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VIDEOTAPED INTERVIEW

PAUL BOX

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APPEARANCES:

Scott Gardner
John Saraya
Patrick D'Angelo
Steve Kinas

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1 MR. SARAYA: We have this canned speech
2 we're going through with everybody, so bear with
3 us.

4 These poor guys, they could probably
5 tell it to you, they've heard it so many times so
6 far.

7 I said it in the break room when we
8 walked up, I'm John Saraya. I'm with BCI. We've
9 been tasked to lead this.

10 As such -- I've been here at BCI 15
11 years; 9 years as a uniformed cop in Youngstown
12 prior to. I've been involved in officer-involved
13 shootings for about the 15 years I've been here
14 at BCI.

15 As the lead, we have certain rules we
16 follow. This is a criminal investigation, not
17 internal. As such, our kind of rule, policy, is
18 that this is criminal, you're entitled to all
19 rights and privileges the same as everybody else.
20 And you're going to be given your Miranda
21 warnings.

22 As such, that doesn't mean we think you
23 did anything wrong. It's just the way we do it.

24 THE WITNESS: Okay.

1 MR. SARAYA: Okay?

2 MR. GARDNER: My name is Scott Gardner.
3 I'm a detective/sergeant with the East Cleveland
4 Major Crimes Unit. I may have not spoken with
5 you, but I (inaudible).

6 THE WITNESS: Okay.

7 MR. SARAYA: We have a list of questions
8 we're asking everybody here. At certain points
9 we're going to let you carry on and ramble about
10 what happened --

11 THE WITNESS: Okay.

12 MR. SARAYA: -- and how everything went
13 down.

14 Please don't think the questions we ask
15 you that we think you're stupid or anything.
16 We're going to ask the certain questions because
17 we want you to expound on things. We're looking
18 for the details and everything else.

19 Also, there are a couple of questions we
20 ask and, yeah, they're kind of eye-rollers, we
21 understand, but it's the important that we're
22 asking everybody. Okay?

23 We're not singling you out because, "Oh,
24 we think you did this" or anything else. Okay?

1 If at any time you have any questions
2 for us, by all means, ask.

3 If there's something you want to share
4 with them first, that's not a problem to say,
5 "Can I talk to them?"

6 You guys can go out in the hallway,
7 confer, and come back in.

8 THE WITNESS: Okay.

9 MR. SARAYA: All right? Are we good to
10 go?

11 THE WITNESS: Uh-huh.

12 MR. SARAYA: All right. We're going to
13 start off with the Miranda warnings.

14 THE WITNESS: Okay.

15 MR. SARAYA: You have the right to
16 remain silent. Everything you say can and will
17 be used against you in court. You have the right
18 to consult with an attorney and have an attorney
19 present during questioning. If you cannot afford
20 an attorney, one can be provided to you before
21 questioning at no cost.

22 Do you understand these rights?

23 THE WITNESS: Yes.

24 MR. SARAYA: Very good. I'm going to

1 start with the demographics.

2 EXAMINATION

3 BY MR. SARAYA:

4 Q. Your name?

5 A. Paul Box, B-o-x.

6 Q. Okay. Paul, your home address?

7 A. [REDACTED]. That's in
8 Cleveland.

9 Q. 44 --

10 A. 109.

11 Q. Okay. Number to reach you, cell-phone?

12 A. [REDACTED].

13 I've one quick question.

14 Q. Yes, sir.

15 A. The media are not getting this, are
16 they?

17 Q. No, no, no. It's still protected.

18 Any questions way after the fact, that
19 all gets redacted.

20 A. Okay.

21 Q. Okay?

22 A. I just wanted to --

23 Q. Okay. It's a fair question.

24 Your date of birth?

1 A. It's 9-4-69.

2 Q. Okay. Very good.

3 One of the things we are saying is,
4 these guys should have already said it, be honest
5 in your answers. If you don't know, say you
6 don't know.

7 Guys fall back in cop speak. You don't
8 have to. It's humorous. We've done enough of
9 these that guys are, you know, "reportedly,"
10 "allegedly," all that. Speak English for us.
11 Keep it simple.

12 A. Yes.

13 Q. Obviously everyone's point of view is a
14 little different from everyone else's. I don't
15 expect what you tell me to be exactly what your
16 partner said or anything else, because this is
17 your unique point of view and your
18 interpretation. And we will say that different
19 questions I want your interpretation.

20 A. Okay.

21 Q. Okay? I'm not asking about, "Well, you
22 know, it kind of looked like this. From talking
23 with my partner, it was this."

24 No, we're looking for your perspective.

1 A. Okay.

2 MR. GARDNER: Certain questions we might
3 ask you to tell us what you know now. For the
4 most part, try to frame your mind to the
5 perceptions of that -- during that time.

6 THE WITNESS: Okay.

7 MR. SARAYA: Obviously you've learned
8 since then.

9 THE WITNESS: Yeah.

10 MR. SARAYA: And don't be afraid to say,
11 "Yeah, well, this thing was this, but I've
12 learned since then." Okay?

13 THE WITNESS: I'm just trying not to
14 think like that at all. I'm trying to think of
15 that night what my mindset was.

16 MR. SARAYA: Perfect.

17 THE WITNESS: And that's how I'm going
18 to try to answer everything.

19 MR. SARAYA: Okay. Perfect.

20 BY MR. SARAYA:

21 Q. The first question we're going to ask
22 you is how are you holding up with all this?

23 A. I'm stressed.

24 Q. Okay.

1 A. Very stressed. I've lost 18 pounds in
2 one week.

3 Q. (Laughs.)

4 A. I know.

5 Q. I know some people that would pay for
6 that.

7 A. I know. My wife's very jealous. She
8 called me an asshole actually for loosing 18
9 pounds.

10 Yeah, I'm not sleeping very well. It
11 just keeps running through my head.

12 Q. Okay. Later on we're going to talk
13 about -- we'll ask a question of who you spoke
14 with.

15 I know in law enforcement there's a
16 stigma about mental health professionals. Please
17 use them. Okay?

18 A. (Affirmative nodding of head.)

19 Q. I know one of the other officers here
20 made the comment he didn't want to talk to
21 anybody else until he spoke with us first.

22 A. That's kind of where I'm at.

23 Q. Okay.

24 A. Yeah. I wanted to get this out of the

1 way, and then I feel like I can move forward and
2 talk to somebody else.

3 Q. Absolutely. Absolutely.

4 Like I said, down the road don't -- I'm
5 sure there's people you can work with, utilize
6 them.

7 A. Okay.

8 Q. Your current assignment?

9 A. Midnight shift in the Second District.

10 Q. Okay. What is the time that you work
11 normally?

12 A. 8:30 p.m. to 6:30 a.m.

13 Q. Okay. Last week when this occurred,
14 what were your days off, because I know days off
15 float?

16 A. That was my Friday.

17 Q. That was your Friday, so --

18 A. So I would have been off Friday,
19 Saturday, Sunday, Monday. That was my last day
20 of work that week, --

21 Q. Okay.

22 A. -- the day of this incident.

23 Q. Okay. Who was your supervisor that
24 night?

1 A. Sergeant Farmer.

2 MR. GARDNER: You said, I'm sorry,
3 Farmer?

4 THE WITNESS: Farmer, I believe, because
5 they rotate from OIC. Sergeant Farmer.

6 BY MR. SARAYA:

7 Q. Okay. All right. Prior to this night
8 were you working any side details in the past,
9 say, 48 hours, Tuesday, Wednesday; side jobs,
10 extra duty, open shifts, anything like that?

11 A. You know, I don't remember.

12 I may have Tuesday at the church, I work
13 at St. John's Cathedral downtown, but I don't
14 recall. I don't think I did. It's only, like,
15 little three-hour shifts we get there.

16 Q. Okay.

17 A. Maybe on Tuesday, possibly.

18 MR. GARDNER: If you did, what were the
19 times that it would have been?

20 THE WITNESS: It would have been either
21 11 to 2 or 3 to 6. I don't -- I'm sorry, 11 to 2
22 in the morning.

23 MR. GARDNER: Okay.

24 THE WITNESS: I'm sorry about that. Or

1 three to six in the afternoon.

2 I don't believe I did work, though. I
3 usually do work Tuesdays. For some reason I
4 think I was off that Tuesday.

5 MR. GARDNER: Okay.

6 BY MR. SARAYA:

7 Q. Thursday how were you feeling; tired,
8 sick, sneezy, dopey?

9 A. Normal.

10 Q. Normal?

11 A. Happy it was my Friday, at the time.

12 Q. Okay. Any medications you're on,
13 prescription, over-the-counter?

14 A. [REDACTED]
15 [REDACTED]

16 MR. GARDNER: [REDACTED]
17 [REDACTED]

18 MR. KINAS: [REDACTED]
19 [REDACTED]

20 MR. GARDNER: [REDACTED]

21 MR. KINAS: [REDACTED]

22 THE WITNESS: [REDACTED]
23 [REDACTED]

24 [REDACTED]

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MR. SARAYA: [REDACTED]

THE WITNESS: [REDACTED]

[REDACTED]

BY MR. SARAYA:

Q. [REDACTED]

A. [REDACTED]

[REDACTED].

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

Q. [REDACTED]

A. [REDACTED]

[REDACTED]

1 [REDACTED] [REDACTED]

2 [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED]

5 Q. [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED] [REDACTED] Any corrective lenses
8 or anything?

9 A. No.

10 Q. How were you dressed for work Thursday
11 night?

12 A. Full police uniform.

13 Q. Internal -- internal vest or external
14 vest?

15 A. External vest.

16 Q. Are those like issued? Everybody's
17 wearing those or --

18 MR. KINAS: They're issued.

19 A. It's more comfortable. They are nice,
20 yeah. Especially in the summer, you can take
21 them off in the inside office so you don't sweat
22 to death.

23 Q. What kind of gear are you carrying on
24 your duty belt and in your vest pockets?

1 A. You mean what's on my duty belt?

2 Q. What do you carry with you?

3 A. My service revolver -- not revolver,
4 sorry. My Glock, pepper spray, handcuffs, rubber
5 gloves. My ASP holder broke, so I don't carry
6 that. I keep that in my bag. Flashlight and a
7 radio.

8 Q. No taser?

9 A. No, I don't have a taser.

10 Q. Okay. Magazines for your pistol?

11 A. One in and two out.

12 Q. Grand total of how many rounds?

13 A. I have the 19, so that would be 46.

14 46.

15 Q. Okay.

16 MR. GARDNER: Fifteen, fifteen, and
17 sixteen?

18 THE WITNESS: Yeah.

19 BY MR. SARAYA:

20 Q. Any backup gun or anything?

21 A. No.

22 Q. Okay. Any digital recorder or video
23 camera or anything in a pocket?

24 A. No.

1 Q. Don't have it, don't use it?

2 A. No.

3 Q. Okay. All right. Cruiser, what car
4 number were you in?

5 A. I believe it was 245 I think that
6 night.

7 Q. Not real sure, though?

8 A. We get different cars every night.

9 Q. Okay. What was your call sign number?

10 A. 2 Adam 37.

11 Q. All right. Partner?

12 A. Randy Patrick.

13 Q. Who was driving?

14 A. Randy.

15 MR. GARDNER: Do you guys normally -- I
16 mean, you ride with the same guy?

17 THE WITNESS: Yeah. We're partners
18 every day.

19 BY MR. SARAYA:

20 Q. Okay. In-car camera, personal?

21 A. No.

22 Q. This is a fully marked car?

23 A. Yes. It was one of the all black ones
24 that has the big "Police" words on the side. We

1 still have black and whites, too.

2 Q. Right. Everything working okay, lights,
3 sirens, spotlights?

4 A. Yes.

5 Q. What radio channel are you guys on?

6 A. Channel 2.

7 Q. Ever change stations at all during the
8 night?

9 A. (Negative shaking of head.)

10 Q. Okay. Your background, any extra
11 certifications you do, SWAT, negotiator,
12 instructor?

13 A. I'm an academy instructor. I teach
14 driving. I teach at Tri-C and I teach for
15 Cleveland's academy.

16 Q. Just driving?

17 A. For now, yeah.

18 Q. Okay. Military experience?

19 A. Army Reserve.

20 MR. GARDNER: What's your MOS?

21 THE WITNESS: 13 Bravo, cannon-cocker.

22 BY MR. SARAYA:

23 Q. What is that?

24 A. Cannon-cocker.

1 Q. Cannon-cocker?

2 A. It's artillery, I'm sorry.

3 MR. GARDNER: I have past service in the
4 army. I knew what you meant. I appreciate it.

5 MR. SARAYA: For the sake of the record,
6 I have to clarify.

7 BY MR. SARAYA:

8 Q. Firearms qualification, what did you
9 qualify for this year?

10 A. I believe I missed one round.

11 Q. No, what weapons? Handgun, shotgun,
12 rifle, submachine gun?

13 A. Oh, both, handgun and shotgun.

14 Q. Any use of force training in the past
15 year?

16 A. No.

17 Q. Your OPOTA certifications are all
18 up-to-date and everything?

19 MR. GARDNER: I'm sorry, I just -- I'm
20 not trying to go back on your answer here. But
21 everybody up to this point sort of says they get
22 use of force blocked off with their firearms
23 training. I'm just --

24 THE WITNESS: Oh, I see. I see what

1 you're saying. And I'm not trying to --

2 (Multiple people speaking at once.)

3 MR. SARAYA: (Inaudible) review of
4 policy.

5 THE WITNESS: I'm sorry. Change that to
6 yes.

7 MR. SARAYA: Okay.

8 THE WITNESS: I was thinking like
9 classroom-type, you know, special training.

10 MR. KINAS: You went through in-service
11 this year?

12 THE WITNESS: Yeah. I apologize for
13 that. Yeah, I did have in-service training. I
14 wasn't thinking along the lines of in-service. I
15 was thinking --

16 MR. SARAYA: A specific class on use of
17 force?

18 THE WITNESS: Right.

19 BY MR. SARAYA:

20 Q. Which is what they do here at the
21 academy here.

22 You're OPOTA is up to standards, right?
23 Everything's good there?

24 A. Yes.

1 Q. Okay. Were you ever involved in any
2 other prior shooting incidents?

3 A. I was.

4 Q. Okay. How many?

5 A. One.

6 Q. How long ago?

7 A. August of 2000, I believe it was.

8 Q. Did you fire any rounds there?

9 A. Yes.

10 Q. Okay. This is where you get to do all
11 the talking.

12 A. All right.

13 Q. Let's start with the shift. You started
14 at 6:30, 1830?

15 A. 8:30.

16 Q. 2030. Tell me about the shift.

17 A. It was just going normal. You know, it
18 was kind of funny -- this isn't funny that any of
19 this happened, but I had told Randy, I says,
20 "It's our Friday. Let's not get into anything."

21 So Murphy's Law took over and I
22 obviously got into something, but --

23 Q. You know what, I'm going to stop you for
24 a second, because I have just a question and I

1 know I -- as I started going through here, I know
2 I jumped around.

3 How many years have you been at the
4 Cleveland PD?

5 A. I've been with Cleveland for 16.

6 Q. And where were you before that, the way
7 you said that?

8 A. I was with two other departments at
9 different times. Munroe Falls, the City of
10 Munroe Falls, and then my first one was CBG
11 Police.

12 MR. GARDNER: How long were you at
13 Munroe Falls?

14 THE WITNESS: About a year and four
15 months maybe.

16 MR. GARDNER: And CBG?

17 THE WITNESS: Just under three years, so
18 I have a little over 20 years total.

19 BY MR. SARAYA:

20 Q. Okay. I realized what I didn't ask.

21 Okay. So, "Let's not get into
22 anything."

23 A. We usually say that on Fridays. You
24 know, it's kind of like, "Hey, it's our Friday.

1 Let's take it easy. Let's get it done and go
2 have our days off." You know?

3 Q. Okay. And keep going. What happened?

4 A. We were just answering a few runs, you
5 know, just driving around the neighborhoods, you
6 know, just talking with each other like we
7 normally would.

8 And I don't remember the exact times
9 this all happened. I want to say around
10 10:30'ish would be my educational guess.

11 While we were driving, we heard Vic Nan
12 broadcast over the radio "Shots fired" downtown
13 from the Justice Center.

14 MR. GARDNER: Do you remember where you
15 were?

16 THE WITNESS: Our exact location, no, I
17 don't remember exactly where we were located as
18 far as --

19 MR. GARDNER: Just approximately do you
20 remember?

21 THE WITNESS: Probably Memphis-Fulton
22 area, generally.

23 Zone 7, just to give you a background on
24 our zone real quick, is a humongous zone. It

1 encompasses basically everything south of Denison
2 that Cleveland owns between Brooklyn and Brooklyn
3 Heights and the Parma boarder. It's a very large
4 zone.

5 MR. KINAS: It's actually the largest
6 zone in the City of Cleveland.

7 THE WITNESS: Yeah.

8 MR. KINAS: Larger than the City of
9 Lakewood.

10 THE WITNESS: And that's the zone we
11 patrol.

12 I mean, we could have almost been
13 anywhere, but I think we would have been in that
14 general area.

15 BY MR. SARAYA:

16 Q. Okay.

17 A. But we heard the broadcast and, you
18 know, I remember thinking to myself, you know,
19 are they shooting or are they shooting at Vic?

20 You know, (inaudible) start talking real
21 quick because it just started -- you know, your
22 adrenaline starts going up a little bit.

23 You hear "Shots fired," a policeman
24 calls it out, so you figure this isn't some

1 citizen calling in fireworks.

2 You know what I mean?

3 Q. Right.

4 A. This is the real deal. Because we get a
5 lot of false calls. I'm sure you know how that
6 goes.

7 Q. Uh-huh.

8 A. So we're thinking this is the real deal.

9 And we kind of stayed up in our zone
10 still, because he said he was going to try to
11 follow the vehicle.

12 I was kind of listening to his radio
13 traffic. I don't remember word for word what he
14 was saying, but I know he -- you know, he had it
15 and he said it turned, like, left on Prospect I
16 think, which would have been eastbound.

17 And then I know he lost it somewhere in
18 the downtown area, and then it was picked back up
19 by 2 Adam 31, which would have been Hummel and
20 Siefert on the Detroit Superior Bridge.

21 That was a couple minutes past, I would
22 say, from when Vic had broadcast that.

23 You know what I mean?

24 Q. Uh-huh.

1 A. Because I remember thinking, "How is it
2 going to the Detroit Superior Bridge," because
3 the way he said it we thought it would be going
4 the other direction.

5 So he turned around somewhere and then
6 went westbound instead of eastbound.

7 But -- so I know 2 Adam 31 tried to stop
8 the vehicle. The vehicle refused to stop for
9 them. You know, basically the chase was on.

10 So we were listening to the directions
11 they were going, but we weren't heading down that
12 way because I said, "Well, man, we'll just stay
13 up here in case they come our direction."

14 So we actually started down westbound on
15 Memphis heading towards Ridge at one point. I
16 mean, we were listening to the whole thing going
17 on.

18 You know, Randy's still just kind of
19 driving, but we're staying closer to the, you
20 know, Fulton, all that whole area, so we can get
21 down there if we need to get down there.

22 Q. Okay.

23 A. Because they were pretty far away from
24 us.

1 Zone 1, they had to have been in Zone 1,
2 which is complete opposite district. We're all
3 the way over here and they are all the way over
4 here. That would have been, lights and sirens, a
5 12-minute trip.

6 Q. Okay.

7 A. So we just kind of hung in our zone
8 listening to what directions they're heading.

9 When they started heading -- Clark --
10 they started heading eastbound on Clark at one
11 point, and Randy turned around because we were by
12 -- approaching Ridge.

13 Randy turned around on Memphis and went
14 down Fulton towards Denison. The car continued
15 eastbound and went down into the Steelyard area.

16 And so we were still kind of far behind
17 from where they were at. And so I was telling
18 Randy, I said, "Go to the freeway, like 176, in
19 case they jump on the 176." And I said, "Go
20 towards the freeway."

21 So he's driving towards the freeway, and
22 I believe it was when they were at Steelyard when
23 I first heard the mention of actually seeing a
24 gun.

1 I want to say it was down in the
2 Steelyard area is where Siefer had said, you
3 know, "The passenger has a gun pointing a gun out
4 the back window at us," you know, something to
5 that effect.

6 And, you know, that's when it really
7 hit. You're like, "Oh, my God, these guys really
8 do have a gun."

9 You know what I mean?

10 You're like, "All right, this is getting
11 even more serious now," because, you know, you're
12 trying to process everything.

13 You figure you've got Vic calling in,
14 then you've got the chase, and now you've got a
15 gun pointed at other officers, so that really ups
16 the level.

17 And, you know, a short time after that,
18 they hit the freeway going eastbound on 90, and
19 that's when Randy jumped on 176 northbound,
20 because you can catch 90 East right from there.

21 And we were lagging pretty far back from
22 -- I think we were way back, actually. But I had
23 made a choice to grab the shotgun.

24 Q. Okay.

1 A. Because I said -- it was probably right
2 around when we were getting on 90, I looked at
3 Randy and I said, "Randy, I'm getting the
4 shotgun."

5 I said, "This could get bad quick."

6 I said, "If they're pointing a gun," I
7 said, "if they wreck, they might be shooting or
8 something."

9 I said, "I'm grabbing the shotgun."

10 It was actually kind of humorous. At
11 one point I tried to put the shotgun back,
12 because I was afraid if we got in an accident
13 I've got a shotgun in my hand.

14 You know what I mean?

15 Q. Yeah. You tried to put it back in the
16 rack?

17 A. I tried to put it back in the rack, but
18 I couldn't because our pop bottles and stuff were
19 in the way. It's true, I could not get that
20 thing back in the rack. Randy's driving and
21 you're moving all around, you know, so I just
22 decided to hang on to it.

23 We remained on 90, 90 Eastbound. Like I
24 said, we were so far -- we were pretty far back.

1 And they said they were getting off at
2 72nd, East 72nd Street, and we weren't at East
3 55th Street yet.

4 I told Randy, I said, "Get off at 55th
5 in case they come back and want to jump back on
6 the freeway the other direction."

7 You know what I mean?

8 Because that's like one exit apart --
9 one or two. Okay, it might be two.

10 But I remember they said, you know, they
11 thought they were wrecking out. They were up in
12 the grass or something on 72nd. I remember
13 hearing something like that on the radio.

14 I'm not going to lie to you guys, I'm
15 not going to remember every radio transmission.

16 Q. That's fine. You remember whatever you
17 can.

18 A. I'm trying to remember the best I can.

19 Q. You're doing fine.

20 A. And -- but, as I said, they thought they
21 were going to bail at East 72nd. We were already
22 off at 55th at this point. We're like
23 (inaudible) I'd say, I guess. But then the chase
24 kept continuing southbound on 72nd.

1 Short time after that, you know, I know
2 that a police car was rammed at some point. I
3 don't know who it was. I heard that through the
4 radio transmission, of a police car being rammed.

5 As this was going on, Randy and I were
6 actually trying to figure out where we're at,
7 because we didn't -- we don't really know the
8 east side, that part of the east side, that well.

9 We both came from the Fourth District
10 originally, but that's a long ways from where we
11 were at.

12 But so he started going down some side
13 streets as we're listening to the pursuit
14 continue.

15 We actually -- I don't know who it was.
16 I think it was one of the districts, but we saw
17 some zone cars flying past us.

18 So we're like, "Okay, we found it," you
19 know. Then we jumped back in the line of
20 pursuit.

21 My timeline may be a little bit off, but
22 also, you know, during this time of all this
23 going on, you know, somebody came across the
24 radio, I don't know who it was, saying that they

1 saw them loading a gun.

2 You know, they're like, "They have a
3 gun. They're loading a gun. It looks like
4 they're loading a gun."

5 You know, trying to keep the timeline of
6 all the radio chatter is tough.

7 But anyway, we're going through all
8 these streets. I don't recognize these streets.
9 I don't really know them that much. The main
10 streets like Euclid and things like that I know,
11 but these little side streets, I don't know them
12 over there.

13 So we're going through all these
14 streets. We're just kind of following the line
15 of cars, police cars. End up going up this hill.
16 They said they're going into the water treatment
17 plant. And, like I said, we were kind of far
18 back.

19 As we're going up the hill we hear over
20 the radio somebody yelling, "Shots fired, shots
21 fired," and we're like -- I mean, that's -- I
22 mean, automatic you're thinking, "Holy crap, this
23 is really happening," you know.

24 You're almost like, "I don't believe

1 this is really happening," you know.

2 It's like, "These people are shooting at
3 policemen now."

4 Because that's all the indications we've
5 had some this whole time of pointing guns and
6 everything else, this is what it's going to end
7 up. I'm thinking to myself, "This is what's
8 happening." It's someplace you don't really want
9 to be, you know.

10 And so we come around the corner of --
11 because you go up the hill and you make a right
12 into the lot. We were told it was a water
13 treatment plant, but it ended up being a school.

14 As we -- as we were turning, we saw
15 these headlights coming at us. I want to say I
16 heard somebody say, "Block it off," or something.

17 I think that was right around the time
18 when they were yelling "Shots fired," they were
19 saying, "Block it off," like block the driveway
20 or something.

21 And -- but we go up, make our turn, we
22 see these headlights coming right at us. This is
23 the first time we actually saw the vehicle, that
24 we actually physically saw the car.

1 And as Randy was driving towards it, the
2 car ran into 238, whoever was driving 238. Ran
3 into their car.

4 I mean, just bullets started. You could
5 hear them. I mean, they were going everywhere.

6 And we're thinking -- or I'm thinking
7 it's a major shootout at this point. I'm
8 thinking there's two people shooting it out with
9 however many policemen are right there.

10 Randy stops the car and I jump out and I
11 saw the shotgun. I jump out. I run up next to
12 217.

13 And as I'm -- I see all these bullet
14 holes in the window of 217 and that's when
15 reality hit. I'm thinking, "Holy crap, this is
16 really it."

17 I mean, my fear level just skyrocketed,
18 because I'm like, "I'm in the middle of a
19 shootout right now."

20 And I'm scared for my colleagues. I'm
21 scared for myself. And, I mean, the adrenaline
22 was just -- I'm sure my hands were probably
23 shaking holding the shotgun.

24 And as I got by the window, I actually

1 could like feel -- it's hard to describe, but you
2 could like feel the bullet going past you.

3 You know what I mean?

4 Q. Uh-huh.

5 A. And I actually had one -- I think it was
6 a bullet, but I can't verify this by any means.
7 But something hit my vest, but it wasn't like you
8 would think.

9 You know what I mean?

10 I'm guessing it may have been a
11 ricochet.

12 Q. Okay.

13 A. Because it wasn't like a boom, knocking
14 me down kind of thing.

15 It was just like if one of your buddies
16 when you were younger come up and pound you on
17 the back, "Hey, what's up?"

18 Q. Yeah.

19 A. Kind of like that kind of a feeling.
20 You know, it's not going to knock you down, but
21 you felt it.

22 And so that even increased my fear level
23 because I'm thinking, "Oh, my God, I might have
24 just got hit with a bullet."

1 And all these things are running through
2 your head like a million miles an hour and the
3 shots are still going off.

4 And then -- but I was kind of down -- I
5 was down next to like the -- just past maybe the
6 front door, passenger door.

7 I was down by like the trunk and all --
8 not trunk, where the hood and all that meet with
9 the door.

10 And my partner came running up, he was a
11 little bit behind me, he came running up. And
12 I'm not sure if he started shooting immediately.
13 I think there was a little bit of a delay there.

14 But I'm down and I'm kind of trying --
15 I'm trying to work the shotgun. I can't get the
16 round in the shotgun. I can't get it to cycle.
17 I think I'm just like in a panic mode or
18 something.

19 But Randy started shooting. When he
20 started shooting, it was right by my head. I
21 mean, I could feel his -- like the, what do you
22 call it, the --

23 Q. The blast?

24 A. Yeah, I could feel that, like, all

1 through my whole brain.

2 You know what I mean?

3 Q. Huh-uh.

4 A. He was probably, I would guess, maybe a
5 foot to a foot and a half away from my head
6 shooting, and I was down and he was probably like
7 up here.

8 And he's a lefty, so I should do it like
9 this. He's a lefty, and actually one or two of
10 his shell casings actually hit me in the head.

11 I'm like, "I've got to get out of this,"
12 So I kind of got away, went to the other side of
13 Randy.

14 And this is where it gets kind of foggy
15 for me. I went to the other side of Randy and I
16 remember trying to work the shotgun, and the next
17 thing I know, I'm actually standing in front of
18 the police car, no cover, no nothing, and I know
19 I fired one round, maybe two rounds with my
20 shotgun. For some reason it's just foggy to me.

21 Q. Okay.

22 A. I don't know why. I can't explain it.
23 And -- but it's just -- it was like the craziest
24 thing I've ever seen.

1 I thought, "Man, we are in, like, a
2 major gun battle right now."

3 Then after -- you know, after I shot,
4 it's just I can't even give you a thing of time.
5 You know, like an --

6 Q. What did it feel like?

7 A. Almost feeling like going to another
8 dimension. It was really strange to me. My
9 whole brain was just, like, pulling me this way
10 and pulling me this way. It was just really
11 weird to me. I never really felt anything like
12 that in my life.

13 It's -- I can't -- it's just really hard
14 to describe how -- it's almost like I lost some
15 -- a couple seconds or something, I don't know.

16 You know what I mean?

17 Because I don't know how I got in front
18 of the car. Obviously I put myself there, but I
19 don't remember going there.

20 Why would I leave cover to do that?

21 Q. Right.

22 A. It doesn't make any sense to me at all,
23 you know what I mean, why I did that, but that's
24 what I ended up doing.

1 But then kind of like the next thing I
2 remember is Randy says, "Hey, my forehead's cut."

3 So I look and I said, "It's not bad,
4 you're all right, it's probably just flying glass
5 or something," thinking, you know, the bullet
6 holes in the windshield and all that stuff.

7 I still don't know what cut his
8 forehead. It was just a little -- it wasn't
9 bad.

10 Q. Okay. What happened next?

11 A. After that you're like catching your
12 breath and you're like, "Holy crap, what just
13 happened?"

14 You know?

15 Like -- and you try to calm yourself
16 down. And I actually took my vest off and I put
17 my vest on the trunk and I was looking at my vest
18 with a flashlight.

19 I'm thinking something hit me, but I
20 don't see one mark here, which is good, but
21 something hit me.

22 I don't know if in your guy's
23 investigation you can tell if the passenger side
24 mirror was shot off of the zone car, of 217,

1 because the mirror was gone.

2 Q. Okay.

3 A. I don't recall if it was gone when I ran
4 up to it or not, but after everything was done, I
5 saw the mirror was gone basically.

6 And I started thinking, "Well, maybe the
7 mirror got shot off, maybe the mirror hit me, and
8 that's maybe how Randy got his forehead cut from
9 glass from the mirror."

10 Q. Okay.

11 A. That's just what I kind of thought of at
12 the time.

13 Q. Okay.

14 A. So -- but, I mean, it took me for a few
15 to unwind because just the escalation of fear.

16 It's like you go from a little bit of
17 fear to more fear to like the most fear you ever
18 felt in your life, you know, because I thought I
19 was in the middle of a gun battle, you know,
20 trying to help my fellow officers.

21 You know what I mean?

22 And it was just -- it was very
23 stressful, very traumatic for me.

24 MR. GARDNER: When you were shooting,

1 what were you shooting at?

2 THE WITNESS: I was shooting at the
3 direction of the car.

4 MR. GARDNER: Anything in particular?

5 THE WITNESS: I don't even remember. I
6 just remember shooting at least once.

7 I knew the threat was there in the car.
8 I'm like, "there's the threat. That's what I'm
9 aiming at, is the car." Yeah.

10 BY MR. SARAYA:

11 Q. Windows? Windshield? Door?

12 A. I don't know what I hit.

13 Q. Okay.

14 A. I have no idea to this day what I did.
15 I'm sure I'll find out eventually. To my
16 knowledge, I'm the only one that shot a
17 shotgun.

18 Q. Okay.

19 A. I don't know if it hit him or her.
20 Probably not her, because she was on the other
21 side. I don't know if I hit a window, door.

22 Like I said, it was kind of fuzzy to
23 me.

24 Q. Okay. That's fine. You did good.

1 And we'll go back now, we're going to
2 start clearing up some details here.

3 A. Okay.

4 Q. All right?

5 You guys get on the freeway. You're on
6 90 Eastbound. You say you're far back?

7 A. Really far.

8 Q. Can you see any of the cruisers ahead of
9 you?

10 A. We could see a couple. I mean, I don't
11 know who they were. It could have been Third
12 District guys, you know, whatever.

13 But I remember at one point they were
14 already around Deadman's curve and we weren't
15 even to Deadman's Curve. We were probably about
16 at least 22nd Street maybe.

17 Q. So you guys are --

18 A. We're back.

19 Q. -- 22nd and you could see them at
20 Deadman's Curve?

21 A. No, no, no. They were already past it.
22 They were already past Deadman's Curve, and, like
23 I said, we were probably at 22nd and maybe
24 approaching Chester type area.

1 Q. Okay.

2 A. Because we -- like I said, they were
3 already around, because they're like, "Going
4 around Deadman's curve." They already called it
5 out.

6 Q. Yeah.

7 A. Okay. And we weren't even close at that
8 point. We were still a few exits back.

9 Q. Okay.

10 A. Like I said, we never even saw the car
11 during the chase. We saw it hit the police car.
12 That's the first time I saw the car.

13 Q. Okay. You were running through the side
14 streets trying to figure out where you were at
15 and you said you saw some zone cars go past. Is
16 it crossing in front of you?

17 A. Yeah, we like approached a stop sign. I
18 told Randy, I said, "Hold on, hold on," because I
19 saw cars, and they were going -- they're hauling
20 butt, you know.

21 Q. Yeah.

22 A. So there's, like, maybe three of them;
23 and then went through and just kind of fell back
24 in the line.

1 Q. Okay.

2 A. But at one point I think we were a
3 little -- we really didn't know where we were at,
4 you know. I never heard of Star before. I heard
5 it on the radio. I don't know where -- I
6 couldn't find it.

7 You know what I mean?

8 Q. So it was about three cruisers ahead of
9 you now and you guys are rolling in, and somebody
10 broadcasts that they think they're pulling into a
11 water treatment plant at first?

12 A. Yeah. That -- yeah.

13 Q. Take a look. Does this look familiar to
14 you?

15 A. It does.

16 Q. Okay.

17 A. Our car was turning in right here.

18 Q. Okay. That's what I want you to do
19 right now. There's a Sharpie pen.

20 A. Draw it in?

21 Q. Yeah, drawing in where it was where you
22 came in at.

23 A. Well, here's the street.

24 Q. Yeah, just where your cruiser ends up,

1 approximately.

2 A. Approximately?

3 Q. Yeah.

4 A. Just draw a little cruiser box?

5 Q. Yeah, exactly.

6 A. Probably would have been like right
7 there.

8 Q. Okay. Are there any other cruisers
9 around you when you pulled up there?

10 I mean, obviously we've got the two cars
11 in front of you. Is there anybody next to you
12 that you know of?

13 A. No, not that I was aware of. I don't
14 think there ever was anybody next to us, I don't
15 think.

16 Q. Okay. So you're on the passenger side.
17 So what do you do then? You get out --

18 A. I get out and I ran up to -- do you want
19 me --

20 Q. Yeah, absolutely, draw it out.
21 Absolutely. Put a dot there. If you want to,
22 draw the line showing to and from.

23 A. I need duty glasses.

24 MR. D'ANGELO: Here's my readers, if you

1 need them.

2 THE WITNESS: Let me try. Actually,
3 those are really small.

4 MR. D'ANGELO: Costco special.

5 THE WITNESS: You can keep them.

6 MR. D'ANGELO: You've got to get those
7 when you're 60.

8 A. I ran up to -- when I got out I ran up
9 it was probably about -- probably about parallel
10 with the front windshield, I guess you could say,
11 because, I mean, I saw the bullet holes, and I
12 was thinking, "Holy shit, they're shooting," you
13 know.

14 MR. GARDNER: Were there any other
15 officers there at that time?

16 THE WITNESS: I didn't see anyone. I
17 don't know where they went. I might have ran
18 right past them, I have no idea.

19 MR. GARDNER: Okay.

20 THE WITNESS: I really don't know. I
21 did not see -- they had to be there, because when
22 it was all over, I saw Cindy standing there, but
23 I don't know where she was, you know.

24 BY MR. SARAYA:

1 Q. You're talking about Cynthia Moore?

2 A. Yes. I'm sorry. I should say Officer
3 Moore.

4 Q. That's okay. So you run up there and
5 the next thing you know you're standing over here
6 by the suspect vehicle out in --

7 A. Yeah. I don't know why I went there.

8 Q. So where -- so eventually you went up
9 where, then?

10 A. I would probably say like even with the
11 bumper probably.

12 Q. Okay.

13 A. Probably 2 to 3 feet away from the
14 car.

15 Q. Okay.

16 A. So I'll put a little dot there. This is
17 definitely not to scale.

18 MR. GARDNER: Yeah, that's fine. This
19 is just relative here.

20 A. I have no idea why I did that to myself.

21 Why would I do that?

22 I can't -- that personally bothers me
23 why I would leave cover and not even realize I
24 did it.

1 You know what I mean?

2 Q. Yeah.

3 A. That personally bothers me.

4 Q. Okay. You're having an issue with the
5 shotgun. What's going on?

6 A. I don't know if it was nerves or what.
7 I don't think it was a malfunction of the gun.
8 Probably wasn't. It was probably me. Probably
9 operator error. I could not get the thing
10 racked.

11 Q. It was locked forward, you couldn't
12 release it?

13 A. Yeah, I just couldn't release it. I
14 mean, I know where the release is at. I know
15 where the safety is at. You know, we do this in
16 in-service every year.

17 I've actually racked my brain about this
18 at home thinking, "Maybe I should go shoot the
19 shotgun more often."

20 I thought I was familiar with it, but
21 maybe I'm not when it's under pressure, you know,
22 because I had a heck of a time getting a round in
23 there.

24 And I was probably like, "Oh, my God,"

1 you know.

2 Q. Okay. During the chase are you
3 broadcasting anything on the radio?

4 A. No. Never said one word on the radio.

5 Q. When you're pulling up in your car, can
6 you hear anybody giving any verbal commands,
7 trying to shoot at the suspects?

8 A. I couldn't hear that, no.

9 Q. What could you hear?

10 A. When we were pulling up is when I heard
11 on the radio, "Shots fired."

12 Q. Okay. What about when you're out of the
13 car?

14 A. When I was out of the car, I hear
15 nothing because we're short on radios. I didn't
16 have a shoulder mic.

17 Q. Okay.

18 A. It was just on my hip and that's it.

19 Q. Okay. Nobody was shouting up there or
20 giving any commands up there?

21 A. I couldn't hear.

22 Q. Okay.

23 A. I was really too focused on the car, so
24 I don't know.

1 Q. Okay. Didn't hear anybody shouting,
2 "Cease fire" or anything?

3 A. I did not.

4 Q. Okay. I know this is going to be -- I'm
5 going to jump back in with yes or no questions.

6 MR. SARAYA: That's fine.

7 Q. Okay. Your interpretation of the area,
8 how well lit is it? How well can you see?

9 A. There was some lights. There was a
10 couple light poles, I believe.

11 It wasn't like daylight, by any means,
12 but, I mean, you could see better than -- you
13 know, there was some light there. I'd say better
14 than minimal maybe.

15 Q. Okay. What about with all the overheads
16 blinking and everything?

17 A. That always makes your eyes go
18 everywhere, you know.

19 Q. Did it help? Did it hurt anything?

20 A. To be honest, I didn't pay attention.

21 Q. Okay.

22 A. Did not even pay attention to them.

23 Q. Okay. This night when this is
24 happening, your description of the suspects in

1 the vehicle is what?

2 A. I didn't know what they're description
3 was.

4 Q. Okay.

5 A. I -- I really -- I mean, you said I
6 could kind of go back to what I know later.

7 Q. Yeah.

8 A. I did hear that -- we were talking about
9 this in the lunchroom. I guess Nan did broadcast
10 "two black males," but I didn't hear that.

11 Q. Okay. Since that time, since Thursday
12 night, you've heard the names of the suspects?

13 A. I haven't watched the news.

14 Q. Okay. I'm going to show you these guys.
15 They were in the district.

16 Do the names Timothy Russell, Malissa
17 Williams, do the names sound familiar to you?

18 Do they look familiar from any other
19 interactions you may have had?

20 A. No.

21 Q. Okay. Here again, now, this is your
22 take on this. All right?

23 Why would you shoot?

24 A. Because I felt my life was in danger and

1 I felt every officer that was there was in
2 danger.

3 Q. Why is that?

4 A. Because I thought we were being shot
5 at.

6 Q. Okay.

7 A. It's sort of like -- I said, "This is
8 the real deal." You know, I thought, "This is
9 it."

10 You know, I -- to me it's not, like, about
11 the glory or anything. I just want to go home,
12 do my job and go home.

13 Q. Okay. Could you see the suspects moving
14 inside the car when you moved up?

15 A. You know, as a matter of fact, when I
16 first ran up to the car, I did see the driver
17 move, for just like a split second I seen it, and
18 that's when I said -- I hear the bullets and
19 everything and I went down.

20 Q. What do you see the driver doing?

21 A. I just saw movement. I can't be more
22 specific than that, because I couldn't tell you,
23 because it was like a split second.

24 Q. Okay.

1 A. But I did see, like, the driver like --
2 or something, you know what I mean.

3 It was a real quick split second,
4 fraction of a second.

5 Q. Okay. So I want to get this right, now.
6 I'm going to draw this here for you. You've got
7 -- this is 217. You run up to it and, for the
8 sake of argument, you're here. Okay? Randy
9 comes up and comes around you on this side.

10 A. Correct.

11 Q. And then you go around him like this.

12 A. For whatever reason.

13 Q. And then our suspect vehicle is, say,
14 here like this.

15 A. Yes.

16 Q. That's -- is that accurate of what
17 happened?

18 A. I would say that's pretty accurate.

19 Q. Okay.

20 A. Because he started shooting, and, like I
21 said, it feels like your brain's going to melt,
22 you know, the whatever you call it coming out of
23 the gun. I don't know if I went behind him or if
24 I went around him.

1 You know what I mean?

2 I don't know how I got around him. I
3 went to the other side of him. The next thing
4 you know -- I remember fiddling with the gun,
5 "Damn it, this thing won't get in there," and the
6 next thing you know, I'm standing outside no
7 cover.

8 Q. Did Randy come up and join you up here?

9 Was there another officer here?

10 A. I don't think so.

11 Q. You were all by yourself?

12 A. I believe so. I didn't see anybody with
13 me. I hope nobody would be as dumb as I was to
14 do that.

15 Q. Okay. Best of your knowledge, one round
16 and maybe a second?

17 A. Correct.

18 MR. SARAYA: Okay.

19 MR. GARDNER: Did anybody ever come up
20 to you and take your shotgun from you or --

21 THE WITNESS: I gave it to Sergeant
22 Coleman to secure in her vehicle.

23 MR. GARDNER: Do you know if -- if you
24 know, did she do a round count?

1 THE WITNESS: I don't know.

2 BY MR. SARAYA:

3 Q. Who is Sergeant Coleman?

4 A. She is a sergeant in the vice unit.

5 Q. Second District?

6 A. Oh, yeah, I'm sorry, Second District,
7 yes.

8 Q. Okay.

9 A. It was just a weird -- weird stuff.

10 Q. What are your observations of other
11 officer's actions?

12 A. The only officer that I could remember
13 actually seeing was my partner.

14 Q. Okay.

15 A. And I don't remember seeing anyone else
16 there until after the fact, you know, until
17 everything settled down.

18 Q. How long have you and Randy been
19 partners?

20 A. We've been partners just this year,
21 started January 1st last year -- of this year,
22 sorry.

23 Q. Almost a year now?

24 A. Almost a year.

1 Q. Okay. Okay. Did you see anybody try to
2 do any medical treatment on the subjects?

3 A. EMS.

4 Q. Okay. Do you know who called EMS?

5 A. I have no idea.

6 Like I said, once I'm out of the car, I
7 can't hardly even hear my radio because I don't
8 have a shoulder mic. I didn't have a shoulder
9 mic that night.

10 Q. Okay. Everything's calming down here.
11 Shooting has stopped. What are you doing?

12 A. Just trying to unwind, I guess.

13 Q. Okay.

14 A. Like, how far away from the shooting are
15 you talking about? Later that night?

16 Q. No. As things are settling, the
17 shooting stops, you said you took your vest off.

18 A. Well, like I said, I was talking to
19 Randy. He said he got cut on the forehead.
20 You know, I was like, "You'll be fine."

21 That's when I saw Cindy, Officer Moore.

22 And I did take my vest off. I was
23 looking at my vest.

24 Q. Where did you do that?

1 A. The trunk of 217.

2 Q. Okay.

3 A. And I -- I don't even know who I was
4 talking to. It may have been Officer Moore. But
5 I thought it was Randy. But he said it wasn't
6 him.

7 And -- but I'm like, I said, "I think I
8 might have got hit" and I was looking with my
9 flashlight. And I know Alameda [phonetical] said
10 he saw me doing that. Or Alameda. I don't know
11 how you pronounce his name.

12 But, like I said, there was not a mark
13 on my vest. I looked at it pretty well. There
14 was not one mark on it.

15 MR. KINAS: Did you have a bruise
16 underneath that spot or a sore spot on your
17 chest?

18 THE WITNESS: No, nothing. I just felt
19 something hit me, though. I don't know what it
20 was.

21 Like I said, it may have been a
22 ricochet, so it could have been just coming in
23 slow.

24 BY MR. SARAYA:

1 Q. Okay. You checked the shotgun. You
2 reloaded it all. You stood there holding it
3 until the sergeant showed up? What did you do
4 with it?

5 A. I just kind of carried it around with me
6 for awhile.

7 That's why -- I was getting tired of
8 carrying it and I said her, I said, "Hey,
9 Sergeant, do you mind if I" -- I said, "Is your
10 car close by," because I didn't know where she
11 was at.

12 She said, "Yeah, it's right over there,"
13 and she took it and put it in her car.

14 Q. Okay. So outside of physical injuries,
15 you didn't get hurt at all, no scuffed knees?

16 A. No.

17 Q. Okay. You kind of clarified that with
18 him asking if you have bruising.

19 A. No. I checked when I got home and
20 stuff. Nothing.

21 Like I said, you know when you're, like,
22 in high school and your buddy's going like, bam
23 on your back and you're like, "Hey"...

24 Q. Yeah.

1 A. But you don't fall. You don't crumble
2 into a ball or anything.

3 It wasn't -- it was kind of like
4 somebody slapping you really hard in the back,
5 but it was like right in here, though.

6 Q. Okay.

7 A. But, like I said, I thought at least the
8 cloth of my vest would be ripped or torn
9 something, but there wasn't a mark on it.

10 Q. Okay. Okay. What are some of the
11 officers saying at the scene there as things were
12 winding down? What's the atmosphere there?

13 A. The atmosphere was, I think we're all on
14 the same page thinking these people were shooting
15 at us and we're all -- I know my state of mind
16 was, you know, I'm thinking, "Man, this is a good
17 shot. We'll get the gun out of the car later,
18 whatever, and everything's going to be fine,"
19 because that's really truly what I believed.
20 That's not how this is turning out.

21 Q. We'll talk about that night. What's
22 going on? What are guys saying? What are they
23 doing?

24 A. People are just kind of hanging around.

1 I wouldn't say anybody's acting out of the
2 ordinary. I mean, not that I can pick out
3 anyway.

4 Q. All right.

5 MR. GARDNER: Do you remember any
6 specific comments anybody was making?

7 THE WITNESS: I don't, really. I mean,
8 I just -- I know some of the people I didn't
9 really know, you know. So some of the cops I
10 really don't know that were there. The Third
11 District people, I knew one of them, you know.

12 You know, people are asking, "Are you
13 okay," just general conversation like that, you
14 know.

15 But other than that, nothing really
16 stands out to me.

17 BY MR. SARAYA:

18 Q. Okay. Under the circumstances -- here's
19 one of these questions I've got to ask here:

20 Were there any other options that were
21 practical or available to you that you could have
22 done besides this?

23 A. I don't believe so.

24 Q. Okay.

1 A. Because, like I said, I 100 percent
2 truly thought we were getting fired upon by these
3 people. There was no other reason for me to
4 believe otherwise.

5 Q. Okay. Who have you spoken to regarding
6 this incident besides counsel?

7 A. Of course my wife. She doesn't know all
8 the details, but just general, you know. Because
9 they said, you know, just keep things basic.

10 Q. Right.

11 A. You know, my parents, close friend of
12 mine.

13 Q. A police officer?

14 A. No, he's not a police officer, but he
15 was involved in a bunch of stuff in Iraq.

16 Q. Okay. So he's ex-military?

17 A. He's actually an ex-Blackwater.

18 Q. Okay.

19 A. He worked for Blackwater, but he's --
20 he's had some issues with some things that he has
21 been through, so he kind of gave me some
22 comforting thoughts.

23 Q. Okay. What about officer-wise?

24 A. Officer-wise, my partner, Randy. As far

1 as the shooting itself goes, probably just
2 Randy.

3 Q. Okay. You guys get into a lot of detail
4 about it or just kind of generic there, too?

5 A. Just generic there. I mean, we pretty
6 much know what's going on, because I kind of
7 kiddingly was like, "Dude, you were shooting
8 your gun right by my head."

9 He was like, "Well, I didn't know what
10 --" he was like, "It all happened so fast," you
11 know.

12 Q. Right. Okay. While you're at the scene
13 that night, take out your cell-phone and make any
14 phone calls?

15 A. I called my wife. That would have been
16 probably maybe 25 minutes after the event,
17 probably.

18 Q. Call anybody else from the scene?

19 A. No.

20 Q. Did you or did you see anybody using
21 their cell-phone to take any pictures of the
22 scene?

23 A. I did not.

24 Q. You didn't take any at the scene?

1 A. I did not.

2 Q. Okay.

3 A. I didn't see anybody taking pictures.

4 Q. Okay.

5 A. You know what, I think I called my
6 buddy, Tom, too. The one Blackwater guy, I think
7 I called him.

8 MR. GARDNER: From the scene you mean?

9 THE WITNESS: Yeah. I think I called
10 him also. He's like my best friend.

11 You know what I mean?

12 I think I gave him a call.

13 MR. GARDNER: How long after the fact,
14 do you know?

15 THE WITNESS: It would have been either
16 right before or right after my wife. So I called
17 my wife first, hopefully. I would like to think
18 that way, let's put it that way.

19 BY MR. SARAYA:

20 Q. Do you feel your actions were consistent
21 with your training?

22 A. I do.

23 Q. Okay. What about everyone else at the
24 scene, do you think they reacted as they were

1 trained?

2 A. I can't speak for them, because I didn't
3 even really see anybody else beside my partner at
4 the time.

5 So as far as that goes, I would say yes
6 when it comes to Randy, because I don't even know
7 where other people were standing.

8 Q. Okay. A question we're asking
9 everybody, has anyone asked you to lie or
10 otherwise tried to influence your statement to
11 us?

12 A. No.

13 Q. Okay. Is there anything you think we
14 should know that we didn't ask you?

15 A. You guys covered it pretty well, I
16 think.

17 Q. Okay.

18 A. I feel relieved that this is now over
19 and I can go talk to somebody.

20 MR. KINAS: How long did you fire your
21 Glock and how long your shotgun?

22 THE WITNESS: I'm sorry?

23 MR. KINAS: Just your shotgun you fired?

24 THE WITNESS: Just the shotgun.

1 MR. KINAS: Not the Glock at all?

2 THE WITNESS: No.

3 MR. KINAS: Did anybody check your Glock
4 that night?

5 THE WITNESS: Homicide did. They
6 checked the rounds.

7 MR. GARDNER: Of your handgun?

8 THE WITNESS: Handgun, yeah.

9 MR. KINAS: Is this the first time you
10 fired your weapon in the line of duty?

11 THE WITNESS: No. It's the second.

12 MR. KINAS: How long ago was the first
13 shooting?

14 THE WITNESS: I believe it was in August
15 of 2000.

16 MR. KINAS: That was the baby on the
17 roof?

18 THE WITNESS: (Inaudible), yeah.

19 MR. SARAYA: Counselor?

20 MR. D'ANGELO: I think it's been all
21 covered.

22 MR. SARAYA: I'll repeat one of your
23 questions from yesterday, because now I'm
24 thinking about this.

1 BY MR. SARAYA:

2 Q. The media is putting the big racial
3 slant on this. Was anyone making any comments
4 about race or anything like that?

5 A. Not that I heard.

6 Q. No comments about it, no snide remarks?

7 A. Not that I heard.

8 MR. SARAYA: Okay.

9 MR. GARDNER: Do you think this was
10 racially motivated?

11 THE WITNESS: Of course not. I mean, it
12 always ends up that way in the media's eyes.

13 You know what I mean?

14 I actually expected this, believe it or
15 not. I truly did.

16 I even told my wife, I said, "It's going
17 to happen."

18 She's like, "You're right," because I'm
19 not watching the news. She is.

20 MR. GARDNER: Anything else?

21 MR. D'ANGELO: No.

22 MR. SARAYA: Thank you, sir.

23 MR. GARDNER: Would you mind initialing
24 that with the Sharpie there?

1 THE WITNESS: Yeah. (Complies with
2 request.)

3 MR. GARDNER: I'm sorry, could you put
4 your badge number?

5 THE WITNESS: (Complies with request.)

6 (End of videotaped interview.)

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