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VIDEOTAPED INTERVIEW

RANDY PATRICK

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APPEARANCES:

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

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1 MR. GARDNER: Sir, my name's Scott
2 Gardner. I'm a detective/sergeant with the City
3 of East Cleveland attached to the Major Crimes
4 Unit out there. We sort of have a canned speech
5 that we're giving everybody here. All right.

6 We are conducting the -- the criminal
7 investigation in this matter. We have nothing to
8 do with the internal investigation. Okay?

9 THE WITNESS: Okay.

10 MR. GARDNER: As such, you know, we're
11 not here judging you. We're here to investigate
12 what happened and try to figure it out. Okay?

13 THE WITNESS: Okay.

14 MR. GARDNER: At no time is anybody
15 going to think anything less of you of anything
16 that you did. We're not hear judging your
17 actions. All right?

18 THE WITNESS: (Affirmative nodding of
19 head.)

20 MR. SARAYA: I'm John Saraya with BCI.
21 I've been here about 15 years. I've been doing
22 officer-involved shootings for about 15 years.
23 Okay?

24 Like Scott's saying, we're not here to

1 second-guess you. Please don't take some of the
2 questions personally.

3 If we ask you what you think is silly,
4 we're trying to get you to just expound on your
5 answers so we pull out the details that we need.

6 There are some questions here that we
7 admit might sound like -- you know, roll your
8 eyes, "What the hell are you thinking," but it's
9 just questions that we need to ask. Okay?

10 These are questions -- we have this
11 sheet we're going through. Everybody's getting
12 the same batch of questions.

13 At one point we're just going to tell
14 you, "Roll with it, tell us everything that
15 happened," and then we'll come back and fill in
16 details.

17 If at any time you've got any questions
18 of us, ask. If you don't know, you can say, "I
19 don't know." Every cop wants to know -- to act
20 like everything -- we understand.

21 So, like I said, we're going to go
22 through things, take our time, whatever we have
23 to do. Okay?

24 THE WITNESS: Okay.

1 MR. GARDNER: If you need to take a
2 break, just let us know. If you need to step
3 outside and talk to counsel or your union reps,
4 feel free. All right? I mean, this is going to
5 be real informal. Okay?

6 THE WITNESS: Okay.

7 MR. GARDNER: The -- the big formal
8 part, as I'm sure that -- I'm hoping that counsel
9 let you know, we are doing a criminal
10 investigation. Therefore, you are entitled to
11 all your rights just as anyone else. So we're
12 going to advise you of your Miranda.

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

20 Do you understand the rights?

21 THE WITNESS: Yes, I do.

22 MR. GARDNER: And having those rights in
23 mind, do you wish to speak to us?

24 THE WITNESS: Yes.

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EXAMINATION

BY MR. GARDNER:

Q. Let's start off with your name.

A. Randy Patrick.

Q. Randy, what's -- what's your home address?

A. [REDACTED]

[REDACTED].

Q. And what's -- what's a telephone or cell phone number for you?

A. [REDACTED]

Q. [REDACTED].

A. [REDACTED] [REDACTED] [REDACTED].

Q. [REDACTED].

Your date of birth?

A. [REDACTED].

Q. We've -- one thing that I just sort of want to impress upon you, and I'm not -- you know, not -- try to make sure your answers are honest.

We've, obviously, interviewed other people, so the worst thing that could happen is that you mess up because, you know, somebody else answered differently. All right? So if you

1 truly don't know, just say, "I don't know."

2 First question, how are you holding up?

3 How are you holding up right now?

4 A. A little stressed out. Nothing I've
5 been through before. Wouldn't want to go through
6 it again.

7 Q. What's -- what's your current assignment
8 with CPD?

9 A. I work in the Second District, night
10 shift, Third Platoon.

11 Q. You're a uniformed officer?

12 A. Yes, sir.

13 MR. SARAYA: What's the shift time?

14 THE WITNESS: 2030 hours to 0630.

15 BY MR. GARDNER:

16 Q. 2030 to 0630?

17 A. Ten-hour shifts.

18 Q. Okay. What -- what are your days off?

19 A. Every week they're different. They
20 rotate.

21 Q. What would they have been the --

22 A. Last week?

23 Q. -- last week?

24 A. I'm pretty sure it's Friday, Saturday,

1 Sunday, and Monday. No, no, no, I'm sorry. Yes,
2 Friday, Saturday, Sunday, and Monday.

3 MR. KINAS: So that was your Friday, the
4 night of the shooting was a Friday?

5 THE WITNESS: Yes, yes. How we consider
6 it our Friday, yes.

7 MR. KINAS: Right.

8 BY MR. GARDNER:

9 Q. How -- how long have you been with CPD?

10 A. I'm in my sixteenth year.

11 Q. Sixteenth?

12 A. Yes.

13 Q. Did you ever work for any other
14 agencies?

15 A. No, I did not.

16 Q. Who -- who is your supervisor?

17 A. Lieutenant Jenny -- Jenny Socha.

18 Q. Can you spell the last name for me?

19 A. S-o-c-h-a.

20 THE WITNESS: Is that correct?

21 MR. KINAS: (Affirmative nodding of
22 head.)

23 Q. Work any extra-duty details, off-duty,
24 part-time?

1 A. Yes, I do.

2 Q. Were you working anything -- were you
3 working anything in the 48 hours prior to the
4 incident?

5 A. No, I did not.

6 Q. The night of the incident, how were you
7 feeling? I mean, were you sick, okay, tired?

8 A. Okay. Fine.

9 Q. Were you that night or are you taking
10 any type of medication or over-the-counter drugs?

11 A. [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED] [REDACTED]

15 MR. SARAYA: [REDACTED]
16 [REDACTED]

17 THE WITNESS: [REDACTED]

18 BY MR. GARDNER:

19 Q. Do you normally -- normally wear glasses
20 or contacts?

21 A. Only to read. Just recently I had to
22 get a pair of reading glasses. Getting old.

23 MR. SARAYA: Thank you.

24 Q. So we just briefly touched on it. I

1 mean, you were in a uniform. Can you describe to
2 me what you were wearing as far as your uniform
3 was that night?

4 A. Uniform pants, a long-sleeve shirt,
5 turtleneck, the outer vest.

6 Q. You had an outer vest?

7 A. Yes.

8 Q. What's on your duty belt as far as -- I
9 mean, you have -- what kind of less lethal
10 options do you have on your duty belt?

11 A. Taser, that's it.

12 MR. SARAYA: No pepper spray, no
13 expandable baton?

14 THE WITNESS: No.

15 MR. SARAYA: No?

16 BY MR. GARDNER:

17 Q. Let's talk about the weapons there.
18 What kind of weapon did you have?

19 A. The Glock 9 millimeter.

20 Q. And how many magazines?

21 A. Three.

22 Q. Three mags? And were they fully loaded?

23 A. Yes.

24 Q. Okay. What -- how many can you put in a

1 magazine?

2 A. Fifteen.

3 Q. Fifteen?

4 A. It would be 46 total.

5 Q. 46 total?

6 Don't carry any backup or --

7 A. No, I do not.

8 Q. Any personal recording devices?

9 A. No.

10 Q. Audio, video?

11 A. (Negative shaking of head.)

12 Q. Let's talk about your car. What -- what
13 kind of car were you in?

14 A. A Crown Vic.

15 Q. Crown Vic?

16 A. Yeah.

17 Q. What's the -- do you have a car number?

18 A. 2 A 37 is my call number.

19 Q. That's your call number --

20 A. Yes.

21 Q. -- 2 A 37?

22 A. I was actually driving 243 that night.

23 Q. 243. What -- just while we're on that
24 topic, what channel were you operating on?

1 A. Channel 2.

2 Q. Channel 2?

3 A. Yes.

4 Q. Did you at any point change the
5 channels?

6 A. No, we did not.

7 Q. Who was in the car with you?

8 A. My partner, Paul Box.

9 Q. Who was driving?

10 A. I was.

11 Q. Any in-car dash cam or anything like
12 that?

13 A. None.

14 Q. Everything working in the car, lights,
15 sirens?

16 A. Uh-huh, yes.

17 Q. Anything else that was malfunctioning?
18 MDT or anything like that?

19 A. We didn't have one. No computer.

20 Q. Was everything in working order, though,
21 that was in the car?

22 A. Yes.

23 Q. Were you -- I mean, I'm sure we'll get
24 into that. But were you operating lights and

1 sirens? I mean, they were on?

2 A. When this all began?

3 Q. Yes.

4 A. Yes.

5 Q. Do you have any specialized training,
6 SWAT, instructor school, anything like that?

7 A. No.

8 Q. Any prior military?

9 A. No.

10 Q. Did you qualify with your weapon?

11 A. Once a year, yes.

12 Q. Did you already do it this year?

13 A. Yes. I believe it was back in March.

14 Q. What did you qualify with?

15 A. The Glock 9 millimeter?

16 Q. I mean, handgun, shotgun?

17 A. Both.

18 Q. Artillery or anything else beyond
19 that?

20 A. No.

21 Q. Everything -- use of force, from my
22 understanding, is sort of blocked into that. Did
23 you get use of force training?

24 A. Yes, sir.

1 Q. And everything with your OPOTA, you're
2 up-to-date, certified?

3 A. Yes.

4 Q. And I think I already know the answer
5 because I think you already said it, but have you
6 had any prior involvement in shootings?

7 A. No.

8 Q. All right. This is sort of where it
9 becomes your -- your floor. All right?

10 Just, if you can, tell me what you were
11 doing just slightly prior to learning -- however
12 you learned -- I don't know if you learned by
13 radio --

14 MR. SARAYA: Let's start with the shift.
15 Tell us about the shift. You and your partner
16 get in the car, log in service?

17 THE WITNESS: Right. Approximately
18 around -- they put us on there about ten till
19 nine.

20 MR. SARAYA: Okay.

21 THE WITNESS: I believe we did have one
22 or two radio sirens to answer. I couldn't
23 recall. He was the passenger, so he was doing
24 all the paperwork.

1 I think actually at the time that the
2 first broadcast came over we were just basically
3 patrolling our zone that we were working.

4 BY MR. GARDNER:

5 Q. Do you remember where you were when --

6 A. Not exactly, no.

7 Q. What -- I mean, how did you learn that
8 there was a pursuit or whatever, whatever you
9 learned?

10 A. I first learned it when officer Nan came
11 over Channel 2 and advised the radio dispatcher
12 that shots were fired down by the Justice Center.
13 He believes they were shot towards him, and
14 that's when he gave the description of the
15 vehicle along with the license plate.

16 Q. Do you remember what that description
17 was?

18 A. Just an older model blue vehicle. I
19 can't actually remember what he said.

20 Q. No, that's fine. I'm only asking for
21 what you can remember.

22 MR. SARAYA: What happened next?

23 THE WITNESS: Okay. At -- at that time,
24 where our zone is, we're very far from the

1 Justice Center. Okay. We're up by, like, Brook
2 Park Road.

3 So I just started heading northbound and
4 was just listening for the next broadcast to come
5 over, where the suspect vehicle might have been,
6 and I believe that officer Nan lost the vehicle
7 for a few minutes.

8 I think he advised to notify Channel 3,
9 District 3, which is the downtown district there,
10 and so I really didn't have any idea which way I
11 was going to go.

12 I just -- I was the furthest south as
13 you can get in the Second District, so I just
14 started heading north waiting for the next
15 broadcast to come over.

16 And I couldn't tell you how long, maybe
17 a few moments, a minute or two, that is when 2
18 Adam 31 actually spotted the vehicle on the
19 Detroit Superior Bridge.

20 So now I had an idea of where they're
21 at, so I started heading that way, you know, a
22 little more north, kind of waiting for the next
23 broadcast.

24 I guess they turned around in the car,

1 put on their lights and sirens, and the car
2 refused to stop. That's what I got from the
3 broadcast.

4 They were heading westbound at that
5 time, so I was kind of heading westbound. You
6 know, me and my partner were discussing it in the
7 car like we would do in this kind of situation.
8 You know, where do you think he's going to go
9 next? Okay.

10 So he was heading west. We were heading
11 west, you know, kind of like maybe northwest,
12 trying to get down to that -- that area of the
13 district, because we started in the furthest area
14 we could be.

15 And just kept listening to the -- to the
16 broadcast, you know. And a lot of times we both
17 believe amongst ourselves that these suspects try
18 to get to a highway. When they didn't jump on
19 the highway by, I think it was like, by West 85th
20 and Clark area, they turned back around and
21 headed eastbound on Clark.

22 So I started heading eastbound.
23 I remember going up Fulton to Denison and also
24 continuing to listen to the broadcast. That is

1 when I was hearing they took Clark to Quigley up
2 to West 14th. When they headed north on west
3 14th, we both know that the highway's right down
4 the street.

5 So at that time I was about Denison
6 approaching 176th Northbound. He -- the suspect
7 vehicle already got on the highway at West 14th
8 (inaudible) and that's right when I was getting
9 on the highway I found I-176 Northbound, you
10 know, heading downtown. Because if you know the
11 highway, they actually meet. When you pass the
12 Steelyard Commons, that's -- you're going to
13 meet.

14 I heard -- I can't recall when, when or
15 what location, but Officer Seifer (written as
16 spelled), who was in the lead car, broadcasting
17 the whole chase --

18 MR. GARDNER: Can you -- I'm sorry.
19 S-e-i?

20 MR. KINAS: F-e-r-t.

21 THE WITNESS: No. There's no T.
22 Seifer.

23 MR. KINAS: Yeah.

24 THE WITNESS: Uh-huh -- he broadcast,

1 "The passenger is pointing a gun out the window.

2 Heads up. Heads up. Everybody be careful."

3 You know, I could still say at this time
4 I still haven't seen the suspect vehicle. I'm on
5 the highway on 90 heading towards Deadman's
6 Curve.

7 They're -- they're a ways in front of
8 us. You could just -- you know, listening to --
9 they're saying they're passing East 55th,
10 approaching East 72nd. They got off at East
11 72nd.

12 You know, I can't say minutes or
13 seconds. We were just a little ways behind him.
14 So I decided to get off at East 55th Street and
15 like parallel them. In case they decided to go
16 back westbound, they would, like, come towards
17 us.

18 Actually going down East 55th and
19 starting going a little more east down some
20 streets, I don't have no idea where I'm at. I'm
21 basically following other police cars. You know,
22 someone in this chase has got to know where
23 they're going, and there was a bunch of them in
24 front of me. And I think we were on Wade Park.

1 I know we ended up on Euclid.

2 During that time period there, I think
3 it was Sergeant Coleman yelled -- broadcast that
4 a police car was struck by the suspect vehicle.

5 Q. This is when you're on Euclid?

6 A. I can't actually remember. It was all
7 happening so fast.

8 Q. Do you know what police car was struck?

9 A. No, I do not.

10 Q. Okay.

11 A. I think it might have been an undercover
12 car, I think. Just by people talking. I don't
13 know, though.

14 Q. Okay.

15 A. So the chase was continuing. The
16 suspect is refusing to stop. We already know in
17 our minds they shot off a gun, pointed a gun at
18 officers, and just refused to stop at a high rate
19 of speed.

20 Q. Okay.

21 A. Like I said before, there was -- there
22 was a lot of police cars ahead of me. I couldn't
23 tell you how many. Maybe ten, fifteen.

24 So when we're on Euclid, I guess we're

1 in east Cleveland now because, like I said, I
2 have no idea that neighborhood. I've never been
3 there.

4 And when -- when the suspect vehicle
5 hung a right to go up a hill, I think, was the
6 street Wymore or something along that? I can't
7 recall.

8 But I remember them saying, "Just be
9 advised everyone, we're heading towards the water
10 treatment plant."

11 Q. This is showing you here -- let's see.
12 This is Euclid on here. Wymore is here. Terrace
13 is a cross street between Wymore, and you also
14 have Lee Boulevard on the opposite side.

15 A. This is Euclid?

16 Q. Euclid would be down here, yeah.

17 A. We're on Euclid heading east.

18 Q. So you would actually be coming this
19 way.

20 A. Oh, like this?

21 Q. Yes, you're coming up this way.

22 A. Okay.

23 Q. You turn down Wymore, I'm assuming,
24 that's what you just said.

1 A. I do remember hearing that street name,
2 yes.

3 Q. Okay.

4 A. I didn't actually personally look at all
5 the street signs, because I had cars in front of
6 me.

7 MR. SARAYA: You're driving -- you're
8 driving, right?

9 A. Plus, I was following the other police
10 cars.

11 Q. Right here Wymore technically Ts. What
12 you can't sort of see on this overhead view is,
13 where the trees are, there's an access drive that
14 comes up and goes into this parking lot. All
15 right?

16 A. So this is the road we hit.

17 Q. You just went straight up?

18 A. Where's the school?

19 Q. The school is right here. This is the
20 school right here.

21 A. Oh.

22 Q. This is the parking lot where the
23 incident --

24 A. Yes, whatever street this is, it was

1 like a dirt road. When I was driving up it, all
2 I could see is like smoke and dirt and dust and,
3 you know, really having no idea -- again, like I
4 said, just following the police cars in front of
5 me. But right when I started going up that road,
6 I heard an officer broadcast, "Shots fired, shots
7 fired."

8 Q. Just as you're coming up the drive?

9 A. Yes. Don't know who they're shooting
10 at. But, again, with all the previous things
11 that these suspects have done, we believed
12 they're shooting at the police.

13 Q. Okay. So just so you're understanding
14 here, here's the access road. This is the access
15 -- or this is the main access road. All right?
16 Which is this road right here.

17 Do you remember, did you -- did you
18 continue into here, come along top?

19 A. No. When I got to the top of this hill,
20 I went to the right.

21 Q. Okay.

22 A. Just went a little ways, not real far.

23 And at that time the suspect did go --
24 well, I know because I saw it. That's the first

1 time I saw it, it was actually coming at us.

2 So we went from, like, the tenth or the
3 fifteenth car in line to the second. Because as
4 I looked up straight at the vehicle, I saw it
5 struck 238 on the left and 217 was on the right.
6 I'm not sure if it actually hit 17. I couldn't
7 see that. But I could see he was trying to get
8 through the two police cars and he couldn't make
9 it.

10 And right when he hit 238, the shots
11 started firing -- ringing out. I put the car in
12 park and inside I'm thinking, "Oh, shit, they're
13 firing at us, I mean, they're actually shooting
14 at us."

15 So I kind of went down to the floor.
16 Because the windshield does not cover bullets
17 flying at you, so I went down to the floor.

18 My partner actually had the shotgun in
19 his hand at that -- a few minutes prior.
20 Whenever he took it out, I'm not sure.

21 He exited the passenger side. I exited
22 the driver's side. I got onto the ground because
23 the shots were still being fired. And, again,
24 like I stressed, I thought we were being shot at.

1 So I kind of got on the ground and
2 crawled over -- I went to the front of the car
3 and got over to the right side of 217.

4 I don't know if you have -- oh, there it
5 is right there.

6 At that time I got to about the
7 passenger door. The door was open. My partner
8 was to the right of me. I looked inside the
9 vehicle and saw the windshield was just riddled
10 with bullet holes.

11 Q. Of which -- which --

12 A. 217. And the shots were continuing to
13 be fired.

14 I tried to look over the police car, but
15 I couldn't get a good -- good site of the suspect
16 vehicle to let any rounds off, because I was --
17 you know, they're shooting at us. I'm trying to
18 help out other fellow officers who are also
19 getting shot at.

20 So what I did, I went around to the
21 right of my partner and I went to the front right
22 part of 217, right front fender.

23 MR. SARAYA: Do me a favor.

24 THE WITNESS: Yes.

1 MR. SARAYA: All right? Draw your --
2 your cruiser where you parked at and where --
3 approximately. Obviously, where you --

4 THE WITNESS: Like right around here.

5 MR. SARAYA: Okay. And so you bail out
6 and you run up here?

7 THE WITNESS: Yes. I ran this way.

8 MR. SARAYA: Okay.

9 THE WITNESS: I stopped here. The shots
10 were continuing to fire. I could literally hear
11 them go past my head. Very, very scary. I mean,
12 I've never been in that situation before.

13 So, like I said, I couldn't really get a
14 shot off here. I believe the light bar was in
15 the way. You know when I looked up, I'm not a
16 very tall person to begin with, so that's when I
17 went around to the front -- the right front
18 fender right here. I didn't go to the front of
19 the car. I went to the side.

20 The shots were continuing to be shot at
21 us. You know, I was scared to death, so I -- all
22 I could think, "We have got to get these people
23 to stop shooting at us," so I got up, let some
24 rounds off, got back down on the ground.

1 MR. SARAYA: Do you know how many times
2 you shot?

3 THE WITNESS: I do now. I did not
4 really at that time, no.

5 MR. SARAYA: Okay.

6 THE WITNESS: The shots are still being
7 fired and I basically told myself, "I'VE got to
8 get back up, let some more rounds off to stop
9 these people." And right when I went to stand
10 back up, they stopped.

11 BY MR. GARDNER:

12 Q. Did you hear anybody calling out
13 anything or --

14 A. I -- just, it was so hectic. I -- once
15 we knew it was done, the shooting was stopped, I
16 remember looking at my partner. He was feeling
17 his chest. He thought he might have got shot or
18 something hit him in the vest. So he was doing
19 that.

20 And then probably within seconds, I felt
21 like something running down my forehead. I went
22 like this and I had blood on my hand. So I'm
23 thinking inside, "Did I get shot on my head?"
24 Because it doesn't hurt. You know...

1 MR. SARAYA: But your head was bleeding?

2 THE WITNESS: Yes. A few people --
3 because they looked at me and they said, "What
4 happened? Did you get hit?"

5 I said, "No, I don't think so."

6 It must have been from, like maybe the
7 glass from the windshield; or also the side
8 mirror of 217 was shot off, so I'm not sure what
9 cut my head.

10 EMS was on scene and they just wiped it
11 off and said it was fine, and it was. I mean, I
12 think it's gone by now, but it was right here.

13 MR. SARAYA: Okay.

14 BY MR. GARDNER:

15 Q. You said at that point you didn't know.
16 Do you know now how many shots you fired?

17 A. Nine.

18 Q. Nine shots?

19 A. Yes.

20 Q. And how do you know that?

21 A. Because we counted how many were
22 missing.

23 Q. Who counted them out for you, do you
24 remember?

1 A. Our homicide unit.

2 Q. Who from homicide? Detective?
3 Sergeant? Lieutenant?

4 A. I'm thinking, like, four of them.

5 MR. D'ANGELO: Was it your boss?

6 THE WITNESS: I can't think.

7 BY MR. GARDNER:

8 Q. But it was somebody from the homicide
9 unit?

10 A. Yes. I unloaded my weapon in the one
11 school -- room in the school. I actually gave it
12 to Sergeant Stacho, and he handed it off to
13 whoever counted it. That's why I can't think who
14 counted them.

15 THE WITNESS: What side is Stacho in?

16 MR. KINAS: (Inaudible)

17 BY MR. GARDNER:

18 Q. All right. So I'll ask, at any point
19 did you see anybody climbing on this -- stepping
20 up on the cruiser or getting up on the trunk lid
21 or anything?

22 A. No. I was just focused on getting from
23 here over to where I could see the suspect
24 vehicle, so I was just probably just looking this

1 way.

2 MR. SARAYA: Okay. What -- where were
3 you aiming at when you fired?

4 THE WITNESS: The driver.

5 MR. SARAYA: Through the windshield or
6 through the side window?

7 THE WITNESS: It would be through the
8 side window. No because -- yeah, I wasn't angled
9 towards the windshield at -- when I went over to
10 here. It was the whole left side of their
11 vehicle, I was looking at that.

12 MR. SARAYA: You could see that a whole
13 lot better, then?

14 THE WITNESS: Yeah.

15 MR. SARAYA: Okay.

16 BY MR. GARDNER:

17 Q. I'm going to sort of step back and then
18 probably come back.

19 A. That's fine.

20 Q. At any point did you or your partner
21 hear or broadcast anything on the radio?

22 A. No.

23 Q. At any point did you see the suspect
24 with a gun, either of the suspects?

1 A. No. Like I said, the first time I saw
2 the suspect vehicle was when it was coming at me.
3 It hit the car and stopped and the bullets
4 started flying.

5 Q. So up until that point, the proximity to
6 the suspect vehicle was pretty --

7 A. I never even saw it, so...

8 MR. SARAYA: Did you see any other
9 cruisers from any other agencies?

10 THE WITNESS: Not that I can recall, no.

11 MR. SARAYA: Sheriff's department?
12 Highway patrol?

13 THE WITNESS: I hear they were there,
14 but I did not see them.

15 MR. SARAYA: Okay.

16 BY MR. GARDNER:

17 Q. What do you think the speeds, for the
18 most part, were during the pursuit?

19 A. On the highway, probably a little faster
20 than the side streets. We weren't on the highway
21 really long, though. Maybe 70.

22 Q. 70 on the highway?

23 A. Yeah, maybe.

24 Q. Okay.

1 A. Obviously, I wasn't really looking at my
2 speedometer. The side streets, maybe 40, 50. I
3 don't -- I don't know.

4 Q. Did the suspect vehicle, was it stopping
5 for the traffic lights and the stop signs and --

6 A. No idea.

7 Q. -- obeying the laws?

8 A. Never saw it.

9 Q. Okay.

10 MR. D'ANGELO: Sure wasn't obeying the
11 laws.

12 Q. When was the first time that you became
13 aware of the sex and race of the suspects?

14 A. Well, the official broadcast by Officer
15 Nan, I believe he did say there was two
16 occupants, black male driving. The passenger, I
17 -- I couldn't answer that.

18 Q. Have you -- do you know the names of the
19 suspects since this?

20 Do any of those names sound familiar to
21 you?

22 Have you ever had any prior run-ins with
23 them?

24 A. No, I haven't personally, no.

1 Q. I'm showing you two photographs. Do
2 they look familiar to you?

3 A. Neither one.

4 Q. How would you describe the lighting in
5 the parking lot?

6 MR. SARAYA: How did it feel to you;
7 parking lot light, cruiser lights, everything
8 going on?

9 THE WITNESS: A lot of lights. Very lit
10 up with -- then again, my eyes are just focused
11 on the car. I wasn't looking even past it. So
12 if those lights were on, I didn't even see them.

13 MR. SARAYA: Okay.

14 THE WITNESS: I'm more focused on
15 somebody shooting at me and my partner and the
16 other officers that were next to me.

17 BY MR. GARDNER:

18 Q. I asked you before if you heard anybody
19 issue any verbal commands. Did you hear anybody
20 say -- you know, yell out, "Cease fire" or
21 anything of that nature?

22 A. No, I didn't.

23 Q. Did you believe that you were getting
24 shot at?

1 A. Yes, I did. Very scary.

2 Q. Were you able to see the movements of
3 the suspects inside the vehicle?

4 A. At the very end?

5 Q. Uh-huh.

6 A. No.

7 Q. I mean at any time.

8 MR. SARAYA: At any time.

9 A. No, I never saw the vehicle, like I
10 said, until it -- when it hit, like, 237 and when
11 it -- if he got through these two cars, he would
12 have come head-on to me. That's the first time I
13 saw it.

14 Q. Do you recall any of the positions of
15 any of the officers, whether it be to the left or
16 right of you, when you were shooting?

17 A. Just three of them. Well, myself, like
18 I said, I was by the passenger -- the open
19 passenger door. My partner was to the right of
20 me by the door also. And then I went around --
21 around him.

22 And Officer Cindy Moore was the only one
23 I can recall seeing, and she was behind 217, the
24 right rear.

1 MR. SARAYA: What was she doing, do you
2 remember?

3 THE WITNESS: She did yell at me to grab
4 the shotgun. And I said, "What are you, nuts,"
5 because I looked in there and, I mean, I saw the
6 bullets were flying.

7 Why didn't she grab it? (laughter.)

8 She goes, "Can you grab my shotgun?"

9 I'm like, "Hell no."

10 You know, again, I'm looking in there
11 and seeing the windshield all shot up. I'm not
12 going to enter that area.

13 Q. Do you believe that your rounds hit?

14 A. Honestly, I don't know.

15 Q. This is one of those questions that he
16 was talking about. All right? It's got to be
17 asked. All right?

18 Is there -- do you feel that there was
19 any availability or any other option that could
20 have been used?

21 A. To stop the suspects?

22 Q. Yes.

23 A. No, I do not. They were --

24 Q. Can you expand upon that?

1 A. They're trying to kill our officers.

2 When you -- what's a car weigh, 2 or 3,000
3 pounds?

4 If that's the way to stop it, then so be
5 it.

6 Q. Do you know who called for medical
7 assistance?

8 A. Huh-uh.

9 Q. Did you hear medical assistance being
10 called?

11 A. No, I did not.

12 Q. After the shooting was over, what did
13 you do; did you reload your mag?

14 A. No. I reholstered my weapon, and that's
15 when I was making sure my head was okay and my
16 partner was okay because he thought he got hit in
17 the chest with something and we didn't know what
18 it was.

19 Q. Okay.

20 A. We still don't know what it is -- what
21 it was.

22 Q. Did you go up to the vehicle at any
23 point?

24 A. No.

1 Q. Move anything?

2 A. No.

3 Q. Anything of that nature?

4 A. No.

5 Q. You were checked out by EMS for your
6 injuries?

7 A. Yes.

8 Q. Do you recall anything that the officers
9 were saying afterwards?

10 A. Just making sure, asking if anybody's
11 okay. Thank God they were.

12 Q. I'll give the caveat, there's nothing
13 wrong if you did. Everybody seems to be a little
14 apprehensive to answer this question.

15 But we just, obviously, need to know.

16 Have you spoken to anyone other than
17 union reps and attorneys?

18 Have you spoken to anyone relative to
19 this incident?

20 A. Yes.

21 Q. Who was that?

22 A. My wife, mother, sister, my immediate
23 family.

24 Anybody else that asked, I just

1 basically said, "I can't talk about it."

2 I had run into people outside of my --
3 my home. I just said, "Whatever you want to
4 know, you can see it on the news. I can't talk
5 about it."

6 Q. Don't watch the news.

7 A. I understand that, but they want to hear
8 something. I don't agree with what the news is
9 saying. Something, they want to hear something.

10 MR. SARAYA: They're going to pick and
11 choose what they want to release.

12 THE WITNESS: Exactly.

13 Q. Is there any officer that you've
14 discussed this incident with after this?

15 A. My partner, Paul Box.

16 Q. What was the tone of your conversation?

17 A. What do you mean by "tone"?

18 Q. Well, what did you talk about?

19 I mean, was it just, "Holy shit, I can't
20 believe it happened"?

21 A. Yeah.

22 Q. Details (inaudible).

23 A. Don't want this to ever happen to me
24 again. Never been shot at, and I'd rather it not

1 happen again, that's for sure.

2 You know, I never discharged my fire arm
3 in, what, 16 years that I'm doing it. I never
4 had -- it's not like I've had incidents like this
5 in the past. So I felt I was going to get shot,
6 so we did what we had to do.

7 Q. Do you believe your actions were
8 consistent with your training?

9 A. Yes.

10 Q. Do you believe they were consistent with
11 other's training?

12 Did you see anyone else do anything that
13 was outside of the scope of training?

14 A. No.

15 Q. This is one of those critical questions
16 that I can only caution to give honesty on.

17 Okay?

18 Did you take any photographs with your
19 camera or your cell phone?

20 A. No.

21 Q. And has anyone asked you to lie or
22 otherwise be truthful (sic) with us?

23 A. No, nobody did. I have nothing to hide.

24 MR. SARAYA: It's just one of those

1 questions we've got to ask.

2 THE WITNESS: Oh, no, no, no. It's not
3 there. Nobody asked me to lie.

4 MR. SARAYA: Okay. Good. I do want to
5 go back for a second.

6 I'm glad you offered it up to us. I got
7 a note this morning that says we've got to find
8 out because we have blood on one of the firearms
9 turned in to us.

10 And so you holstered up your firearm,
11 you checked yourself, and probably rested your
12 hand back on your gun again?

13 THE WITNESS: Yeah.

14 MR. SARAYA: So, thank you for that.

15 THE WITNESS: I thought you were going
16 to ask me if they obeyed all the traffic laws.

17 MR. GARDNER: No, no, no, no.

18 THE WITNESS: Is that one of those
19 questions you... (inaudible).

20 BY MR. GARDNER:

21 Q. Well, the question actually for me is to
22 elicit the -- the behavior of the suspects.

23 A. Right.

24 Q. That's what I was trying to elicit.

1 A. That's the way it (inaudible).

2 MR. SARAYA: No one is skipping the part
3 about the -- the pursuit, you know.

4 So we need to get into the fact that
5 what was your take during the pursuit? Okay.

6 Is this critically high speed where, you
7 know, everyone is doing 300 miles-an-hour down
8 the road?

9 You know as well as I do there's
10 low-speed pursuits where people just don't want
11 to stop. Okay.

12 So it's your interpretation of what went
13 on. We're just trying to elicit all this other
14 information.

15 How did you feel about the pursuit? All
16 right.

17 THE WITNESS: Yeah.

18 MR. SARAYA: We've all been there.

19 There's pursuits you get into and you're
20 thinking, "Is it ever going -- this is
21 ridiculous."

22 And then there's other ones where you're
23 laughing, you know, "This guy's just a
24 knucklehead."

1 THE WITNESS: Right.

2 MR. SARAYA: So we're just trying to get
3 some of these details.

4 When you come rolling up, all right, did
5 you see any officers in between these two zone
6 cars as the suspect vehicle is coming at them?
7 Did you see an officer hit the deck, go down?

8 THE WITNESS: No.

9 MR. SARAYA: No? Okay.

10 THE WITNESS: I was staring right at the
11 car, maybe tunnel vision just looking right at
12 it, because that's my main focus, if these people
13 have a gun. I'm looking right at them now
14 through a windshield. There's no protection.

15 MR. SARAYA: Right. Okay. Now, you
16 said you got out. Did you go around to the back
17 of the car, run around the front of the car? You
18 ran around the front of the car?

19 THE WITNESS: I hit the ground and,
20 like, crawled, yeah, because I had dirt on my
21 knees.

22 MR. SARAYA: That's fine. That's what
23 the uniform (inaudible) is for.

24 THE WITNESS: Yeah. One pair. I mean

1 the media leaves all the important things out.

2 You know?

3 MR. GARDNER: Oh, yeah. That's why I
4 said -- they sensationalized it.

5 THE WITNESS: Oh, I haven't (inaudible).

6 MR. SARAYA: Is there anything you can
7 think about that we need to know that we didn't
8 ask you about?

9 THE WITNESS: I would say no.

10 MR. SARAYA: Okay.

11 MR. GARDNER: Do you have any questions?

12 MR. D'ANGELO: Just, when you first came
13 up on scene, did you say you already heard
14 gunshots?

15 THE WITNESS: Right when I got to that
16 point, coming up the hill, I heard somebody
17 broadcast, "Shots fired, shots fired."

18 I can't necessarily say I heard those
19 because I don't know if they happened over here
20 or what.

21 But, no, when I brought the car to right
22 about here, I was looking right at that suspect
23 vehicle trying -- to me it looked like he was
24 trying to get through. Instead he hit this car.

1 And it seems like right when he hit it, that's
2 when the shots started.

3 MR. D'ANGELO: So what was the
4 approximate distance you think you traveled from
5 when you heard "shots fired" to where you brought
6 your car to a stop?

7 THE WITNESS: However long that type of
8 hill is. Is that from Euclid to this spot? I
9 don't know. First time I was ever on it.

10 MR. D'ANGELO: How long did it take you
11 to get --

12 THE WITNESS: I couple seconds probably.

13 MR. D'ANGELO: A couple seconds?

14 THE WITNESS: Yeah.

15 MR. D'ANGELO: And how long did it take
16 you to get out of your vehicle and crawl to the
17 open passenger door on the 217?

18 THE WITNESS: I got out within seconds,
19 because I was -- I thought I was getting shot at.
20 Right when I got out, I went directly over to the
21 217. I didn't wait or nothing, because I had
22 nothing in front of me. Well, the door, but, you
23 know, I still didn't feel safe being in this
24 area, this tunnel through here.

1 MR. D'ANGELO: So when you were
2 crawling, shots were being fired in that
3 direction?

4 THE WITNESS: Yes.

5 MR. D'ANGELO: And when you got to the
6 side of the car, how long was it before you
7 started to return fire?

8 THE WITNESS: Probably ten seconds
9 maybe. Because I didn't stay by the door long.
10 I basically looked up, I didn't feel I had a
11 shot, and then went right around.

12 MR. D'ANGELO: So when you -- when
13 you're in your car, why did you get out? You
14 heard shots going off, right?

15 THE WITNESS: Yeah, I thought -- because
16 I believed they were shooting at us. I didn't
17 think -- like I said, being in front of the
18 windshield is not going to help. That's why I
19 got down right when I first heard the shooting
20 start.

21 MR. D'ANGELO: So why didn't you go,
22 like, just behind the car right there and take
23 cover there?

24 THE WITNESS: It happened so fast, my

1 instinct made me go that way. To get up closer
2 to help the officers. I know there's got to be
3 officers up here.

4 You know, I don't know where 238 -- I
5 know who was in that car, but I did not see them,
6 you know.

7 MR. SARAYA: Did your car get hit at all
8 by bullets?

9 THE WITNESS: No.

10 MR. SARAYA: Okay.

11 MR. D'ANGELO: Was it your belief at the
12 time that the occupants of the suspect vehicle
13 were firing at police?

14 THE WITNESS: Yes, definitely.

15 MR. SARAYA: How long did it feel like
16 this -- all the shooting took place?

17 THE WITNESS: Forever. Like I said, I
18 believed we were getting shot at and it just
19 seemed like it lasted a lot longer than it did,
20 I'm sure.

21 MR. D'ANGELO: During the -- there's
22 been some reports in the media about the race.

23 From being there personally and from
24 your observations, was there any racial

1 motivation for any of the police action in this
2 case?

3 THE WITNESS: None at all. The suspects
4 brought the actions on themselves. If they were
5 white, same result, you know.

6 MR. D'ANGELO: What was Officer Moore's
7 demeanor when she asked you to get the shotgun?

8 THE WITNESS: Probably scared, nervous.
9 I mean, it was all taking place, the rounds were
10 flying everywhere. I don't know why she asked me
11 to get it. Probably because I was closest to the
12 opening of the door. The door was open.

13 MR. SARAYA: And you --

14 THE WITNESS: I said, "Hell no." That's
15 exactly what I said.

16 MR. SARAYA: Let me get that quote
17 right. I had no exclamation points, so I'll just
18 -- "Hell no."

19 THE WITNESS: It's something we can
20 laugh about it now.

21 MR. SARAYA: Yeah, it is; and that's
22 good. That's good.

23 Because at that point in time she had
24 emptied a magazine and reloaded already.

1 THE WITNESS: She did?

2 MR. SARAYA: Yeah. Did you know that at
3 the time?

4 THE WITNESS: No. Well, I mean, I also
5 know after the fact. When did she unload it?
6 Inside the vehicle or out -- I don't know. I
7 never saw her shooting outside. She was behind
8 me.

9 MR. D'ANGELO: Getting to your partner,
10 you said he got the shotgun when you were in the
11 vehicle. Was there a conversation about that?

12 THE WITNESS: He said, "I'm getting the
13 shotgun."

14 I'm like, "Good." Because, of course,
15 the passenger is going to figure out I'm driving,
16 I can't.

17 Everything we heard that led up to him
18 grabbing that shotgun, you know --

19 MR. D'ANGELO: It was appropriate for
20 him --

21 THE WITNESS: Yes. The shotgun is a
22 better weapon to have than your 9 millimeter.

23 MR. D'ANGELO: With all this going on at
24 the scene, did you ever see or hear your partner

1 discharge the shotgun?

2 THE WITNESS: No. Not with all the
3 bullets flying. He was right next to me and I
4 didn't hear it. Because I asked him afterwards
5 and he --

6 MR. D'ANGELO: And he said?

7 THE WITNESS: He said, "I think I did."
8 He -- you know, he pointed it at the car. He
9 thought he pulled the trigger.

10 MR. SARAYA: Now, I spent nine years as
11 a uniformed cop in the New York/Statton area.
12 There was always one or two guys that the shotgun
13 was -- if they could have put it on a sling and
14 carried their whole shift, that's what they would
15 use.

16 Is your partner one of those guys he
17 likes the shotgun or just one of those he decided
18 because of the situation it was something to
19 grab?

20 THE WITNESS: The situation I --

21 MR. SARAYA: Okay.

22 THE WITNESS: -- would say he would
23 grab it.

24 MR. SARAYA: I've got no problem, like I

1 said. I'm of the point of view --

2 THE WITNESS: I've been trained over the
3 years that the shotgun should always be the first
4 one to enter a situation, a house or whatever.

5 MR. SARAYA: Yeah. The bigger the
6 firepower, the better.

7 THE WITNESS: Yes.

8 MR. SARAYA: Okay. Not a problem.

9 Okay.

10 MR. GARDNER: That's it.

11 MR. SARAYA: Great. Thank you, sir.

12 THE WITNESS: Thank you.

13 MR. SARAYA: Oh, before you leave, if
14 you could, initial this for me.

15 THE WITNESS: Just initial it?

16 MR. GARDNER: Just initial it, yeah.

17 Put your initials and badge number. That's fine.

18 THE WITNESS: (Complies with request.)

19 (End of videotaped interview.)

20 (End of videotaped interview.)

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