

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---|---|------------------------|
| DICK ANTHONY HELLER, <i>et al.</i> |) | |
| |) | |
| Plaintiffs |) | |
| |) | |
| v. |) | CASE: 1:08-cv-01289 |
| |) | Hon. Ricardo M. Urbina |
| THE DISTRICT OF COLUMBIA, <i>et al.</i> |) | |
| |) | |
| Defendants |) | |

DECLARATION OF WILLIAM CARTER

I, William Carter, do hereby swear or affirm:

1. My name is William Carter, and am a resident of the District of Columbia and a citizen of the United States.

2. I am eligible under the laws of the United States and of the District of Columbia to receive and possess firearms.

3. On or about December 12, 2008, I ordered an LMT Defender 2000 .223 caliber semiautomatic rifle which cost \$1,806.94 from Atlantic Guns in Maryland, a federally-licensed firearms dealer. After Atlantic Guns received the rifle, I paid for the rifle on February 21, 2009.

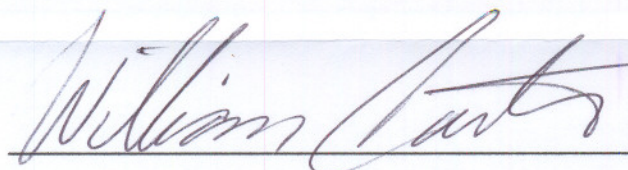
4. On or about February 24, 2009, I submitted to the District of Columbia Metropolitan Police Department (MPD) an Application for Firearms Registration Certificate stating the intended use for the rifle to be "recreational activity, NRA range." By letter dated February 24, 2009, the MPD notified me that the rifle is unregistrable because: "The listed weapon is defined as an 'assault weapon' and prohibited from being registered in the District of Columbia per the Firearms Registration Act of 2009, amendment 12-22-08, D.C. Code 7-2501.01." True copies of the Application and the MPD letter are attached herewith.

5. D.C. Code § 7-2501.01(3A)(A)(IV)(aa), (cc) defines “assault weapon” to include a rifle with “a pistol grip that protrudes conspicuously beneath the action of the weapon” or with “A folding or telescoping stock.” The LMT Defender 2000 rifle has a pistol grip that protrudes beneath the action of the weapon and a telescoping stock.

6. In 1971, I enlisted in the United States Marine Corps, and was honorably discharged in 1974. In the service, I was issued an M16 selective fire rifle, which would shoot fully automatic or semiautomatic at the option of the user. It has a pistol grip that protrudes beneath the action of the weapon, which allows the rifle to be accurately shot from the shoulder without excessive muzzle rise. The purpose of having such a pistol grip is not to allow the rifle to be fired from the hip. In Marine Corps training, we were instructed to fire the M16 only from the shoulder and were never trained to fire it from the hip.

7. The LMT Defender 2000 rifle is semiautomatic only, and calling it an “assault weapon” is incorrect. Neither the pistol grip nor the telescoping stock (which makes the rifle more convenient to store) makes the rifle more powerful or dangerous. I am aware that numerous persons possess such rifles throughout the United States for target shooting and other lawful purposes.

I declare under penalty of perjury that the foregoing is true and correct.



WILLIAM CARTER

Date: April 3, 2009



Gun Control and Firearms Registration

300 Indiana Ave. N.W. Room 3169, Washington D.C., 20001 (202) 727-4275 FAX (202) 724-2410

February 24, 2009

Mr. William Carter
2004 11th Street N.W. Apt#334
Washington, DC 20001-4051

Dear Mr. Carter,

- This is to advise you that your LMT Defender 2000 bearing serial #LMT39633 has been disapproved for the following reason(s):
 - 1. Unregisterable Firearm
 - 2. (The listed weapon is defined as an "assault weapon" and prohibited from being registered in the District of Columbia per the Firearms Registration Act of 1975, amendment 12-22-08, D.C. Code 7-2501.01.

You have 15 days from the date this notice is received to appeal this decision. A copy of the regulations governing such appeals is attached for your information. Appeals should be sent to the Director, Identification and Records Division, Metropolitan Police Department, 300 Indiana Avenue, N.W., Washington, D.C. 20001.

If you do not file your appeal within the time allowed, you shall be deemed to have conceded the validity of the reason or reasons stated in this notice, and the (denial) (revocation) shall become final.

In the event you do not submit further evidence, you must do one of the following within 7 days after the decision becomes final: (1) peaceably surrender to the police the firearm for which registration was revoked or disapproved; (2) lawfully remove such firearm from the District of Columbia for so long as you have an interest in such firearm; or, (3) otherwise lawfully dispose of your interest in such firearm.

- Your application has not been acted upon within the 60 day period because

You will be notified as soon as the missing information is received and the application review process is completed.

FOR APPEALS INSTRUCTIONS SEE REVERSE SIDE

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REGULATIONS GOVERNING APPEALS

Denial and Revocation Procedures

Effective January 1, 2009, the Metropolitan Police Department no longer adjudicates appeals as it relates to Firearms Registration. Section 2 of Act #17-651, Firearms Registration Emergency Amendment Act of 2008, now makes the Office of Administrative Hearings responsible for handling appeals of denials and revocations of gun registrations. The address to the Office of Administrative Hearings is:

Office of Administrative Hearings
441 4th Street, Northwest, Suite 870-N
Washington, D.C. 20001-2714

Please forward any request to appeal the decision made by the Firearms Registration Unit to the Office of Administrative Hearings so the matter can be reviewed as outlined by current law.

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P.D. 219 Rev. 9/76

85-8P706

METROPOLITAN POLICE DEPARTMENT WASHINGTON, D.C.

APPLICATION FOR FIREARMS REGISTRATION CERTIFICATE

\$10.00 FEE REQUIRED WITH THIS APPLICATION - PRINT ALL INFORMATION

This application for a Firearms Registration Certificate must be handcarried to the Metropolitan Police Department, Firearms Registration Section, 300 Indiana Avenue, N.W. Washington, D.C. 20001 by the purchaser. The purchaser MUST 1) be fingerprinted by the Metropolitan Police Department, however, if the purchaser has been fingerprinted by this department within five (5) years prior to submitting this application he need not be fingerprinted again if he offers other satisfactory proof of identity 2) submit with this application two full-face photographs of himself, 1 1/4 x 1-7/8 inches taken within 30 days of filing this application 3) have vision better than or equal to that required to obtain a valid driver's license in the District of Columbia (a current driver's license will be prima facie evidence that the applicant's vision is sufficient) 4) demonstrate satisfactory knowledge of the laws in the District of Columbia pertaining to firearms and the safe and responsible use of same.

No transfer of a firearm between the seller and the purchaser may be made until a reply from the Chief of Police has been received by both parties involved.

REGISTRATION NUMBER
DATE REGISTERED

DEALER'S LICENSE NO.

Atlantic Guns
SELLER'S NAME
144 Bonifant St
STREET ADDRESS
Silver Spring MD 20910
CITY APT. NO. ZIP CODE

PURCHASER/OWNER'S NAME
STREET ADDRESS
CITY APT. NO. ZIP CODE

DESCRIPTION OF FIREARM

DESCRIPTION OF PURCHASER/OWNER

| | | | |
|---|-----------------------------|--------------------------|-----------------------|
| <input checked="" type="checkbox"/> NEW <input type="checkbox"/> USED | MAKE OF WEAPON LWIT | DATE OF BIRTH | PLACE OF BIRTH |
| MODEL D&W 2000 | SERIAL NUMBER LWIT 39633 | OPERATOR'S PERMIT NUMBER | RACE W |
| MFG. I.D. NUMBER | NO. OF SHOTS 10 | CALIBER .323 | SEX M |
| NO. OF BARRELS/LENGTH 1 16" | FINISH Blk | TYPE OF ACTION S&W | OCCUPATION |
| IDENTIFYING MARKS New | BUSINESS ADDRESS | | BUSINESS NAME |
| PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE | | HOME PHONE NUMBER | BUSINESS PHONE NUMBER |

PURCHASER/OWNER'S ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF RESIDENCE

PURCHASER/OWNER'S OCCUPATION, BUSINESS NAME AND ADDRESSES FOR THE PAST FIVE (5) YEARS WITH DATES OF EMPLOYMENT

HAVE YOU PREVIOUSLY BEEN DENIED IN THE DISTRICT OF COLUMBIA OR ELSEWHERE ANY PISTOL, RIFLE OR SHOTGUN LICENSE OR REGISTRATION CERTIFICATE? NO YES IF YES, EXPLAIN WHY AND BY WHOM

DISAPPROVED

HAVE YOU EVER BEEN INVOLVED IN ANY MISHAP INVOLVING A PISTOL, RIFLE OR SHOTGUN? NO YES IF YES, EXPLAIN CIRCUMSTANCES, INCLUDING DATES, PLACES, AND NAMES OF ANY PERSONS INJURED OR KILLED?

GIVE A BRIEF STATEMENT OF YOUR INTENDED USE OF THE FIREARM AND WHERE THE FIREARM WILL BE KEPT
RECREATIONAL NRA RANGE IN THE HOME

I HEREBY CERTIFY THAT I AM NOT FORBIDDEN BY EXISTING LAWS AND REGULATIONS FROM PURCHASING OR POSSESSING A FIREARM AND THAT THE INFORMATION GIVEN BY ME ON THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND DOES NOT KNOWINGLY CONTAIN ANY MATERIAL MISREPRESENTATION OF FACT

SIGNATURE OF SELLER DATE

SIGNATURE OF PURCHASER/OWNER DATE

The Seller and the Purchaser MUST SIGN IN THE PRESENCE OF EACH OTHER.

NOTICE

This application is VALID as a FIREARMS REGISTRATION CERTIFICATE only when stamped APPROVED by the Chief of Police and a REGISTRATION NUMBER is affixed thereto.

THIS IS NOT A LICENSE TO CARRY A CONCEALED FIREARM.

RECEIVED BY THE METROPOLITAN POLICE DEPARTMENT

85-00161014-00548