

United States of America,)
)
 Plaintiff,)
 vs.)
) CR-10-01047-PHX-ROS (DKD)
 Randolph Benjamin Rodman and Idan)
 C. Greenberg,)
)
 Defendants.)
) November 29, 2012
) 8:46 a.m.

BEFORE: THE HONORABLE ROSLYN O. SILVER, CHIEF JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Jury Trial - Day 3
(Pages 364 through 587)

Official Court Reporter:
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

CR-10-01047-PHX-ROS(DKD), November 29, 2012

I N D E XTESTIMONY

WITNESS	Direct	Cross	Redirect	Recross
GARY SCHAIBLE	370	388 414	422	443
DANIEL PINCKNEY	444	455 477	482	
KENDRA TATE	486	493 496	504	
JASON FRUSHOUR	511	519		
RALPH FOX	523	532	538	
SCOTT H. COLE	540	550	552	
JOHN BROWN	554			

E X H I B I T S

Number	Ident	Rec'd
3 86-0012729 model 1919 machine gun	542	
5 86-0013454 model 1919 machine gun	524	
19 A6042075 model 1919 machine gun-PICTURE ONLY	558	
23 820101086 model 1919 machine gun	569	
31 820101592 model 1919 machine gun	569	
42 Blue ribbon certification for 86-0012726	385	
48 Blue ribbon certification for A6041868	405	
49 Blue ribbon certification for A6041869	404	
53 Blue ribbon certification for A6042000	406	
54 Blue ribbon certification for A6042001	408	
55 Blue ribbon certification for A6042026	408	

United States District Court

GARY SCHAIBLE - Direct

P R O C E E D I N G S

(Jury enters.)

(Court was called to order by the courtroom deputy.)

(Proceedings begin at 8:46.)

THE COURT: Please be seated.

08:46:25

Good morning. We're ready to go.

All right. Counsel, ready?

MR. VANN: Yes, Your Honor. Gary Schaible.

GARY SCHAIBLE,

called as a witness herein by the Government, having been first
duly sworn or affirmed to testify to the truth, was examined
and testified as follows:

08:47:00

COURTROOM DEPUTY: State your name for the record,
spell your last name, please.

THE WITNESS: My name is Gary Schaible.
S-C-H-A-I-B-L-E.

08:47:08

COURTROOM DEPUTY: Great. Have a seat right up here.

DIRECT EXAMINATION

BY MR. VANN:

Q. Good morning, Mr. Schaible.

08:47:42

A. Good morning.

Q. Can you please tell the jury what it is that you do?

A. I'm well, I'm assigned to the firearms and explosives
division in bureau headquarters of Bureau of Alcohol, Tobacco,
Firearms & Explosives and most of my time is spent in the NFA

08:47:58

United States District Court

GARY SCHAIBLE - Direct

1 branch, which is part of this division, and I would write
2 letters, do rule-makings, provide -- well, not technical but
3 interpretations of the statutory requirements of the National
4 Firearms Act, occasionally process forms. I'm a custodian of
5 the record, make sure it's maintained.

08:48:02

08:48:19

6 Q. And how long have you been employed at ATF?

7 A. 40 years.

8 Q. 40 years?

9 A. Yes.

10 Q. And in that 40 years, where was the majority of your time
11 spent?

08:48:27

12 A. In the National Firearms Act branch.

13 Q. What positions have you held in the National Firearms Act
14 branch?

15 A. I have been a supervisor coordinator. I have been the
16 branch chief and a program manager which was retitled to
17 pre-liaison analyst.

08:48:36

18 Q. All right. Now, before we get into the details of your
19 job and of some the things related to this case, do you know
20 either of the defendants sitting here today?

08:48:57

21 A. I know Mr. Rodman.

22 Q. You do know Mr. Rodman?

23 A. Yes.

24 Q. Please explain your relationship with Mr. Rodman to the
25 jury.

08:49:09

United States District Court

GARY SCHAIBLE - Cross

1 A. Yes.

09:38:48

2 Q. Oh. Okay. I am mistaken. The memo that -- the letter
3 that you wrote or the referral that you wrote indicated that
4 one of the guns was in the possession of a licensed SOT in
5 Virginia, John Brown?

09:39:04

6 A. That I believe is correct as far as the referral memo we
7 sent to the field, yes.

8 Q. Correct. And the basis of that referral memo was the
9 information that you received; right? And that's what I'm
10 asking about.

09:39:19

11 A. Well, again, it started with what was on the Internet.

12 Q. Yes.

13 A. But we didn't receive any other information.

14 Q. But you wrote a letter with that fact in it when you wrote
15 the letter to --

09:39:36

16 A. Right. I'm sorry. I interrupted you there. I'm sorry.

17 Q. Pardon?

18 A. I interrupted there. I'm sorry.

19 Q. The memo that you wrote, you personally wrote a memo for
20 the signature of the Deputy Assistant Director to Phoenix;
21 correct?

09:39:53

22 A. Correct.

23 Q. And in that letter, you stated that a licensed SOT in
24 Virginia was in possession of one of the Clark firearms, did
25 you not?

09:40:14

GARY SCHAIBLE - Cross

- 1 A. That was part of the information, correct. 09:40:15
- 2 Q. Okay. Well, that's what I asked about.
- 3 A. Okay.
- 4 Q. Now, Virginia is in the jurisdiction of the special agents
5 in the Falls Church office; correct? 09:40:26
- 6 A. Correct.
- 7 Q. And did you make a referral to that office?
- 8 A. No.
- 9 Q. Do you know if anyone did?
- 10 A. I would have to guess yes but I don't know. 09:40:38
- 11 Q. Well, you do know that you were involved in the
12 abandonment of one of the firearms in November; correct?
- 13 A. Yes. I'm not sure of the date exactly you're referring
14 to. You're referring to November 2006.
- 15 Q. Correct. But you have personal recollection of that? 09:40:58
- 16 A. Yes. I was there.
- 17 Q. And you were present when a special agent from the Falls
18 Church office accepted abandonment of one machine gun,
19 A6042075; correct?
- 20 A. I don't know the number but I was there for the 09:41:16
21 abandonment.
- 22 Q. Right. And who else was there, if you recall?
- 23 A. I know the agent was there, Doug Quartetti, someone from
24 Firearms Tech. I'm not quite sure who.
- 25 Q. The agent, Doug Quartetti, where was he assigned? 09:41:33

GARY SCHAIBLE - Cross

1 A. Falls Church.

09:41:37

2 Q. All right. And do you have any knowledge of how he became
3 involved in the investigation?

4 A. No.

5 Q. Now, moving on to another subject, I'm going to go through 09:41:51
6 a number of the certificates, Mr. Schaible, and I'll move as
7 fast as I can. There's a lot of them there.

8 Let's take number 60. Do you have that?

9 A. Yes.

10 Q. Just a cursory review. You've seen what that is? 09:42:37

11 A. Yes.

12 Q. And what do you call that in the jargon of ATF, blue
13 ribbon certificate?

14 A. A blue ribbon certificate, yes.

15 Q. That's a common name. 09:42:49

16 A. Yes.

17 Q. Would you explain to the members of the jury what a blue
18 ribbon certificate is?

19 A. This is where someone in the NFA branch would do a search
20 of the registry, the National Firearms Registration Transfer 09:43:01
21 Record, and report the results where they would, you know, say
22 that after a diligent search of the record, this is what I
23 found or didn't find, would sign off on it. It would go, then,
24 to the branch chief who would sign off on the blue cover sheet
25 saying that they basically recognize the specialist's signature 09:43:24

1 in this case.

09:43:28

2 Q. In a few sentences, that is a certificate that everything
3 within that packet is what's in the official record, the NFRTR;
4 right?

5 A. Correct.

09:43:47

6 Q. Okay now, if you'll go to the first few pages, there is
7 something called a screen shot.

8 A. Right.

9 Q. And would you describe what that is?

10 A. For each firearm in the registry, we maintain basically a
11 transaction history starting with the first registration and
12 basically moving up. So whoever it's registered to at the
13 current time would appear on the top of the list and we do some
14 color coding in there, that if it's a magenta color, as far as
15 the database goes, that identifies the current registrant.

09:44:01

09:44:23

16 Q. And you -- in the top there, the serial number of the
17 machine gun is described.

18 A. Correct.

19 Q. And the descriptive data, the manufacturer, the type of
20 firearm, the model, the caliber, the barrel length and the
21 overall length are all described on the top line; correct?

09:44:43

22 A. Correct.

23 Q. And that is the same information that appears on the Forms
24 3 and Forms 4?

25 A. Right.

09:45:03

GARY SCHAIBLE - Cross

1 Q. Those are the six items of information; correct?

09:45:03

2 A. Correct.

3 Q. So that when -- this is a snapshot of the computer as it
4 exists on the date that is in the upper right-hand corner?

5 A. I don't have a date in the upper right-hand corner.

09:45:23

6 Q. On the screen shot, you don't have a date and time?

7 A. No, not on the screen shot, no.

8 Q. All right. But since it's in the blue ribbon certificate,
9 that date would be the effective date that this thing was
10 prepared. This is a shot of the computer as it appeared on
11 that date?

09:45:50

12 A. Correct.

13 Q. Now, if you'll look at -- do you have number 60?

14 A. Yes.

15 Q. The description is manufacturer, MIX; type; model. That's
16 that. And the caliber is 9 millimeter. The barrel length is
17 five seven five, 5.75 inches?

09:46:03

18 A. M'hum.

19 Q. And the overall length of the barrel is 11 inches;
20 correct?

09:46:31

21 A. Correct.

22 Q. Now, if you would move down the forms to the form that
23 went from Clark to my client, Mr. Rodman, for this machine gun.

24 A. Okay.

25 Q. How is the caliber barrel length and overall length --

09:46:58

GARY SCHAIBLE - Cross

1 what appears on the form?

09:47:05

2 A. On the form it shows .30 caliber. The barrel length of 24
3 and an overall length of 41.

4 Q. So each of those in the screen shot, the actual database
5 is inaccurate; correct?

09:47:21

6 A. They differ, correct.

7 Q. Right.

8 And when the -- the person that approved it at that
9 time, the examiner, the people that work for you are supposed
10 to correct the record in the NFRTR to conform to the form if
11 it's approved; right?

09:47:37

12 A. If what was shown on the form is correct, then yes.

13 Q. Well, if it's approved, that's what was approved; right?

14 A. That's what was approved. Whether it was picked up as an
15 error is a different matter.

09:48:04

16 Q. Is it signed as approved?

17 A. Yes.

18 Q. So that the person who received this form received a form
19 that is different than the description in the database?

20 A. Correct.

09:48:21

21 Q. Okay. And now if you'll move to the number 64. Do you
22 have 64?

23 A. Yes.

24 Q. Would you read the description on the screen shot, just
25 the caliber, barrel length, overall length?

09:49:02

GARY SCHAIBLE - Cross

1 A. Caliber, .45; barrel length 6.25; overall length, 11. 09:49:05

2 Q. And now on the Form 3 that came from Clark to Mr. Rodman,
3 for that machine gun.

4 A. This is from Clark to Mr. Rodman you said?

5 Q. Yes. Caliber, barrel length, overall length. 09:49:35

6 A. Okay. It shows .30 caliber; barrel length of 24; overall
7 length of 41.

8 Q. The variants in barrel length and overall length of three
9 feet approximately; correct?

10 A. Yes. The overall length of 41. 09:50:03

11 Q. And once again, whoever approved that was supposed to
12 change the description in the database and did not; correct?

13 A. Correct. If they subpoenaed that, there was something
14 that we should look into.

15 Q. It would be something to look into. What was the date 09:50:26
16 that it was approved?

17 A. September 21, 2000.

18 Q. And in 12 years nobody looked into it; correct?

19 A. As far as I know.

20 Q. Okay. Number 58. I think that was the one you had. 57, 09:50:40
21 I'm sorry.

22 A. I have 64. Number 57.

23 Q. 57, yes.

24 A. Okay.

25 Q. And to save a little time, would the same discrepancies 09:51:03

GARY SCHAIBLE - Cross

1 appear in that one? For instance, what is the serial number?

09:51:09

2 A. A6042028.

3 Q. And what does the screen shot, the actual computer, say?

4 A. 9 millimeter, 5.75 barrel length, 11-inch overall length.

5 Q. Okay. So the same discrepancies appear in that one.

09:51:32

6 A. I am getting there. Yes. The form shows .30 caliber, a
7 barrel length of 22 inches and an overall length of 49.

8 Q. So that this, the computer, is inaccurate as far as this
9 machine gun is concerned as of today, as of the date of the
10 blue ribbon certificate?

09:52:17

11 A. Again, they differ. The descriptions, yes.

12 Q. And the person that has the -- that it's registered to has
13 a different gun than the one that's described in the database;
14 correct?

15 A. Different caliber, barrel length, and overall length, yes.

09:52:35

16 Q. And the next one is 56. To save a little time, if you
17 could view the same data, compare the screen shot with the
18 transfer itself and tell me if the screen shot is accurate,
19 whether the computer is accurate.

20 A. And this would be for the transfer from Mr. Clark to
21 Mr. Rodman?

09:53:13

22 Q. Yes. This is serial number -- what?

23 A. A6042027 and, yes, our database shows 9 millimeter with a
24 5.75 barrel length and an 11-inch overall length. The form
25 shows .30 caliber with a 22-inch barrel length and a 49-inch

09:53:34

GARY SCHAIBLE - Cross

1 overall length. 09:53:39

2 Q. A different description; correct?

3 A. Correct.

4 Q. Inaccurate?

5 A. I'm sorry? 09:53:43

6 Q. Inaccurate. The database is inaccurate?

7 A. Or the form is inaccurate.

8 Q. Well, the form is approved.

9 A. Yes.

10 Q. So the database shows a different description than what's 09:53:51

11 in the database?

12 A. And, again, should this have been picked up on? Maybe so.

13 Q. When was that approved, that form?

14 A. June 1, 2002.

15 Q. Two thousand and . . .? 09:54:12

16 A. Two.

17 Q. So in 10 years nobody has picked that up?

18 A. Correct.

19 Q. Now, the next one is number 49, Mr. Schaible, the number?

20 A. A6041869. 09:54:42

21 Q. And the description on the form transferring it to

22 Mr. Rodman?

23 A. On the form it shows .30 caliber, barrel length of 24,

24 overall length of 41.

25 Q. So the database is inaccurate on this firearm? 09:55:16

GARY SCHAIBLE - Cross

- 1 A. Again, they differ. The database shows .45, 5.75, and 11. 09:55:20
- 2 Q. And what's the date of the transfer?
- 3 A. February 21, 2001.
- 4 Q. So that hadn't been picked up in 11 years?
- 5 A. Correct. 09:55:36
- 6 Q. And the next one is number 48.
- 7 A. Okay.
- 8 Q. Serial number?
- 9 A. A6041868.
- 10 Q. The description in the screen shot, the database? 09:56:12
- 11 A. Shows .45 caliber, 5.75 barrel and 11 overall.
- 12 Q. And the form transferring it from Clark to my client?
- 13 A. .30 caliber, 24-inch barrel length, 41-inch overall.
- 14 Q. Okay. The computer, once again, is inaccurate?
- 15 A. It's different. 09:56:37
- 16 Q. And the next one is number 69.
- 17 A. Okay.
- 18 Q. Serial number?
- 19 A. 820101457.
- 20 Q. And description? 09:57:10
- 21 A. In the database, it's a .45 caliber, the barrel length of
- 22 6.25 and overall length of 11.
- 23 Q. And the form transferring it from Clark to Mr. Rodman?
- 24 A. Shows a caliber of .30, a barrel length of 22, and an
- 25 overall of 36. 09:57:27

GARY SCHAIBLE - Cross

1 Q. Okay. And the date of the transfer?

09:57:28

2 A. February 20, 2008.

3 Q. Okay. So the database is inaccurate for that machine
4 gun?

5 A. Different.

09:57:46

6 Q. And the final one for Mr. Rodman is number 68.

7 A. Okay.

8 Q. The serial number?

9 A. 820101546.

10 Q. And the description in the database?

09:58:27

11 A. .45 caliber, 6.25 barrel length, 11-inch overall.

12 Q. All right. And what is the description of that machine
13 gun on the transfer form from Clark to my client?

14 A. It is .30 caliber, 22-inch barrel length, and 36-inch
15 overall.

09:58:48

16 Q. Okay. And the date of that transfer is the same as the
17 other; right?

18 A. I don't remember what the other one is. February 20,
19 2008.

20 Q. February 20, correct. And the database is inaccurate once
21 more. That is a different machine gun?

09:58:57

22 A. Shows a difference in description, yes.

23 Q. We're nearing the end. I'm sure you'll be happy to hear
24 that.

25 The next one is number 53.

09:59:13

GARY SCHAIBLE - Cross

1 A. Okay. 09:59:37

2 Q. This is a serial number -- what is the serial number?

3 A. A6042000.

4 Q. And the description of the machine gun as it appears in
5 the database? 09:59:55

6 A. .45 caliber, 5.5 -- I'm sorry, 5.75 barrel length, 11-inch
7 overall.

8 Q. And the transfer form from Clark to -- who was the
9 transferee on that one?

10 A. I'm sorry. Could you ask me that again? 10:00:15

11 Q. The Form 3 transferring it from Clark, who is the
12 transferee?

13 A. From Mr. Clark, I show a transfer to Mr. Clark but
14 nothing --

15 Q. It was never transferred? 10:00:58

16 A. -- nothing transferred from Mr. Clark.

17 Q. What is the description of the machine gun that was
18 transferred to Mr. Clark?

19 A. Okay. It's not shown as a machine gun.

20 Q. It's not a -- 10:01:10

21 A. It's shown as an any other weapon.

22 Q. Oh. Okay. And does the description match?

23 A. No.

24 Q. Okay. So that one is inaccurate?

25 A. Descriptions differ between a form and a database, yes. 10:01:25

GARY SCHAIBLE - Cross

1 Q. The database does not match the description of the 10:01:30
2 registration form?

3 A. Right.

4 Q. Number 54, what's the serial number of that one?

5 A. I'm sorry, 54 or 64. 10:01:45

6 Q. 54. Five four.

7 A. Okay. That's A6042001.

8 Q. All right. And what is the -- how is that described in
9 the computer?

10 A. .45 caliber, 5.75 barrel length, 11 overall. 10:02:21

11 Q. And how is that same machine gun described on the form
12 transferring it from Mr. Clark to a Richard Simpson?

13 A. Okay. It is shown as a .30 caliber with a barrel length
14 of 24 inches and an overall length of 40.

15 Q. And what's the date of that transfer? 10:02:50

16 A. October 2, 2003.

17 Q. All right. And so that one is inaccurate. The computer
18 has an inaccurate description.

19 A. It has a different description, yes.

20 Q. Okay. Number 55. 10:03:05

21 A. Okay.

22 Q. What serial number is that?

23 A. It is A6042026.

24 Q. And the description in the computer, in the NFRTR?

25 A. Shows 9 millimeter, 5.75 barrel length, and an 11-inch 10:03:40

GARY SCHAIBLE - Cross

1 overall length.

10:03:46

2 Q. Now, that machine gun or machine gun with that serial
3 number was transferred from Clark to Richard Simpson. Do you
4 have the Form 3 there -- Form 4, I'm sorry.

5 A. Yes, sir.

10:04:00

6 Q. And how is that machine gun described there?

7 A. .30 caliber, 23-inch barrel, 45-inch overall.

8 Q. And so the -- once again, the database is inaccurate?

9 A. It is different, yes.

10 Q. Is it accurate?

10:04:20

11 A. Well, the 9 millimeter, 5.75, and 11 were what was
12 reported upon manufacture I would believe?

13 Q. That would be on the Form 2 from the date of birth.
14 Sometime before '86?

15 A. Right.

10:04:37

16 Q. Okay. And it had been transferred a number of times after
17 that?

18 A. Yes, it has.

19 Q. And anytime the description changes and is approved, the
20 database must be corrected; correct?

10:04:50

21 A. If the examiner picks up on it and sees a difference, yes.

22 Q. That's what the examiner is supposed to do?

23 A. Correct.

24 Q. All right.

25 Now, the next one is number 59.

10:05:05

GARY SCHAIBLE - Cross

1 A. Okay.

10:05:27

2 Q. What is the serial number of that, Mr. Schaible?

3 A. A6042030.

4 Q. All right. And what does the computer say is the
5 description of that machine gun?

10:05:40

6 A. 9 millimeter, 5.75 inch barrel, 11 overall.

7 Q. All right. And that machine gun or machine gun with that
8 serial number was transferred from Mr. Clark to Richard
9 Simpson, correct, on the Form 4?

10 A. Correct.

10:05:57

11 Q. And what is the date of that transfer?

12 A. March 24, 2003.

13 Q. All right. And how is that machine gun described on the
14 form?

15 A. .45 caliber, 10-inch barrel, 33-inch overall.

10:06:07

16 Q. Correct. Once again, the database is inaccurate.

17 A. It is different, yes, sir.

18 Q. The next-to-the-last one is number 63.

19 A. Okay.

20 Q. Serial number is what?

10:06:51

21 A. A6044921 (sic).

22 Q. And what's the description of that machine gun in the
23 database?

24 A. It's a .45 caliber, 5.75 barrel, and 11-inch overall.

25 Q. And that machine gun was transferred on a Form 4 from

10:07:11

GARY SCHAIBLE - Cross

1 Clark to Richard Simpson on what date? 10:07:16

2 A. October 2, 2003.

3 Q. And what is the description?

4 A. On the form that --

5 Q. On the form. 10:07:33

6 A. It shows .30 caliber, 19-inch barrel, 41-inch overall.

7 Q. And so, once again, we have an inaccurate description in

8 the database.

9 A. A different one, yes, sir.

10 Q. Okay. And the final one is serial number -- or number 71, 10:07:50

11 Exhibit 71.

12 A. Okay.

13 Q. What's the serial number on that one?

14 A. It is 820101589.

15 Q. And the description in the database? 10:08:29

16 A. .45 caliber, 11-inch barrel, 6.25 overall.

17 Q. And that machine gun was transferred from Clark to a

18 Richard Simpson on what date on the Form 3 -- Form 4, I'm

19 sorry.

20 A. March 22, 2005. 10:08:52

21 Q. And the description?

22 A. .30 caliber, 21.5-inch barrel, 49.5-inch overall.

23 Q. So that, once again, the database is inaccurate?

24 A. Yes, sir, there's a difference between the descriptions.

25 Q. All right. And the certificate that we talked about, the 10:09:15

GARY SCHAIBLE - Cross

1 blue ribbon certificate, that form is used in criminal cases
2 all over the country to prove the registration of -- the
3 registration or non-registration of a machine gun; correct?

10:09:22

4 A. It would be the certified results of a search of the
5 database, yes.

10:09:41

6 Q. In other words, that's evidence that that -- that unless
7 the machine gun in question matches the description in the
8 database, that firearm would be declared nonregistered; right?

9 A. Could you ask me that one again? I'm sorry.

10 Q. Yes. The blue ribbon certificate is evidence, provides
11 evidence in criminal cases all over the country all the time of
12 the registration, non-registration of a machine gun; correct?

10:10:07

13 A. Correct.

14 Q. And if it does not match the description in the database,
15 it's declared nonregistered; right?

10:10:28

16 A. Well, in this case, the certificate says I certified that
17 the following firearm is registered to Richard Alan Simpson and
18 it gives that machine gun.

19 Q. They certified to the truth of the matter; correct?

20 A. Certified that it's registered to Mr. Simpson.

10:10:45

21 Q. Now, in view of this sampling that we've just gone
22 through, would you be surprised to learn that all 34 of the
23 firearms that Mr. Clark transferred, the database is
24 inaccurate? Would that surprise you?

25 A. Well, again, I would say there's differences in what the

10:11:08

GARY SCHAIBLE - Cross

1 description is.

10:11:12

2 Q. Well, a difference in a description would be inaccurate,
3 wouldn't it?

4 A. And the form is part of that process. If the form is
5 inaccurate -- we're relying on what's submitted on the form to
6 transfer these firearms. And the form is being filed by
7 someone who says under the penalties of perjury, I declare that
8 I've examined this application to the best of my knowledge and
9 believe that it is true, correct, and complete. So somewhere
10 along the line if a description changed, someone was saying
11 under penalties of perjury that, you know, this is the
12 description.

10:11:23

10:11:44

13 Q. Well, do you have any basis to believe that he did not
14 describe the caliber and the barrel length and the overall
15 length accurately on the form?

10:12:03

16 A. When you say "he," who do you mean?

17 Q. Oh. The transferor, Clark. Clark was the transferor in
18 each one of those.

19 A. Well, he's filing it under penalties of perjury.

20 Q. In fact, you've had them in custody since 2008
21 approximately. Has anyone told you that any of those
22 descriptions were inaccurate?

10:12:21

23 A. No.

24 MR. SANDERS: I have no further questions, Your
25 Honor.

10:12:36

GARY SCHAIBLE - Cross

1 THE COURT: Cross? Mr. Tate. 10:12:37

2 CROSS - EXAMINATION

3 BY MR. TATE:

4 Q. Good morning, Mr. Schaible. How are you, sir?

5 A. My voice is going. 10:12:54

6 Q. I understand.

7 Mr. Schaible, you've been with ATF in various jobs
8 for about 40 years; correct?

9 A. Correct.

10 Q. And in that time, let's focus first on a period of time 10:13:10
11 about 2006; okay? Let's focus on that period of time. What
12 was your job in 2006?

13 A. It would have been -- I forget when my title changed but
14 my title was either program manager or industry liaison for the
15 NFA branch. 10:13:33

16 Q. Okay. And at that time, sometime during that period,
17 let's see if we can put some kind of timeline, although I know
18 that's about six years ago. You became aware of the Fickaretta
19 memo; correct? Would that be fair to say?

20 A. I'm sorry, what memo is that? 10:13:50

21 Q. The memo from Theresa Fickaretta? You're not aware of the
22 Theresa Fickaretta memo?

23 A. I have no idea which one you're referring to.

24 Q. Okay. All right. That's okay. You just told me no.

25 And at that time in 2006, you were made aware of by 10:14:02