change was made?

18 A No.

19 Q And during the time period when the change has  
20 been in effect, who have been the sergeants that you've  
21 taken the revocations to review?

22 A Sergeant Krauss. Sergeant Hall. Or the  
23 lieutenant.

24 Q Looking again at what's been marked as  
25 Plaintiff's Exhibit 25, that June 27th, 2007 letter, in

1 the first paragraph it indicates that "the permit to carry  
2 is revoked effective immediately because of your  
3 involvement in an incident investigated by the Glastonbury  
4 Police Department."

5 Have you had cases while you've been in the  
6 Firearms Unit where you've been informed that someone was  
7 arrested, but that didn't merit revocation?

8 A Yes.

9 Q Okay. But in the Goldberg case, the arrest or  
10 the involvement in the incident investigated by the police  
11 department merited revocation. Correct?

12 A Yes.

13 Q For what reason?

14 A Due to the arrest on the police report.

15 Q Okay. So you based your decision on the police  
16 report.

17 A Yes.

18 Q Did you base it on anything else?

19 A No.

20 MS. BAIRD: Mark this as Exhibit 26.

21 (Plaintiff Exhibit 26 marked for  
22 identification.)

23 MR. SNOOK: Do you customarily rely on the  
24 sworn reports of police officers in conducting  
25 investigations?

1 THE WITNESS: Yes.

2 MR. SNOOK: Is that customarily done by  
3 other police officers in the line of their work?

4 THE WITNESS: Yes.

5 BY MS. BAIRD:

6 Q It's just been marked as an exhibit, it's a  
7 three-page exhibit, 26. Do you recognize what this is?

8 A Yes.

9 Q What is that?

10 A Our notes in our computer system.

11 Q What kinds of information do the detectives in  
12 the Firearms Unit put into the computer system with regard  
13 to state permits?

14 A This is in regards to the revocations.

15 Q Okay. But what do you use this computer system  
16 for in the Firearms Unit that you put notes into? What is  
17 it?

18 A The issuance or the revocations of permits.  
19 Security guards. Everything within the unit is in the  
20 computer.

21 Q So when somebody applies for a permit, a  
22 temporary state permit, does it go in at that time?

23 A When they come to us. Not at the time at the  
24 local level.

25 Q So that's when there is information about the

1 individual first entered, when they come to the State  
2 Police to get their permit?

3 A Yes.

4 Q Are there any directives or policies you go by in  
5 determining what kind of information to put in the  
6 computer about people's state permits?

7 A About what is entered for their permit?

8 Q Right.

9 A Yes.

10 Q Okay. And what is entered?

11 A Name, date of birth, address, phone numbers,  
12 driver's license. Anything to that effect.

13 Q And looking at Exhibit 26, this appears to be  
14 notes that were made based on phone calls or  
15 correspondence or information received. Correct?

16 A This is resulting of the revocation of the  
17 permit.

18 Q Okay. Well, I'm looking at some notes; for  
19 example, July 9th, 2007: Certified mail return, forward  
20 time expired, moved, BJM.

21 Is that a note that you type into the computer?

22 A Yes.

23 Q Okay. And how is it determined what information  
24 goes into the computer and what information doesn't?

25 A Any time anything occurs resulting or having to

1 do with that person, we put in. Who we speak to, what we  
2 do goes into the computer.

3 Q Okay. So any communication or correspondence or  
4 update or change with regard to someone's state permit,  
5 you make notes in the computer. Correct?

6 A On a revocation.

7 Q On a revocation. Okay. And I'm looking at  
8 Exhibit 26, and would you agree that these are notes with  
9 regard to Mr. Goldberg's revocation?

10 A Yes.

11 Q Okay. And at the beginning when it has "PD  
12 seized permit and a "Glock .22, BJM," those are your  
13 initials "BJM"?

14 A Yes.

15 Q It appears that you made notes through  
16 September 17th, 2007? On this exhibit, at least.

17 A Yes.

18 Q Okay. Where is it, if anywhere, that an  
19 investigation report is found? For example, was there an  
20 investigation conducted after you were informed by the  
21 Glastonbury Police Department that Mr. Goldberg was  
22 arrested? Did you conduct an investigation?

23 A Yes.

24 Q Okay. And did you make any notes or an  
25 investigation report about your investigation?

1 A No.

2 Q Do you agree that looking at Exhibit 26 it  
3 doesn't refer to any investigation? That you conducted.

4 A One more time?

5 Q Looking at Exhibit 26, does that reference any  
6 investigation that you conducted?

7 A It references a lot of information.

8 Q Okay. But I'm talking about any investigation  
9 that was conducted prior to the June 27th, 2007 revocation  
10 of Mr. Goldberg's permit.

11 A His permit was revoked due to the arrest by  
12 Glastonbury.

13 Q Okay. And what I'm trying to figure out is, I'm  
14 looking at Exhibit 26. If you had conducted your own  
15 investigation with regard to a revocation, would that be  
16 contained in the computer or would you make an  
17 investigation report?

18 A No. The revocation itself with the Glastonbury  
19 information in it is the revocation.

20 Q Exhibit 26 doesn't reference the Glastonbury  
21 investigation. Correct?

22 A This portion of the printout is the continual  
23 information we're doing or receiving. There's a screen  
24 above it that references the Glastonbury police arrest  
25 with that information.



1 Q Okay. So the screens that we're looking at in  
2 Exhibit 26, it's more like notations of correspondence, a  
3 running notation of correspondence or communication about  
4 the case. Correct?

5 A Yes.

6 Q Okay.

7 MS. BAIRD: If we could have this marked as  
8 27.

9 (Plaintiff Exhibit 27 marked for  
10 identification.)

11 BY MS. BAIRD:

12 Q The second page of Exhibit 27, it has a "detail"  
13 section. Is that what you were just referring to?

14 A Yes.

15 Q Okay. For the record, what computer system do  
16 these printouts come from?

17 A Our State Police database.

18 Q And that database is the same database for the  
19 last exhibit, 26. Correct?

20 A Yes.

21 Q And in the "Detail" section of Exhibit 27, it  
22 talks about "app was arrested by Glastonbury for breach of  
23 peace. Police were called," and there are a number of  
24 notes in there. Are those notes that you put in?

25 A Yes.

1 Q And is that the part of the Firearms Unit  
2 database that contains details of the investigation?

3 A Yes.

4 Q Looking at the other page of Exhibit 27 where it  
5 has "revocation deny code." Do you see that?

6 A Yes.

7 Q And I actually have this as an exhibit, so I'll  
8 enter that page as an exhibit so I'm not testing you on  
9 your memory of codes.

10 MS. BAIRD: That would be 28.

11 (Plaintiff Exhibit 28 marked for  
12 identification.)

13 BY MS. BAIRD:

14 Q So in the computer database, what do those codes  
15 mean with regard to the reason for the revocation of  
16 Mr. Goldberg's permit?

17 A "1" is a pending arrest, "7" is a police report,  
18 [sic] and "22" is suitability.

19 Q And with regard to "1," the pending arrest, do  
20 you agree that not all pending arrests result in  
21 revocation?

22 A Not all pending arrests?

23 Q Right. Just because somebody's been arrested and  
24 that's pending, it doesn't mean they have to be revoked?

25 A Correct.

1 Q Okay. And No. 7, the denial -- or the revocation  
2 code "police request," and then No. 22, the unsuitability.  
3 What was it that went into the determination of No. 22,  
4 "unsuitability," in putting that revocation code in?

5 MR. SNOOK: In this particular --

6 MS. BAIRD: Yes.

7 MR. SNOOK: With Mr. Goldberg's case?

8 MS. BAIRD: Yes.

9 A The fact that he caused alarm in the Chili's  
10 restaurant by carrying his gun exposed.

11 BY MS. BAIRD:

12 Q Okay. And the No. 7 in Mr. Goldberg's case, the  
13 No. 7 revocation code, that police request would have come  
14 from the Glastonbury Police Department?

15 A Yes.

16 Q And did the Glastonbury Police Department make a  
17 request?

18 A Yes.

19 Q That Mr. Goldberg be revoked?

20 A Yes.

21 Q Who made that request?

22 A Lieutenant Woessner.

23 Q And was that during that phone conversation that  
24 he had with you?

25 A Yes.

1 Q Okay. And you remember that now?

2 A Well, that was the whole point of the  
3 conversation.

4 Q Oh. Because I had asked you about the  
5 conversation earlier and you said it was just to discuss  
6 the arrest. But he had also asked for revocation during  
7 that conversation?

8 A That was my belief. Again, I don't recall the  
9 specifics of the conversation, but that was my  
10 understanding that that's what he wanted us to review the  
11 report -- or review the arrest report to determine whether  
12 we're going to revoke or not.

13 MS. BAIRD: If this could be marked as 29.  
14 (Plaintiff Exhibit 29 marked for  
15 identification.)

16 BY MS. BAIRD:

17 Q Since this letter wasn't written by you and it's  
18 not to you, I'll ask you if you've ever seen it before?

19 A (Reviewing.) Yes.

20 Q Was this a letter that you were provided to keep  
21 in Mr. Goldberg's revocation file?

22 A I don't know if the letter is in the file.

23 Q Who showed you this letter, Exhibit 29?

24 A I don't even recall that.

25 Q Well, do you know if it was shown to you?

1           A     Oh, I've seen the letter. I just don't remember  
2 who showed it to me.

3           Q     So maybe nobody showed it to you. It could have  
4 just been lying on your desk?

5           A     Possible.

6           Q     Did you read the letter when you found it?

7           A     I remember reading the letter.

8           Q     What was the purpose of you reading the letter?

9           A     Because it had to do with the Goldberg case and  
10 my name was in it?

11          Q     Did you take any action with regard to what was  
12 written in the letter?

13          A     Meaning what?

14          Q     Well, let's go through it. It talks about Chief  
15 Sweeney is requesting that he be notified of all  
16 proceedings pertaining to Mr. Goldberg's firearms permit  
17 revocation appeal.

18                 Did you provide Chief Sweeney information  
19 regarding the revocation appeal?

20          A     He knew I had revoked the permit.

21          Q     Well, do you know why he wrote this letter on  
22 September 25th, 2007 if he already knew that you had  
23 revoked the permit?

24          A     You'd have to ask Chief Sweeney.

25          Q     But I'm asking you if you responded to Chief

1 Sweeney and provided him notice of all proceedings  
2 pertaining to the above-referenced firearms permit  
3 revocation appeal?

4 A I don't recall telling -- other than the case was  
5 pending, waiting for a hearing date.

6 Q Okay. In other words, this is a letter to  
7 Commissioner Danaher. Right?

8 A Yes.

9 Q And you were his designee in the Firearms Unit.  
10 Correct?

11 A Yes.

12 Q And you saw this letter, so somebody must have  
13 given it to you. Because it wasn't written to you.  
14 Right?

15 A No; it was not written to me.

16 Q And you didn't steal it off somebody's desk.  
17 Right?

18 A No, I did not.

19 Q Okay. So you got it somehow because it was  
20 relevant to you. Right?

21 A Yes.

22 Q Okay. And it's making a request of Commissioner  
23 Danaher, and I'm assuming he was probably too busy to  
24 respond himself to this. Right?

25 A I don't know that.

1           Q     Okay.  You don't know that, but do you know if  
2     you responded to the letter at all by keeping Chief  
3     Sweeney informed of all proceedings pertaining to  
4     Mr. Goldberg's appeal?

5                   MR. SNOOK:  After receiving this letter did  
6     you contact Chief Sweeney?

7                   THE WITNESS:  I don't recall.

8                   MR. SNOOK:  Do you recall writing him any  
9     letters?

10                  THE WITNESS:  I haven't written the chief  
11     any letters.

12  BY MS. BAIRD:

13           Q     He had asked that the investigation file be  
14     preserved and provided to his department.  Do you know if  
15     that was done?

16           A     I don't know if anybody gave him anything.

17           Q     Okay.  Did you follow up on information that  
18     Chief Sweeney provided in this letter about Mr. Goldberg's  
19     residence in paragraph two?

20           A     Yes.

21           Q     Okay.  So do you think that was the reason why  
22     you were provided a copy of the letter?

23           A     Honestly, I don't recall.

24           Q     Okay.  And what did you do with respect to  
25     paragraph two in Chief Sweeney's letter?

1           A       I tried to verify where Mr. Goldberg was residing  
2           at the time he made application.

3           Q       Okay. Did you conduct an investigation into  
4           Mr. Goldberg's residence at the time he made application?

5           A       At the time he made application I did not, no.

6           Q       No. Did you conduct an investigation with regard  
7           to paragraph two about where Mr. Goldberg was residing at  
8           the time he obtained, in 2007, his state permit?

9           A       I looked into that matter, yes.

10          Q       Okay. And in looking into the matter, would you  
11          term that an investigation into the matter?

12          A       I didn't do a report on it, so no, I wouldn't  
13          term it quite that way.

14          Q       Well, how do you term an investigation? Is it  
15          whether a report is done about something or are there  
16          other variables that determine whether it's an  
17          investigation?

18          A       I guess you can term it a couple of ways, but at  
19          this point I just was looking into the matter of his  
20          residence of where he was at the time of application.

21          Q       And you never completed a report about that?

22          A       No. I think there's some notes possibly in the  
23          "miscellaneous" in regards to his -- to what we did in  
24          regards to his address information.

25          Q       Okay. And do those notes make it an



1 investigation?

2 A At this point we just documented the notes in  
3 there.

4 Q Okay. Is an investigation given an investigation  
5 number? Is that what makes it a State Police  
6 investigation?

7 A Does an investigation have to have a number?

8 Q Right.

9 A I don't think it has to have a number, but it  
10 could have a number.

11 Q Okay. Well, is there any way of defining when an  
12 investigation is conducted and when it's not?

13 A I would just say I looked into the matter and I  
14 made some notes regarding his address information.

15 Q And I'm asking you how you determine if looking  
16 into something is an investigation or not.

17 MR. SNOOK: If I may, just for a moment?

18 This letter is dated September 25th, 2007;  
19 am I correct?

20 THE WITNESS: Yes.

21 MR. SNOOK: Was Mr. Goldberg's permit  
22 already revoked by this time?

23 THE WITNESS: Yes.

24 MR. SNOOK: And it was revoked apparently  
25 as a result of a request from a police

1 department?

2 THE WITNESS: Yes.

3 MR. SNOOK: And there was an investigation  
4 that consisted of reviewing the police report of  
5 that police department?

6 THE WITNESS: Yes.

7 MR. SNOOK: Okay. Anything that happened  
8 after this, at the time of this letter, would  
9 not have been related to the initial revocation;  
10 am I correct?

11 THE WITNESS: Yes.

12 BY MS. BAIRD:

13 Q You've been a state trooper for 26 years. Right?

14 A Yes.

15 Q What is your definition of an investigation?

16 A Well, I don't have the dictionary definition of  
17 what an investigation is. But if I am investigating  
18 somebody and it turns out to be something more  
19 substantial, I probably would, as you said, get a case  
20 number and pursue it further.

21 So can an investigation have a case number?

22 Absolutely. Can an investigation not have a case number?

23 That's possible, too.

24 Q Is there anywhere in Exhibit 29 when you looked  
25 at it, where it indicates that the Glastonbury Police

1 Department requested that the State Police revoke  
2 Mr. Goldberg's permit?

3 A Anywhere it's mentioned in the letter about the  
4 request?

5 Q Right. I'm just following up on a question.

6 A It doesn't specifically use that word.

7 Q Well, no; I'm not talking about a word. I'm  
8 talking about does it request in the letter, Exhibit 29,  
9 that the Glastonbury Police Department, through Chief  
10 Sweeney, make a request in Exhibit 29 or refer to a  
11 request by the department that the State Police revoke  
12 Mr. Goldberg's permit?

13 A In June.

14 Q Right.

15 A I don't see that specifically in here.

16 Q Okay. Did you ever get a written request from  
17 the Glastonbury Police Department to revoke Mr. Goldberg's  
18 permit?

19 A Other than the letter that you showed previously  
20 from Lieutenant Woessner, no.

21 MR. KUCK: Take a five-minute recess,  
22 Counselor?

23 MS. BAIRD: Sure.

24 MR. SNOOK: Sure.

25 (A recess was taken at 10:32 a.m.)

1 (The proceedings resumed at 10:40 a.m.)

2 BY MS. BAIRD:

3 Q This is Plaintiff's Exhibit 13. I'm just  
4 following up on some of the questions about Exhibit 29 and  
5 that letter from Chief Sweeney to Commissioner Danaher.  
6 Plaintiff's Exhibit 13 appears to be a letter from  
7 Commissioner Danaher back to Chief Sweeney dated  
8 November 14th, 2007. Have you seen this letter before?

9 A Yes.

10 Q Did you have any input into the content of the  
11 letter?

12 A I don't believe so.

13 Q And your name doesn't appear on this letter,  
14 correct, on the signature line?

15 A No.

16 Q Did you discuss the content of this letter with  
17 Commissioner Danaher?

18 A I don't believe so.

19 Q Well, did you discuss the content of the letter  
20 with Captain Masek?

21 A That's possible, but I have no recollection of  
22 it.

23 Q Okay. And when Commissioner Danaher represents  
24 in the letter that "this agency will preserve and retain  
25 all records pertaining to this matter and make them

1 available to the Glastonbury Police Department" -- that's  
2 in the third paragraph, the last sentence -- is that  
3 something that it was your understanding that you were to  
4 do?

5 A Again, I was not aware of that specific. But if  
6 I was told to do so, of course.

7 Q And then also in the second paragraph to the  
8 letter it talks about investigators from the Special  
9 Licensing and Firearms Unit are aware of the apparent  
10 discrepancy with respect to Mr. Goldberg's address.

11 That's part of the review that you would perform  
12 in response to Chief Sweeney's earlier letter. Correct?

13 A Yes.

14 Q And whatever became of that review?

15 A We did no further action on it.

16 MS. BAIRD: This could be marked Exhibit  
17 30.

18 (Plaintiff Exhibit 30 marked for  
19 identification.)

20 BY MS. BAIRD:

21 Q I've just handed you what's been marked as  
22 Exhibit 30. Have you seen this order with regard to  
23 Mr. Goldberg's criminal case in Manchester?

24 A I believe so, yes.

25 Q Did you receive a copy of this order sometime

1 back in 2007 around when the order issued?

2 A I can't say for sure or not. I don't recall if  
3 it's in the file or not.

4 Q Going back to Exhibit 26, is there any notation  
5 in Exhibit 26 that Mr. Goldberg's case was dismissed?

6 A (Reviewing.) It mentions where his father said  
7 he will be getting dismissed on Monday.

8 Q Okay. Did you obtain a copy of the order at or  
9 around the time of July 30th, 2007 when you were informed  
10 about the dismissal?

11 A I can't say for sure if I have a copy, but I have  
12 seen the copy.

13 Q Okay. And if you had received a copy of an order  
14 of dismissal, is that something that would go in notes  
15 such as would appear in Exhibit 26? Or would that go  
16 somewhere else in the computer database?

17 A No; it would go in the notes.

18 Q And looking at Exhibit 28, is it fair to say that  
19 once a dismissal occurs in a case, then reason No. 1 for  
20 the revocation goes away?

21 A Yes.

22 Q So looking at Exhibit 27, the two remaining  
23 reasons for the revocation were No. 7 and 22?

24 A Yes.

25 Q And No. 7 was that it was a police request by the

1 Glastonbury Police Department. Correct?

2 A Yes.

3 Q And then No. 22 was unsuitability.

4 A Yes.

5 Q Did the fact that Mr. Goldberg received a  
6 dismissal back in July of 2007 in his criminal case affect  
7 your assessment of Mr. Goldberg's unsuitability?

8 A No.

9 Q Why not?

10 A Because of the alarm that he caused due to  
11 carrying that gun exposed in the restaurant.

12 Q Okay.

13 MS. BAIRD: I think we're on No. 31.  
14 (Plaintiff Exhibit 31 marked for  
15 identification.)

16 BY MS. BAIRD:

17 Q First of all, what are the first and second pages  
18 of Exhibit 31? Are you familiar with that form?

19 A Yes.

20 Q How are you familiar with it?

21 A They're forms that the state issued.

22 Q These are forms that you use in your duties in  
23 the Firearms Unit?

24 A At times, yes.

25 Q And primarily when firearms are seized?

1 A Property's seized.

2 Q Property's seized. And in Exhibit 31, on Page 1  
3 it has -- do I see three items that were seized? In the  
4 Goldberg case. Do you agree there were three items of  
5 property seized?

6 A Yes.

7 Q That doesn't list the state permit, does it?

8 A No.

9 Q Do you know why?

10 A No.

11 Q Do you consider the state permit property?

12 A Yes.

13 Q In looking at the last two pages of Exhibit 31  
14 and especially the last page, there is an order of the  
15 court. Correct?

16 A Yes.

17 Q And your name appears on that order of the court  
18 at the bottom, under "return of compliance"?

19 A Yes.

20 Q At some point you received the order of the court  
21 which is the last page of Exhibit 31. Correct?

22 A Yes.

23 Q And for what reason did it come to you?

24 A Probably for the destruction of the gun.

25 Q Okay. Because the gun was in your possession,



1 the Firearms Unit's possession. Right?

2 A It came -- yes.

3 Q Well, wait a second. Was it? Or was it with  
4 Glastonbury Police Department?

5 A I believe Glastonbury gave me the gun for  
6 destruction.

7 Q Okay. When did Glastonbury give you the gun?

8 A Looks like I signed it on 8/30 of '07.

9 Q When you say signed it on 8/30/07, your name  
10 indicates in the return of compliance that the property  
11 was turned over to you on 8/30/07?

12 A Yes.

13 Q What was the order that the judge gave in  
14 Exhibit 31 on that last page?

15 A For destruction.

16 Q Okay. Did that destruction occur?

17 A I believe so.

18 Q Okay. How does the Firearms Unit go about  
19 destroying that firearm?

20 A Any gun that is court ordered we'll destroy.

21 Q Well, how do you destroy it?

22 A They get burned. Melted.

23 Q Is there a particular site where that happens?

24 A Yes.

25 Q Where is that?

1           A       Well, it used to be in Massachusetts.

2           Q       Okay. So do you send it out of state, then, to  
3 do that or do you personally go up to Massachusetts?

4           A       Oh, we go personally with all the guns that are  
5 court ordered for destruction.

6           Q       Okay. And when you say "it used to be in  
7 Massachusetts," it's a different procedure now?

8           A       Yes.

9           Q       What's the reason for that change?

10          A       Massachusetts closed.

11          Q       Okay. There's a previous exhibit marked 9 which  
12 I'll pull out for you. Plaintiff's Exhibit 9 is a letter  
13 dated September 14th, 2007. And again, it's not to you or  
14 from you, so I'll ask if you've seen it.

15          A       Yes.

16          Q       On the first page, the third paragraph, it  
17 indicates from Commissioner Danaher that with reference to  
18 Chairman Adams' suggestion that the board set its calendar  
19 90 days in advance: We don't anticipate that doing so  
20 will have a significant effect on the backlog of cases.  
21 And we believe that the additional notice of the board's  
22 calendar would do little, if anything, to reduce the  
23 amount of time that DPS must spend preparing for each  
24 case.

25                   Did you provide any information or any input

1 consistent with that decision?

2 A I doubt it.

3 Q Okay. Do you know what that means, that setting  
4 the calendar 90 days in advance wouldn't have a  
5 significant effect on the backlog of cases?

6 A You'd have to ask the Commissioner Danaher.

7 Q Well, I'm asking you. So you can either say  
8 "yes" or "no." If it's no, just say no --

9 A No.

10 Q It makes it easier.

11 A Okay.

12 Q If you don't know something, just say no.

13 A Okay.

14 Q I'll ask somebody if I want to, and if I don't I  
15 don't. Just say "yes" or "no."

16 A Okay.

17 Q But I thank you for your help.

18 So again going to paragraph three on Plaintiff's  
19 Exhibit 9, it says that: We believe that the additional  
20 notice of the board's calendar would do little, if  
21 anything, to reduce the amount of time that DPS must  
22 spend preparing for each case.

23 I think you had testified earlier that you spoke  
24 to perhaps a supervisor about this issue?

25 A I'm sure I did.

1 Q Okay. And we had some other letters going around  
2 here about Captain Masek. Would he have been your  
3 supervisor at that time?

4 A I believe he would have been, yes.

5 Q And you had mentioned now there is a lieutenant  
6 and a couple of sergeants in the unit. Did the lieutenant  
7 take -- does he serve in the same position as Captain  
8 Masek?

9 A No.

10 Q Okay.

11 A The lieutenant is directly to Special Licensing  
12 and Firearms.

13 Q Okay.

14 A I believe, if I'm not mistaken, Captain Masek was  
15 the captain of several units, including SLFU.

16 Q And who is the captain right now that has that  
17 same position that Captain Masek had?

18 A We don't have a captain currently. We have a  
19 lieutenant and a major.

20 MS. BAIRD: If we could have this marked as  
21 32.

22 (Plaintiff Exhibit 32 marked for  
23 identification.)

24 BY MS. BAIRD:

25 Q Were you aware that at some point after

1 Mr. Goldberg's permit was revoked in June of 2007 and  
2 while he was awaiting hearing before the board, he applied  
3 for another permit, a temporary state permit?

4 A Yes. I'm aware of that.

5 Q Had that in your time at the Firearms Unit ever  
6 occurred previously, where somebody was waiting for an  
7 appeal before the board in revocation status and applied  
8 for a temporary state permit?

9 A It's possible. But I don't know.

10 Q Well, do you recall?

11 A Somebody prior to Mr. Goldberg?

12 Q Yes.

13 A I cannot think of anybody off the top of my head.

14 Q Okay. And when this occurred -- how did you  
15 become aware, first of all, that Mr. Goldberg had applied  
16 for a temporary state permit while his appeal to the board  
17 was pending?

18 A It may be in the notes. I don't recall  
19 specifically, but it may be in the notes. I don't know.

20 Q Okay. Well, let me cut that off because I think  
21 those notes only go up to September of 2007 that I  
22 recall --

23 A Okay.

24 Q -- so they wouldn't be in there if they only go  
25 up to September 2007.

1           A     I don't recall directly how I was aware of it,  
2     but I became aware of it.

3                     It doesn't reflect in here, as you stated.

4           Q     Did you obtain a copy of the three pages or any  
5     one of the three pages that are Exhibit 32?

6           A     I don't recall specifically.

7           Q     Did you take any action in response to learning  
8     that Mr. Goldberg had applied for a temporary state permit  
9     while his appeal to the board was pending?

10          A     I believe the state denied that.

11          Q     Okay.  And prior to -- do you mean revoked?

12          A     Well, a 60-day permit would be a denial, not a  
13     revocation.

14          Q     But he applied to the Town of Wethersfield for  
15     his temporary state permit.

16          A     Right.  But that temporary state permit was  
17     denied.  We don't use the term "revocation" for that, for  
18     the 60-day permit.

19                     MR. SNOOK:  If I may interrupt for one  
20                     second because I'm confused.

21                     This is -- Chief Cetran, I believe, is  
22                     Wethersfield?  Who issues that temporary permit,  
23                     Wethersfield or the state?

24                     THE WITNESS:  The chief.

25                     MR. SNOOK:  The chief.

1 THE WITNESS: Of Wethersfield.

2 MR. SNOOK: So how would it be that the  
3 state would deny a permit issued by a local  
4 chief?

5 THE WITNESS: Because with that 60-day  
6 permit he'd come down to us to get his five-year  
7 hard permit, his five-year permit.

8 MR. SNOOK: Oh. So just for my  
9 clarification, if I was to go get a permit from  
10 West Hartford, I'd go to my local police chief  
11 and they would issue me something?

12 THE WITNESS: A 60-day temporary state  
13 permit, once the background was successfully  
14 completed.

15 MR. SNOOK: And automatically some  
16 information goes to your unit?

17 THE WITNESS: Within the 60 days you come  
18 down to us with the paper permit, and then you  
19 would get your hard permit if the background,  
20 again, was successful.

21 MR. SNOOK: Oh. So in Mr. Goldberg's case,  
22 if you recall -- well, first of all, did you  
23 personally handle the denial of this one, to  
24 your recollection? Or if you recall.

25 THE WITNESS: I don't recall.

1 MR. SNOOK: Oh, okay.

2 THE WITNESS: I know there was a 60-day  
3 permit.

4 MR. SNOOK: Issued by locally.

5 THE WITNESS: Correct.

6 MR. SNOOK: Which the information was  
7 transferred to the state at some point.

8 THE WITNESS: Yes.

9 MR. SNOOK: And then it was denied there by  
10 somebody?

11 THE WITNESS: True.

12 MS. BAIRD: Exhibit 33. I'm going to have  
13 34 and 35 marked, too.

14 (Plaintiff Exhibit 33 - 38 marked for  
15 identification.)

16 BY MS. BAIRD:

17 Q You've just been handed a number of exhibits.  
18 Starting out with No. 33, what is that?

19 A A temporary permit.

20 Q And who was that issued by?

21 A I believe Chief Cetran.

22 Q And what date was that issued?

23 A February 4th. Is that 2008?

24 MR. SNOOK: (Indicating.) Yes. It would  
25 have to be.



1           A       It's just the way the letters -- the numbers.

2 BY MS. BAIRD:

3           Q       Okay. Then going to Exhibit 34, have you seen  
4 Exhibit 34 previously?

5           A       Yes.

6           Q       When did you have an opportunity to see that?

7           A       Several years ago.

8           Q       Let's skip to Exhibit 35 and then go back to 34.

9           Exhibit 35 is a letter dated February 20, 2008.

10 Correct?

11          A       Yes.

12          Q       But it's not from or to you again, so I'll ask  
13 you if you've seen it before.

14          A       Yes.

15          Q       Did you have any involvement in the determination  
16 to, as it states in this letter, revoke Mr. Goldberg's  
17 temporary state permit?

18          A       I don't remember anything specific.

19          Q       Did you conduct any investigation with regard to  
20 a decision to revoke the temporary state permit issued by  
21 the Town of Wethersfield on February 4, 2008?

22          A       Again, I don't recall anything specific.

23          Q       Do you know what the reason was for the  
24 revocation of the temporary state permit issued to  
25 Mr. Goldberg on February 4th, 2008?

1           A       Only what's written in the letter here by  
2       Detective Karanda.

3           Q       Okay.  And Detective Karanda writes that "this  
4       revocation is the result of your involvement in the  
5       June 21st, 2007 incident referenced in my June 27, 2007  
6       correspondence to you, a copy of which is enclosed."  
7       Correct?

8           A       Yes.

9           Q       Okay.  Is it your understanding that the decision  
10      to revoke the temporary state permit issued on  
11      February 4th, 2008 was the same as the reason for the  
12      original revocation of June 27th, 2007?

13          A       Yes.

14          Q       And that was the incident on June 21st, 2007.

15          A       Yes.

16          Q       Between February 4th, 2008 and the decision to  
17      revoke Mr. Goldberg's temporary state permit on  
18      February 28th, did you conduct any further review or  
19      investigation of the June 21st, 2007 incident?

20          A       Nothing that I recall.

21          Q       Okay.  Did you conduct any further investigation  
22      at all between February 4th, 2008 and February 20th, 2008?

23          A       Not that I recall.

24          Q       Going back then to what was Exhibit 34, did you  
25      review Exhibit 34 between February 4th and February 20 of

1 2008?

2 A I don't know what date I became aware of this.

3 Q Okay. If we were to obtain information from the  
4 Firearms Unit database with regard to Mr. Goldberg which  
5 is contained in the notes at Exhibit 26, would those  
6 contain notes beyond September of 2007 at this point?

7 A I would assume, because he was reinstated after  
8 that. So that's very possible.

9 Q Okay. Is it possible that in those notes that  
10 would be in the computer database of the Firearms Unit it  
11 would have references to Mr. Goldberg's application for  
12 his temporary state permit back in February of 2008?

13 A Very possible.

14 Q Okay. And then it would have notes regarding the  
15 subsequent revocation?

16 A Yes.

17 Q Of February 20th, 2008.

18 MS. BAIRD: No. 39 through 42.

19 (Plaintiff Exhibit 39 - 42 marked for  
20 identification.)

21 BY MS. BAIRD:

22 Q I believe Exhibit 42 is a statement that was  
23 taken of Laura Smith?

24 A Yes.

25 Q Back on 9/4/2007?

1 A Yes.

2 Q Did you take that statement?

3 A No.

4 Q Do you know who took it?

5 A Detective Karanda.

6 Q And do you know why that statement was taken on  
7 September 4th, 2007?

8 A In regards to the Goldberg revocation.

9 Q Okay. And Mr. Goldberg was already revoked at  
10 that time. Correct?

11 A Yes.

12 Q Was the revocation being reviewed?

13 A We were just trying to gather all the facts.

14 Q And is this something -- is this a normal course  
15 of procedure after revocation, to gain further facts?

16 A Sometimes.

17 Q Okay. Was there a particular reason in this case  
18 why a statement by Laura Smith was taken on September 4,  
19 2007?

20 A I would say because there was no written  
21 statement in the Glastonbury report.

22 Q And there are three other statements that I  
23 provided you as well: 39, 40, and 41. Did you take those  
24 statements?

25 A No, I did not.

1 Q Who took those?

2 A Detective Karanda.

3 Q Do you know why those statements were taken in  
4 July of 2008?

5 A Probably for the same reasons this was taken.

6 Q And what was it in July of 2008, if you know,  
7 that compelled further information to be taken?

8 A I would guess that our superiors wanted this  
9 additional information.

10 Q Okay. I'm going to hand you back Exhibit 37  
11 which is a September 10th, 2008 temporary state permit  
12 issued to Mr. Goldberg. Have you seen that before?

13 A I believe so, yes.

14 Q Okay. Do you know how that came about, that he  
15 received a temporary state permit in September of 2008?

16 A The chief signed off on it.

17 Q Okay. And there's a second page to that. Let me  
18 staple them together.

19 When you say "the chief," Chief Cetran?

20 A Yes.

21 Q And do you know what became of that temporary  
22 state permit?

23 A I believe this one -- is this the second one?

24 Q It's from September 2008. And then I can show  
25 you the other exhibit just to clarify it.

1 MR. SNOOK: Comparing Exhibit 33 to 37?

2 MS. BAIRD: Yes.

3 A Oh. They were signed on two different dates.

4 MR. SNOOK: To your knowledge, was this  
5 permit revoked or denied?

6 THE WITNESS: I didn't know there was a  
7 second permit.

8 BY MS. BAIRD:

9 Q Oh, okay. Fair enough. That's what I had asked  
10 you --

11 A Yeah. I don't recall.

12 Q -- if you recalled that or not. Okay.

13 A I knew about the first one.

14 Q I'm going to show you then what's been marked as  
15 Plaintiff's Exhibit 38 and ask you if you've seen that  
16 before?

17 A (Reviewing.) I don't know if I've seen this or  
18 just was told about it. I don't have any direct  
19 recollection of this addressed to Sergeant Hall.

20 Q Did Sergeant Hall discuss with you back in around  
21 July and August, September of 2008, returning or  
22 reinstating Mr. Goldberg's state permit?

23 A Yes.

24 Q What were the considerations involved in that  
25 decision whether to reinstate Mr. Goldberg?

1           A     I wasn't involved in the decision.  The bosses  
2     decided.

3           Q     When it was discussed with you, what was said to  
4     you about it?

5           A     I just recall that we were told that we were  
6     going to reinstate his permit.

7           Q     Did you have any input into that?

8           A     At that point, no.

9           Q     Were you asked to investigate any matters  
10    involved with reinstating Mr. Goldberg's permit?

11          A     Not at that point.

12          Q     Do you know if the statements taken by Detective  
13    Karanda in July of 2008 were related to that consideration  
14    of whether to reinstate Mr. Goldberg's permit?

15          A     I don't know that information.

16          Q     Is it fair to say that it looks like Detective  
17    Karanda was more involved in that reinstatement  
18    consideration than you, since he took the statements?

19          A     Again, that was a decision made by our bosses, so  
20    I was not privy to that conversation.

21          Q     Okay.  So as the detective working the case, is  
22    it your testimony that your supervisors didn't come to you  
23    for any input?

24          A     Well, we had numerous discussions over, you know,  
25    the course of the length -- you know, year or whatever

1 this was. I don't recall all of them and I don't recall  
2 them -- they decided at a higher level than me to  
3 reinstate the permit.

4 Q Okay. I understand that, but is there anything  
5 that you were asked specifically to do or to follow up on  
6 or to comment on in terms of them making -- before they  
7 made the decision?

8 A Not at that point.

9 Q Okay. At any point?

10 A Well, like I said, I've had many conversations  
11 with the sergeant or the captain after this all occurred.  
12 But when it came to the decision-making about reinstating,  
13 that went higher than me. I wasn't involved.

14 Q Okay. And were you involved in terms of giving  
15 your input or giving details of the case, with the  
16 decision to revoke Mr. Goldberg's temporary state permit  
17 back in February of 2008?

18 A I don't even remember.

19 Q Okay. Do you see yourself in your job as a  
20 detective, is it your function just to gather the facts,  
21 and the decision of revocation is made at another level?

22 A Now.

23 Q Okay. And how about is the decision of  
24 reinstatement made at another level higher than you?

25 A Sometimes.



1 Q Okay. Now, you said that the decision to revoke  
2 now is made at a higher level, and I'm assuming you're  
3 referring to the past three years or whatever that period?

4 A Three, yeah.

5 Q How about the decision to reinstate? Is that a  
6 decision that's made at a higher level or is that still  
7 left within your authority?

8 A That's still within our authority, yes.

9 MS. BAIRD: This is Exhibit 43.

10 (Plaintiff Exhibit 43 marked for  
11 identification.)

12 BY MS. BAIRD:

13 Q Looking at the first page of Exhibit 43, have you  
14 seen that letter from Sergeant Hall to Sue Mazzoccoli  
15 dated December 18th, 2008?

16 A No.

17 Q Okay. And Pages 2 and 3 of Exhibit 43, what is  
18 that?

19 A That's the questionnaire.

20 Q And your name does appear on that?

21 A Yes.

22 Q And that's the questionnaire from a case number  
23 049-08. Correct?

24 A Yes.

25 Q And the "08" would mean it was from 2008.

1 Correct?

2 A That's not my case number.

3 Q Oh. That's the board's case number?

4 A Yes.

5 Q Well, the case number would mean it was from '08  
6 before the board. Right?

7 A That's what I would assume, yes.

8 Q Okay. Well, you've been before the board for  
9 many years now. Right?

10 A I don't reference anything with their case  
11 numbers.

12 Q Okay. So it's your testimony that you're not  
13 really sure what 049-08, if that pertains to a 2008 case  
14 or not?

15 A I can make that assumption, but I'm just  
16 saying --

17 Q I'm not asking you to make an assumption. Do you  
18 know from doing your job? "Yes" or "no."

19 A That is not my number.

20 Q Okay.

21 A And I don't reference the board's numbers.

22 Q Okay.

23 A I reference them by name and date of birth.

24 Q Okay. So when you get e-mails from Sue  
25 Mazzoccoli with case numbers from the board, you do not go

1 by those case numbers?

2 A No, I do not.

3 Q Okay. And again, sitting here today, I just want  
4 to make clear that you cannot testify whether the case  
5 number 049-08 is a 2008 board case or not.

6 A I can make the assumption it's 2008.

7 Q No, no. You got to stop it. You can't make an  
8 assumption.

9 A Then I won't make it.

10 Q Because you're under oath.

11 A Okay.

12 Q Okay. You're under oath, so you can't make an  
13 assumption.

14 A Okay.

15 Q So I'm going to ask you again. Sitting here  
16 today, you can't testify that you know that 049-08 is a  
17 2008 board case?

18 A Correct.

19 Q Okay. Then Page 4 of Exhibit 43, we've already  
20 testified about that. Page 5, 6, 7, 8 are all the police  
21 reports that you received from Glastonbury. Correct?

22 A Yes.

23 Q Okay. As is Page 9. And then going on to Pages  
24 10 and 11, again that's from the computer printout screen  
25 of the Firearms Unit?

1 A Yes.

2 Q Okay. And then the twelfth and thirteenth pages  
3 are the notes we've already discussed that were entered  
4 with regard to Mr. Goldberg's state permit?

5 A Yes.

6 Q Okay.

7 MS. BAIRD: I have about 12 exhibits I need  
8 marked here, so why don't we take a five-minute  
9 break to do that and then staple them together.

10 (A recess was taken at 11:21 a.m.)

11 (The proceedings resumed at 11:29 a.m.)

12 (Plaintiff Exhibit 44 - 60 marked for  
13 identification.)

14 BY MS. BAIRD:

15 Q We'll begin with 45. I'd like to begin with the  
16 second page of Exhibit 45 and just direct your attention  
17 to an e-mail from Sue Mazzoccoli, who you've already  
18 mentioned in your testimony, to Chris Adams, who's already  
19 been discussed today, as well, as the former chairman of  
20 the board. In that e-mail from April 10th of 2007, at  
21 8:03, Sue talks about an agenda for Thursday having six  
22 cases.

23 Does that strike you as unusual, an agenda for  
24 the board having six cases?

25 A We've had that.

1 Q Okay. So it can vary?

2 A Yes.

3 Q Well, what are the parameters that you've seen in  
4 terms of from least number of cases scheduled for hearing  
5 to most?

6 A I've seen six, I've seen 25.

7 Q Okay. Then on Page 2 of Exhibit 45 there's an  
8 e-mail about halfway up, Tuesday, April 10th, 2007, at  
9 8:31 a.m. From this e-mail it indicates that Chairman  
10 Adams indicated to Sue Mazzocoli that at just six cases,  
11 Peter is going to totally flip.

12 From your testimony it appears that six cases  
13 was not an unusual circumstance.

14 A It's happened.

15 Q Okay. So sitting there today, you don't have any  
16 understanding of why Chairman Adams would indicate  
17 somebody would flip over only six cases being scheduled?

18 A I have -- no.

19 Q I mean, you wouldn't flip. Right?

20 A No.

21 Q Okay. Do you know an individual named Peter  
22 Kuck?

23 A Yes.

24 Q He's sitting right here today. Right?

25 A Yes.

1 Q Okay. He's on the board of firearms?

2 A Yes.

3 Q Have you heard Mr. Kuck express concerns at board  
4 meetings about the backlog of cases?

5 A Yes.

6 Q What kind of things have you heard Mr. Kuck say?

7 A Again, I don't recall specifics, but I've just  
8 heard him express it in different manners.

9 Q Okay. When you appear in front of the board, do  
10 you appear as a witness for the revocations? Correct?

11 A At times.

12 Q Okay. Do you serve as a pros -- not a  
13 prosecutor, but do you represent DPS in the revocations at  
14 any point?

15 A I have.

16 Q Okay. When was the last time you did that?

17 A I think maybe this summer? Past summer?

18 Q Okay. Do you do it on a stand-in basis?

19 A I hope that was the only time I'd be doing it.

20 Q Okay. Have you ever had any problems with  
21 Mr. Kuck as a member of the board that have risen to the  
22 level where you've made a complaint to somebody about  
23 Mr. Kuck?

24 A A complaint to whom?

25 Q Anyone. In an official capacity. I mean, not a

1 relative around the dinner table; I'm not talking about  
2 that. I'm talking about a complaint to a superior or  
3 whatever complaint process you have at the State Police.

4 A I found at times some of his behavior  
5 inappropriate or unprofessional. I didn't go to make a  
6 written complaint or anything to my bosses.

7 Q Were you ever asked if you wanted to make a  
8 complaint against Mr. Kuck?

9 A By who?

10 Q A supervisor.

11 A I don't recall, no.

12 Q Did you ever express any concerns about  
13 Mr. Kuck's unprofessionalism or your other concerns to  
14 anybody at the department?

15 A I've stated that to my bosses.

16 Q And did they say make a complaint? Or don't make  
17 a complaint?

18 A I don't recall them saying that, no.

19 Q Okay. Did they take your concerns as a complaint  
20 and follow up on them?

21 A I'm sure some of them witnessed it in the  
22 hearings themselves.

23 Q But as you going to a supervisor and making a  
24 complaint, do you know if there was any follow-up on your  
25 complaint?

1 A I don't believe so, no.

2 Q So sitting there today, you don't know of any  
3 formal complaint you've ever made against Mr. Kuck?

4 A No.

5 Q Any complaint in writing you've ever made against  
6 Mr. Kuck?

7 A No.

8 MR. SNOOK: Before we move on, do you  
9 recall -- looking at Exhibit 45, second page,  
10 the top of the second page. Do you see your  
11 name there?

12 THE WITNESS: Yes.

13 MR. SNOOK: Do you recall a call from Sue  
14 Mazzoccoli on this specific case? If you  
15 recall.

16 THE WITNESS: I've talked to Sue Mazzoccoli  
17 thousands of times. I don't recall this  
18 specific.

19 MR. SNOOK: How many cases do you get a  
20 year?

21 THE WITNESS: About 2,000.

22 MR. SNOOK: And this is how many years ago?

23 THE WITNESS: 2007.

24 MR. SNOOK: But you do not recall this  
25 specific incident.



1 THE WITNESS: No.

2 MR. SNOOK: Okay.

3 BY MS. BAIRD:

4 Q Well, let me ask you with respect to the second  
5 page of Exhibit 45, there is an e-mail that apparently  
6 from this exhibit was sent from Chris Adams to -- excuse  
7 me -- from Sue Mazzoccoli to Chris Adams at the top of the  
8 second page, and it talks about: Too late to send hearing  
9 notices, but I can adjust the agenda to show cases  
10 resolved at the meeting instead of prior to the meeting.

11 Are these cases that she's referring to as  
12 resolved prior to the meeting, the cases that you  
13 testified earlier about where you would go through and  
14 review and see if any warranted reinstatement?

15 A I'm not sure what she's referring to.

16 Q Okay. So sitting there today, the e-mail at the  
17 top of Page 2, you don't know what Sue Mazzoccoli's  
18 referring to?

19 A No.

20 Q Okay. Well, let me ask you this. Do you know  
21 what a hearing notice is?

22 A Yes.

23 Q What is that?

24 A The notices sent out to the appellants regarding  
25 a date for their hearing.

1 Q Okay. So you do know what that means, "a hearing  
2 notice."

3 A Mm-hmm.

4 Q Okay. Do you know what an agenda is that she is  
5 referring to?

6 A Yes.

7 Q What's that?

8 A That's the agenda that she has scheduled for that  
9 hearing date.

10 Q Okay. And have you ever seen on an agenda for  
11 the board, a section where it shows what cases have been  
12 resolved?

13 A Yes.

14 Q Okay. So can we agree that in the first line of  
15 that e-mail from Sue Mazzoccoli to Chris Adams, you know  
16 what a hearing notice is.

17 A Mmm-hmm.

18 Q You know what an agenda is.

19 A Yes.

20 Q And you're familiar with cases that are shown on  
21 the agenda as resolved prior to board meetings.

22 A Yes.

23 Q Okay. And on the second line it talks about  
24 adjusting three cases, and then there are case numbers.  
25 Correct?

1 A Yes.

2 Q Okay. And again, those aren't case numbers that  
3 you use; that's what the board uses.

4 A Correct.

5 Q So you don't know what those case numbers mean.

6 A I don't.

7 Q Okay. Do you know what she means by "adjusting  
8 three cases"?

9 A No.

10 Q You have no idea?

11 A I do not.

12 Q Okay. And when she says, "let me know and I will  
13 change the agenda and call Detective Mattson," you don't  
14 know what she's talking about?

15 A No.

16 Q Did you ever receive a call from Sue Mazzocoli  
17 asking you to adjust the agenda and you said no, I can't  
18 do that?

19 A I don't write the agenda.

20 Q Okay. You and Sue Mazzocoli communicated by  
21 e-mail about what cases were going to be heard at the  
22 board. Correct?

23 A By phone.

24 Q Okay. So for instance, if a case was on the  
25 agenda but it resolved prior to the board meeting, you

1 would tell Sue about that.

2 A Yes.

3 Q Okay. And that's discussing the agenda.

4 Correct?

5 A Yes.

6 Q Okay. Going to the first page of Exhibit 45, the  
7 last e-mail, the last entire e-mail that's dated April 10,  
8 2007, at 10:06 a.m. It's from Christopher Adams to Susan  
9 Mazzoccoli. Christopher Adams indicates, "How did we get  
10 down to six cases from giving DPS 40 to review?"

11 Do you know what he means in that e-mail by  
12 "from giving DPS 40 to review"?

13 A No, I do not.

14 Q Okay. And it says they settled 34 of them over  
15 the past weeks. Is it your testimony that you don't know  
16 what he's referring to when he says they settled 34 of  
17 them over the past few weeks?

18 A I have no idea from five years ago.

19 Q Okay. Well, you still work in the Firearms Unit,  
20 though. Right?

21 A Yes.

22 Q Okay. And you still review cases. Right?

23 A Yes.

24 Q And you still -- I don't know, do you call them  
25 "settling" them or do you have another name for it when

1 you reinstate prior to hearing?

2 A Reinstatement. Settle.

3 Q So you still settle cases. Right?

4 A Yes.

5 Q Okay. So is it your testimony from 2007 to 2012  
6 that the definition of "settled 34 of them" could have  
7 changed where you don't know what was meant back then?

8 A I just don't know about this specific --

9 Q Okay.

10 A What you're referring to. You said this specific  
11 e-mail.

12 Q Right.

13 A I don't know what this is referencing.

14 Q Okay. And then Exhibit 45 it talks about -- from  
15 Susan Mazzoccoli to Chris Adams, Sue Mazzoccoli states,  
16 "Altogether we resolved 47 cases since the morning of the  
17 last hearing." And you don't know what that means?

18 A I don't know what this is referring to.

19 Q And you don't know what that's referring to?

20 A Correct.

21 Q Are you saying you don't know what particular  
22 cases it's referring to or you just don't know overall  
23 what it's referring to?

24 A I don't know what this e-mail is about. I don't  
25 know --

1 Q Okay.

2 A I don't know what they're referring to. That's  
3 what I -- I can't answer for you.

4 Q Okay.

5 MR. SNOOK: I think we're having a  
6 disconnect. I'd certainly encourage the witness  
7 to testify truthfully as to what she actually  
8 knows, and I think we're all aware -- correct me  
9 if I'm wrong, but if you were to have a  
10 communication from Sue Mazzoccoli today  
11 assigning 10 cases to the next hearing, and over  
12 the next week you resolved five of them, you  
13 would settle five cases?

14 THE WITNESS: Yes.

15 MR. SNOOK: They would be reported  
16 differently on the agenda?

17 THE WITNESS: Put them on the back where  
18 Ms. Baird had stated for the resolved cases.

19 MR. SNOOK: So in that case, half of the  
20 cases in my hypothetical would be resolved or  
21 settled prior to the hearing?

22 THE WITNESS: Yes.

23 MR. SNOOK: Now, not as to this specific  
24 case, since I wouldn't remember what I did five  
25 years ago necessarily, but is this -- am I

1 correct in assuming that this is roughly what  
2 she's talking about here?

3 THE WITNESS: That would be my assumption.  
4 But I'm not allowed to assume.

5 MR. SNOOK: Okay.

6 BY MS. BAIRD:

7 Q Okay. So Exhibit 46. If you have that in front  
8 of you.

9 A I do not.

10 Q Here we go. Again, this e-mail does not have  
11 your name in it in the "from" or the "to" section. It  
12 appears from be from Susan Mazzocoli to Chris Adams. In  
13 this e-mail Sue Mazzocoli indicates to former Chairman  
14 Adams that "I just spoke with Detective Mattson."

15 I'm going to ask you to review this and, again,  
16 if you can remember it or not remember it just indicate  
17 to me if you know what discussion that Sue Mazzocoli is  
18 talking about in that e-mail.

19 A I have no knowledge of this or no recollection of  
20 it at all.

21 Q Okay. Do you want to read the whole thing? Or  
22 you're done? I just want to make sure you're done.

23 A Yes.

24 Q Okay. Has Sue Mazzocoli ever asked you to add  
25 three cases to an agenda or to add any cases to an agenda?

1 A I'm sure she has.

2 Q What does that mean, to add a case to the agenda?

3 A She wants to push -- put an additional appellant  
4 on that hearing date.

5 Q How would you go about doing that?

6 A Well, that would be for her. The board sets up  
7 the agenda.

8 Q Then why would she ask you about it?

9 A I don't know. Probably because we communicate  
10 all the time about the hearing.

11 Q Well, if she was going to add an appellant to the  
12 agenda, wouldn't you have to know about it?

13 A I would.

14 Q Okay. But it wouldn't be up to you to okay it.  
15 Right?

16 A We've had discussions at times just because of  
17 the caseload already. So I may have voiced my discontent  
18 over adding to the caseload, but ultimately the board  
19 makes that decision.

20 Q Could an appellant or DPS -- well, the department  
21 claim that it didn't have enough time to prepare if notice  
22 of adding an appellant came too late?

23 A That's possible.

24 Q Okay. And is there a point where the department  
25 would have any statutory authority or regulatory authority



1 to say that's not within the time limit, you can't add  
2 that, we object?

3 A Depending on when they brought forward that case.

4 Q And what is that time period?

5 A Well, we would have to get notice out to the  
6 appellant with the questionnaire at least 10 days prior.  
7 So they'd have to get it to us prior to that so we can  
8 make sure we can get out notice to the appellant.

9 Q Okay. And that appears to be what Sue Mazzoccoli  
10 is indicating to Christopher Adams in the last line of the  
11 first paragraph, "the law states that an appellant needs  
12 10 days' notice." Correct?

13 A Yes.

14 Q And that notice comes from the department or from  
15 the board?

16 A Well, I'm thinking one of each.

17 Q Okay. In the second paragraph it indicates, from  
18 Sue Mazzoccoli to Chris Adams, the first line: Now the  
19 detectives would have to say DPS just issued the permits  
20 prior to the hearing and we can take them off of the  
21 agenda. Detective Mattson doesn't think that it will  
22 satisfy Mr. Kuck and that he will blame them no matter  
23 what the circumstance. The local police will not be at  
24 the hearing because the appellants are being issued a  
25 permit.

1           Again, do you recall any particular conversation  
2 with Sue Mazzocoli about Mr. Kuck, satisfying Mr. Kuck  
3 in terms of what would be on the agenda?

4           A     No.

5           Q     Would that be an unusual conversation to have  
6 with Sue Mazzocoli?

7           A     I've had a lot of unusual conversations with a  
8 lot of people.

9           Q     Okay.

10          A     I just don't recall this conversation, as I  
11 stated earlier. I have many conversations with Sue about  
12 many cases.

13          Q     This is Exhibit 47. Do you know somebody named  
14 Maryann Boord?

15          A     I don't know her. I know who she is.

16          Q     Who is she?

17          A     She was somebody who oversee'd the Board of  
18 Firearms Permit Examiners or was a contact to that effect.

19          Q     Did you ever speak with Maryann Boord?

20          A     I don't think so, no.

21          Q     Did you ever have an appointment to meet with  
22 Maryann Boord?

23          A     No.

24          Q     Did you ever discuss with Sue Mazzocoli the  
25 possibility of meeting with Maryann Boord to discuss

1 Mr. Kuck?

2 A I asked who would be the party to call who  
3 oversaw the appointments or the positions, however you  
4 want to term it.

5 Q Okay. And was Detective Karanda involved in that  
6 request of Sue Mazzocoli of who oversaw the appointments  
7 to the board?

8 A Detective Karanda and I discussed it, yes.

9 Q When did that come about where you and Detective  
10 Karanda were interested in learning about who oversaw  
11 appointments to the board?

12 A Again, I can't be precise on a date; but '07,  
13 '08? I don't recall exactly.

14 Q And for what particular reason did you want to  
15 know who oversaw those appointments?

16 A We were curious due to the unprofessional  
17 behavior of Mr. Kuck that if we had an avenue to maybe  
18 speak, that's what we were going to do.

19 Q And again, you hadn't made any formal complaints  
20 in the department about Mr. Kuck?

21 A No.

22 Q Did you consider doing that?

23 A Considered it. But I didn't do it.

24 Q Okay. Did you consider that an avenue that could  
25 be taken?

1           A     I suppose, yes.

2           Q     Did you discuss with Captain Masek or any  
3 supervisor of yours in the Firearms Unit a desire to learn  
4 who was the person who made appointments to the board?

5           A     I don't think I discussed that with them, no.

6           Q     Is this something that you and Detective Karanda  
7 did on your own?

8           A     Yes.

9           Q     Did you ask anybody else besides Sue Mazzoccoli  
10 who the person to speak to might be with regard to  
11 appointments to the board?

12          A     I don't believe so.

13          Q     And why did you go to Sue Mazzoccoli?

14          A     Because I thought she'd have the answer.

15          Q     Exhibit 48. What do you know, if anything, about  
16 discussions that Peter Kuck had with Captain Masek about  
17 the Erisoty case?

18          A     Other than refreshing my memory with this, I  
19 don't have much.

20          Q     Do you know what the Erisoty case was about?

21          A     Yes.

22          Q     And do you know if Mr. Kuck asked Captain Masek  
23 to reopen the case?

24          A     That's what it says here in the e-mail.

25          Q     Okay. How many times have board members that you

1 know of come down to the Firearms Unit about reopening  
2 cases?

3 A It doesn't happen often.

4 Q Okay. Do you recall any instance of it  
5 happening?

6 A Well, by refreshing my memory, this one.

7 Q Okay. But your memory is refreshed and you  
8 recollect it now?

9 A I don't remember the specifics, but I remember  
10 something.

11 Q Okay. And what is that something that you  
12 remember?

13 A Well, I just remember that they came down to see  
14 Captain Masek about the Erisoty case.

15 Q When you say "they," do you mean anybody other  
16 than Peter Kuck?

17 A Well, it said Mr. Carr, too.

18 Q Okay. Were you present at the meeting?

19 A No.

20 Q Did Captain Masek discuss the Erisoty case with  
21 you after Mr. Kuck and Mr. Carr visited?

22 A I believe we had a conversation. But again,  
23 until you put this down in front of me I wasn't even  
24 thinking about it, so I don't have any specific memory.

25 Q Well, now that you are thinking about it, do you

1 have any memory?

2 A Not really. Other than it occurring.

3 Q Okay. Did you make any complaint about Mr. Kuck  
4 or Mr. Carr coming down and trying to reopen or ask to  
5 reopen the case?

6 A With the captain?

7 Q Yes.

8 A No.

9 Q Do you know if the case was reopened?

10 A I don't believe so.

11 Q Was your input sought with regard to whether the  
12 case should be reopened?

13 A It's not really my decision.

14 Q Okay. Well, did Captain Masek pursue the Erisoty  
15 case? Did he present it to the board?

16 A No. Erisoty -- Mr. Erisoty's permit was revoked.  
17 The board upheld the revocation. So truthfully, Captain  
18 Masek couldn't have reopened it, per se.

19 Q It's fair to say that you were more familiar with  
20 the Erisoty case and its facts and circumstances than  
21 Captain Masek?

22 A Yes.

23 Q And my question just was did Captain Masek come  
24 to you to get a better understanding of what the facts and  
25 circumstances of Erisoty were?

1           A     Do I remember specifically? No. Could he be?  
2     Yes.

3           Q     No. 50. Do you know anything about what Sue  
4     Mazzoccoli's referring to in this e-mail to Chris Adams at  
5     Exhibit 50 about an attempt by Mr. Kuck or request by  
6     Mr. Kuck that Captain Masek fire you and Detective  
7     Karanda?

8           A     Well, I don't know if it was "fire" or --  
9     "remove" might have been a better word. I do remember,  
10    again, some of this; that apparently Mr. Kuck was unhappy  
11    with myself and Detective Karanda and maybe didn't feel we  
12    were doing the job we should be. Again, I wasn't in that  
13    conversation.

14          Q     Well, how did you learn about this, if you did  
15    know about this prior to today?

16          A     I remember the captain speaking to Detective  
17    Karanda and I about his unhappiness with us.

18          Q     And what did Captain Masek say?

19          A     Specifically? Honestly, I don't recall. But  
20    basically the gist of it was he wasn't happy with us.

21          Q     Did Captain Masek ask for your side of it?

22          A     I think he was aware because of the issues that  
23    we've had with Mr. Kuck in the hearings. So I think he  
24    was aware there was the lack of communications between  
25    him, and myself and Detective Karanda.

1           Q     And these issues at the hearings, did these  
2 issues occur in the course of the actual hearings before  
3 the board?

4           A     Sometimes.

5           Q     Did issues occur outside the hearings?

6           A     I believe sometimes.

7           Q     And what were these issues that occurred during  
8 the course of hearings before the board?

9           A     Basically, I can speak for myself, I was unhappy  
10 at times with his treatment of people and how he spoke to  
11 them or myself during a hearing. I don't know what more  
12 you're looking for other than that. I didn't -- I don't  
13 speak to him unless I'm sworn in for testimony. I just  
14 don't speak with him. It's just easier that way.

15          Q     And the individuals that in your opinion weren't  
16 treated correctly, were those from both the issuing  
17 authority side, the department side, and the appellant  
18 side, or was it geared towards one side or another?

19          A     I think it was more directed towards law  
20 enforcement.

21          Q     And were there any issues that occurred outside  
22 the formal hearings that were of concern?

23          A     Again I can speak for myself, and I just didn't  
24 speak with him after the point I knew that we didn't  
25 really care for each other. I just stopped speaking to



1 him unless I was sworn in for testimony.

2 Q Did anything ever come about with regard to  
3 efforts to remove you from the Firearms Unit during that  
4 time frame?

5 A I'm still doing my job.

6 Q With regard to Detective Karanda, he's no longer  
7 in the Firearms Unit. Correct?

8 A Yes.

9 Q Do you know if that had anything to do with  
10 efforts to remove him back in 2007?

11 A That was by his own choice to leave.

12 Q And where did he go to; do you know?

13 A To the airport.

14 Q And what was his reason for leaving?

15 A He wanted a change.

16 Q Exhibit 51. This is again an e-mail that wasn't  
17 to or from you. On the first page in the e-mail dated  
18 June 15th, 2007, it mentions a meeting with Detective  
19 Mattson and Karanda. Do you know what meeting that's  
20 referring to?

21 A No.

22 Q And it's from Susan Mazzoccoli. Do you have any  
23 idea what she's talking about when she says at No. 2 of  
24 that e-mail on the first page, June 15th, 2007, that: We  
25 had the meeting with Detective Mattson and Karanda and the

1 results were to review cases alternating 40 cases every  
2 other month and 20 the other? Do you have any idea what  
3 she means?

4 A I do remember us speaking with Mr. Adams  
5 regarding additional checks; you know, to review  
6 additionally. So we decided I guess the 40/20, and so  
7 that's what we were reviewing every other month. Or every  
8 month, I should say.

9 Q Could you help me out? What do you mean "40/20"?  
10 How did that work exactly?

11 A Well, 40 cases we reviewed for one set of  
12 hearings, and then the next set would come 20, and then  
13 the following month would be 40, and the following month  
14 would be 20.

15 Q Okay. And those 40 cases, for example, that you  
16 would review, would those 40 cases be on the agenda  
17 already and you would review them? Or they weren't yet on  
18 the agenda?

19 A I'm sure they were in the backlog, probably  
20 getting ready to go into the agenda. So we were trying to  
21 help clear up that backlog by checking more cases every  
22 other month.

23 MR. SNOOK: If I can interrupt.

24 Are these denials or revocations, or both?

25 THE WITNESS: We would only check

1           revocations -- well, actually at that time we  
2           might have been looking at denials as well. At  
3           that time.

4 BY MS. BAIRD:

5           Q     Well, let me ask you that. At some point the  
6           treatment of denials changed from who appeared on behalf  
7           of the issuing authority. Right?

8           A     Yes.

9           Q     When did that change?

10          A     Approximately two years ago?

11          Q     Do you know what the reason for that change was?

12          A     There was probably a multitude of reasons, but --  
13          specific reason? No.

14          Q     Did it help the State Police in terms of time  
15          that the Firearms Unit had to devote in looking at  
16          revocations cases? Did you have more time?

17          A     I'm sure that was one of them, yes.

18          Q     How long did the process of looking at 40 cases  
19          one month and 20 cases the next, and 40 the next and 20  
20          the next keep up? Are you still doing that?

21          A     No, I'm not specifically doing that now. And I  
22          don't know how long we did do it. I can't really put a  
23          date on it. But we're not really doing that now, no.

24                   MR. SNOOK: This is something I simply  
25                  don't know. I notice that the date on this is

1           June of 2007. We had a previous exhibit which  
2           was a letter dated May of 2007. Is this part of  
3           a -- am I correct in assuming that this is part  
4           of the board or SLFU's efforts to reduce the  
5           backlog?

6                     THE WITNESS: Yes.

7                     MR. SNOOK: Was it successful?

8                     THE WITNESS: I think we always reduced it.  
9           Whether it was good enough was the question.

10                    MR. SNOOK: Do you know what the backlog is  
11           now?

12                    THE WITNESS: I believe we're in the  
13           10-month mark.

14 BY MS. BAIRD:

15           Q       Exhibit 52. When it has, such as Exhibit 52 has  
16           on the "from" line, "Detective Mattson/Karanda," who did  
17           that actually go to or from?

18           A       I don't know who it went to, other than our  
19           Licensing. But it was responded to by Detective Karanda.

20           Q       "Detective Mattson/Karanda," was that a general  
21           e-mail address for the Firearms Unit?

22           A       No. The DPS Special Licensing is the e-mail.

23           Q       Did you each have separate e-mails or is that  
24           address because you shared your e-mail?

25           A       Well, we did share one, but then we had our own.

1 So we have two each.

2 Q Okay. And did you share it because you were the  
3 only two detectives performing the firearms function --

4 A Yes.

5 Q -- in the unit --

6 A Yes.

7 Q -- with regard to revocation?

8 Does the Firearms Unit give out legal advice  
9 with regard to questions about firearms laws in  
10 Connecticut?

11 A They don't like us to give legal advice because  
12 we're not lawyers.

13 Q Okay. Well, I'll ask the question again. You  
14 just said they don't like you to, but do you give out  
15 legal advice about firearms issues in Connecticut?

16 A I answer a lot of questions about firearms. Do I  
17 give out legal advice? No. But do I answer something?  
18 Yes.

19 Q Okay. In looking at Exhibit 52, it appears that  
20 Detective Karanda was responding -- well, if it's from  
21 Detective -- I don't understand. Is it from Detective  
22 Karanda to Detective Karanda?

23 A That I'm not sure, but it appears that he's  
24 responding to a Mr. Wilson, whoever Mr. Wilson is.

25 Q Okay. Had you ever seen this e-mail prior to

1 today?

2 A No.

3 Q Have you ever sent e-mails yourself in response  
4 to questions about whether Connecticut's an open-carry  
5 state or not?

6 A I'm not a big e-mail person, so -- I like the  
7 phone; I like to be able to explain things. So e-mail is  
8 not my away of communicating with people.

9 Q So your testimony is that you have never sent an  
10 e-mail in response to a question --

11 A I respond by them please asking them to call me.

12 Q Okay. So just so the record's clear, I want to  
13 make sure. You've never sent an e-mail in response to a  
14 question about whether Connecticut's an open-carry state?

15 A I don't recall ever sending an e-mail about an  
16 open-carry issue.

17 Q Okay. No. 54, Exhibit 54. On the first page of  
18 Exhibit 54, the first e-mail from Susan Mazzoccoli to  
19 Christopher Adams dated July 17, 2007 it talks about -- or  
20 I'll quote directly: Detective Mattson and Karanda tried  
21 to make an appointment with Maryann, but she convinced  
22 them they didn't need an appointment.

23 Do you have any idea what she's referring to?

24 A I have an idea, yes.

25 Q Okay. Just based on your idea, what is she

1 referring to?

2 A When Detective Karanda and I tried to speak with  
3 Maryann Boord.

4 Q Did you get the impression that Maryann had  
5 convinced you that you didn't need an appointment?

6 A I don't recall us specifically asking for an  
7 appointment, rather than to discuss what can be done, if  
8 anything can be done regarding the problem. I don't  
9 recall specifically appointment rather than questions and  
10 information and things like that.

11 Q Okay. Who was asking the questions?

12 A Myself or Detective Karanda. I think it was  
13 Detective Karanda who actually spoke to her.

14 Q Okay. So Detective Karanda spoke to her and then  
15 reported back to you about the conversation?

16 A Well, I think we were there together trying to  
17 ask her these questions.

18 Q When you say you were there together --

19 A In our office.

20 Q What?

21 A In our office.

22 Q I can't -- in "her" or "ours"?

23 A Ours. Our office. In our office.

24 Q Okay.

25 A Yeah.

1 Q Were you on the phone with her?

2 A I think he was on the phone with her and I was  
3 sitting right there.

4 Q Okay. She wasn't at your office.

5 A Oh, no, no. It was on the phone.

6 Q Did you overhear anything that Ms. Boord was  
7 saying?

8 A Basically what I remembered is not too much was  
9 going to come out of it; that they asked for, as she said,  
10 some new names. And that was pretty much it.

11 Q So it was your understanding that Ms. Boord was  
12 sending a letter to Ye Connecticut Gun Guild asking for  
13 three names to appoint to the board?

14 A Again, I don't remember the specifics, but I do  
15 remember there was going to be a letter sent about some  
16 new names.

17 Q And you weren't involved in trying to get three  
18 names. Correct?

19 A Oh, no.

20 Q And this conversation, was it about Peter Kuck  
21 sitting on the board? Or board members in general?

22 A It was about Peter Kuck sitting on the board.

23 Q Any follow-up to that phone call conversation  
24 that you've just testified about from your office with  
25 Detective Karanda?



1 A No.

2 Q Do you know if Detective Karanda ever spoke to  
3 Maryann Boord subsequent to that?

4 A I don't believe so.

5 Q Other than that contact with Maryann Boord, were  
6 there any other efforts made by you to seek somebody else  
7 to be on the board in Peter Kuck's place?

8 A No. I don't have -- that's not -- no.

9 Q Well, what do you mean -- wasn't that your  
10 purpose in contacting Maryann Boord with Detective  
11 Karanda? To get Peter Kuck off the board. Correct?

12 A Yes.

13 Q Okay. And my question is did you make any other  
14 efforts other than that one to get Peter Kuck off the  
15 board?

16 A No.

17 Q Exhibit 55. This is to Detective  
18 Mattson/Karanda. Was this an e-mail that you received; if  
19 you recall?

20 A I could have received it. I don't remember this  
21 specific one, but --.

22 Q Did you receive e-mails from Sue Mazzoccoli in  
23 the basic format of this e-mail, listing case numbers and  
24 names and dates of birth of individuals who had been  
25 revoked or denied?

1           A       I have received e-mails like that from Sue.

2           Q       Did they come on a regular basis prior to board  
3 meetings?

4           A       I would have to say yes.

5           Q       What was the intent, if you know, of Sue  
6 Mazzoccoli placing on the e-mail a list of 20 for review?

7           A       I think that was one of the months where there  
8 were 20, and then the next month would be 40, then 20,  
9 then 40.

10          Q       And upon receipt of an e-mail such as in  
11 Exhibit 55, what would you do?

12          A       I would start reviewing the cases.

13          Q       What would you review them for?

14          A       To determine if we can reinstate them now or if  
15 they still need to go to hearing.

16          Q       And again at Exhibit 57, is that along the lines  
17 of Exhibit 56; a list of cases that the Firearms Unit  
18 received from Sue Mazzoccoli to review?

19          A       Yes.

20          Q       Did you or have you or do you still contact  
21 appellants and discuss with them settlements where they  
22 agree to remain under revocation status for a particular  
23 period of time and then in the future they can seek  
24 reinstatement?

25          A       Yes.

1 Q And when that agreement is reached, is there an  
2 agreement that they won't go before the board for a  
3 hearing?

4 A Yes.

5 Q What are the various factors that go into your  
6 decision to enter into settlement agreements with  
7 individuals where they agree to remain under revocation  
8 status for a period of time with a specific date for  
9 reinstatement?

10 A Well, it could be different factors. When the  
11 case is resolved. You know, if a court order is vacated.  
12 I mean, it's very hard because there are so many different  
13 types of cases to answer that question.

14 Q Well, let's agree that if there's a court order  
15 in effect, if there is a disqualifier in effect, that  
16 obviously somebody can't be reinstated. Correct?

17 A Right.

18 Q So let's stick to the issues that are entirely  
19 issues of suitability.

20 A Okay.

21 Q Where if they went to a board hearing it would be  
22 at the board's discretion whether they would or would not  
23 be reinstated. Okay?

24 A True.

25 Q In cases like that, do you ever make settlement

1 deals with individuals where they'll remain under  
2 revocation status for a period of time and be reinstated  
3 on a specific date in the future?

4 A Yes.

5 Q And in those cases what are the considerations  
6 that go into it?

7 A I don't know what those cases are you're  
8 referring to. We don't do that. It's not something we do  
9 often. I can't even think of one as of recent. Unless  
10 you had something specific I could answer, it's hard for  
11 me to draw from something without a specific case.

12 Q So you don't have any directives or policies or  
13 guidelines in making your decisions about settling a case  
14 or a reinstatement prior to hearing?

15 A No.

16 Q I mean, that's something totally that you do by  
17 your discretion?

18 A Yes.

19 MR. SNOOK: With respect to suitability?

20 MS. BAIRD: Right. That's what I was  
21 sticking to, just suitability.

22 MR. SNOOK: In cases of revocation for  
23 suitability, was that decision made by you?

24 THE WITNESS: Not to revoke.

25

1 BY MS. BAIRD:

2 Q Okay. I was asking about reinstatement.

3 A Reinstatement.

4 Q Right.

5 MR. SNOOK: Oh, okay.

6 BY MS. BAIRD:

7 Q Because from your testimony, the revocation  
8 decisions are made by a supervisor now. Correct?

9 A Correct.

10 Q This is Exhibit 58, an e-mail, August 21st, 2007.  
11 Do you know what Ms. Mazzoccoli's referring to in this  
12 e-mail at the bottom, "cases removed from tentative list"?  
13 Do you know what the tentative list is?

14 A No.

15 Q Okay. In looking at the tentative list where  
16 there seems to be notes next to them about reinstatement,  
17 permit issued, reinstatement --

18 MR. SNOOK: Are these settled cases?

19 THE WITNESS: Could be.

20 BY MS. BAIRD:

21 Q And again, my next question would have been --

22 MR. SNOOK: Sorry.

23 MS. BAIRD: No, no. "Is," "my next  
24 question is." Because you actually completed my  
25 question.

1 BY MS. BAIRD:

2 Q My next question is, is the tentative list a list  
3 of cases to review to resolve prior to hearing? But your  
4 testimony is you don't know what the tentative list is  
5 that she's referring to?

6 A I don't know.

7 Q Okay. Have you ever heard the term "tentative  
8 list" used in the Firearms Unit?

9 A It's not familiar to me. This is familiar to me.  
10 (Indicating.) That's not familiar to me.

11 Q Okay. This is Exhibit 60, and it's from Sue to  
12 again the e-mail Detective Mattson/Karanda. Do you recall  
13 Sue asking you about information in particular when the  
14 meeting occurred that Peter had with Captain Masek about  
15 removing or firing you?

16 A I don't recall this e-mail at all.

17 Q Okay. Do you recall Sue following up and  
18 attempting to get information from you about that  
19 situation with Peter Kuck and Captain Masek about your  
20 position in the Firearms Unit?

21 A I know we spoke about it, as I previously stated;  
22 but other than that I don't have much of a recollection of  
23 it.

24 Q Okay. Do you recall back in September and  
25 October 2007 that there were meetings of the board where

1 it was under consideration that Mr. Kuck wouldn't be the  
2 secretary anymore of the board?

3 A I do remember.

4 Q Did you have any conversations with Sue  
5 Mazzoccoli about that, about Mr. Kuck being removed as  
6 secretary?

7 A I wouldn't have been unhappy.

8 Q Okay. Did you have any discussions with Sue  
9 Mazzoccoli about it?

10 A Probably.

11 Q Did you have any discussions with Detective  
12 Karanda about it?

13 A Probably.

14 Q And when you say you wouldn't have been unhappy,  
15 you wouldn't have been unhappy that Mr. Kuck was removed  
16 as secretary?

17 A Yes.

18 Q And, in fact, he was. Correct?

19 A Yes.

20 Q Did you discuss with Sue Mazzoccoli at that time,  
21 in September and October 2007, Mr. Kuck being removed from  
22 the board entirely?

23 A I don't remember when I spoke to her.

24 Q And this is actually Exhibit 44 which goes back  
25 to 2006. It's an e-mail at the top of the first page of

1 Exhibit 44, from Sue Mazzocoli to Chris Adams. She's  
2 discussing a conversation that she had with you about  
3 interviewing three individuals before the hearing, and if  
4 their answers are correct they will issue permits.

5 Do you recall saying anything like that to Sue  
6 Mazzocoli?

7 A Before I issue a permit I ask some questions to  
8 make sure that everything is squared away regarding  
9 whatever the issue of the revocation was. I think that's  
10 what she is saying.

11 Q Okay.

12 A So I do that with everybody before I reinstate a  
13 permit.

14 Q Okay. And then going to the bottom of the first  
15 page of Exhibit 44, it talks about in that e-mail from Sue  
16 Mazzocoli to Christopher Adams dated May 30th, 2006,  
17 "starting with 20 cases to review and have 12 cases  
18 scheduled. Detective Mattson and Sergeant Rosado were to  
19 meet today to discuss this schedule."

20 Who is Sergeant Rosado?

21 A He was one of the sergeants who's also an  
22 attorney who represented us for some period of time at the  
23 hearings.

24 Q The schedule that's referenced there, do you know  
25 if that's the same as the agenda for the board meeting?



1 A Yes.

2 Q And it looks like as far back then as 2006 that  
3 there were cases being resolved prior to board hearings;  
4 is that correct?

5 A Yes.

6 Q Has that gone on for as long as you've been a  
7 member of the Firearms Unit?

8 A Yes.

9 Q Did you know the current secretary of the board,  
10 T. William Knapp, prior to his joining the Board of  
11 Firearms Permit Examiners?

12 A I was aware of him, yes.

13 Q How were you aware of him?

14 A He was the former chief of Wethersfield, and he  
15 was also down at P.O.S.T.

16 Q Had you had any contact, direct contact with --  
17 I'll call him Chief Knapp -- with Chief Knapp prior to his  
18 becoming a member of the board?

19 A Yes.

20 Q Had any of that contact been with regard to  
21 firearms issues?

22 A Yes.

23 Q When did that contact occur?

24 A I don't even know how long he's been on the  
25 board. Probably three or four years ago? Again, I don't

1 recall specifically, but three or four years ago.

2 Q And other than the one contact that you're  
3 testifying occurred, you know, three or four years ago,  
4 was there any contact prior to that with regard to  
5 firearms issues?

6 A No. I think that was the only contact I had with  
7 him.

8 Q Okay. And it sounds like from the statement you  
9 just made that you haven't had any contact with him since  
10 that contact three or four years ago.

11 A Just through the board.

12 Q What was the reason -- well, first of all, who  
13 contacted whom? Did he contact you or did you contact him  
14 initially three or four years ago?

15 A I believe it was I who contacted him.

16 Q And for what reason did you contact him?

17 A About firearms.

18 Q What kind of -- what issue was it?

19 A He received guns in a protective order.

20 Q What does that mean "he received guns in a  
21 protective order"?

22 A He received guns from a party who was under a  
23 protective order, and the transfers were not completed  
24 properly.

25 Q So when you say a party was under a protective

1 order, there was somebody other than Chief Knapp who was  
2 issued a protective order against them?

3 A Yes.

4 Q And how did you learn that Chief Knapp was  
5 involved in this transfer from the person who had their --  
6 who had had a protective order issued against them?

7 A From that person.

8 Q And what did you do to follow up on that  
9 information?

10 A I contacted Mr. Knapp and explained to him where  
11 there were some errors made regarding the transfer of the  
12 guns.

13 Q And what were the errors made?

14 A He received some long guns without doing the  
15 authorization and the paperwork.

16 Q What paperwork is required for the transfer of  
17 long guns?

18 A The DPS-3 and the DPS-67 when you're under a  
19 protective order.

20 Q So the Firearms Unit had not received completed  
21 DPS-3s?

22 A Correct.

23 Q Okay. What did you say to Chief Knapp with  
24 regard to that lack of paperwork?

25 A I told him I was on my way to his house to pick

1 the guns up.

2 Q And what did he say?

3 A He wasn't very happy about that.

4 Q Okay. Do you recall what he said?

5 A I don't recall specifically, I just knew that he  
6 was unhappy.

7 Q And did you go to his house to pick the guns up?

8 A No.

9 Q Why not?

10 A On the way to his house, Wethersfield P.D.  
11 contacted myself and Detective Karanda and said he was at  
12 the P.D. surrendering the firearms.

13 Q Did you make any threats to Chief Knapp in your  
14 conversation with him?

15 A I told him what the law was. He told me that  
16 wasn't the law, and I told him if he breaks the law that  
17 he can be arrested for breaking the law.

18 Q Did you say anything with regard to his state  
19 permit?

20 A I don't recall anything about his permit.

21 Q Okay. And what law was it that is violated when  
22 the proper forms aren't filled out?

23 A Well, due to the protective order, the  
24 legalities, all the firearms have to be legally  
25 transferred when one party is under a court order

1 transferring to then another party. So they weren't legal  
2 transfers under the protective orders.

3 Q Did you go to the Wethersfield Police Department  
4 to follow up on it?

5 A Yes.

6 Q And when you got there, what was revealed about  
7 the status of the location of the firearms?

8 A They were in the evidence room of Wethersfield  
9 P.D.

10 Q Do you know what ultimately happened to those  
11 firearms?

12 A No.

13 Q Do you know if they were transferred or --

14 A I don't recall.

15 Q I just handed you Exhibit 17. Have you ever seen  
16 Exhibit 17 before?

17 A Yes.

18 Q How did you have the occasion to see Exhibit 17?

19 A My superior showed it to me.

20 Q And who was the superior?

21 A Colonel Arciero.

22 Q And when Exhibit 17 was shown to you, was it in  
23 the context of discussing it?

24 A Just to make me aware of what was written about  
25 me.

1 Q Okay. And were you questioned about what was  
2 written about you?

3 A I don't think I was questioned.

4 Q Was it discussed what was written about you?

5 A I guess we could say it was discussed.

6 Q And how long was the discussion with -- what's  
7 his rank? Colonel?

8 A Colonel Arciero.

9 Q Colonel Arciero.

10 A He's since retired.

11 I don't know, maybe I was with him 20 minutes.

12 Q Was there any discussion about in particular the  
13 reference by Sergeant Hall to shredding documents?

14 A That's what it says in the letter.

15 Q Okay. But in your discussion with Colonel  
16 Arciero was there any discussion specifically with regard  
17 to the reference in Exhibit 17 about shredding documents?

18 A Yes.

19 Q Do you know what Sergeant Hall was referring to?

20 A Yes.

21 Q What was he referring to?

22 A A singular piece of paper that came across my fax  
23 with no heading to it or anything to know where it went.  
24 I get a large volume of paperwork coming over my fax.  
25 Sometimes it's to me, sometimes it's faxed inadvertently

1 to me from somebody else's doctor's office, et cetera. I  
2 had no idea what this single piece of paper was. I asked  
3 a couple people; nobody knew what it was. I shredded it.

4 Q And was any follow-up taken by Colonel Arciero or  
5 anybody else at the department with regard to the  
6 reference in Exhibit 17 to shredding?

7 A No.

8 Q With regard to any of the other commentary by  
9 Sergeant Hall about you in Exhibit 17, do you have any  
10 disagreement with what he says? And I'm looking for my  
11 copy so I can direct you specifically to the areas. So  
12 just give me a second here.

13 A (Reviewing.) What is the specific question you  
14 asked?

15 Q I'll find my copy so it will make it easier.

16 In paragraph three of Exhibit 17, Sergeant Hall  
17 indicates, and I quote: I continue to feel that Trooper  
18 First Class Mattson's views of suitability and strong  
19 opinions need to be tempered by a supervisor allowed to  
20 monitor and control the revocation and reinstatement  
21 decisions.

22 Do you agree with that?

23 A No.

24 Q In the fourth paragraph Sergeant Hall indicates:  
25 I have spoken with Trooper Hatfield regarding the Board of

1 Firearms Permit Examiners hearings and how my transfer  
2 would impact the agency's presentment of solid cases. He  
3 relayed his concerns to me about presenting cases that are  
4 prepared by Trooper First Class Mattson.

5 Did Trooper Hatfield ever discuss with you any  
6 concerns about his presenting cases prepared by you?

7 A No.

8 Q Do you know what he's talking about?

9 A No.

10 Q It goes further in the fourth paragraph to say:  
11 He also provided specific issues that he has encountered  
12 in his preparation of cases, including one instance where  
13 Trooper First Class Mattson shredded a police file that  
14 had just been faxed to the revocations fax machine  
15 regarding an appeal before the board scheduled for the  
16 next day.

17 It's your testimony that that was not a police  
18 file, it was one page?

19 A It was one page.

20 Q And then just to follow up on any areas where you  
21 were mentioned in Exhibit 17, the sixth paragraph  
22 indicates: I do not and have not doubted Trooper First  
23 Class Mattson's drive or knowledge of the protocol or  
24 revocations process. I do not write this as a negative  
25 commentary. It is partially her strong beliefs and drive



1 that raise my concerns.

2 Do you know what he's talking about when he says  
3 "strong beliefs and drive"?

4 A No.

5 Q Do you believe that individuals other than police  
6 officers should not possess firearms?

7 A One more time with that question?

8 Q Are you of the opinion that individuals other  
9 than police officers should not possess firearms?

10 A It's like a double negative you're asking me. Do  
11 I think people other than law enforcement should have  
12 firearms?

13 Q Okay. Do you?

14 A I don't have a problem with that.

15 Q Okay. It's alleged in the complaint that you  
16 made a statement at some point in time that only police  
17 officers should have firearms, and so I'm asking you do  
18 you deny that you ever made that statement?

19 A I have no recollection of that comment.

20 Q Okay.

21 A If you're a lawful person, you're a lawful  
22 person.

23 Q Okay. When you say you have no recollection of  
24 the comment, is that a comment you could have said?

25 A I doubt it.

1 Q Okay.

2 A Maybe jokingly. But I doubt it because I don't  
3 have a problem with people other than law enforcement  
4 having guns.

5 Q Well, I mean that's not an outrageous opinion,  
6 though. You've heard people express that opinion before.  
7 Right?

8 A Oh, yes.

9 Q It's not like nobody has that opinion.

10 A True. But that's not my opinion.

11 Q Okay.

12 MR. SNOOK: Before we leave this -- are you  
13 done with this letter?

14 MS. BAIRD: Yes.

15 MR. SNOOK: Just one or two.

16 As a result of this letter which I  
17 understand -- this -- the top heading is from  
18 Mr. Peruta to myself, I believe. The second one  
19 I believe on February 26, 2010, I believe that's  
20 the date of the transfer?

21 MS. BAIRD: Right. Right.

22 MR. SNOOK: From this February 26, 2010  
23 letter, were you subject to any discipline  
24 within the State Police?

25 THE WITNESS: No.

1 MR. SNOOK: Was there a formal complaint  
2 filed against you for your conduct, to your  
3 knowledge, by SLFU?

4 THE WITNESS: No.

5 MR. SNOOK: Do you, in fact, permit your  
6 personal opinions to enter into your revocation  
7 decisions?

8 THE WITNESS: No.

9 BY MS. BAIRD:

10 Q Are there instances in the Firearms Unit where  
11 two different detectives could have different opinions  
12 about a revocation?

13 A Yes.

14 Q And are there instances in the Firearms Unit  
15 where two detectives could have disagreement about  
16 reinstatement?

17 A Yes.

18 Q There was an incident previously where you were  
19 investigated or where there was an Internal Affairs review  
20 conducted with regard to your discharge of a firearm.  
21 Correct?

22 A Yes.

23 Q Did any action result in terms of your ability to  
24 carry a firearm?

25 A I did not discharge the gun.

1 Q So what happened?

2 A The gun --

3 MR. SNOOK: Is this -- if I can just go off  
4 the record for one second.

5 (Brief discussion held off the record.)

6 BY MS. BAIRD:

7 Q Let me ask this. Maybe we can cut this short.  
8 Have you seen the Internal Affairs investigation?

9 A No.

10 Q Oh. Because my next question was going to be if  
11 you agreed with it or not.

12 A I've never read it.

13 Q Okay.

14 MS. BAIRD: Well, then I'm going to ask.  
15 I'm going to ask what happened. Because, No. 1,  
16 it's a witness who was in the Firearms Unit and,  
17 my understanding, there was an Internal Affairs  
18 investigation about the discharge of a firearm.  
19 And this is a person that has already said that  
20 she makes decisions about reinstatement with  
21 regard to permits that -- no guidelines or  
22 policies, that they're discretionary. And part  
23 of this lawsuit is about investigations and  
24 discretion and how that discretion is exercised  
25 in terms of revocations. So I'm going to claim

1           it.

2           MR. SNOOK:   Okay.   We'll continue this.

3           I assume you're comfortable answering?

4           THE WITNESS:   (Shrugging.)

5           MR. SNOOK:   If it's okay.   If it's  
6           something you feel you can answer, let's answer  
7           it and see how far we'll go.   I will put the  
8           objection on the record if this ever goes  
9           further.   But why don't you -- if you can  
10          discuss what this incident is all about.   This  
11          is the first I've heard about it.

12          A       We seized a gun from a felon.   It was a revolver.  
13          The revolver could not be cleared.   When I brought the  
14          revolver to the vault, the vault person -- I explained  
15          that the gun was not cleared; there was a jam of some  
16          sort.   And she proceeded to try to clear the gun and there  
17          was a discharge.

18          BY MS. BAIRD:

19          Q       Okay.   And you've already testified that you've  
20          never read any report with regard to an investigation by  
21          Internal Affairs.   Did you know previous to today that  
22          there had been an investigation conducted?

23          A       Oh, yes.

24          Q       And you participated in the investigation?

25          A       Oh, yes.

1 MR. SNOOK: If I can?

2 Is it usual to have an investigation where  
3 there is a discharge of a firearm?

4 THE WITNESS: Oh, yes.

5 MR. SNOOK: And would you say that -- just  
6 to make sure that I understood your former  
7 testimony, are you claiming that there are no  
8 limitations on determination of suitability in  
9 the context of revocation?

10 THE WITNESS: One more time?

11 MR. SNOOK: That was a really bad question.

12 In terms of determining suitability,  
13 talking only about revocation for purposes of  
14 suitability, are you saying that that is utterly  
15 without any -- what would you say? That's  
16 really random? That there's no parameters in  
17 that? Well, how -- in the determination of  
18 suitability, what do you look for?

19 THE WITNESS: Acts that aren't -- that  
20 aren't suitable, that aren't --

21 MR. SNOOK: Which would include? Can you  
22 give me examples?

23 THE WITNESS: It would include waving a gun  
24 or brandishing a gun when I'm driving down a  
25 highway. Or pulling a gun during an altercation

1           where maybe that hasn't risen to that level, or  
2           something to that effect. A D.W.I. with a gun.  
3           Drugs and guns.

4           MR. SNOOK: Thank you.

5           MS. BAIRD: Oh, I thought you were telling  
6           her to keep going with examples. I'm like, wow,  
7           this is going to take a while. Sorry.

8 BY MS. BAIRD:

9           Q     Exhibit 20 I need, if you can dig that up; it's  
10          the auditors' report.

11          Okay. Exhibit 20. Exhibit 20 is an auditors'  
12          report for the Board of Firearms Permit Examiners. In  
13          your capacity in the Firearms Unit, were you ever  
14          provided copies of these or given an opportunity to  
15          review these?

16          A     I have seen them. I don't know if this is a  
17          specific one I've seen, but I have seen them.

18          Q     Okay. During your time in the Firearms Unit when  
19          the auditors were conducting these audits, to your  
20          knowledge did the Firearms Unit participate by providing  
21          any information?

22          A     I don't recall. If they asked questions,  
23          obviously we would have answered them.

24          Q     And I'll make it more specific. Do you recall  
25          ever being asked questions or participating in any of the

1 audits?

2 A I get audited for several things. I can't recall  
3 if it was this one. But if I was, I answered them. Or if  
4 Sue had questions, I answered them. I just don't recall  
5 it.

6 Q Okay. Let me direct your attention to Page 4 of  
7 Exhibit 20, at the bottom where it talks about cause. It  
8 talks about the board in the first sentence; that the  
9 board has not increased either the number of appeals  
10 scheduled at each hearing or the frequency of the  
11 hearings.

12 As a member of the Firearms Unit directly  
13 involved in appeals held before the board, has that been  
14 your impression, that one cause of the backlog has been  
15 the board not increasing the number of appeals scheduled  
16 at each hearing or the frequency of the hearings?

17 A This was several years ago, if I'm not mistaken.

18 Q I'm just asking you in general at any point.

19 A Several years ago the schedules were less  
20 frequent. Over the last couple of years more hearings  
21 have been added.

22 Q And when they were less frequent, were they held  
23 on a monthly basis?

24 A Yes.

25 Q And how often are they held now?



1           A       Well, they've been held, since September, two  
2 hearing dates a month; but we were going on four  
3 additional hearings quarterly. So 16 hearing days a year  
4 up until, like I said, this past September where we've  
5 been doing two a month now.

6           Q       And I think I heard you -- I'm not sure if we  
7 were on the record or not, but I think I heard you say  
8 that the wait period now is about 10 months between the  
9 time somebody appeals and the time their appeal is  
10 actually heard?

11          A       That's what my understanding is, we're about at  
12 the 10-month mark.

13          Q       And do you, again, just from your position in the  
14 Firearms Unit as somebody who appears before the board,  
15 see any relationship between the increased frequency of  
16 the board meetings and the decrease to a 10-month wait  
17 period?

18          A       Yes.

19          Q       Going on in this auditors' report -- and it is  
20 from 2003 and 2004, Exhibit 17, Page 4 -- it talks about  
21 at the bottom: The backlog was exacerbated when they did  
22 not reschedule two canceled meetings.

23                    Again, from your perspective in the Firearms  
24 Unit do you agree that if the board cancels meetings,  
25 then that contributes to a backlog in appeals?

1 A Yes.

2 Q And again at Page 4 at the bottom, it talks about  
3 DPS contributed to the backlog by not reviewing and  
4 settling a majority of the cases until the month of the  
5 scheduled hearing.

6 Is there a reason why it is not reasonable or  
7 was not reasonable to expect the State Police to review  
8 and settle a majority of the cases prior to that month of  
9 the scheduled hearing?

10 A What's the question, though?

11 Q Okay. They are saying that DPS contributed to  
12 the backlog by not reviewing and settling a majority of  
13 the cases until the month of the scheduled hearing.

14 Is that a reasonable accusation? I mean was it  
15 possible for DPS to review and settle a majority of the  
16 cases prior to that? Are they saying --

17 A As I stated earlier, it was a time -- just having  
18 the time to review the cases.

19 Q Has there been during your time in the Firearms  
20 Unit a fluctuation in the number of personnel assigned to  
21 your duties in the revocation process, reinstatement  
22 process, the state permit process?

23 A Yes.

24 Q And what has that fluctuation been?

25 A One or two.

1 Q Okay. So sometimes there's been one and  
2 sometimes there's been two?

3 A It's been two pretty steadily over these years,  
4 but when I first got there it went from one to two, to one  
5 to two.

6 Q Okay.

7 MR. SNOOK: Before we go further, is that  
8 the only time that cases are settled is  
9 immediately before hearing? Or are there times  
10 that cases can be settled the day you get the  
11 paperwork in?

12 THE WITNESS: Exactly. Yes.

13 MR. SNOOK: So there are cases that are  
14 settled -- have you ever received a police  
15 report that is so deficient that you turned  
16 around and sent the permit right back to the  
17 permit holder?

18 THE WITNESS: Yes.

19 MR. SNOOK: Have there been times that as  
20 part of the agency's efforts, you have reviewed  
21 the overall docket and reviewed cases and  
22 returned the permit?

23 THE WITNESS: Yes.

24 MR. SNOOK: And are also there times when  
25 in preparation for hearings you have reviewed

1 files and returned permits?

2 THE WITNESS: Yes.

3 BY MS. BAIRD:

4 Q Has the increase in the frequency of the board  
5 meetings placed a greater pressure on the Firearms Unit  
6 because more cases are required to be prepared?

7 A Yes.

8 MR. SNOOK: While you're looking through  
9 that.

10 Detective Mattson, are you aware of any  
11 times that the board has scheduled hearings of  
12 all of a certain type of appeals, say, for  
13 efficiency sake?

14 THE WITNESS: Yes.

15 MR. SNOOK: In your opinion, does that  
16 improve efficiency?

17 THE WITNESS: It helps resolve some of the  
18 backlog.

19 MS. BAIRD: I'm looking for a particular  
20 exhibit and I'm not finding it.

21 MR. SNOOK: Do you guys want to take a  
22 lunch break?

23 MS. BAIRD: Yes. Let me get these exhibits  
24 in order during lunch; I'll go through this a  
25 lot faster. I think I probably have about an

1 hour left. Well, that's -- do you want to go  
2 into this now or --

3 MR. SNOOK: I'm just curious.

4 (A recess was taken at 12:50 p.m.)

5 (The proceedings resumed at 1:28 p.m.)

6 BY MS. BAIRD:

7 Q Let me hand you Exhibit 8. Have you seen this  
8 State of Connecticut DPS notice about the Second Amendment  
9 Rally dated April 10th -- well, the rally was on  
10 April 10th, 2010?

11 A Yes.

12 Q Did you have any input into the drafting of  
13 Plaintiff's Exhibit 8?

14 A No.

15 Q Do you know how it came about that Plaintiff's  
16 Exhibit 8 was drafted?

17 A No.

18 Q Did someone in the Firearms Unit draft it?

19 A I don't know anything other than I saw it. I  
20 don't know who drafted it.

21 Q Okay. So you saw after it was already a  
22 completed notice.

23 A Yes.

24 Q Okay. When you saw it after it was a completed  
25 notice, did you ask anybody about why this notice issued?

1           A     No.

2           Q     Did you try to determine who had had any input  
3 into the notice?

4           A     No.

5           Q     Do you see this notice as pertaining to your job  
6 in the Firearms Unit in any way?

7           A     Well, it has to do with carrying a firearm.

8           Q     Is that a yes or a no?

9           A     A yes.

10          Q     Has this notice in Plaintiff's Exhibit 8 affected  
11 your decision-making in terms of revocations or  
12 reinstatements in the Firearms Unit?

13          A     I have to tell you I haven't thought about it  
14 since I saw it the first time until now.

15          Q     And when you saw it, was there any discussion in  
16 the Firearms Unit about this notice in terms of  
17 revocations and reinstatements?

18          A     No. The rally was already over by the time I saw  
19 this, so --.

20          Q     Okay.

21          A     It was kind of moot.

22          Q     So is it your testimony that the positions stated  
23 in Plaintiff's Exhibit 8 just applied to the rally?

24          A     That's not what I said.

25          Q     Okay. So is that a no?

1           A     What is your question?

2           Q     I had asked you if the position stated in  
3     Plaintiff's Exhibit 8 had had any effect on the  
4     performance of your decision-making duties in the Firearms  
5     Unit in terms of revocations and reinstatements, and I  
6     thought I had heard you say, well, by the time I got this  
7     the rally was over, so it's a moot point.

8                     So I asked you, is it your testimony then that  
9     this Plaintiff's Exhibit 8 and the position stated in it  
10    only applied to the rally? So since the rally is over,  
11    it doesn't matter what Plaintiff's Exhibit 8 says?

12          A     You basically -- if I'm understanding you, you  
13    just want to know if we apply anything in our office  
14    that's stated on this memo?

15          Q     Right.

16          A     Okay. We review every case that comes across our  
17    desk for revocation individually.

18          Q     Okay.

19          A     Each case is looked at differently, for whatever  
20    the factors. Because I don't think any two cases are  
21    probably ever the same; or very few, anyway. So could  
22    some of these be partial in our decision-making process?  
23    That's possible. But our decision-making was before this  
24    memo came out for the rally.

25                     Does that make sense?

1 Q Well, you're still making decisions, though.

2 Right?

3 A Yes.

4 Q Okay.

5 A Yes. Could some of these be applicable? Surely.

6 But the memo isn't bearing weight, per se, on what we're

7 doing in the office.

8 Q Okay. Do you ever make decisions about

9 reinstatement of state permits based on an appellant's

10 demeanor on the phone in a conversation with you?

11 A In what manner?

12 Q For instance, if an appellant is talking to you

13 on the phone and maybe they're not polite to you, you make

14 a reinstatement decision based on that?

15 A I've reinstated people who have been polite and

16 who haven't been polite to me.

17 Q Okay. So I'm still not getting an answer to my

18 question. The question was do you consider a person's

19 demeanor, for instance, if they're not polite to you on

20 the phone, in decisions whether to reinstate that person

21 or not?

22 A No.

23 Q Okay. I'll hand you Exhibit 7. Just directing

24 your attention to what's termed section eight on the

25 second page of Exhibit 7. And again, you didn't write



1 this and it's not to you. I'll ask you if you've ever  
2 seen this exhibit, first of all, this February 24th, 2009  
3 letter?

4 A No.

5 Q Do you become involved at all in decisions about  
6 changes or requests for amendments of various firearms  
7 laws?

8 A Yes.

9 Q Who will come to you for your input on that?

10 A Could be just something within our office. Or  
11 Steve Spellman who works in our commissioner's office is a  
12 lawyer, he may ask us a question.

13 Q What kinds of issues have come up in the past,  
14 let's say since 2007, with regard to discussions about  
15 changes that the department would like to see in firearms  
16 statutes?

17 A Since 2007?

18 Q Yes.

19 A That we have submitted?

20 Q Yes.

21 A I believe we submitted a statute regarding a  
22 concealed weapon statute. That's the only one that's  
23 coming to the top of my head right now.

24 Q Okay. What input, if any, did you offer with  
25 regard to whether legislation was needed in terms of the

1 issue of concealed carry in Connecticut?

2 A I thought it would help clarify the issue of  
3 whether it was to be an open-carry or concealed. I think  
4 it would make it easier understood for not just law  
5 enforcement, but for the civilians out there calling us  
6 when they see people walking or -- or exposing a weapon.

7 Q When did it first come to your attention that  
8 there may be a need for that clarification?

9 A Probably after this case.

10 Q When you say "this case," you're referring to  
11 James Goldberg's case --

12 A Yes.

13 Q -- in 2007? How many times, if you know, has the  
14 department sought an amendment to that firearms statute to  
15 clarify the concealed-carry versus open-carry issue?

16 A Twice? I think?

17 Q Have you ever been told, has Mr. Spellman ever  
18 told you why it's never passed?

19 A No.

20 Q How many times did you meet with Commissioner  
21 Danaher while he was the commissioner of DPS?

22 A Not very many times.

23 Q So do I take that to mean you met with him at  
24 least once?

25 A Yes.

1 Q Could it have been more than once?

2 A It could have.

3 Q And when you met with him, do you recall if it  
4 was about firearms issues?

5 A Yes.

6 Q Were there any particular cases that were  
7 discussed in terms of those firearms issues?

8 A Well, I remember one point after the Virginia  
9 Tech shootings where he came to me regarding a mental  
10 health legislation and what was going on with that. I  
11 believe we had a conversation about Mr. Goldberg. And  
12 other than that, I'm not having anything stand out in my  
13 head.

14 Q At what point in the progress of Mr. Goldberg's,  
15 you know, revocation in 2007 through his reinstatement in  
16 September 2008, at what point did you have that discussion  
17 with Commissioner Danaher about Mr. Goldberg?

18 A I don't recall when that was.

19 Q And what was the discussion about?

20 A If I recall, it was just the gist of what  
21 happened, why it happened, what we had done. And just  
22 filling him in on the whole issue.

23 Q Were you directed by him to do anything as a  
24 result of the information you gave him about the case?

25 A No.

1           MR. SNOOK:  If you recall, your  
2           conversation with the commissioner would have  
3           followed the revocation; am I correct?

4           THE WITNESS:  After the revocation, yes.

5           MR. SNOOK:  So you had already made that  
6           decision to revoke.

7           THE WITNESS:  Yes.

8           MR. SNOOK:  Then there was some discussion  
9           with the commissioner?

10          THE WITNESS:  Yes.

11          MR. SNOOK:  Filling him in on the facts of  
12          the case?

13          THE WITNESS:  Yes.

14          MR. SNOOK:  And do you recall anything else  
15          about the specifics of the meeting?

16          THE WITNESS:  No.

17          MS. BAIRD:  Let me have this marked as the  
18          next exhibit.

19          (Plaintiff Exhibit 61 marked for  
20          identification.)

21  BY MS. BAIRD:

22           Q     Detective Mattson, we had some testimony from you  
23           today about Plaintiff's Exhibit 26, and you had testified  
24           that the content of Plaintiff's Exhibit 26 had come from a  
25           computer database in the Firearms Unit?

1           A       Yes.

2           Q       Am I correct on that?

3           A       Yes.

4           Q       And then I just handed you Exhibit 61. It has  
5 pages numbered in it up to 1146. What I'd like to confirm  
6 with you is that this information contained in Exhibit 61  
7 came from the same computer database of the Firearms Unit  
8 as the Exhibit 27 that you've already testified about?  
9 And I'm just trying to figure out what the easiest way to  
10 go about this is, and you're going to have to help me on  
11 this in terms of how much review you'd need of Exhibit 61  
12 to answer that question.

13          A       Well, it does look like the information that I  
14 would say you queried our office to get it. Right? So I  
15 would have to say this is the information in our computer.

16          Q       And just in going through Exhibit 61, on the  
17 first page -- and by "first page" I mean the upper half of  
18 the first page numbered "1" --

19                   MR. SNOOK: If I may? Did you receive this  
20 through a FOIA request or anything?

21                   MS. BAIRD: I did, yes.

22                   MR. SNOOK: Oh, maybe that's -- I think we  
23 can go right in.

24                   MS. BAIRD: Yes.

25                   MR. SNOOK: If you got this through a FOIA

1 request and it was sent to you by state  
2 officials, it's good.

3 MS. BAIRD: Right. Right.

4 MR. SNOOK: So I wouldn't worry.

5 MS. BAIRD: Right.

6 BY MS. BAIRD:

7 Q On the first page numbered "1," top half of the  
8 first page where it has the number "1," it has a category  
9 called "Reinstated." Correct?

10 A Mm-hmm.

11 Q And then it has a category entitled "Incident"?

12 A Yes.

13 Q And then it has a category entitled  
14 "Miscellaneous"?

15 A Yes.

16 Q Am I correct for each one of these categories  
17 that the incident described therein is taken from -- and  
18 correct me if I'm wrong -- but taken from -- I'm handing  
19 you Plaintiff's Exhibit 27 where it has "Details." Is  
20 that where the incident information in Exhibit 61 is  
21 obtained from, the computer database screen where it says  
22 "Details" on Exhibit 27?

23 A Yes. I believe so.

24 Q Okay. And then in Exhibit 61 it has a category  
25 called "Miscellaneous." Am I correct that that

1 information comes from that part of the computer database  
2 that is exhibited on Plaintiff's Exhibit 26?

3 A Yes.

4 Q And in Exhibit 61, for example, where there are  
5 initials -- and I'll direct your attention again to  
6 Page 1 -- it has initials "TMK" and "DAH." If any entry  
7 in Exhibit 1 is made by you, it would have "BJM"?

8 A Yes.

9 Q For example, I see one on Page 5. It's actually  
10 the third page in, but it's 5 on the top. It says "BJM."  
11 That would be your initials, correct?

12 A Yes.

13 Q Okay. I'm not going to -- that's good enough.  
14 I'm not going to go through any further with those.

15 MS. BAIRD: That's all the questions I  
16 have. I'm sorry. I thought it would take  
17 longer.

18

19 CROSS-EXAMINATION

20

21 BY MR. SNOOK:

22 Q Going through these, I see a number seem to be  
23 disorderly conduct, protective orders, restraining orders.  
24 Are these the sorts of factors that sometimes go into the  
25 revocation decision?

1           A     Yes.

2           Q     I believe you testified earlier that you have as  
3 many as 2,000 cases a year; am I correct?

4           A     Yes.

5           Q     How many calls do you get a day?  If you can  
6 guesstimate.

7           A     I would say easily 150.

8           Q     Are these calls related to particular incidences  
9 or are they -- well, what other things would you be doing  
10 other than just dealing with revocations and denials?

11          A     Well, legislation, as we just discussed.  We deal  
12 with other police departments, the courts, other agencies  
13 outside of the state.  Federal agencies.  We're the NICS  
14 point of contact, so we deal with NICS issues.

15          Q     Do you ever have questions from out of state  
16 or --

17          A     Absolutely.

18          Q     -- questions from the public?

19          A     Yes.

20          Q     So hypothetically, a person in New York is going  
21 hunting in Maine and they're coming through Connecticut,  
22 and they want to know what the rules are.  That sort of  
23 thing happen?

24          A     Yes.

25          Q     And how do you become involved with the cases



1 involving protective orders? Does the court let you know?

2 A Yes.

3 Q Okay. And what do you do when you get one of  
4 these protective orders?

5 A I'm mandated to notify the jurisdiction of where  
6 the ineligible party now lives. We send certified mail to  
7 the party who is now being revoked or prohibited from the  
8 firearms. We send notice to the police department of  
9 jurisdiction, and protective and restraining order if  
10 people are to be compliant within two business days of the  
11 issuance of a court order.

12 Q Two days.

13 A Two business days.

14 Q So you have to basically drop everything else and  
15 deal with it then.

16 A We do.

17 Q If you can answer this question. Have you seen  
18 an increase in the number of domestic incidents in  
19 Connecticut since you became part of the SLFU?

20 A Yes.

21 Q Has that had an impact on your workload?

22 A Yes.

23 Q Have there been times when you have, in fact,  
24 permitted a person, reinstated a person who has had a  
25 domestic incident?

1 A Yes.

2 Q Have you reinstated people at the end of a  
3 protective order?

4 A Yes.

5 Q I notice on one of these, Page 5 I noticed it, it  
6 appears on the top of Page 5 -- this is Exhibit 62 [sic]?  
7 This refers to 1/22/08 app -- which I assume is  
8 "appellant" -- about a dismissal?

9 A Yes.

10 Q And then the same day -- and this is your  
11 initials, am I correct, "BJM" --

12 A Yes.

13 Q -- were reinstated?

14 A Yes.

15 Q And that's not unusual?

16 A No.

17 Q And you didn't wait until the day before a  
18 hearing to do that?

19 A Correct.

20 MR. SNOOK: All right. I guess that's it  
21 for me.

22 MS. BAIRD: That's it. Thank you.

23

24 (Whereupon, the witness was excused and the  
25 proceedings were concluded at 1:47 p.m.)

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SIGNATURE PAGE

I, BARBARA J. MATTSON, have read the foregoing transcript of the testimony given at the deposition held on JANUARY 30, 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.

\_\_\_\_\_  
BARBARA MATTSON

STATE OF CONNECTICUT  
COUNTY OF \_\_\_\_\_

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

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## CERTIFICATE

STATE OF CONNECTICUT )  
 ) SS: West Hartland, Connecticut  
 COUNTY OF HARTFORD )

I, Patricia Tyszka, a Notary Public duly commissioned and qualified in and for the County of Hartford, State of Connecticut, do hereby certify that pursuant to notice there came before me on the 30th day of January 2011, at 9:28 a.m., the following named person, to wit: BARBARA J. MATTSON, who was by me duly sworn to testify to the truth and nothing but the truth of her knowledge touching and concerning the matters in controversy in this cause; and that she was thereupon carefully examined upon her oath and her testimony reduced to writing under my direction; that the deposition is a true record of the testimony given by the witness; that the deposition may be signed before a Notary Public.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

In witness whereof, I have hereunto set my hand and affixed my notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
 Patricia Tyszka, LSR, RMR  
 Notary Public  
 License No. 46

My Commission Expires  
 May 31, 2015

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