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1 DOWN.

2 THE WITNESS: AM I RELEASED?

3 THE COURT: YOU ARE RELEASED.

4 (WHEREUPON, THE WITNESS WITHDREW FROM THE
5 WITNESS STAND.)

6 THE COURT: DID YOU TELL THAT OTHER WITNESS, MCGILL,
7 SHE WAS FREE TO GO?

8 MR. MOYE: I ASSUME THAT SHE WAS.

9 THE COURT: I WOULD NOT MAKE ANY ASSUMPTIONS. HAVE
10 SOMEBODY CHECK.

11 WHO DO YOU CALL NEXT?

12 MR. MOYE: CALL MARTY SPIEGELMAN.

13 THE COURT: HOW LONG ARE YOU GOING TO BE?

14 MR. MOYE: TEN OR FIFTEEN MINUTES.

15 THE COURT: WE HAVE TWENTY MINUTES TO SPARE.

16 MR. MOYE: WHILE MR. SPIEGELMAN IS COMING IN, I WOULD
17 TENDER GOVERNMENT'S 31, A CERTIFIED COPY OF A GEORGIA DRIVER'S
18 LICENSE.

19 MR. MORRISON: NO OBJECTION.

20 THE COURT: LET IT IN.

21 MARTY SPIEGELMAN,

22 BEING FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

23 THE CLERK: BE SEATED, PLEASE, AND STATE YOUR NAME
24 FOR THE RECORD.

25 THE WITNESS: MARTY SPIEGELMAN.

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DIRECT EXAMINATION

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BY MR. MOYE:

Q. WOULD YOU SPELL YOUR LAST NAME FOR THE COURT REPORTER?

A. S-P-I-E-G-E-L-M-A-N.

Q. HOW ARE YOU EMPLOYED?

A. I'M THE OWNER OF A PAWN SHOP IN DECATUR, GEORGIA.

Q. AND THE NAME OF THAT PAWN SHOP IS WHAT?

A. JOE'S LOAN OFFICE.

Q. AND THAT IS LOCATED WHERE?

A. 1761 CANDLER ROAD, IN SOUTH DEKALB COUNTY.

Q. MR. SPIEGELMAN, AS THE OWNER OF JOE'S LOAN OFFICE, ARE YOU
A FEDERAL FIREARM'S LICENSEE?

A. YES, I AM.

Q. HOW LONG HAVE YOU BEEN LICENSED TO SELL FIREARMS?

A. IN MY PRESENT LOCATION SINCE 1976.

Q. AND PRIOR TO THAT TIME?

A. PRIOR TO THAT TIME IN DOWNTOWN DECATUR SINCE 1965 AND
PRIOR TO THAT IN DOWNTOWN ATLANTA SINCE 1946.

Q. I TAKE IT YOU PERSONALLY HAVE NOT BEEN INVOLVED FOR THAT
LONG?

A. NO. IT'S A FAMILY BUSINESS.

Q. MR. SPIEGELMAN, WOULD YOU TELL US, VERY BRIEFLY, WHAT
KINDS OF RECORDS MUST A LICENSED FEDERAL FIREARMS DEALER
MAINTAIN, PREPARE AND MAINTAIN WHEN ONE SELLS A FIREARM?

A. WE ARE REQUIRED TO FILL OUT WHAT IS CALLED A 4473 FORM, A

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1 FORM SHOWING THE TRANSFER FROM A FIREARMS DEALER, SUCH AS
2 MYSELF WHO HOLDS A FEDERAL FIREARMS LICENSE, TO AN INDIVIDUAL
3 WHO COMES TO PURCHASE OR TO WHOLESALE OR TRADE A GUN FROM ME
4 TO THE INDIVIDUAL.

5 Q. AND THIS FORM 4473, WHAT KINDS OF THINGS MUST YOU INCLUDE
6 ON A FORM 4473 WHEN YOU FILL IT OUT?

7 A. FOR HANDGUNS WE ARE REQUIRED TO GET A GEORGIA SPECIFIC
8 IDENTIFICATION SUCH AS A DRIVER'S LICENSE, A GEORGIA ID CARD OR
9 SOME OTHER DOCUMENT ISSUED BY THE STATE OF GEORGIA TO ENSURE
10 THAT PERSON IS BOTH A RESIDENT OF THE STATE OF GEORGIA AND AT
11 LEAST 21 YEARS OF AGE. THE FORMS WILL GIVE SPECIFIC
12 INFORMATION OF THE INDIVIDUALS SUCH AS NAME, ADDRESS, AGE, PLACE
13 OF BIRTH, AND HAVE A BRIEF SET OF QUESTIONS YOU MUST FILL OUT
14 AND ANSWER SIGNIFYING WHETHER YOU HAVE ANY CRIMINAL HISTORY,
15 ANY HISTORY OF MENTAL ILLNESS OR ANY OTHER TYPE OF SUSPICIOUS
16 CHARACTERISTICS.

17 Q. MR. SPIEGELMAN, MUST THE FORM 4473 DOCUMENT YOU DESCRIBED
18 BE MAINTAINED BY THE LICENSEE?

19 A. I AM REQUIRED TO KEEP THE FORMS THAT I HAVE IN THAT STORE
20 FOR THE LIFETIME THAT I STAY IN BUSINESS.

21 Q. AND ONCE YOU GO OUT OF BUSINESS, IF YOU EVER GO OUT OF
22 BUSINESS, WHAT HAPPENS TO THE FORM, DO YOU KNOW?

23 A. THE FORMS MUST BE SENT TO THE BUREAU OF ALCOHOL, TOBACCO
24 AND FIREARMS TO BE STORED AND MAINTAINED IN THEIR CENTRAL
25 LOCATION.

1 Q. MR. SPIEGELMAN, LET ME SHOW YOU GOVERNMENT EXHI
2 ASK YOU, SIR, IF YOU CAN TELL US WHETHER YOU RECOGNI
3 FIREARM?

4 A. YES. IT'S A COMMON AUTOMATIC PISTOL THAT I SEL
5 BUSINESS.

6 Q. CAN YOU TELL US WHAT BRAND OF PISTOL IT IS?

7 A. IT'S TARGET GT-25 AUTOMATIC, GT-27 MODEL.

8 Q. AND ARE YOU FAMILIAR WITH EXCAM, E-X-C-A-M?

9 A. YES, I AM.

10 Q. WHAT IS EXCAM?

11 A. IT'S THE NAME OF THE DISTRIBUTOR OF THE TARGET

12 Q. NOW, LET ME SHOW YOU GOVERNMENT EXHIBIT NO. 5,
13 SPIEGELMAN, AND ASK YOU, SIR, IF YOU RECOGNIZE THIS

14 A. YES.

15 Q. WHAT IS THAT DOCUMENT?

16 A. THIS DOCUMENT IS THE WHOLESALE COMPANY FROM WHI
17 THIS SPECIFIC PISTOL THAT I SOLD IN MY BUSINESS.

18 Q. THE DOCUMENT, GOVERNMENT EXHIBIT 5-A, IS THAT A
19 PREPARED AND MAINTAINED IN THE ORDINARY COURSE OF TH
20 OF JOE'S LOAN COMPANY?

21 A. NO, SIR. IT'S A DOCUMENT SENT TO ME BY THE WHI
22 COMPANY THAT I PURCHASED THE GUN FROM.

23 Q. DID YOU MAINTAIN DOCUMENT AS PART OF YOUR RECOR
24 CONNECTION WITH THE ACQUISITION OF THESE FIREARMS TH
25 SELL?

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1 A. YES, I DID.

2 MR. MOYE: TENDER GOVERNMENT'S 5-A, YOUR HONOR.

3 MR. MORRISON: NO OBJECTION.

4 THE COURT: LET IT IN.

5 THE COURT: 5-A, AMONG THE SERIES OF 5.

6 BY MR. MOYE:

7 Q. MR. SPIEGELMAN, CAN YOU TELL US FROM WHOM YOU PURCHASED
8 THAT PARTICULAR FIREARM?

9 A. FROM A COMPANY CALLED SCOTT WHOLESALE, INCORPORATED, IN
10 INDIAN TRAIL, NORTH CAROLINA.

11 Q. NOW, LET ME HAND YOU GOVERNMENT EXHIBIT 5, AND ASK YOU IF
12 YOU RECOGNIZE THAT DOCUMENT?

13 A. YES, I DO. THIS IS THE 4473 FORM THAT WAS USED UPON THE
14 PURCHASE OF THIS PISTOL.

15 Q. HOW CAN YOU TELL?

16 A. IT HAS MY SIGNATURE ON IT, PLUS IT HAS MY COMPANY'S STAMP
17 ON THERE PLUS IT HAS MY FEDERAL FIREARMS LICENSE NUMBER.

18 Q. DID YOU PREPARE PART OF GOVERNMENT EXHIBIT 5?

19 A. YES, I DID.

20 Q. WHICH PART DID YOU PREPARE?

21 A. THE BOTTOM HALF OF THE FORM.

22 Q. NOW, MR. SPIEGELMAN, DO YOU RELY UPON THE ANSWERS GIVEN BY
23 THE CUSTOMER WHEN THE FORM 4473 IS FILLED OUT IN ORDER TO
24 DETERMINE WHETHER OR NOT YOU CAN SELL THEM A FIREARM?

25 A. YES, SIR, WE DO.

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1 Q. DOES THE CUSTOMER FILL OUT ANY PART OF THE FORM 4473?

2 A. THE CUSTOMER FILLS OUT SECTION A OF THE FORM, THAT IS, THE
3 TOP PART OF THE FORM. THEY ARE REQUIRED TO BY FEDERAL LAW.

4 Q. WHAT DOES THAT RELATE TO?

5 A. NAME, HEIGHT, WEIGHT, RACE, RESIDENCE, DATE OF BIRTH,
6 PLACE OF BIRTH, AND CERTIFYING WHETHER OR NOT HE HAS ANY
7 CRIMINAL PAST OR ANY TYPE OF NEFARIOUS BACKGROUND.

8 Q. NOW, IN SELLING THE PARTICULAR PISTOL, GOVERNMENT EXHIBIT
9 NO. 4, DID YOU SEEK IDENTIFICATION FROM THE PERSON WHO WAS
10 FILLING OUT THE FORM 4473?

11 A. YES, I DID.

12 Q. WHAT DID YOU GET?

13 A. A GEORGIA DRIVER'S LICENSE.

14 Q. WHAT IS THE GEORGIA DRIVER'S LICENSE NUMBER?

15 A. 4842659.

16 Q. AND ON WHAT DATE WAS THIS PISTOL SOLD?

17 A. FEBRUARY 2ND, 1990.

18 Q. LET ME HAND YOU GOVERNMENT EXHIBIT NO. 31, AND ASK YOU IF
19 YOU CAN RELATE THAT PARTICULAR DRIVER'S LICENSE OR THE
20 CERTIFIED COPY THAT YOU HAVE BEFORE YOU TO FORM 4473 FOR US?

21 A. YES, SIR. IT HAS BOTH THE GENTLEMAN'S NAME, PLUS IT HAS
22 HIS DRIVER'S LICENSE NUMBER, PLUS CORRESPONDING DATES OF BIRTH
23 AND PERTINENT INFORMATION.

24 Q. CAN YOU TELL US TO WHOM YOU SOLD GOVERNMENT EXHIBIT NO.
25 4?

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1 A. TO GEORGE HIGH, SR.

2 MR. MOYE: YOUR HONOR, I DON'T THINK I TENDERED
3 GOVERNMENT EXHIBIT 5.

4 THE COURT: ANY OBJECTION TO 5?

5 MR. MORRISON: NO.

6 THE COURT: LET IT IN.

7 MR. MOYE: THANK YOU, MR. SPIEGELMAN.

8 THE COURT: MR. MORRISON?

9 MR. MORRISON: NO QUESTIONS.

10 MR. ABBOTT: NO QUESTIONS.

11 THE COURT: MR. SPIEGELMAN, YOU CAN STEP DOWN AND
12 LEAVE THAT WITH US AND BE EXCUSED.

13 (WHEREUPON, THE WITNESS WITHDREW FROM THE
14 WITNESS STAND.)

15 THE COURT: WE WILL TAKE ONE HOUR FOR LUNCH.

16 SOMEBODY TAKE THE EXHIBIT FROM MR. SPIEGELMAN. HE IS
17 TRYING TO GIVE IT TO SOMEBODY.

18 (WHEREUPON, THE JURY RETIRED FROM THE COURTROOM,
19 AND A RECESS FOR THE NOON HOUR WAS HAD.)

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