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VIDEOTAPED INTERVIEW

BRIAN SABOLIK

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APPEARANCES:

Scott Gardner  
John Saraya  
Patrick D'Angelo  
Jeffrey Follmer  
Steve Kinas

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1 MR. GARDNER: We sort of have a canned  
2 speech we're giving everybody. My name is Scott  
3 Gardner. I'm a detective with the City of East  
4 Cleveland. I'm attached to the Major Crimes Unit  
5 over there.

6 Most important thing is that you  
7 understand this is not -- we are not conducting  
8 an internal investigation. We're conducting the  
9 criminal investigation. Nothing is to you at  
10 all. We're investigating the incident.

11 Nobody here is judging you. Nobody's  
12 going to be looking any differently at you.  
13 We're just trying to figure out what happened.

14 THE WITNESS: Okay.

15 MR. GARDNER: Obviously other people  
16 have come in. I can only stress, try to be as  
17 honest as you can.

18 If you don't know something, just say,  
19 "I don't know." It's better for you to say, "I  
20 don't know" than us to run into inconsistencies  
21 later. Okay?

22 THE WITNESS: Okay.

23 MR. SARAYA: I'm John Saraya. I'm with  
24 BCI. I've been doing this for awhile. I've been

1 doing officer-involved shootings for about 15  
2 years. Okay?

3 We are technically assigned as the lead  
4 agency. Our policy is, this is criminal. You're  
5 going to be given your Miranda warnings. It  
6 doesn't mean that you've done anything wrong. It  
7 just means that you have all rights and  
8 protections just the same as everybody else.

9 THE WITNESS: Okay.

10 MR. SARAYA: If at any time you have a  
11 question, ask us.

12 If you have a moment that you think you  
13 want to talk to these guys first, it's not a  
14 problem to step outside, confer and come back.  
15 All right?

16 THE WITNESS: (Affirmative nodding of  
17 head.)

18 MR. SARAYA: We're not going to sit here  
19 and point our fingers in your face and yell and  
20 scream and throw tantrums or anything like that.

21 When we get into these, please don't  
22 take the questions personally. Some of the  
23 questions we're going to ask are to elicit more  
24 detail and have you articulate things a little

1 bit farther.

2 There are a couple of questions that we  
3 admit are eye-rollers. You know, it's like,  
4 "You're really asking me this?"

5 And, yeah, we are, because we just need  
6 the answers from you.

7 THE WITNESS: Okay.

8 MR. SARAYA: Okay? It's not because we  
9 think you're dumb or incompetent. It's just  
10 we're going to ask you because we need to ask you  
11 this. We're asking everybody.

12 THE WITNESS: Okay.

13 MR. SARAYA: Okay?

14 THE WITNESS: (Affirmative nodding of  
15 head.)

16 MR. GARDNER: Having said that, I'm  
17 going to advise you of your rights.

18 THE WITNESS: Okay.

19 MR. GARDNER: You have the right to  
20 remain silent. Anything you say can and will be  
21 used against you in court. You have the right to  
22 consult with an attorney, have an attorney  
23 present during questioning. If you cannot afford  
24 an attorney, one can be provided to you before

1 questioning at no cost.

2 Do you understand these rights?

3 THE WITNESS: Yes.

4 MR. GARDNER: Having them in mind, do  
5 you wish to speak to me?

6 THE WITNESS: Yes.

7 EXAMINATION

8 BY MR. GARDNER:

9 Q. Let's start off by, what's your name?

10 A. My name is Brian Sabolik.

11 Q. Spell the last name for me.

12 A. S-a-b-o-l-i-k.

13 Q. Brian, what's your address?

14 A. [REDACTED]

15 [REDACTED] [REDACTED].

16 Q. What's -- what's a good number to get  
17 you at? Your cell number?

18 A. [REDACTED]. That is my cell.

19 Q. Okay. Your date of birth?

20 A. [REDACTED].

21 Q. All right. First question, how are you  
22 holding up?

23 A. Tough sleeping at night a little bit,  
24 but...

1 Q. What's -- what's your current assignment  
2 there at CPD?

3 A. Second District patrol.

4 Q. How long have you been working for CPD?

5 A. About five months now, a little over.

6 Q. Worked anywhere else?

7 A. No.

8 Q. What shift are you on?

9 A. Second shift.

10 Q. What are the hours of that?

11 A. 2:30 to 12:30.

12 Q. 2:30 in the afternoon to 12:30 at night?

13 A. Yes.

14 Q. And what are your days off?

15 A. They kind of alternate. We're on  
16 ten-hour shifts, so...

17 Q. What were your days off --

18 A. I was just starting a five -- five-day  
19 stretch, so that was my -- my Monday, the day of  
20 the shooting.

21 Q. So you were off Tuesday -- Monday,  
22 Tuesday, Wednesday?

23 A. Yes.

24 Q. Tuesday, Wednesday --

1 MR. SARAYA: Monday, Tuesday, Wednesday.

2 A. Monday, Tuesday, Wednesday.

3 Q. Who is your supervisor?

4 A. I have a few different ones.

5 Q. Who is your immediate? Who did you go  
6 to to ask for a day off or something?

7 A. There's a -- there's a few different  
8 ones.

9 MR. KINAS: Who would be your boss the  
10 day of the event?

11 A. Sergeant Chetnick, Lockwood.

12 MR. SARAYA: Before we go much farther  
13 here, five months, you're still working with an  
14 FTO, then?

15 THE WITNESS: Yes.

16 MR. SARAYA: Who is your FTO?

17 THE WITNESS: Mike Farley.

18 BY MR. GARDNER:

19 Q. Are you working any extra duties,  
20 details, part-time?

21 A. (Negative shaking of head.) Not allowed  
22 to.

23 Q. The day of the incident, how were you  
24 feeling? Sick, flu, sneezing, coughing? Rested?

1 A. I -- I felt fine.

2 Q. Did you take any drugs, whether they be  
3 prescribed or over-the-counter?

4 A. [REDACTED].

5 Q. Wear glasses or contacts?

6 A. No, I do not.

7 Q. I see that you've come here in your  
8 uniform today. Is that -- is that how you were  
9 dressed the day of?

10 A. Yes.

11 Q. Do you wear an exterior vest?

12 A. Yes, I do.

13 Q. Let's talk about your duty belt. What  
14 do you have on your duty belt?

15 A. I have my ASP, all my -- my ASP, radio  
16 holder, my gun, and two sets of cuffs.

17 Q. What about your vest?

18 A. On my vest I had my taser, pepper spray,  
19 two magazines, and a flashlight holder.

20 Q. Do you have a backup weapon that you  
21 carry?

22 A. No, I do not.

23 Q. Did you carry any type of personal  
24 recording device, whether it be audio or video?



1 A. No.

2 Q. Let's talk about your car. What kind of  
3 car were you in?

4 A. Crown Vic.

5 Q. Crown Vic? Is that a marked cruiser?

6 A. Yes.

7 Q. Do you know what the car number is?

8 A. 232.

9 Q. And what was your call sign for that  
10 evening?

11 A. 2 Adam 24.

12 Q. 2 Adam 24?

13 A. Yes.

14 Q. And your car -- who was -- is -- your  
15 FTO, I'm assuming, was in your car?

16 A. Yes. He was the driver.

17 Q. Do you have in-car dash cam or anything  
18 like that?

19 A. No.

20 Q. Everything in the car -- you've got  
21 lights and sirens?

22 A. Yes.

23 Q. Those were both working that night?

24 A. Yes.

1 Q. Anything else wrong with the vehicle,  
2 MDT, radio?

3 A. Not that I was aware of.

4 Q. While we're on the subject of the radio,  
5 what channel were you guys on?

6 A. Channel 2.

7 Q. Channel 2?

8 A. Yes.

9 Q. At any point did you deviate from  
10 Channel 2? Did you switch channels or anything?

11 A. No.

12 Q. Let's talk about training. Do you got  
13 anything -- any specialized training like SWAT?

14 A. No.

15 Q. Prior military?

16 A. No.

17 Q. Did you qualify with your weapons this  
18 year?

19 A. Yes.

20 Q. And what did you qualify with? Like  
21 handgun, shotgun?

22 A. Handgun, shotgun.

23 Q. Any extracurricular --

24 A. (Negative shaking of head.)

1 Q. Did you take your use of force training?

2 Did you have use of force training?

3 A. (No audible response.)

4 Q. Everything was okay with your OPOTA,  
5 up-to-date?

6 A. (No audible response.)

7 Q. Did you ever have any prior involvement  
8 in any shootings?

9 A. No.

10 Q. Let's -- this is sort of your  
11 opportunity to tell us through your words. All  
12 right? Let's talk about what you -- you got on  
13 work at --

14 A. 2:30.

15 Q. -- 2:30. Just tell us a little bit  
16 about your day. How did the shift go?

17 A. Pretty uneventful. Pretty slow day. I  
18 don't remember exactly, but I want to say maybe  
19 six radio assignments.

20 MR. SARAYA: Okay. Making traffic stops  
21 or business checks?

22 THE WITNESS: You know, I don't really  
23 remember exactly what --

24 MR. SARAYA: Okay.

1 THE WITNESS: -- what we had done prior.

2 I just know that was a pretty slow day.

3 MR. SARAYA: Okay. Fair enough.

4 BY MR. GARDNER:

5 Q. At some point you became aware that  
6 something was happening? Do you remember where  
7 you were?

8 A. Yes. We were on lunch at the Second  
9 District.

10 Q. You were at the house, the station  
11 house?

12 A. Yes. I was in the roll-call room. My  
13 partner was downstairs working out.

14 Q. Okay. Then how did you become aware  
15 that something was going on?

16 A. We were listening to the first couple  
17 minutes of the chase --

18 Q. You guys --

19 A. -- over the radio.

20 Q. On your portable? You guys have  
21 speakers in the stationhouse?

22 A. Portable.

23 Q. So tell us what you did.

24 A. First couple minutes I sat there. My

1 FTO came up from the basement where the gym is  
2 and said, "Do you want to get involved?"

3 And I said, "By the time we get there,  
4 it's probably going to be over."

5 And he said, "Do you want to get  
6 involved?"

7 And I said, "Yeah, let's go," and we ran  
8 out to the car and got in the car.

9 Q. Okay. Then, approximately, when you get  
10 in your car, do you remember where they were as  
11 far as where they were in the pursuit or --

12 A. I believe they were at that roundabout  
13 by Steelyard.

14 Q. Okay. So you guys hop in your car.  
15 They're at the roundabout, somewhere in there.

16 A. Uh-huh.

17 Q. What did you do?

18 A. We went right to the highway. Got on --  
19 by the time we had gotten in the car and  
20 everything, I think they had -- they were going  
21 down 14th, I think it was, at Abbey and we're  
22 beginning to jump on the highway, so we jumped on  
23 the highway.

24 Q. 90?

1 A. Jumped on 71.

2 Q. 71, okay.

3 A. To go to 90.

4 Q. Okay. All right. What happened then?

5 A. We -- he pretty much drove as fast as he  
6 could to try and catch up. We were at Deadman's  
7 Curve, I believe, when they were at 72nd. We  
8 enter up to 72nd, got off.

9 When we got off, we were following a  
10 Third District car, because we figured they knew  
11 where they were going. We really don't know  
12 where we were.

13 Q. Was there any other cars in front of the  
14 Third District car, or you're just following a  
15 lone car trying --

16 A. We were trying to follow a lone car to  
17 catch up.

18 Q. So what happens next?

19 A. Then we went down a few streets. Again,  
20 I don't really remember what they were. I'm not  
21 too familiar with the area.

22 But we pulled onto Wymore, I think it  
23 was, and turned into the driveway to the school.  
24 And as soon as we turned into the driveway, we

1 were right there.

2 Q. Okay. So when you're -- you're on,  
3 probably, Euclid. Is there just still that lone  
4 Third District car or do you --

5 A. No. By that time I knew there were a  
6 bunch of cars that had been pulling down  
7 Wymore.

8 Q. Do you know approximately how many or --

9 A. No. Because I think that that road is  
10 kind of a dirt road or they're doing construction  
11 or something, and they had kicked up a bunch of  
12 dirt and we couldn't really -- couldn't see too  
13 far ahead.

14 Q. Did you see any other agencies as far as  
15 cruisers?

16 A. No. All I saw was Cleveland.

17 Q. Okay. All right. I'm going to flip to  
18 -- let me show you a couple maps here.

19 MR. SARAYA: (Inaudible) there, if need  
20 be.

21 Q. All right. So you turn off to Wymore.  
22 So Euclid is down here. You turn off to Wymore.

23 What you really can't see is there's --  
24 the access road is right here.

1 A. Okay.

2 Q. This is what you were describing, I'm  
3 assuming, as the dirt coming up?

4 A. Uh-huh.

5 Q. Okay? So you come up with the drive.  
6 I'm going to show you a closer picture. This is  
7 essentially right here this lays on.

8 You're still behind cars, right?

9 A. Right.

10 Q. Marked cars?

11 A. (Affirmative nodding of head.)

12 Q. Do you recall, did you -- which drive  
13 did you --

14 A. We pulled down this drive here.

15 Q. This drive here?

16 A. Yes.

17 MR. SARAYA: Okay. You pull into the  
18 driveway. What's going on in front of you?

19 THE WITNESS: As soon as we pulled up,  
20 we started hearing shots going off.

21 MR. SARAYA: So you just -- Wymore --  
22 you cross Terrace. You're in this driveway in  
23 this row of trees here.

24 Have you even made this turn yet when



1 you hear the gunfire or --

2 THE WITNESS: Yes, we made the turn.

3 MR. SARAYA: So you're actually up in  
4 this area here where the pavement changes?

5 THE WITNESS: We were on that side.

6 MR. SARAYA: Okay.

7 BY MR. GARDNER:

8 Q. Can you do me a favor? We're trying to  
9 get approximate, doesn't have to be exact. Can  
10 you just draw on the map here approximately where  
11 your car was?

12 A. (Complies with request.)

13 Q. Okay.

14 A. About right there.

15 Q. That's when you started hearing gunfire?

16 A. Yes.

17 Q. Okay. What's going on? What do you  
18 see?

19 A. As soon as I heard the shots, I said,  
20 "Oh, shit." I went like this because I thought I  
21 was being -- we were being shot at.

22 Q. You're still in your car?

23 A. Still -- still in the car, yes. I tried  
24 to duck down, tried and crouch down as low as I

1 could.

2 MR. SARAYA: Try crawling (inaudible)?  
3 Seriously.

4 THE WITNESS: Trying to get behind the  
5 engine block as best I could.

6 MR. GARDNER: I have another one.

7 MR. SARAYA: So this is some cars laid  
8 out here.

9 THE WITNESS: Uh-huh.

10 MR. SARAYA: And you say you are where  
11 again?

12 Go ahead and just draw me out there a  
13 little car.

14 THE WITNESS: (Complies with request.)

15 MR. SARAYA: Okay. And what's going on  
16 in front of you?

17 Is there another car in front of you,  
18 other zone cars?

19 THE WITNESS: The only cars that were in  
20 front of us were 238 and 217.

21 MR. SARAYA: Okay. Is there anybody to  
22 the right -- I'm sorry.

23 BY MR. GARDNER:

24 Q. Was there anybody to the right of you or

1       --

2           A. I know there was a car there. I just  
3 don't remember -- at that time I didn't know who  
4 it was.

5           Q. But, I mean, there was a car there?

6           A. Yes.

7           Q. Just don't know who it is.

8           A. Yeah.

9           MR. D'ANGELO: Where is it, I'm sorry?  
10 You said to the right?

11          MR. GARDNER: His --

12          Q. The zone car to your right there.

13          A. We may have been up a little more, but  
14 that was our approximate.

15          Q. Okay. All right. And what's going on  
16 in front of you up there?

17          A. I just seen a cloud of smoke and I keep  
18 hearing gunshots.

19          MR. SARAYA: Are you hearing anything,  
20 people yelling, shouting?

21          THE WITNESS: Not at that point. I  
22 really don't remember.

23          MR. SARAYA: Okay. What happens next?

24          THE WITNESS: After I ducked, I saw my

1 partner open his door, got out of the car.

2 And I remembered one of the things they  
3 always told us in the academy is, "Get out of the  
4 car because it's a coffin," so I thought, "okay,  
5 I've got to get out of the car."

6 And when I opened the door, where I  
7 thought we were being shot at was directly --  
8 where I would have got out was directly in the  
9 line -- what I thought at the time was the line  
10 of fire.

11 MR. SARAYA: Okay.

12 THE WITNESS: So after I got out of the  
13 car, I turned and fired two rounds into the  
14 windshield and then as I was running backwards to  
15 try and get behind our car for cover.

16 BY MR. GARDNER:

17 Q. The questions were asked -- I mean,  
18 we'll ask you specifically if you know  
19 information now. Just try to give us the answers  
20 right now of what you knew then.

21 A. Okay.

22 Q. Okay? Or what you thought then.

23 A. Uh-huh.

24 Q. So you fired how many shots, I'm sorry?

1 A. Two -- two shots.

2 Q. Into the windshield?

3 A. Yes.

4 Q. Do you know -- I mean, were you shooting  
5 for anything in particular or --

6 A. I was shooting for the driver.

7 Q. And then you retreated back?

8 A. Retreated behind the car.

9 Q. Which side?

10 A. I came around this way and then came  
11 around to this side of the car.

12 Q. Okay.

13 MR. SARAYA: What -- was your partner  
14 there?

15 THE WITNESS: Yes, my partner was next  
16 to me.

17 MR. SARAYA: All right. Now, I just  
18 want to clarify.

19 You're opening the door and you know  
20 rounds are coming down your side of the car. You  
21 come out. You take two shots and you  
22 backpedaled?

23 THE WITNESS: I was shooting as I was  
24 going backwards like this.

1 MR. SARAYA: Okay. All right.

2 At that time did you know how many  
3 rounds you fired?

4 THE WITNESS: No.

5 MR. SARAYA: Okay. How did you know it  
6 was two rounds, then?

7 THE WITNESS: After -- I'm sorry. After  
8 everything was done, I knew that I had shot  
9 twice. I guess I didn't know at the time that it  
10 was two rounds.

11 BY MR. GARDNER:

12 Q. That's fine. How did you find out?

13 A. After when they did the -- they did a  
14 check of our weapon.

15 Q. Do you know who checked your weapon?

16 A. It was Lieutenant Timm.

17 Q. Did they take your weapon at that point?

18 A. No, not at that point. We had to go  
19 downtown and turn it in.

20 Q. I mean, they didn't remove it to  
21 inventory?

22 A. They -- they removed it. They checked  
23 it, checked the rounds and everything. Then gave  
24 it back to us. Then we had to go downtown and

1 turn them in.

2 MR. SARAYA: All right. We kind of  
3 jumped ahead there.

4 You bail out, you come around the  
5 backside of the car. What happens next?

6 THE WITNESS: I fired again.

7 MR. SARAYA: You fired again?

8 THE WITNESS: Yes.

9 MR. SARAYA: Okay. What were you aiming  
10 at then?

11 THE WITNESS: Same -- same spot.

12 MR. SARAYA: Same spot?

13 THE WITNESS: Yes.

14 BY MR. GARDNER:

15 Q. Just -- okay. Just so I'm  
16 understanding -- I'm a little confused now.

17 Did you -- did you fire two rounds then  
18 or two rounds total?

19 A. Four rounds total.

20 Q. Four rounds total?

21 A. Yes.

22 Q. Okay.

23 MR. SARAYA: Now, you go across the  
24 hood, across the roof of the car as you're -- are

1 you hunkered down behind the car?

2 THE WITNESS: Hunkered down, popped up a  
3 little bit. I engaged, fired again.

4 MR. SARAYA: Okay. Where was your  
5 partner, your left or your right?

6 THE WITNESS: My partner was on my left.

7 MR. SARAYA: On your left, okay.

8 BY MR. GARDNER:

9 Q. What are you -- what are you seeing up  
10 here?

11 A. When I was firing, I was looking at the  
12 driver. And then I stopped firing because I saw  
13 somebody jump on the hood of the car.

14 Q. Which --

15 A. A police officer.

16 Q. The hood of the suspect car?

17 A. Yes.

18 Q. Do you know what that was?

19 A. Not -- not at the time I didn't.

20 Q. Did you see what they were doing?

21 A. Yes. They were shooting down into the  
22 car.

23 Q. So you initially -- you stopped  
24 firing --



1 A. Yes.

2 Q. -- not because everything was calm at  
3 that point, it was just someone was in your  
4 direct line?

5 A. I didn't want to hit, correct.

6 Q. Okay. Then what happens?

7 A. I'm not too sure. I want to say I made  
8 my way up to behind this car.

9 Q. Okay. The CPD car?

10 A. Yeah.

11 Q. Shooting was still happening?

12 A. No. By that time the shooting was  
13 done.

14 Q. So primarily the way you recall is, a  
15 guy jumps on top, he shoots inside, and then  
16 everything stops?

17 A. That's really the last thing I remember  
18 at that point.

19 MR. SARAYA: Anybody still yelling out  
20 verbal commands, "hold fire," "cease fire"?

21 THE WITNESS: I couldn't tell you.

22 MR. SARAYA: Okay.

23 BY MR. GARDNER:

24 Q. During any part of the pursuit did you

1 or your partner -- I guess it probably would be  
2 you. Did you guys use the radio at all?

3 A. No.

4 MR. SARAYA: What were you hearing on  
5 the radio?

6 THE WITNESS: We heard that the suspect  
7 was pointing a gun out the window. We heard the  
8 person that was calling out the chase said -- I  
9 remember him saying, "Be careful, he's pointing a  
10 gun."

11 MR. SARAYA: Okay. What else did you  
12 hear?

13 THE WITNESS: Just the streets that we  
14 were passing -- they were passing in the Second  
15 District. And then once we got in the car and  
16 were actually in pursuit, we heard them calling  
17 out the streets.

18 MR. SARAYA: Okay.

19 THE WITNESS: On the -- on the east  
20 side.

21 MR. SARAYA: Did you hear anybody  
22 broadcast their car getting rammed?

23 THE WITNESS: Yes.

24 MR. SARAYA: Okay. Do you remember

1 about where you were at when you guys heard it?

2 THE WITNESS: I don't remember where I  
3 was.

4 MR. SARAYA: Were you guys in the  
5 pursuit when that happened?

6 THE WITNESS: I -- the initial time it  
7 got rammed, I don't believe we were.

8 MR. SARAYA: Why do you say "the initial  
9 time it got rammed"?

10 THE WITNESS: Because there was one time  
11 that it was called out on the radio before all of  
12 this --

13 MR. SARAYA: Okay.

14 THE WITNESS: -- that they -- that I  
15 remember Sergeant Coleman saying that, "He hit my  
16 car."

17 MR. SARAYA: Okay. Where was the first  
18 time you saw the suspect vehicle?

19 THE WITNESS: As soon as we had pulled  
20 into this drive here.

21 MR. SARAYA: Okay. So at no time during  
22 the pursuit --

23 THE WITNESS: No.

24 MR. SARAYA: -- you laid eyes on the car

1 then?

2 THE WITNESS: No.

3 MR. SARAYA: Okay. What kind of speeds  
4 were you going during the pursuit?

5 THE WITNESS: On the highway I believe  
6 we were up to 100 miles-an-hour. Once we got  
7 off, I -- I couldn't tell you, because --

8 MR. SARAYA: What did it feel like?

9 THE WITNESS: I -- I really don't know.

10 MR. SARAYA: Fast? Slow?

11 THE WITNESS: Fast for sure. Faster  
12 than the speed limit.

13 MR. SARAYA: Okay.

14 BY MR. GARDNER:

15 Q. And this is the first time you've seen  
16 the suspect vehicle, is up here?

17 A. Yes.

18 Q. You would have no idea how --

19 A. As soon as we turned that corner.

20 Q. Do you have any idea whether -- it may  
21 be by radio traffic. Any idea how the vehicle  
22 was driving?

23 A. I -- it sounded like it was going fast.  
24 That's all I could gather. They weren't really

1 broadcasting their speeds.

2 Q. Were you aware of the sex and race  
3 then?

4 A. No.

5 Q. Are you aware now?

6 A. Yes.

7 Q. Have you heard the names before?

8 A. No.

9 Q. I mean, do you know -- do you know the  
10 names now, I should say?

11 A. Oh, yeah, I know the names now.

12 Q. You don't remember the -- the names,  
13 ever having any prior dealings with them?

14 A. No.

15 Q. Or anything like that?

16 A. (Affirmative nodding of head.)

17 Q. I'm showing you the two pictures. Have  
18 you ever had any prior dealings with them, seen  
19 them before?

20 A. (Negative shaking of head.)

21 Q. How would you consider the lighting in  
22 the parking lot? Was it dark, lit?

23 A. I -- I could see. I mean, it was a  
24 lighted parking lot, but it -- it was nighttime.

1           MR. SARAYA:  Granted you have all the  
2           cruiser lights flashing and everything else.  How  
3           good of view do you have?  Can you see inside the  
4           car at all?

5           THE WITNESS:  Yes.

6           MR. SARAYA:  Okay.  What can you see  
7           inside the car?

8           THE WITNESS:  I can see two figures.

9           MR. SARAYA:  Okay.

10          THE WITNESS:  The windshield was pretty  
11          messed up from bullets.

12          MR. SARAYA:  Okay.

13          THE WITNESS:  I saw two figures inside.

14          MR. SARAYA:  Could you see them moving  
15          around inside?

16          THE WITNESS:  No, I didn't see them  
17          moving.

18          BY MR. GARDNER:

19           Q.  Did you ever see any weapons as far  
20           as --

21           A.  No, I did not.

22           Q.  Did you believe that you were being shot  
23           at?

24           A.  Yes, with all my heart.

1 Q. He already asked you, or I believe he  
2 asked, did you hear any verbal commands, "Cease  
3 fire, stop"?

4 A. I couldn't tell you.

5 Q. You said that when you were -- you had  
6 come over here, correct, for the initial shots?

7 A. For the initial shots, as soon as I  
8 exited the vehicle, I fired.

9 Q. Did you see any officers in this area?

10 A. Not that I remember.

11 Q. And then you came up?

12 A. I came back around our car and fired  
13 from here.

14 Q. Okay. Do you remember seeing any  
15 officer -- well, I know you said later you saw  
16 that one.

17 Prior to that, did you see any officers  
18 in here?

19 A. I -- at that point when I fired, I  
20 didn't see anybody. I remember, after, being  
21 next to one of the officers from this car behind,  
22 in the back of this car here.

23 Q. Okay.

24 MR. SARAYA: You think your rounds hit

1 anything?

2 THE WITNESS: I don't know.

3 MR. SARAYA: Okay.

4 THE WITNESS: I would assume so, because  
5 I was aiming for the -- for the driver, so --

6 MR. SARAYA: Your heart rate's up,  
7 adrenaline's pumping, breathing heavy. So it  
8 happens.

9 When you're back here, --

10 THE WITNESS: Yes.

11 MR. SARAYA: -- again, this is your  
12 opinion, how far away are you from that suspect  
13 vehicle?

14 THE WITNESS: I thought we were about 40  
15 feet.

16 MR. SARAYA: Okay.

17 THE WITNESS: I mean, when we first  
18 pulled up, I thought we were actually a lot  
19 closer than we were. And I -- it felt like I was  
20 right there.

21 That's -- and that's why I said, "Oh,  
22 shit," and ducked, because I thought we were  
23 literally right there.

24 I don't know if I had tunnel vision or



1 what, but I thought we were right on the vehicle  
2 pretty much.

3 MR. SARAYA: Okay.

4 BY MR. GARDNER:

5 Q. This question is one of those questions  
6 that he sort of touched on too, lightly.

7 A. Uh-huh.

8 Q. It's okay if you get offended. I would  
9 probably be offended also. All right?

10 Was there -- if your opinion, was there  
11 any availability or anything else that could have  
12 been done other than what was done?

13 A. In my opinion, I really don't know.

14 Q. Do -- do you --

15 A. I -- I would have to say no, because I  
16 feared for my life.

17 Q. Given the circumstances of the pursuit,  
18 you were hearing radio traffic, right, guns?

19 A. Yes.

20 Q. So you believed them to be armed,  
21 correct?

22 A. Yeah.

23 Q. You heard radio traffic when you were  
24 pulling up -- or actually you said you heard the

1 shots flying, correct?

2 A. Pulling up, yeah.

3 MR. SARAYA: How long did it feel like  
4 that you heard gunfire?

5 THE WITNESS: Two hours. No, it --

6 MR. SARAYA: No, that's a fine answer.  
7 I don't have a problem with that. This is your  
8 interpretation.

9 THE WITNESS: Uh-huh.

10 MR. SARAYA: As that's what we're after.

11 THE WITNESS: It felt like they just  
12 went on forever.

13 BY MR. GARDNER:

14 Q. Did you -- did you call for EMS?

15 A. No, I did not.

16 Q. Did you hear anyone else call for EMS?

17 A. I didn't.

18 Q. Whether it be on radio, did you hear  
19 anybody?

20 A. I didn't hear.

21 Q. After everything calmed down, what did  
22 you do; did you reload your weapon?

23 A. The first thing I did was check my vest  
24 to see if I was hit.

1 Q. And were you injured?

2 A. No.

3 Q. At any point did you come up and move  
4 anything from the area?

5 A. No.

6 MR. SARAYA: Go up, look at the car?

7 THE WITNESS: I looked in the car, but I  
8 was kind of at a distance. I was never --

9 MR. SARAYA: Okay.

10 THE WITNESS: -- never even close.  
11 Probably like the closest I was was maybe 15  
12 feet.

13 MR. SARAYA: Okay.

14 BY MR. GARDNER:

15 Q. Do you recall statements of other  
16 officers, anything sticking out in your head  
17 right after?

18 A. The -- one of the things that the guy  
19 that I was supposed to work with this month, I  
20 went up to him and I said, "Well, it looks like  
21 I'm not working with you this month."

22 And he shook my hand and said, "It's  
23 okay."

24 And then he said, "Why are your hands

1 shaking?"

2 MR. SARAYA: Who was that?

3 THE WITNESS: Carl Dooley.

4 BY MR. GARDNER:

5 Q. What were your hands shaking?

6 A. Because I was just involved in what I  
7 thought was a shootout.

8 MR. SARAYA: You thought right.

9 THE WITNESS: (Affirmative nodding of  
10 head.)

11 BY MR. GARDNER:

12 Q. When we ask this question, people  
13 sometimes get a little apprehensive. There's  
14 nothing wrong if you did, we just need to know.

15 Did you speak to anyone, reference this  
16 incident, other than union and attorneys?

17 A. Yes.

18 Q. Who did you speak with?

19 A. My family.

20 Q. Anyone else?

21 A. Friends I received texts from that said,  
22 "I heard you were involved."

23 And the only thing I responded was, "I'm  
24 okay."

1 Q. Have you spoken with any officers  
2 referencing this incident after?

3 A. Yes.

4 Q. Who was that?

5 A. The people that were -- the thirteen --  
6 or I shouldn't say thirteen -- a couple of the  
7 guys that you guys have interviewed so far.

8 Q. What -- what was your conversation, the  
9 course of conversation?

10 A. Just talking about what we  
11 experienced.

12 Q. Do you believe your actions were  
13 consistent with your training?

14 A. Yes.

15 Q. Do you believe that others' actions were  
16 consistent with their training?

17 A. Yes.

18 Q. I can't -- this next question I can't  
19 emphasize the importance of honesty. All right?

20 Did you at any point take any  
21 photographs --

22 A. No.

23 Q. -- of the scene?

24 A. No.

1 MR. SARAYA: No cell phone pictures?

2 THE WITNESS: No cell phone pictures.

3 BY MR. GARDNER:

4 Q. Has anyone, maybe through the course of  
5 the conversation with the thirteen or anyone  
6 else, advised you to lie or sway your answers in  
7 any way --

8 A. No.

9 Q. -- to us?

10 A. No.

11 MR. SARAYA: I want to go back to  
12 something here.

13 THE WITNESS: Uh-huh.

14 MR. SARAYA: Only because you're a  
15 relatively new guy here.

16 Have you ever been in any other pursuits  
17 in the few months you've been here?

18 THE WITNESS: We were in one that lasted  
19 ten seconds. Then the guy bailed from the car.  
20 The car went rolling down the street.

21 MR. SARAYA: A ten-second pursuit. Does  
22 that qualify as a pursuit, ten seconds?

23 THE WITNESS: We didn't even have time  
24 to call it out, but we had to do a -- we had to

1 fill out paperwork for the pursuit.

2 MR. SARAYA: Okay. Get the guy in a  
3 foot chase?

4 THE WITNESS: No. He was gone. He was  
5 fast.

6 MR. SARAYA: Okay. Five months on the  
7 job and you only get one pursuit that lasted ten  
8 seconds.

9 MR. FOLLMER: You'd probably catch more  
10 hell if you would've caught him.

11 THE WITNESS: That's funny. I'm the  
12 fastest man alive.

13 MR. SARAYA: Your very first one you  
14 usually have no clue what happened. The guy  
15 rammed up --

16 THE WITNESS: My first one we caught.

17 MR. SARAYA: Oh, (inaudible) okay, I've  
18 gotcha. I gotcha.

19 THE WITNESS: The first two.

20 MR. GARDNER: Good for you.

21 MR. SARAYA: I used to have a guy on my  
22 shift we called the gazelle. He was a runner.

23 You said later on you found out what was  
24 up on the hood of the car?

1 THE WITNESS: Yes.

2 MR. SARAYA: How did you find that out?

3 THE WITNESS: Because he was talking  
4 about it.

5 MR. SARAYA: He was talking about it?

6 THE WITNESS: Uh-huh.

7 MR. SARAYA: Who was that?

8 THE WITNESS: Mike Brelo.

9 MR. SARAYA: Did you see anybody stand  
10 on any of the zone cars there?

11 THE WITNESS: I didn't see anybody.

12 MR. SARAYA: Okay. Anything you think  
13 we need to know about here we didn't ask you?

14 Any other details you want to add,  
15 anything you want to say about it?

16 THE WITNESS: No, I don't believe so.

17 MR. SARAYA: Okay. You're in this  
18 pursuit, you're in lights and sirens while you  
19 guys are doing this?

20 THE WITNESS: Yes.

21 MR. SARAYA: No doubt in your mind the  
22 bad guys knew that there's cruisers behind them  
23 chasing them?

24 THE WITNESS: Oh, absolutely.



1           MR. GARDNER: Do you have any questions,  
2 Counselor?

3           MR. D'ANGELO: No.

4           MR. GARDNER: You good?

5           MR. SARAYA: All right. I need you to  
6 -- you were drawing on this -- if you could,  
7 initial off and put your badge on that for me.

8           THE WITNESS: (Complies with request.)

9           MR. SARAYA: Excellent. Sabolik is how  
10 you pronounce that?

11          THE WITNESS: Yes.

12          MR. SARAYA: What nationality?

13          THE WITNESS: Slavic.

14          MR. SARAYA: Oh, okay. I'm Croatian.  
15 Okay.

16                 Anything else comes up along the way,  
17 you want to reach out to us, reach out to these  
18 guys, contact us.

19                 We always ask for a point of contact  
20 just in case we need you. Obviously, if  
21 something comes up, we're going to reach out to  
22 them first.

23          THE WITNESS: Okay.

24          MR. SARAYA: Okay? Nothing else I can

1 think of. All right?

2 THE WITNESS: Okay.

3 MR. SARAYA: I appreciate it.

4 THE WITNESS: Thank you.

5 (End of videotaped interview.)

6 (End of videotaped interview.)

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C E R T I F I C A T E

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2  
3 STATE OF OHIO :  
4 COUNTY OF FRANKLIN : SS:

5 I, Jennifer L. Parish, Registered  
6 Professional Reporter, do hereby certify that the  
7 foregoing is a true, correct, and complete  
8 transcription of the above-mentioned videotaped  
9 interview of BRIAN SABOLIK to the best of my  
10 ability.

11  
12 DATED this 14th day of February, 2013.

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16 \_\_\_\_\_  
JENNIFER L. PARISH, RPR  
NOTARY PUBLIC-STATE OF OHIO

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18 My Commission Expires: November 23, 2014.  
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