



3. At the conclusion of my examination, I prepared a report, attached hereto as "Exhibit B," summarizing my conclusions as to this and other firearms submitted for my examination. In this report the Bushmaster is identified as Exhibit 59.

4. My examination of the Bushmaster revealed that this firearm contained machinegun components originally designed for the M-16 selective fire rifle, as detailed more specifically in Exhibit B. The Bushmaster also contained an AR-15 auto sear, which is a part designed and intended solely for use in converting a firearm into a machinegun.

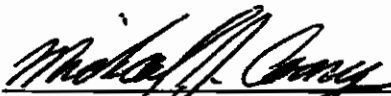
5. I test-fired the Bushmaster with commercially-available ammunition. With the safety/selector in the "fire" position, the Bushmaster fired a single shot by a single function of the trigger. With the safety/selector rotated clockwise to an unmarked position corresponding to "auto" position on the selective fire M-16 machinegun, the Bushmaster shot automatically more than one shot, without manual reloading, by a single function of the trigger. I loaded three rounds and observed that the Bushmaster expelled all three rounds automatically by a single function of the trigger. This process and result were repeated twice.

6. The Bushmaster shoots automatically more than one shot, without manual reloading, by a single function of the trigger. Based on my training and experience, it is my opinion that the

Bushmaster is a "machinegun" as defined in Title 26, United States Code, Section 5845(b).

7. The Bureau of Alcohol, Tobacco, and Firearms also performed a search of the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco and Firearms, pursuant to Title 26, United States Code, Section 5841. Attached hereto as "Exhibit C" is a true and correct copy of a certification that, after diligent search of the Record, there was no evidence that the Bushmaster or any other firearm being registered to, or acquired by lawful manufacture, importation or making by, or transfer to William Kinjo Smith.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2001.

  
Michael S. Cooney  
Firearms Enforcement Specialist  
Bureau of Alcohol Tobacco and  
Firearms, Firearms Technology  
Branch

COURT QUALIFICATIONS STATEMENT  
MICHAEL J. COONEY  
FIREARMS ENFORCEMENT SPECIALIST

Presently employed by the U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C., as a Firearms Enforcement Specialist. My duties include the following: (1) Provide technical information regarding firearm identification, operation, and design for the purpose of assisting the Bureau as well as the law enforcement community in general, in the implementation of the Gun Control Act of 1968 and the National Firearms Act. (2) Conduct examinations and the testing of firearms and related devices submitted as evidence. (3) Prepare official responses to written inquiries from the firearms industry and the general public. (4) Utilize and assist in maintaining ATF firearms reference collection of approximately 5,000 firearms and extensive reference library of books, catalogs, and official documents relating to the firearms field. (5) Assist in conducting training for ATF Special Agents in firearms identification and classification.

For over 30 years I have had a personal interest in the history of firearms and have an extensive personal library of research material relating to the firearms field.

1968-1970 Served as an infantry rifleman in the U.S. Marine Corps, where I received extensive training in the operation and maintenance of military small arms and explosives.

Between 1970 to 1983 employed at various times as a technical assistant on special projects for Odin International, Alexandria, Virginia, a licensed importer of firearms. Duties included sales, customer assistance, and evaluation of firearms. Visited various firearms manufacturers. During 1981 to 1983 worked on a full time basis for Odin. Examined, selected, and classified thousands of firearms obtained from various foreign sources. Spent 3-1/2 months in Mexico working with Mr. Vaclav (Jack) Krcma, internationally known firearms and forensic expert, in identifying and classifying over 60,000 firearms purchased from the Mexican government.

During 1987 through 1989 did contract work for International Armament Corporation in identifying and classifying firearms, and locating sample firearms. Cataloged and researched hundreds of rare and unusual firearms for Interarm's collection.

I have received in service training at ATF Headquarters and at the Federal Law Enforcement Training Center in Glynco, Georgia, regarding firearms and ammunition identification and the movement of firearms in interstate and/or foreign commerce.