

* * *

VIDEOTAPED INTERVIEW

MICHAEL BRELO

* * *

APPEARANCES:

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

ARMSTRONG & OKEY, INC.

222 East Town Street, Second Floor

Columbus, Ohio 43215-4620

(614) 224-9481

1 MR. SARAYA: All right. Before we
2 actually get everything started and under way,
3 I'm John Saraya with BCI. I'm been here at BCI
4 about 15 years. I've got 9 years before this as
5 a PD in the Youngstown area. I've been doing
6 officer-involved shootings about the whole time
7 I've been here at BCI. All right?

8 We have a formalized list of questions
9 here. Everybody's pretty much getting asked the
10 same things. You will be given opportunities to
11 expound on things.

12 Some of the questions we ask, don't take
13 them personally. We're asking because we need
14 you to expound on things and pull details out.
15 All right? We need you to articulate
16 circumstances.

17 There are a few questions that, again,
18 don't take personal. We're asking everybody,
19 though. All right?

20 THE WITNESS: (Affirmative nodding of
21 head.)

22 MR. SARAYA: If at any time you have any
23 questions for us, ask. If there's something you
24 want to discuss with your people first, not a

1 problem. Say so. You guys can step out in the
2 hallway, confer, and come back in. Okay?

3 THE WITNESS: Yes, sir.

4 MR. SARAYA: Very good.

5 MR. GARDNER: My name is Scott Gardner.
6 I'm a detective/sergeant out of East Cleveland
7 assigned to Major Crimes.

8 MR. SARAYA: BCI is the lead agency
9 here. Our policy is officer-involved shootings,
10 it's a criminal investigation. This is not
11 internal, this is criminal. As such, you have
12 all rights and privileges the same as everybody
13 else. You're going to be given Miranda warnings,
14 which I'm sure they already told you is coming.

15 But, here again, I want you to
16 understand that it's not because there's any
17 belief you've done anything wrong. It's just
18 it's your rights, and you're being -- you get
19 them the same as everybody else.

20 THE WITNESS: Okay.

21 MR. SARAYA: All right. So let's start
22 with Miranda warnings. And they go: You have
23 the right to remain silent. Anything you say can
24 and will be used against you in court. You have

1 the right to consult with an attorney and have an
2 attorney present during questioning. If you
3 cannot afford an attorney, one can be provided to
4 you before questioning at no cost.

5 Do you understand these rights?

6 THE WITNESS: Yes, sir, I do.

7 MR. SARAYA: Good. All right. Let's
8 start with the demographics.

9 EXAMINATION

10 BY MR. SARAYA:

11 Q. Your name, sir.

12 A. My name is Michael John Brelo,
13 B-R-E-L-O.

14 Q. Michael, your home address?

15 A. [REDACTED]
16 [REDACTED] [REDACTED]
17 [REDACTED].

18 Q. Okay. Some phone number I can reach you
19 at?

20 A. [REDACTED].

21 Q. And your date of birth?

22 A. [REDACTED].

23 Q. Very good. Okay. How are you doing
24 with everything that's been going on so far? How

1 are you holding up?

2 A. I've been nervous, and it's been hard a
3 couple weeks.

4 Q. In the law enforcement field the term
5 mental health usually has a stigma attached.
6 Make use of people to talk to about this.

7 A. Yes, sir.

8 Q. Okay?

9 A. Yes.

10 Q. It's the old survive the streets,
11 survive the court, you're going to survive
12 everything else too. All right?

13 A. Yes, sir.

14 Q. So try to expound on that. Because a
15 lot of guys sit there and, you know, "I'm going
16 to be a bad cop. I don't need that." Make use
17 of the resources.

18 A. Yes, sir.

19 Q. All right. What's your current
20 assignment, what district? What do you do?

21 A. I'm Second District. I'm on B Platoon,
22 afternoon shift. I'm on zone car 2 Barney 22,
23 basic patrol, sir.

24 Q. Okay. Okay. Hold on. Okay.

1 A. Call sign 2 Barney 22.

2 Q. 22?

3 A. On second shift.

4 Q. Okay. What is your -- the time of your
5 shift?

6 A. It's -- every day it's 3:30 till 1:30.

7 Q. All right. And the week this happened,
8 what were your days off that week?

9 A. The day this happened was the 29th, I
10 believe. This was my Friday.

11 Q. That was your Friday. So your days off
12 would have been --

13 A. The next four days after.

14 Q. Friday, Saturday, Sunday, Monday would
15 have been your off days?

16 A. Yes, sir.

17 Q. Okay. All right. Who was your
18 supervisor that Thursday?

19 A. I can't even recall, to tell you the
20 truth, sir.

21 Q. Okay.

22 A. I know that Sergeant Coleman was there
23 with us; but I can't remember who gave them a
24 call or who we talked to, sir.

1 Q. Okay. Do you work any side jobs, open
2 shifts?

3 A. I work at Brennan's --

4 Q. Okay?

5 A. -- Party Center part-time.

6 Q. Tuesday or Wednesday did you work any
7 side details?

8 A. No, I did not, sir.

9 Q. The Thursday this happens, how are you
10 feeling?

11 A. I was fine.

12 Q. Fine?

13 A. Yes.

14 Q. Head cold, sneezy, anything like that?

15 A. No, nothing, sir.

16 Q. Okay. Are you taking any type of
17 medications, over-the-counter Sudafeds, Actifeds?

18 A. No.

19 Q. Any prescription stuff, anything like
20 that?

21 A. No, sir, nothing prescribed to me. I
22 didn't take anything.

23 Q. Do you wear corrective lenses?

24 A. No, I do not, sir.

1 Q. All right. What are you wearing? How
2 are you dressed for your shift?

3 A. I have an outer vest on, which I have in
4 my trunk, and I had my duty belt on.

5 MR. GARDNER: It was in your trunk or --

6 THE WITNESS: I mean, it's in my car
7 right now.

8 MR. GARDNER: Oh, okay.

9 THE WITNESS: Well, on shift I had on my
10 vest, my other vest, and I had my duty belt on.

11 BY MR. SARAYA:

12 Q. Okay. And right into that. What all
13 are you carrying?

14 A. I carry the things that were issued to
15 me. I had two extra magazines of ammo, I have a
16 flashlight, an ASP baton, two pairs of handcuffs
17 in cases, and also a pepper spray, a mace.

18 Q. Okay. What's on your vest? Are you
19 carrying anything on the vest?

20 A. No. Only the badge. I didn't have
21 anything on my vest.

22 Q. Okay. No taser that night?

23 A. I don't have a taser.

24 Q. Don't have one? Okay.

1 Which pistol are you carrying and how
2 many rounds are you carrying?

3 A. Glock 17, I believe 53 total.

4 Q. Do you carry a digital recorder?

5 A. No, sir.

6 Q. Or videocamera in your pocket, one of
7 those pens or anything?

8 A. No, sir, I do not.

9 Q. Personal video? Okay.

10 Okay. Now, you already gave me your
11 call sign. What car were you in? Do you
12 remember the car number?

13 A. Yes, it was Zone Car 217.

14 Q. 217. Okay. And you had a partner that
15 night?

16 A. Yes.

17 Q. Who was it?

18 A. It was Cindy Moore.

19 Q. Who was driving?

20 A. I was driving, sir.

21 Q. Cindy's your passenger?

22 A. Correct.

23 Q. Is there a dash cam in there?

24 A. No, there's not, sir.

1 Q. All right. Lights and sirens,
2 spotlight, everything working okay?

3 A. Yes, they do, sir.

4 Q. What channel were you guys on?

5 A. Channel 2, sir.

6 Q. Did you stay on channel 2 or did you
7 change channels at any time?

8 A. No, we did not, sir. We stayed on
9 Channel 2.

10 Q. Okay. MDT working okay in there and
11 everything?

12 A. Yes, it was working that night, sir.

13 Q. All right. Any type of extra
14 certifications you have, SWAT, negotiator, OPOTA
15 instructor, or anything like that?

16 A. I was trained in -- I did the class you
17 do when they give people tasers.

18 MR. FOLLMER: Crisis intervention.

19 A. Yeah, crisis intervention, sir. And I
20 was in the Marines.

21 Q. Okay. We'll come to that in a minute.

22 A. Okay.

23 Q. Okay. You were in the Marines?

24 A. Yes, sir.

1 Q. From when to when?

2 A. 2003 till 2010.

3 MR. GARDNER: What was your MOS?

4 THE WITNESS: 0311, sir. Infantry.

5 BY MR. SARAYA:

6 Q. How long have you been with Cleveland?

7 A. Five years, sir. Appointment date was
8 10-15-2007.

9 Q. No police departments before that?

10 A. No, sir.

11 Q. Okay. '03 to '10. So you were deployed
12 overseas?

13 A. Yes. I was in Iraq in 2005, sir.

14 Q. Firearms qualification this year, you
15 qualified?

16 A. Yes.

17 Q. With what?

18 A. With my Glock 17 issued pistol.

19 Q. Okay. Anything else? Shotgun?

20 A. Yes, with a shotgun as well, sir.

21 Q. Any other weapons that they might pull
22 out of the trunks of cars? Any of the ARs or
23 anything?

24 A. No, sir.

1 Q. Okay. During your in-service training
2 in the past year, have you had a use of force
3 review and everything?

4 A. I believe so, yes, sir.

5 Q. Okay. Your OPOTA certificate is all
6 up-to-date, everything's good?

7 A. Yes, sir.

8 Q. At the police department now, have you
9 been involved in any other shooting incidents?

10 A. I was with my partner last year when she
11 fired one round into a suspect's car. I did not
12 fire, though, sir.

13 MR. D'ANGELO: Your partner who?

14 THE WITNESS: My partner was officer Liz
15 Galarza. That's the 288.

16 MR. KINAS: That was a previous
17 incident.

18 BY MR. SARAYA:

19 Q. Okay. I'm assuming you got mixed up in
20 stuff in Iraq in '05.

21 A. I'm sorry, sir?

22 Q. You were mixed up in fire fights in Iraq
23 in '05?

24 A. No, sir. I never fired my weapon in

1 Iraq. We just got direct and indirect fire by
2 rockets and mortars. Luckily I did not fire my
3 weapon.

4 Q. Okay. Okay. How did the shift go? How
5 did it start out? What was going on?

6 A. We -- it was typical shift. We were
7 running radio assignments. Everything was
8 standard, from my memory. It was essentially
9 radio assignments. Nothing too crazy was going
10 on.

11 Q. Okay. Keep going. What happened?

12 A. Okay. We were -- I was driving
13 westbound on West 25 near Lorain Road, and we
14 heard Officer Nan broadcast that he saw a white
15 older Buick or Chevy that was driving I don't
16 remember if he said eastbound or westbound right
17 in front of the Justice Center and he saw this
18 auto fire a round.

19 Q. Okay.

20 A. At which point he said -- I remember him
21 saying that the car was headed eastbound on
22 whatever street that was in front of the Justice
23 Center. At which point I activated my lights and
24 sirens, and we head to the West 25 Detroit Bridge

1 to look for this vehicle.

2 Q. Okay. Headed for the Detroit Superior
3 Bridge?

4 A. Yes, sir.

5 Q. Okay. What happened then?

6 A. At which point we were eastbound on the
7 Detroit Superior Bridge. We -- my partner and I
8 see an auto coming westbound on the bridge that
9 matched the description of the suspect vehicle.
10 It looked like an older blue Chevy or Buick
11 traveling at a high rate of speed over the
12 bridge.

13 Q. Okay. What happens next?

14 A. There was a zone car in front of us.
15 The zone car turned around to follow this vehicle
16 and activated its lights and sirens. At which
17 point I heard 2 Adam 31, Officer Siefer broadcast
18 that they possibly have the suspect vehicle
19 headed westbound on Detroit towards West 25, sir.

20 MR. SARAYA: Okay.

21 MR. GARDNER: Adam -- I'm sorry. 2 Adam
22 31, was that the zone car that was in front of
23 you then?

24 THE WITNESS: Yes, that I saw do a

1 U-turn in front of me at which we were behind.

2 MR. SARAYA: Okay.

3 THE WITNESS: Lights and sirens -- the
4 auto's -- Adam 31 is broadcasting trying to get
5 this vehicle to pull over with its lights and
6 sirens. We head southbound West 45 from Detroit.

7 MR. SARAYA: Okay.

8 THE WITNESS: At which point we go I
9 believe to Clark Avenue -- no, I'm sorry, we went
10 to Lorain; and then we headed -- I'm still the
11 second or third car behind Adam 31. We headed
12 westbound on Lorain over to 73rd, southbound on
13 73rd over to Clark and eastbound over Clark all
14 the way to Steelyard on Quigley.

15 Now, the whole time he's broadcasting, I
16 remember Adam 31 Siefer saying that the passenger
17 was pointing a weapon -- gun at him.

18 During this -- our pursuit, there were
19 zone cars that were next to me. I had to stop
20 for cars that were stopped in front of us. I
21 ended up being like tenth in line. Adam 31
22 stayed primary but kept on falling back due to
23 cars in front of me stopping, zone cars.

24 BY MR. SARAYA:

1 Q. So you're only back about ten cars then?

2 A. On Clark Avenue I was probably five to
3 six, I would say. Once we got on the highway, it
4 was more.

5 Q. Okay. What happened then?

6 A. We went on Quigley down through the
7 Steelyard, and then Adam 31 broadcasted that
8 suspect auto was getting on the highway headed
9 towards Cleveland.

10 Q. Okay.

11 A. We end up following -- like I said, on
12 the highway we probably ended up being like tenth
13 in line, because autos on the highway were just
14 stopping. So it's, you know, trying to safely
15 follow the line of vehicles.

16 I remember a few times Adam 31 saying
17 that the passenger was pointing a gun out the
18 window. And we were headed towards the east
19 side. We were -- I think they were around two --
20 I-90 going -- we went by Dead Man's Curve.

21 Q. Uh-huh.

22 A. And I -- I never worked on the east
23 side, so I don't know any of these streets. I
24 remember Sergeant Coleman, she's the vice

1 sergeant, I remember her starting to broadcast
2 directions (inaudible) going eastbound on Star,
3 west on these various streets.

4 Q. Okay.

5 A. I remember during this Patty Coleman,
6 Sergeant Coleman, said that it looked like the
7 passenger was reaching down looking like they're
8 possibly reloading a weapon from the suspect
9 auto.

10 Q. Okay.

11 A. Excuse me.

12 Q. Take your time.

13 A. Thank you, sir.

14 I remember headed -- we were on a dusty
15 road, and I remember a zone car broadcasting that
16 it was a water treatment plant and that there was
17 no way out from there.

18 Q. Okay.

19 A. So we're on this dusty road. The
20 visibility is really bad with all the zone cars
21 in front of us. I'm pulling up and I hear "Shots
22 fired, shots fired" on the radio. I did not hear
23 them outside the auto. I just heard it from the
24 radio.

1 Q. Okay.

2 A. We pull up. I see a zone car to my left
3 going around a winding road. And I heard
4 Sergeant Coleman say that it looked like the
5 vehicle was going to stop. At which point I go
6 right, I park the car. I see Zone Car 238 in
7 front of me probably about 10 feet to my side on
8 my left. I did not see any of the occupants in
9 238 in the area, so I assumed they were in the
10 vehicle. At which point we see headlights coming
11 at us and this Buick or Chevy hit the Zone Car
12 238 on the passenger side.

13 Q. Okay. What happens next?

14 A. At which point the zone car -- I'm
15 sorry, the suspect auto heads towards us. I
16 think we're about to get rammed.

17 As I told you, the car was in park. I
18 see -- I see a driver and a passenger in the
19 suspect vehicle. I see them both point a dark
20 object at us.

21 Q. Okay.

22 A. At which point I was -- I heard shots
23 being fired from the area of the suspect vehicle.
24 I've never been so afraid in my life. I thought

1 my partner and I would be shot and that we were
2 going to be killed. At which point I drew my
3 weapon and I shot through the windshield at the
4 suspects.

5 Q. Okay. About how many rounds did you
6 fire through the windshield?

7 A. I thought it was probably like five or
8 six. I looked down at my weapon, I thought I had
9 a jam, so I reloaded. I dropped the magazine I
10 think on my lap. I reloaded from my belt a
11 magazine. At which point I exited the vehicle,
12 because I still believe I'm being fired at and
13 that I'm going to get rammed by this car in front
14 of us.

15 And while I'm in the vehicle, probably
16 within a half a second of me shooting, I know
17 that my partner was shooting inside the vehicle
18 as well --

19 Q. Okay.

20 A. -- out the windshield of Zone Car 217
21 into the suspect's windshield.

22 Q. Okay. You're shooting out of there.
23 You think you have a jam. You drop the magazine,
24 put a fresh one in.

1 A. Yes, sir.

2 Q. You get out of the car. What do you do
3 next?

4 A. At which point I get out of the car,
5 because I'm terrified of being hit by the
6 suspect's vehicle. I had leapt trying to get out
7 of the way of this car so it doesn't run me over
8 and kill me.

9 At this point I lose track of my
10 partner. I think she's to my right. I know she
11 got out of the car, I just -- I didn't see her.

12 In between the cars while I'm heading
13 towards the Zone -- the back of Zone Car 238 that
14 got rammed I fire what feels like five or six
15 rounds into the suspect's vehicle. Because
16 there's still rounds going all over the place, I
17 feel like I'm being shot by these suspects. And
18 I see the suspects kept on -- kept on moving --

19 Q. Okay.

20 A. -- and firing, shooting us, sir. At
21 which point I looked down at my magazine. I see
22 that I'm empty. I drop behind Zone Car 238. I'm
23 crouching behind 238. I reload into my third
24 magazine.

1 Q. Okay.

2 A. I look to my left and I remember seeing
3 officers firing. I don't remember who, though.
4 And I remember there was a hill behind them.

5 Q. Okay.

6 A. I do (inaudible) in fear that I was
7 going to be shot by one of these officers; and I
8 didn't want to stay behind the zone car, because
9 I -- the Chevy or Buick I thought was going to
10 hit me and I was terrified that I would be pinned
11 underneath Zone Car 238.

12 Q. Uh-huh.

13 A. At which point I made the decision that
14 it was safer on the trunk of Zone Car 238 where I
15 had the hood and the -- the hood and the
16 compartment between me and the vehicle. Excuse
17 me.

18 Q. No problem. Take a deep breath. Slow
19 down.

20 A. Yes, sir.

21 MR. GARDNER: Do you want a break?

22 A. I'm okay. I just want to (inaudible).
23 I'll be okay.

24 But like I said, at this point I still

1 don't know if anyone's in the Zone Car 238. And
2 I was terrified that with -- I knew that the
3 vehicle -- the suspect vehicle was coming. I
4 don't know who was behind this vehicle.

5 Q. It's all right, man. Take a deep
6 breath.

7 A. I remember that through my training that
8 engine blocks could stop 9 millimeter rounds, and
9 I was terrified that I would be shooting behind
10 the vehicle and behind the trunk of the suspect
11 vehicle. So next thing I just don't know if
12 anyone was in 238, if they were shot and killed;
13 and I felt that if I could at least find some
14 elevation I could shoot into the suspect's
15 vehicle and try and stop the threat.

16 Like I said, I keep hearing the rounds
17 going off, I see the suspects moving, and I
18 couldn't understand why they were still moving
19 shooting at us.

20 I was just -- even during Iraq I never
21 fired my weapon. I've never --

22 Q. You're fine.

23 A. I've never been so afraid in my life,
24 and I just couldn't understand why the suspects

1 were moving and still shooting at us.

2 Like I said, I was crouching over the
3 light of 238 shooting into the suspect's car. I
4 must have had tunnel vision. The next thing I
5 remember I'm next to the suspect's vehicle, I was
6 bent by the driver's door, and I remember having
7 my weapon in my holster. I remember going up to
8 the car. I remember putting the car from drive
9 to park, and I took the keys out of the vehicle
10 and I put them in the front of the hood, sir.

11 MR. SARAYA: Okay.

12 MR. GARDNER: When you were beside the
13 driver's side door, did you discharge your
14 weapon?

15 THE WITNESS: No, sir. I remember it
16 being -- I remember it being -- I have no idea
17 how I got to the driver's side door. I just know
18 that it was in my holster. People yelling,
19 "Cease fire."

20 And like I said, even through Iraq I've
21 never ever been this terrified as I was. I was
22 afraid my partner and I were going to die. I
23 have little kids. I've never been so terrified.

24 In Iraq when we have rockets and mortars

1 going off, it would be 20 seconds of hearing it
2 come and then, you know, diving for cover; but
3 then it would be over. This felt like it was at
4 least 30 or 40 seconds.

5 BY MR. SARAYA:

6 Q. Take a deep breath and relax for a
7 little bit. All right?

8 A. Yes, sir.

9 Q. We're going to back up a little bit here
10 and we're going to go over some details now.

11 MR. D'ANGELO: Are you all right?

12 THE WITNESS: Yes, sir.

13 MR. D'ANGELO: Okay.

14 BY MR. SARAYA:

15 Q. You're in pursuit. You're hearing all
16 this radio traffic (inaudible). You're hearing
17 the shots fired. You're hearing they're pointing
18 the gun out the window and everything else.

19 A. Yes, sir.

20 Q. Did you guys broadcast any radio
21 traffic?

22 A. No, we did not, sir.

23 Q. Initially when all this starts, let's
24 start on the bridge, you're relatively close to

1 the car?

2 A. Yes, sir.

3 Q. You see it go past, it comes down past
4 you?

5 A. Yes, sir.

6 Q. Okay. About how far away are you from
7 it? Can you see into the car? What's going on
8 in the car when it passes you on the bridge?

9 A. I could not -- the car was probably
10 going 50, 60 miles an hour. I believe I was in
11 the right-hand lane and the vehicle was in its
12 left-hand lane. So there was a ways between us.

13 I saw that there was a driver. I didn't
14 see anything else, though, sir.

15 Q. Okay. Did the driver look at you when
16 he went past you?

17 A. No. I have no recollection what the
18 driver even looked like, sir.

19 Q. It wasn't a situation where he turned
20 and looked at you and you guys make eye contact,
21 anything like that?

22 A. No, sir.

23 Q. Okay. Okay. The car goes past you.
24 You guys end up in the No. 2 position. Did you

1 hear any shots ring out there or anything like
2 that?

3 A. No, I did not, sir.

4 Q. Okay. During the pursuit here, how is
5 the -- how is he driving? How is the suspect
6 vehicle driving?

7 A. High rate of speed.

8 Q. What do you consider a high rate of
9 speed?

10 A. Probably going 60, 70 miles an hour.
11 The only time I actually really saw the suspect
12 vehicle was when we initially saw it and when I
13 turned southbound on West 45. At which point I
14 just saw taillights. And there were more and
15 more zone cars between me and the vehicle, sir.

16 Q. Okay. Okay. So he's going 60, 70 miles
17 an hour; and are we talking 60 to 70 in the city
18 or on the freeway?

19 A. I'm on Detroit.

20 Q. Okay.

21 A. And then on the side street I have no
22 idea. We just saw -- we just saw taillights.

23 Q. Okay. But, of course, he's stopping for
24 all the red lights and stop signs along the way.

1 A. Never, no, sir.

2 Q. Okay. Do you remember the original
3 broadcast description of the suspects, what
4 Officer Nan broadcasted?

5 A. I believe Officer Nan said there were
6 two black males in the car, sir.

7 Q. When did you find out that it wasn't two
8 males?

9 A. The next day when someone texted me.

10 Q. Someone texted you and told you about
11 it?

12 A. Yes, sir.

13 Q. Okay. Was it somebody that was there
14 that night that texted you?

15 A. No. I think my fiancée saw it on the
16 news. It was either the day -- the next day or
17 the day after that my fiancée was doing something
18 and she texted me.

19 Q. Okay. Did you -- do you know the names
20 of the suspects now? Have you heard them on the
21 news?

22 A. I've been trying not to watch the news,
23 sir.

24 Q. Okay.

1 A. I couldn't even tell you what the names
2 of the suspects -- suspects were, sir.

3 Q. Okay. We're going to show you the
4 pictures and the names there, Malissa Williams
5 and Timothy Russell.

6 Do either of those names ring any bells
7 with you from prior calls, prior contacts?

8 A. Never.

9 Q. They don't look familiar?

10 A. No, sir.

11 Q. Okay.

12 A. Never seen them.

13 Q. Okay. We'll start with this one first.
14 All right? Get your bearings here. All right?
15 Here's Lee Road.

16 A. Okay.

17 Q. Okay. Here's Wymore. These trees
18 obstruct it. Here's this driveway that comes up
19 here what everyone's calling the dirt road.

20 A. Yes, sir.

21 Q. Okay. You've got your -- right here is
22 the school.

23 A. Okay.

24 Q. All right. You've got your bearings?

1 A. Yes, sir.

2 Q. All right. So you guys come down. Now,
3 at this point in time about how far -- how many
4 cars are in front of you? How many zone cars in
5 front of you?

6 A. I would say approximately ten or so.

7 Q. Okay. How many are behind you?

8 A. It was too many to count, sir. Flashing
9 lights everywhere.

10 Q. Okay. When you came in here, did you
11 come straight in or did you kind of pull over and
12 wait for some of the dust to settle before you go
13 in?

14 A. I went straight in, sir.

15 Q. You went straight in. Okay.

16 A. I believe we came up Terrace and turned
17 right. Maybe we came up Wymore. I don't know
18 the east side. I have no idea.

19 Q. Okay. We'll look off of this one now.

20 A. Okay.

21 Q. See how it is? We've rotated it this
22 way for us. All right?

23 A. Okay.

24 Q. Here's 238. Here's 217. All right?

1 A. Okay.

2 Q. Everything look the way you recall it?

3 A. I thought that suspect's vehicle was
4 farther back.

5 Q. Okay.

6 A. Or at least to the side. I didn't think
7 it was still touching Zone Car 238, sir.

8 Q. Okay. What I want you to do is use that
9 pen and I want you to kind of draw where you
10 were, what you did, how you moved.

11 A. How I pulled in?

12 Q. Well, yeah.

13 A. Okay.

14 Q. Well, you pulled in. Obviously you're
15 going to come up here.

16 A. One vehicle went left, and I come up
17 here. At which -- on the dusty road we hear
18 "Shots fired" over the radio.

19 Q. Okay.

20 A. So one car goes right, I come here. I
21 believe I hear Sergeant Coleman saying that the
22 vehicle had nowhere to go, and then they looked
23 like the suspects in the vehicle were (inaudible)
24 were trying to get out of the vehicle. At which

1 point I brake right there. I see Zone Car 238 to
2 my left.

3 Q. Okay.

4 A. Once I put it in brake, I see headlights
5 and I see this Buick or Chevy hit Zone Car 238
6 and then come towards us.

7 Q. Okay. Then what do you do? You start
8 off in your car.

9 A. My car's parked, so I deploy my weapon
10 and I fire through the windshield --

11 Q. Okay.

12 A. -- like I said. And then I thought I
13 reloaded -- I mean, I thought I had a jam. I
14 thought I fired five or six rounds.

15 Q. Okay.

16 A. So I reload. I get out of the zone car
17 with the full magazine, and in between the zone
18 cars I'm shooting into the windshield at the
19 suspects.

20 Q. Okay. As you're moving from your zone
21 car to behind, you're firing on the move?

22 A. Yes, sir, that's correct.

23 Q. Okay.

24 A. And at this point I'm still terrified

1 that either I'm going to get shot or this car's
2 going to run me over.

3 I look to my left and I see that there
4 was a hill left of Zone Car 238 and there were
5 officers all around to my left.

6 Q. Okay.

7 A. At which point I reloaded, and at that
8 point I was terrified again and behind Zone Car
9 -- I was terrified of the car ramming us and me
10 being sucked underneath Zone Car 238, so I
11 crouched with my feet on the trunk of Zone Car
12 238.

13 Q. Okay. So you crawl up onto the car,
14 then?

15 A. Yes, sir.

16 Q. Okay.

17 A. And I shoot over the light bar at the
18 suspects in the vehicle.

19 Q. All right. What happens then?

20 A. At which point, like I said, I was
21 thinking, why are they still moving? Why haven't
22 they stopped? Why are they still shooting at us?
23 Why is that car still moving?

24 Like I said, next thing I know I'm next

1 to the driver's side of the suspect vehicle, sir.

2 Q. Do you remember getting over there?

3 A. Absolutely no idea how, sir. I don't
4 know if I went around the left or the right. I
5 have no idea, sir.

6 MR. GARDNER: At some point did you --
7 did you jump on the suspect's vehicle?

8 THE WITNESS: I have no recollection if
9 I did, sir. Absolutely none.

10 BY MR. SARAYA:

11 Q. A lot of yelling and screaming going on.
12 Are you yelling anything else?

13 A. I don't remember saying anything, sir.
14 I may have said through my training, "Stop. Show
15 me your hands. Stop." But I don't remember
16 anything.

17 Right after this my right ear hurts from
18 the shots that were being fired from inside the
19 zone car.

20 Q. Uh-huh.

21 A. So, you know, I -- no, I don't recall
22 yelling anything, sir.

23 Q. Do you remember anyone else yelling
24 anything out there?

1 A. Absolutely nothing. It's lights and
2 sirens. Shots were being fired. No, sir.

3 Q. Okay. You said earlier that somebody
4 mentioned "Cease fire." Do you remember who was
5 yelling that?

6 A. Huh-uh. No -- no idea. Once my gun was
7 in the holster on the side, I remember someone
8 was yelling "Cease fire." Even when I was making
9 sure everyone was okay, I remember after the
10 car -- after I put the car in park from drive and
11 I took the keys out, I found my partner, Cindy
12 Moore. She came up to me and she handed me a
13 magazine for a Glock 17. And, you know, I asked
14 her why she picked it up. She said it was habit.
15 So she handed to me an empty magazine, sir.

16 MR. GARDNER: It was your magazine?

17 THE WITNESS: It could be. I have no
18 idea, sir. She just found one on the ground and
19 assumed it was mine.

20 BY MR. SARAYA:

21 Q. Okay. All right. So you -- you come
22 out over here and you can see officers here.

23 A. Yes, sir.

24 Q. About how many do you see on this little

1 hillside? Any idea?

2 A. From a glance, three or four possibly,
3 sir.

4 Q. Okay. Anybody you know standing up
5 there?

6 A. I -- I just saw officers. I didn't see
7 faces, sir.

8 Q. Okay. All right. You're looking
9 through a lens here. This is your
10 interpretation. What's the lighting like?

11 A. It was dark. We have the headlights
12 from the zone -- from the suspect vehicle, but I
13 believe there were streetlights.

14 Q. Is it so dark you can't see what's going
15 on, or is there plenty that you can see what's
16 happening?

17 A. It was somewhere in the middle. It was
18 dark, but I could definitely see movement in the
19 vehicle. So I don't know if that -- you could
20 see. It wasn't daylight; but, I mean, you could
21 see some -- you could see inside the vehicle.

22 Q. Okay. Okay. When this car's coming at
23 you, did you say you can see the suspect's hands
24 in the car raised up?

1 A. Yes, sir.

2 Q. Is that -- when do you see that
3 happening?

4 A. Right after it hits Zone Car 238 and
5 it's coming at us and I thought we would be
6 rammed is when I saw the hands and when I saw
7 what was a dark object in both their hands
8 pointed at us.

9 Q. Why do you think they're shooting at
10 you?

11 A. Because the whole exchange was 22, 25,
12 whatever time it was, and we were told by Adam
13 31 -- or to start off Officer Nan heard a gunshot
14 from the vehicle. I'm sorry, Adam 31, Officer
15 Siefer, saw them pointing a weapon out the back
16 of the trunk -- of the back of the window at
17 them. And I heard rounds coming from the
18 vehicle, sir.

19 Q. Okay. So by the time -- hold on a
20 second. By the time contact is made with the
21 other car, you said the suspect vehicle strikes
22 the other car, rounds are already -- you could
23 hear gunfire.

24 A. Yes.

1 Q. The shooting's -- the shooting's already
2 started.

3 A. Yes. When we were pulling on the dirt
4 road I hear, "Shots fired."

5 Q. Okay.

6 A. And then when I put the car in park, I
7 heard shots fired as the car hit Zone Car 238,
8 sir.

9 Q. Okay. You're putting your car in park.

10 A. Yes, sir.

11 Q. And you're -- okay. You're hearing
12 shots fired. Is that the radio or is that actual
13 gunfire you're hearing?

14 A. Actual gunfire, sir.

15 Q. Okay. All right. Your partner's on
16 your right. She's in the car with you still?

17 A. Yes, sir.

18 Q. All right. Did you see any of the
19 officers in the other cruiser on your left, the
20 238?

21 A. I didn't see anybody exit the vehicle,
22 sir.

23 MR. GARDNER: Other than the officers on
24 the hill, do you remember seeing any other

1 officers in that area?

2 THE WITNESS: I remember movement to my
3 right; but no one who I could identify, sir.

4 MR. SARAYA: Okay. So you're pulling
5 up. You didn't see the officer getting out of
6 238 there on the passenger side right before the
7 suspect vehicle hit it?

8 A. No, sir, I did not.

9 Do you mind if I use the restroom real
10 quick, sir?

11 MR. SARAYA: The way you've been
12 chugging water? No. Out the door there, go down
13 to the end of the hall, make a left, and it's
14 right there.

15 THE WITNESS: All right. Thank you,
16 sir.

17 (Pause in proceedings.)

18 THE WITNESS: Thank you, sir.

19 BY MR. SARAYA:

20 Q. All right. What are you aiming at?

21 A. At the driver and the passenger, sir.

22 Q. In that order?

23 A. Yes. I remember the driver and the
24 passenger, sir.

1 Q. Okay. Let's go at it this way, then.

2 You're in the front seat of your cruiser
3 when you first engage.

4 A. Yes, sir.

5 Q. While you're in the car, what's your
6 point of aim that you fired?

7 A. Through the windshield --

8 Q. Right.

9 A. -- into the suspect's vehicle. First
10 the driver and then the passenger.

11 Q. Okay. So you're transitioning between
12 both while from the -- while you're in the car?

13 A. Yes, sir.

14 Q. Okay. You move from your car to the
15 back of 238.

16 A. Yes, sir.

17 Q. All right. Same thing again, what are
18 you aiming at then?

19 A. I don't know. I just remember in the
20 beginning it -- probably transitioning. In the
21 beginning I remember, you know, first the driver
22 and then the passenger. After that I just --
23 into the car. I don't remember what order, sir.

24 Q. Okay. What about when you're on the

1 trunk of 238?

2 A. Still I -- I have no -- I don't remember
3 which way I transitioned. I remember both
4 threats were moving shooting at us, so I just
5 remember the threats wouldn't stop moving.

6 Q. Where do you think your rounds hit?

7 A. I really don't know, sir. We always are
8 trained center mass, so I hope center mass. I
9 don't know.

10 Q. All right. All right. This is a your
11 interpretation question.

12 Were there any other options available
13 or practical besides using your gun?

14 A. No, sir, absolutely not.

15 Q. Okay. Do you see -- are you picking up
16 what any of the other officers are doing, how
17 they're moving, where they're shooting, are they
18 shooting?

19 A. Other than my partner shooting --

20 Q. Yeah.

21 A. -- and the people that was on my left
22 shooting, I did see movement to my right where my
23 partner went, but I didn't see her after we left
24 the car.

1 Q. And the officers on your left, you're
2 talking about the guys that are up here on this
3 hillside?

4 A. Yes, sir.

5 Q. Okay. Do you remember seeing any cars
6 up there?

7 A. No. Just the officers, sir.

8 Q. Are they uniform or plainclothes?

9 A. I believe uniform, sir.

10 Q. Do you remember calling for EMS? Do you
11 know who called for EMS?

12 A. No.

13 Q. Did anybody call for EMS?

14 A. I believe someone did on the scene; but
15 I have no recollection of who did, sir.

16 Q. Okay. Outside of reaching in the car
17 and putting it in park, you say you turned off
18 the ignition, you pulled the keys and you put
19 them on the hood?

20 A. Yes, sir.

21 Q. Okay. What else did you do?

22 A. My partner -- at that point my partner
23 found me with the magazine.

24 Q. Uh-huh.

1 A. We made sure everybody was okay.

2 Q. Did you pick up anything else?

3 A. No, sir.

4 Q. Did you pick up any of your other
5 magazines?

6 A. No, sir.

7 Q. Did you get injured at all during this
8 event?

9 A. Other than my ear being in pain, no,
10 sir.

11 Q. Did you check your vest to see if it
12 took any hits?

13 A. Yes, sir.

14 Q. No hits on the vest?

15 A. No hits, sir.

16 Q. Okay. Everything's quieted down,
17 settling down after the fact here. What's
18 everybody saying?

19 A. Everyone was checking everybody out to
20 make sure no one got hit, and I just remember
21 lieutenant -- a female lieutenant separating
22 everybody and getting us away from the crime
23 scene, sir.

24 Q. Okay. Now, what do you mean by

1 separating you?

2 A. They were trying to keep everyone who
3 was involved in it, the incident, in a -- by the
4 playground over there.

5 Q. Okay.

6 A. Trying to keep everyone away from them.
7 So the lieutenant was just keeping us separate
8 from anybody who arrived later on the scene.

9 Q. Okay. So outside of checking and
10 checking on everyone else, no one else is saying
11 anything about --

12 A. No.

13 Q. -- holy shit, those dumbasses --

14 A. No.

15 Q. Anything like that?

16 A. No.

17 Q. Who have you talked to about all of this
18 so far? I'm not saying it's good or bad. It
19 doesn't matter. I just want to know who you
20 talked to.

21 A. The three gentlemen right here. My
22 wife's asked me -- or fiancée's asked me about
23 it. I haven't told her much.

24 Q. Okay. What about the other officers

1 that were there, your partner, anyone else you
2 talked to that was there?

3 A. I asked her to make sure she was okay.
4 I don't remember talking to anyone else, sir.

5 Q. No one called you to check up on you
6 from your platoon or anything?

7 A. I got a few text messages from people to
8 ask if we were okay, and afterwards I called the
9 fiancée --

10 Q. While you were there?

11 A. As soon as we were separated.

12 Q. Okay.

13 A. And I told her that I was okay, that I
14 was involved; and I told her to call my mother to
15 let her know I was okay.

16 Q. Okay. You had your cell phone out. Did
17 you take any pictures with your cell phone when
18 you were there?

19 A. No, sir.

20 Q. Did you see anyone else using their
21 phone to take any pictures?

22 A. No, I did not, sir.

23 Q. Okay. You said it quite a few times
24 during your time here, but I'm going to ask you

1 again.

2 Did you fear for your safety and the
3 safety of other officers there?

4 A. The most I've ever been in my life, sir,
5 even with Iraq. I've never been more afraid of
6 my life for me and my fellow officers, sir.

7 Q. Okay. And why is that?

8 A. Because I thought we were going to get
9 rammed and I thought we were going to get shot
10 and be killed, sir.

11 Q. Okay. Do you believe your actions are
12 consistent with the training you have received?

13 A. Yes, sir.

14 Q. What about the other officers there, how
15 did they react based on the training?

16 A. From what I saw, it was consistent with
17 what -- how we were taught, sir.

18 Q. Has anyone asked you to lie or otherwise
19 try to influence your statement to us?

20 A. No, sir.

21 MR. SARAYA: Okay.

22 MR. GARDNER: There's been a time that
23 someone inspected your weapons and magazines?

24 THE WITNESS: Yes, sir. The lieutenant

1 in the homicide did, sir.

2 MR. GARDNER: Lieutenant Timm, does that
3 sound right?

4 THE WITNESS: Lieutenant Timm I think
5 his name is. He's a big Irish guy.

6 MR. GARDNER: And what -- how many
7 rounds did he tell you that you had fired?

8 THE WITNESS: Well, I still don't know
9 if I -- I had -- when I was first in the vehicle,
10 I don't know if I had a jam, so I don't know if
11 there's any rounds in the magazine. Lieutenant
12 Timm told me I had two or three rounds left. So
13 I believe 50 (inaudible) rounds fired, sir. It
14 felt like I fired probably (inaudible), sir.

15 MR. GARDNER: And just sort of going
16 back to this just to qualify here.

17 You don't -- you don't recall if you
18 went on the hood of the suspect vehicle?

19 THE WITNESS: No, sir. It's possible
20 because I was so terrified that I was going to
21 get ran over; but I don't recall that, sir.

22 I remember crouching down looking into
23 the front of the suspect car thinking, why are
24 they still shooting at us? Why haven't we

1 stopped them? And then I remember being next to
2 the car.

3 I don't know if I went over to the side.
4 I -- I don't -- I've been trying to rack my
5 brain, sir. I have no recollection.

6 MR. GARDNER: So it wouldn't surprise
7 you if I were to say that the footprints that
8 were on the trunk of 238 matched the shoe prints
9 that were on top of the suspect vehicle?

10 THE WITNESS: If -- no. I was so in
11 fear of my life, it wouldn't -- I mean, I have no
12 recollection of how I got there, sir. It's just
13 as feasible as me going the other ways too.

14 MR. GARDNER: Okay. This is sort of a
15 hard question here. All right? This has come up
16 through the course of our investigation. All
17 right? I've got to ask.

18 Were you yelling at some point semper fi
19 or anything of that nature?

20 THE WITNESS: Absolutely not.

21 MR. GARDNER: (Inaudible)?

22 THE WITNESS: Absolutely not. Never,
23 sir.

24 BY MR. SARAYA:

1 Q. When you were in Iraq, you said you
2 would hear the mortars coming and you had 20 or
3 30 seconds to react.

4 A. Yes, sir.

5 Q. All this is going on, how long does it
6 feel like this is taking?

7 A. It felt like 30 to 40 seconds, sir.

8 Q. Do me a favor, clarify for me. You're
9 behind 238. You -- you reloaded. You get up on
10 the trunk of the car why?

11 A. At that moment of split decision I was
12 terrified that the suspect car would hit 238
13 again and I would get sucked underneath it. I
14 was also afraid that the engine block was
15 stopping my rounds being fired at the suspects
16 and that's why they kept on shooting at us. And
17 I was afraid that if there were people behind
18 Zone Car 238, if I had a higher angle I wouldn't
19 hit them, sir.

20 Q. Do you remember anybody going up to the
21 car to try to check on the suspects, as far as
22 checking pulse anything like that?

23 A. No, sir. After I got the keys out, I
24 walked away. I -- I didn't see anything, sir.

1 MR. GARDNER: Did you ever hear at any
2 point anybody making any sort of racial comments
3 or --

4 THE WITNESS: No, sir, absolutely not.

5 MR. GARDNER: Do you believe that this
6 was racially motivated?

7 THE WITNESS: No. No, sir.

8 MR. SARAYA: Anything from you?

9 MR. KINAS: (Inaudible) about lights and
10 sirens, how many cars had lights and sirens on?

11 THE WITNESS: (Inaudible.) So --

12 MR. KINAS: How loud -- how much noise
13 were you getting?

14 THE WITNESS: With the fires,
15 definitely.

16 MR. KINAS: When you started discharging
17 your weapon inside the vehicle --

18 THE WITNESS: Yes, sir.

19 MR. KINAS: -- the drawl of the sirens,
20 was that anything louder than that?

21 THE WITNESS: Yes, especially with my
22 partner shooting next to me at my -- right at my
23 left here -- right here.

24 MR. KINAS: How long before you began

1 hearing better?

2 THE WITNESS: The next morning,
3 actually. It was bad all night.

4 MR. KINAS: Is it okay now?

5 THE WITNESS: Yes, it's better.

6 MR. GARDNER: Just to clarify, when you
7 were asked about your reaction time in Iraq, are
8 you saying that there was a warning that mortar
9 is coming in and rockets are coming in and you
10 had 20 to 30 seconds to react to that?

11 THE WITNESS: It's probably more like
12 ten to fifteen seconds, because sometimes they're
13 firing from 1,000 feet away or the rockets you
14 hear "boom" and then ten seconds in you hear them
15 whine and then the explosion. So....

16 MR. SARAYA: I was asking that because
17 you're judging time there; and, again, this is
18 your interpretation. I'm sure you're not sitting
19 there counting off on your watch.

20 THE WITNESS: It was probably at least
21 15 seconds.

22 MR. SARAYA: That's what I want to know,
23 while you're there, how long is all of this
24 seeming to be taking?

1 THE WITNESS: Thirty or forty seconds,
2 sir.

3 MR. D'ANGELO: That being the length of
4 time it took for all of these rounds going off,
5 that whole incident, was like 30 or 40 seconds
6 you're saying?

7 THE WITNESS: Yes, sir. Probably, you
8 know, five or six seconds before we got there,
9 because we heard shots fired, and then we pulled
10 up. So 30 to 45 seconds I would say would be a
11 fair estimate.

12 MR. SARAYA: Okay.

13 MR. D'ANGELO: Do you feel you had less
14 time to act and react in this incident as opposed
15 to going for cover in Iraq?

16 THE WITNESS: Yes, sir. Because a
17 bullet comes at you a lot faster than a rocket or
18 mortar.

19 MR. D'ANGELO: Okay.

20 THE WITNESS: At least out there you
21 hear it and it's coming. This was right in our
22 face. We were right there.

23 MR. D'ANGELO: You pointed out to me
24 before that you received some awards that you

1 wanted to explain the investigators the distance
2 of.

3 THE WITNESS: Yes. I received at least
4 two or three awards where there were suspects
5 with either knives or butcher knives, and instead
6 of shooting them I tackled them and my partner
7 tased the guy with the butcher knife.

8 So, I mean, there are awards out there
9 that I've been confronted with suspects with
10 knives and I've tackled them.

11 MR. D'ANGELO: You didn't use deadly
12 force.

13 THE WITNESS: No, did I not, sir.

14 MR. D'ANGELO: And you're pointing that
15 out to me as -- for what reason?

16 THE WITNESS: Because I've never been
17 more in fear of my life than in the moment when
18 my partner and I fired when I thought we were
19 going to die, sir.

20 MR. SARAYA: Those awards would be in
21 your personnel file?

22 THE WITNESS: I've got to gather them.
23 I went to personnel, and they don't have any
24 record. But I have them at home somewhere, sir.

1 MR. SARAYA: Okay.

2 MR. D'ANGELO: So why don't you give
3 some specifics in case the investigators have --

4 THE WITNESS: The one was when we got a
5 call for a mental male on --

6 MR. D'ANGELO: Month and year if you can
7 recall, location.

8 THE WITNESS: This was probably three
9 years ago. It was either on Colgate or Elton,
10 73rd and Elton. I was with Officer Galarza.
11 Roger Moore, he gave us the award. He's been
12 passed away for a year or so.

13 There was a male with a butcher knife.
14 We opened the door, and he comes at us with a
15 butcher knife over his head. My partner tases
16 him, I tackle him, grab the butcher knife out of
17 his hand.

18 Another incident, I was probably on the
19 job for a year, I was with Officer Davidson, my
20 first partner; and there was a man, and I think
21 it was a 17- or 16-year-old black male who had a
22 knife in his hand. My partner was talking to
23 him, at which point I went behind him and I
24 tackled him; and we handcuffed him without using

1 deadly force.

2 MR. SARAYA: Do you recall the location?

3 THE WITNESS: This was at like 56th and
4 Field. It was south of Clark (inaudible) like 56
5 260.

6 I think I have a few more. I have to
7 pull them up, though.

8 I never had to fire my weapon in Iraq or
9 here. This was the first time I ever had to fire
10 my weapon.

11 MR. D'ANGELO: Did you want to fire your
12 gun in this case?

13 THE WITNESS: No, I did not. And
14 knowing in marine corps training they always
15 teach you to elevate and if a target is
16 threatening you you go through the target. So if
17 I somehow ended up on the hood of this zone car,
18 which I can't remember, but in my training you
19 were supposed to push through the target.

20 MR. SARAYA: If you could initial and
21 put your badge number on there, please.

22 THE WITNESS: Yes. (Complies with
23 request.)

24 MR. FOLLMER: Guys, I'm sorry, I might

1 have missed this.

2 When you initially pulled up, you're
3 inside your vehicle shooting at the suspect's
4 vehicle. You said you felt there was bullets
5 coming at you?

6 THE WITNESS: Yes.

7 MR. FOLLMER: Do you believe bullets
8 were hitting the windshield?

9 THE WITNESS: Yes, I do.

10 MR. FOLLMER: Do you know for a fact
11 that bullets hit the windshield at any point in
12 time?

13 THE WITNESS: I don't know. I know that
14 I felt bullets coming at us, sir.

15 MR. FOLLMER: Did you hear something hit
16 the glass or other -- I know it's probably you
17 shooting out the window. But other than you and
18 your partner shooting out the window, do you
19 believe -- why do you believe bullets were
20 hitting the window?

21 THE WITNESS: Because I heard shots
22 coming 5 to 10 feet in front of me where the
23 suspect's vehicle was.

24 MR. FOLLMER: Did you ever look at your

1 zone car after -- and I don't know you probably
2 had the shots -- your shots --

3 THE WITNESS: I saw it briefly.

4 MR. FOLLMER: Okay. You received
5 training for this at the academy?

6 THE WITNESS: Yes. I had summer -- this
7 summer I had in-service, and we were just
8 training how to shoot through the windshield of a
9 zone car.

10 MR. SARAYA: Can you explain that
11 process, what you were trained on?

12 THE WITNESS: Yeah. We were trained
13 with our seat belts on how to take the seat belt
14 off and how to draw your weapon in a confined
15 space and how to punch -- punch out and use the
16 front of the top of the steering wheel as a base
17 and then shoot through the window, sir.

18 MR. GARDNER: Do you remember what it
19 was called?

20 THE WITNESS: No.

21 MR. KINAS: Ambush training?

22 THE WITNESS: I'm sorry?

23 MR. KINAS: Was it called ambush
24 training?

1 MR. FOLLMER: Ambush training.

2 MR. SARAYA: So you heard gunfire about
3 10 -- 5 to 10 feet in front of you.

4 THE WITNESS: Yes, sir.

5 MR. SARAYA: So the suspect vehicle is
6 right up there and you see it hit 238. Is that
7 when or before that or after that?

8 THE WITNESS: It seemed like
9 instantaneous as it was hitting 238 I heard the
10 gunfire, actually heard the gunfire. Not just
11 when radio -- when I heard pulling up and they
12 said, "Shots fired," that's the first time I
13 actually heard it with my ears.

14 MR. SARAYA: Okay.

15 MR. SARAYA: Anything else?

16 (No audible response.)

17 MR. SARAYA: Good. Turn this stuff off.
18 Thank you, sir.

19 THE WITNESS: Thank you, sir.

20 (End of videotaped interview.)

21 * * *

22

23

24

