



firearm can be said to "function normally."

3. It was in this context that on October 18, 2000, I prepared a report that, among other things, concluded that a Bushmaster rifle, Model XM15-E2S, caliber .223-5.56mm rifle, serial number L100080, which was depicted in Government Exhibit 17 at trial in the above-captioned case, (the "Bushmaster"), was "examined, test fired and found to function normally." I test-fired the the Bushmaster by placing a single round in the chamber, confirming that the safety/selector switch was set to the "fire" position, and pulling the trigger. The bullet was, in fact, expelled by explosion. I then collected and processed the ballistic evidence obtained from this bullet, and noted in my report that the firearm functioned "normally."

4. At no time did I examine the Bushmaster to determine whether it was a machinegun as defined in 26 U.S.C. § 5845(b), as this was not part of my assignment. Indeed, because I placed only a single round in the chamber, I would not have noticed whether the Bushmaster shot automatically more than one shot, without manual reloading, by a single function of the trigger, as defined in 26 U.S.C. § 5845(b).

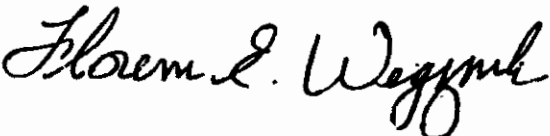
5. I understand that the Bushmaster was subsequently examined by Michael J. Cooney, an ATF Firearms Enforcement Officer, and found to be a machinegun as defined in 26 U.S.C. § 5845(b). In contrast with my focus on ballistics, making such a determination would have been a regular part of Mr. Cooney's

duties.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 25, 2001.

  
Martin G. Ols  
Firearms and Toolmark Examiner

Signed before me this day May 25, 2001.  
State of Maryland, Montgomery County.



FLORENCE E. WEGZNEK  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires December 1, 2003