

* * *

VIDEOTAPED INTERVIEW

WILLIAM SALUPO

* * *

APPEARANCES:

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

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481

1 MR. GARDNER: Essentially I guess before
2 we get started we're giving our same spiel here.
3 We're essentially conducting a criminal
4 investigation here. We're trying to find out
5 what happened. That's it. We're not here to
6 look upon anything that you did. We're not here
7 to judge you. Okay? We're just simply trying to
8 figure out what happened.

9 THE WITNESS: Okay.

10 MR. GARDNER: All right? Some of the
11 questions you may find somewhat inflammatory.
12 You can feel free to reach across the table and
13 slap me in the face. Whenever that happens, I
14 have no problem with that. All right?

15 Other than that --

16 MR. SARAYA: Also, some of the questions
17 you're going to -- understand, we're trying to
18 elicit detail.

19 THE WITNESS: Sure.

20 MR. SARAYA: So we might be asking you
21 to clarify a few things. There are a couple of
22 eye-rollers here. We know that. But it's just
23 information that we're going to ask it anyhow.

24 THE WITNESS: Sure.

1 MR. SARAYA: We pretty much have a
2 formalized question list we're going through.
3 Everyone's getting asked the same thing. Okay?

4 I'm John Saraya. I'm with BCI. I've
5 been here about 15 years. Been doing
6 officer-involved shootings for about 15 years.

7 THE WITNESS: Okay.

8 MR. SARAYA: All right. We do this a
9 lot and everything else. I guess we should be
10 explaining it this way:

11 We are being designated technically as
12 the lead in this, and our policy is
13 officer-involved shootings officers are given
14 Miranda warnings.

15 THE WITNESS: Okay.

16 MR. SARAYA: You're given all the rights
17 and privileges the same as everybody else. Okay?

18 THE WITNESS: Okay.

19 MR. SARAYA: In that end, that's
20 probably why -- we like guys knowing that coming
21 into it.

22 Many, many years ago the first time I
23 did this, I had a guy just about come across the
24 table at me. It's like, no, you don't

1 understand, this is the way it is because of what
2 happened. All right?

3 THE WITNESS: Uh-huh.

4 MR. SARAYA: So that's what's going on
5 here. We're going to go through this list of
6 questions. At some point we're going to let you
7 ramble on and then we're going to come back and
8 pick at details and try and get more -- more
9 information to fill in. Okay?

10 THE WITNESS: Okay.

11 MR. GARDNER: And, again, I didn't
12 really -- my name is Scott Gardner. I'm a
13 detective/sergeant with East Cleveland. All
14 right.

15 Again, just as he stated, we're going to
16 read you your rights. You're entitled to those.
17 All right?

18 You have the right to remain silent.
19 Anything you say can and will be used against you
20 in court. You have the right to consult with an
21 attorney and have an attorney present during
22 questioning. If you cannot afford an attorney,
23 one can be provided to you before questioning at
24 no cost.

1 Do you understand these rights?

2 THE WITNESS: I do.

3 MR. GARDNER: With these rights in mind,
4 do you wish to speak to me now?

5 THE WITNESS: I do.

6 EXAMINATION

7 BY MR. GARDNER:

8 Q. What's -- what's your name?

9 A. William Salupo, S-, as in Sam,
10 a-l-u-p-o.

11 Q. One more time. William is the first
12 name.

13 A. S-a-l-u-p-o.

14 Q. William, what's your date of birth?

15 A. [REDACTED].

16 Q. And I -- I'm going to start this caveat
17 from now on, here. We need your home address.
18 Don't get alarmed. It's not going to be released
19 to the public or anything of that nature. It's
20 just for our report. It's actually going to be
21 redacted, you know, as far as public information.

22 A. [REDACTED]
23 [REDACTED].

24 Q. What's the best way to contact you?

1 You've got a cell?

2 A. [REDACTED].

3 Q. All right. Obviously, you've got two
4 union reps here, you have your attorney here.
5 Okay. The only thing that we ask, again, to be
6 honest, the worst thing that can happen is, you
7 know, you're not --

8 MR. SARAYA: By the way, if you don't
9 know, you can say, "I don't know." I'm finding
10 more and more cops, "I don't recall" or anything
11 else. If you don't know, you don't know. Okay?

12 THE WITNESS: Okay.

13 MR. GARDNER: If you need a second to
14 step out, consult with your attorney, feel free.
15 Just let us know. If you need a break, let us
16 know. Okay?

17 THE WITNESS: Thanks.

18 BY MR. GARDNER:

19 Q. First question, how are you holding up?

20 A. Great. Doing well.

21 Q. And what -- what are -- what's your
22 current assignment?

23 A. Second District. I'm in the vice unit,
24 undercover drugs and prostitutes.

1 Q. And how many -- what's your -- how long
2 have you been with CPD?

3 A. Since the beginning of '98, so 14 years.
4 Just over 14 years.

5 Q. Have you been anywhere else?

6 A. Just the Second District, basic patrol.
7 Then I worked my way to vice.

8 Q. No. I mean --

9 A. Oh, no.

10 Q. -- for another agency.

11 A. No. Jail, county jail, but no police.

12 MR. SARAYA: How long were you at the
13 county jail?

14 THE WITNESS: That was about two years.

15 MR. SARAYA: Corrections officer?

16 THE WITNESS: Corrections.

17 MR. SARAYA: Okay. That Cuyahoga
18 County?

19 THE WITNESS: Cuyahoga County.

20 BY MR. GARDNER:

21 Q. What -- are you on a specific shift
22 or --

23 A. Primarily we work 1800 hours to 0200
24 hours, but then they vary depending on some calls

1 we may have.

2 Q. The night of the incident, the 29th, was
3 that your hours, 1800 --

4 A. 1800 to 0200.

5 Q. Who is your -- who is your supervisor?

6 A. Sergeant Patty Coleman.

7 Q. And was she working that night?

8 A. She was.

9 Q. You guys -- you guys sort of have, at
10 least to me, a foreign system of days off. What
11 are -- what are your days off right now?

12 A. We're Saturday, Sunday.

13 Q. You're Saturday, Sunday?

14 A. Yes.

15 Q. And were you Saturday, Sunday as well on
16 -- last week?

17 A. Yes.

18 Q. Do you work any overtime details,
19 part-time?

20 A. Both. Overtime with the City and some
21 part-time.

22 Q. Anything within 48 hours of this
23 incident?

24 A. No.

1 Q. That night how would you describe your
2 state of mind? Were you rested?

3 A. I was no -- I mean, I wasn't tired or --
4 I've been pretty used to those hours after doing
5 it for so long, so...

6 Q. Taking any type of medication whether it
7 be prescribed or over the counter?

8 A. [REDACTED]
9 [REDACTED]

10 Q. [REDACTED]

11 A. [REDACTED]

12 Q. [REDACTED]
13 [REDACTED]

14 A. [REDACTED]

15 Q. You wear glasses, contacts?

16 A. I do not.

17 Q. I know I took photographs of everybody
18 down there, but I don't remember right off my
19 head here. But how were you dressed?

20 A. At that day I had jeans, I'm not sure
21 what type of t-shirt, but my vest goes over my
22 t-shirt, my --

23 Q. Exterior vest?

24 A. Well, I wear it as an exterior vest. My

1 gold badge hanging from my neck. And then I had
2 a -- just a blue -- I want to say a blue zipper
3 hooded sweatshirt.

4 MR. SARAYA: Is that marked with
5 "Police" or anything?

6 THE WITNESS: The sweatshirt is not.
7 Wait a second, no, I didn't. I grabbed -- I was
8 wearing that earlier in the night.

9 As we were running out, I grabbed a --
10 it's a blue windbreaker and it says -- I think it
11 says "Cleveland Police" or "CPD." On the back it
12 says "Cleveland Police" on it.

13 MR. SARAYA: Okay.

14 BY MR. GARDNER:

15 Q. Let's talk about as far as like --
16 obviously you don't have, like, a duty belt, but
17 what -- what kind of apparatus do you have? Like
18 weaponry?

19 A. I just keep my holster and my
20 state-issued 9 millimeter.

21 Q. What else do you carry?

22 A. A hand -- one pair of handcuffs and
23 maybe a flashlight, but that's not always.

24 Q. OC? Expandable baton? Taser?

1 A. No, nothing like that.

2 Q. Nothing else?

3 A. No.

4 Q. Go light, huh?

5 Are you a foot-chase guy, then?

6 A. I'm mostly the drug buyer or the
7 girl-getter, so...

8 Q. Did you carry backup weapons?

9 A. No.

10 Q. Your firearm, you have extra magazines,
11 or --

12 A. I do, but I don't carry them.

13 Q. So you just had one mag?

14 A. Just one magazine.

15 Q. Was it full?

16 A. Full.

17 Q. How many rounds were there?

18 A. There was 17 and one in the chamber.

19 Q. 17 plus one?

20 A. Yes.

21 Q. And no other magazines?

22 A. No other magazines.

23 Q. Did you have any personal recording
24 devices, audio, video?

1 A. No, other than cell phone, but not in
2 use.

3 Q. It wasn't recording?

4 A. No.

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

7 A. That night we were in a black Magnum.

8 Q. Black Magnum?

9 A. I'm sorry. It's a Charger. Dodge
10 Charger. Not a Magnum.

11 Q. Is it unmarked?

12 A. It's all black. No markings other than
13 the red and blue lights and the siren that we
14 have inside the grille and the windshield and the
15 back.

16 Q. What was your position in the car?
17 Where were you at?

18 A. Passenger.

19 Q. Front seat passenger? Back seat?

20 A. Front seat passenger. It was just my
21 partner and myself.

22 Q. Who was with you?

23 A. Detective Michael Rinkus.

24 Q. Do you know how to spell his name?

1 A. R-i-n-k-u-s.

2 Q. That night lights, sirens, everything
3 work okay?

4 A. Yes.

5 Q. Anything else that was malfunctioning in
6 the vehicle?

7 A. No.

8 Q. What -- so what -- we've had some
9 discussion here, because I'm, again, foreign to
10 your guys' radio channels. What channel were you
11 operating on?

12 A. Channel 2. We started out at Tac 2,
13 only because that's what we use.

14 Q. Tac 2 initially?

15 A. And then as soon as we jumped in the
16 car, we switch to the Channel 2.

17 Q. Okay. What call sign were you guys
18 working under?

19 A. I use a couple. I switch around. 2
20 Victor 82 that night, I believe.

21 Q. Okay. 2 Victor 82?

22 A. Yes.

23 Q. Did you have a car number?

24 A. Our -- no, our car -- they're assigned.

1 I'm not sure what the car number would be.

2 Q. Okay. Do you have a -- like specialized
3 training? You know what I talking about?
4 Specialized training like instructor
5 certification, SWAT?

6 A. No, nothing like that.

7 Q. Prior military?

8 A. No.

9 Q. Qualified with your weapon this year?

10 A. I do. I did.

11 Q. What type of weapons did you qualify
12 with?

13 A. Just my 9 millimeter, the Glock 9
14 millimeter.

15 Q. Shotgun?

16 A. Oh, shotgun as well. I'm sorry.

17 Q. Use of force?

18 A. I did that as well, the test.

19 Q. And you're current on your OPOTA?

20 A. I am.

21 Q. Have you ever been involved in a
22 shooting prior?

23 A. Not as an active shooter, no.

24 Q. You were just a witness in another

1 shooting?

2 A. Two times with prior partners.

3 Q. How did you -- how did you originally
4 become involved in the pursuit?

5 A. We were back in our office doing paper
6 -- we had just finished a drug investigation and
7 we were back at the office doing some paperwork
8 on it.

9 We had -- we have two offices in my
10 area. It's -- you come down the hallway and it's
11 kind of like a T intersection. There would be
12 Sergeant Coleman's office with Detective Miranda
13 in their office, and my office and Detective
14 Rinkus' office is to the left. And we were
15 sitting there doing paperwork.

16 There was a portable radio on in the
17 other room and you could hear it. You know, you
18 could hear some noise. And then -- you know, you
19 could hear some noise that you hear when, you
20 know, stuff's really breaking off or somebody's
21 in trouble or what have you.

22 Just then Sergeant Coleman came running
23 out of her office and she's running down the
24 hallway from us and she said something to the --

1 to the effect of, "They just shot at a cop" or
2 "They're shooting at the cops" or something to
3 that effect.

4 So we just grabbed what we could and ran
5 out of the district to get involved.

6 Q. When -- when you say grabbed what you
7 could, what do you mean by that?

8 A. I -- usually I take my gun. I just
9 grabbed my gun, and that's when I grabbed that
10 jacket that I usually don't wear. I grabbed the
11 jacket. My vest was in the car. You know, just
12 headed out.

13 MR. SARAYA: Now you get to ramble.
14 Keep going. What happened next?

15 THE WITNESS: We get out -- I lose some
16 radio chatter. I didn't grab a portable, so I
17 don't hear 10, 15 seconds of what happened. We
18 just heard that the cops' been shot at.

19 We get into our Mag- -- our Charger and
20 we have on the radio and we started heading north
21 on Fulton towards the area of where the incident
22 had taken place.

23 We were to the south of where it is, so
24 we're heading north on Fulton. This is all

1 taking place near Lake Erie. That's Detroit
2 Avenue, which runs parallel with Lake Erie.

3 From the minute we got into the car to
4 where we're heading down Fulton to Clark Avenue,
5 which is the first busy street, we're hearing
6 just direction of travel. We heard that there
7 was a shot at the police and then we're hearing
8 just direction of travel with this vehicle.

9 There's one or two different vehicles, I
10 want to say, that are giving out the direction,
11 the way this -- the way the target vehicle is
12 going and how many officers were there -- or the
13 number of police cars.

14 I think they picked it up at different
15 locations is what had happened, so they followed
16 it.

17 They ended up on Lorain Avenue, ended up
18 going west on Lorain. This incident happened
19 down in the -- downtown, so this is west of where
20 it initially happened.

21 They're heading west on Lorain. And at
22 one point they ended up on Clark Avenue. So they
23 went on Lorain west, south on Clark, and then --
24 strike that.

1 They went west on Lorain all the way to
2 West 85th.

3 We ended up at Fulton and Clark and then
4 we proceeded to go westbound on Clark. So we
5 were pretty much paralleling the chase at that
6 time.

7 We were probably, I don't know our exact
8 location, but, you know, judging from your
9 distance that we covered and they covered, we
10 were probably around West 44th when they had made
11 the south turn on West 85th and then got to Clark
12 Avenue and headed east on Clark, so now they're
13 coming at us, but we're probably still a good
14 mile or mile and a half away.

15 Near West 61st and Clark is when our
16 vehicles would have passed by each other.
17 There's a -- there's a bridge. Clark Avenue is
18 pretty high. You have to -- you go down the
19 hill. It's not a big hill, but you go down to
20 where you lose sight of what's coming at you.

21 I mean, it was -- it was instant that
22 this vehicle was there. You know, it was really
23 traveling. It was probably 100 miles-an-hour.
24 All this time you're just hearing the direction

1 of travel and, you know, where the zone cars are.

2 We were able to turn around and then we
3 were -- we were in the chase with the rest of the
4 vehicles.

5 We headed all the way down Clark Avenue.
6 And what happens is Clark Avenue crosses Fulton.
7 It will cross West 25th. It will cross West
8 14th. And then it ends up down on Quigley
9 Avenue where the old LTD used to be, if you're
10 familiar with that. It dead ends into Quigley.
11 Quigley only runs north and south.

12 He turned south onto Quigley. Other
13 than the initial gun broadcast that I heard, I
14 don't recall -- I don't remember if I heard any
15 other guns until he got to Quigley.

16 Once he got to Quigley I heard back seat
17 passenger is jumping back and forth from the
18 front to the back seat. They're pointing a gun
19 out the back window. This is on Quigley.

20 Now, from Quigley to, let's see,
21 Steelyard Commons -- Quigley and Clark to
22 Steelyard Commons, that may be three-quarters of
23 a mile. I heard a few broadcasts about the guns
24 being pointed out the back window.

1 One of the cars chasing actually said,
2 "Point your spotlight at the -- at the vehicle,"
3 which that kind of caught me off as pretty
4 ingenious because I didn't think about that. So
5 I kind of made a mental note that was pretty
6 good.

7 So then they ended up going up the hill
8 from Quigley towards the steel yard. And then
9 when they started going up the hill is when I
10 heard someone say, "It's coming out the window."
11 I heard -- I think I heard that twice, "It's
12 coming out the window," something like that.

13 Then they said they're at the turnaround
14 and then they proceeded to give a direction they
15 were heading northbound on West 14th.

16 Q. When you originally saw them back on --

17 A. 61st and Clark?

18 Q. -- 61st and Clark, did you see -- what
19 unit at that point had the lead in the pursuit?

20 A. Oh, I -- I couldn't -- I couldn't even
21 tell you that. I don't -- I don't -- there was
22 -- there was probably -- we got caught where we
23 couldn't turn around immediately. I'd say there
24 was at least three or four, let's say, black and

1 white -- we call them black and whites, police
2 cars. There were probably three or four black
3 and white cars.

4 MR. SARAYA: At 61st and Clark?

5 THE WITNESS: Coming with -- yes,
6 following there.

7 MR. SARAYA: About three or four at that
8 point?

9 THE WITNESS: Yes.

10 BY MR. GARDNER:

11 Q. All right. So you're in the roundabout.

12 A. Then we head northbound on 14th. And
13 that's when they went straight north on West 14th
14 and then down by this Greek church and get on 90
15 Eastbound as that's where they -- West 14th and
16 90 is where they got on 90.

17 MR. SARAYA: Okay. Whereabouts are you
18 in this pursuit now?

19 THE WITNESS: Oh, we're -- we're
20 probably a good ways back. We're probably at
21 least six cars back.

22 MR. SARAYA: Picked up more marked units
23 along the way?

24 THE WITNESS: There were more -- there

1 was marked units traveling eastbound behind them
2 and then westbound behind us as well. And I'm
3 assuming that they had turned around or maybe
4 they were coming from the side streets. Next
5 thing you know, there's more zone cars in front
6 of us.

7 MR. SARAYA: Okay. Keep going.

8 THE WITNESS: We were on 90 going
9 eastbound. Then we started notifying other
10 districts, suburbs.

11 BY MR. GARDNER:

12 Q. When you're saying we notified other
13 districts, did you --

14 A. Not necessarily me myself.

15 Q. Did you have any radio traffic?

16 A. I did. There was one point where we
17 were passing Jacobs Field, the baseball field, I
18 had notified -- I went over to the Fifth District
19 just to notify, "Hey, this gentleman has a gun,
20 he's supposed to have a gun, so just be careful.
21 And he's pointing it at officers."

22 At that time I just went back to Channel
23 2 for --

24 Q. You switched -- you switched to what

1 channel?

2 A. Channel 5. I -- I wasn't aware of who
3 was aware of this chase.

4 So I just said, "Hey, we have a chase
5 coming into your district. Just be advised they
6 have a gun. They're pointing at officers. So if
7 you're involved, just be careful."

8 And after that I went back to Channel
9 2.

10 Q. Okay. All right. So we're passing by
11 Jacobs Field here. What happens?

12 MR. SARAYA: That early on, the Jacobs
13 Field, when you broadcast there, or is that at
14 the end?

15 THE WITNESS: Probably as I'm passing.
16 It's before I get to -- I want to say it's before
17 I get to -- there's a couple other exits after
18 that. There's one on Chester. So it's just
19 before Chester.

20 MR. SARAYA: Okay. Keep going. What
21 happens?

22 THE WITNESS: We -- then they say we're
23 going coming to Deadman's Curve. We go around
24 Deadman's Curve. Traffic's going around East

1 55th. They think he might be looking to exit.

2 He doesn't exit off 55th.

3 But the next one is Martin Luther King,
4 and then I think right after that is 72nd. I'm
5 not sure how those run.

6 But they got off on 72nd. We head up --
7 we head south on 72nd. Somebody says he's
8 thinking about bailing. No one bails. They both
9 -- however many occupants were in it at the time
10 stayed in the car. They continued south.

11 I think -- I'm not sure the streets up
12 there. I think St. Clair might be the first one
13 we come to. They cross south over St. Clair.
14 Then we turn left. We end up near 71st and
15 Bliss.

16 I remember seeing those road signs
17 because somebody wasn't aware -- I remember
18 somebody saying I'm not sure right now. I think
19 it was all Second District cars involved. I'm
20 not sure. I think it was all Second District
21 cars involved, the closest cars to them.

22 The one that was calling out I think
23 said, "I'm not sure where we're at," so I looked
24 up at the street sign just in case, and I

1 remember 71st and Bliss.

2 We might have went right on Bliss, I
3 don't remember, but someone else had known where
4 we were, so we were able to pick it up.

5 Chase followed, I think it went over to
6 around Addison. I'm not sure how you would get
7 there from where we were, but to get to Addison
8 and somewhere we went around Addison.

9 I want to say that's when he struck --
10 he made a turn I think coming north back towards
11 Addison, and that's when the call came out that
12 he struck a zone car.

13 We were still a ways back, so we
14 couldn't see what had happened up near the front,
15 but he makes a right turn at, I want to say, 70
16 something at South Addison and that's when the
17 vehicle struck the zone car.

18 MR. SARAYA: Do you have any idea what
19 zone car?

20 THE WITNESS: No, no. And I just keep
21 thinking Addison, because when we came north on
22 that street after the target car had struck the
23 zone car, I remember we ended up on Addison on a
24 big circle. And then we went left, which would

1 put us back out to the main street, which might
2 be 72nd...

3 MR. SARAYA: Okay.

4 THE WITNESS: From there I remember Wade
5 Park, I think Martin Luther King. I think they
6 run north and west and parallel each other, I
7 believe. I just remember seeing those big signs.

8 And then somehow -- I don't know which
9 direction of travel we went to end up in the
10 school.

11 MR. SARAYA: Okay.

12 THE WITNESS: I remember heading down
13 the street that drives right into the school
14 parking lot. And a zone car, I couldn't even
15 tell you what zone car it was, it had to be
16 (inaudible) because it was black and white,
17 crosses in the path of travel.

18 Good thing they were, you know, flying
19 like they were, because that guy wasn't stopping
20 for stop signs or anything or slowing down at
21 all.

22 BY MR. GARDNER:

23 Q. You mean somebody else started blocking
24 off traffic you mean?

1 A. No, no, this street wasn't blocked off.

2 This zone car was actually -- I don't
3 know if the zone car knew where they were in
4 relation to the chase because they just came
5 flying right past us.

6 As we're all going, let's say, south
7 towards this street, this car just came past.
8 And this guy -- I mean, it was a good thing they
9 were flying, because he would have hit them.

10 And then I think this leads up into --
11 they say there's the driveway to the school and
12 then this street that runs off.

13 Q. I want to show you an overhead view of
14 it first. This is the main access road.
15 Essentially you have Terrace here, the main
16 access road that comes back into the school.
17 This is Lee Boulevard here.

18 A. Okay.

19 Q. Do you remember where you came in?

20 A. We all came straight.

21 Q. Straight up from --

22 A. From whatever -- I want to say that this
23 street here, whatever this street is, I want to
24 say does go straight. It will go across this

1 street.

2 Q. What ends up -- what ends up happening
3 is there's Wymore here. This is terrace.
4 Essentially Wymore stops, but this access road
5 picks up where Wymore stops and comes into the
6 school.

7 A. Okay. So if you came straight --

8 Q. You came straight up Wymore?

9 A. Yeah. And then this, I want to say, is
10 the way the zone car went. I think the zone car
11 went just right across us.

12 Q. Okay.

13 A. And then we just -- everyone just came
14 straight up the hill. Is that a dirt road or
15 dirt -- I just remember a lot of dirt. We were
16 on the road.

17 Q. I mean, it's a road.

18 A. Oh, okay.

19 Q. Asphalt. I don't know if...

20 The -- do you remember which direction
21 you came in?

22 A. Oh, yeah, we all came in -- we all
23 turned right down here. We were all headed in
24 there.

1 Q. About how many cars do you think you
2 were behind at that point?

3 A. I would say there was four, four or five
4 on --

5 Q. Marked or --

6 A. No, ahead of us. Marked zone cars. I
7 don't know what would have been behind us.

8 Q. Okay. What happened next?

9 A. We get to --

10 MR. SARAYA: Hold on here. Stick with
11 this one for now. You guys are pulling in and
12 then what happens?

13 THE WITNESS: We're pulling in and
14 somebody's yelling out that it's a dead end.
15 Someone knew the area and they said, "It dead
16 ends into this school."

17 So we probably get probably halfway down
18 or so and then it became apparent that this guy
19 knew that it was a dead end, because he tried to
20 turn around.

21 MR. SARAYA: I'm sorry, the suspect
22 vehicle?

23 THE WITNESS: The suspect vehicle, yeah.

24 MR. SARAYA: What happens next?

1 THE WITNESS: He turned -- he tried to
2 do a U-turn right here. I don't know if he tried
3 to do a U-turn and just go out on one of the --
4 came in contact with one of the zone cars that
5 was chasing him?

6 MR. SARAYA: Up here on these islands?

7 THE WITNESS: I want to say right here
8 in between these two, I believe it was. Yeah, it
9 was these two. The zone car actually spun around
10 probably into a better position for him to get
11 back towards us.

12 BY MR. GARDNER:

13 Q. So the suspect vehicle comes around
14 here, does a U-turn?

15 A. Right here by this island.

16 Q. And now it's facing back this way?

17 A. Uh-huh.

18 MR. SARAYA: You guys are still stopped
19 here right around in here?

20 THE WITNESS: We're prob- -- we're
21 probably right here.

22 MR. SARAYA: Okay.

23 THE WITNESS: Yeah.

24 MR. SARAYA: And what happens next with

1 the suspect car?

2 THE WITNESS: The suspect car gets
3 turned around. A couple zone cars come in front
4 of us, and that's when we hear, "Shots fired."
5 We hear that call out.

6 So now we're thinking, you know, now
7 these guys are right in his line of fire, the
8 target vehicle's line of fire.

9 BY MR. GARDNER:

10 Q. Now, you hear it on the radio. Do you
11 hear it also outside?

12 A. No. We had our windows up. But I -- I
13 don't -- I really don't even know what -- if I
14 was listening or if the radio was so loud or what
15 it was, but I didn't hear that. I just heard the
16 call out for "Shots fired."

17 Q. Okay.

18 A. They said, "They're shooting at us" or
19 something along that lines.

20 Q. Okay.

21 A. He's turned around. Now he's heading
22 right towards us, Detective Rinkus and my
23 vehicle. Comes right past -- right by the
24 passenger side where I'm sitting, so I'm looking

1 in the car. You can see into the car somewhat
2 only because of the headlights from the cars
3 behind me, the other police cars.

4 You can see into it, so I'm trying to
5 see if they're holding anything up or, you know,
6 if there's anything I can see that they're
7 pointing at us or anything like that.

8 The driver's just -- the driver just --
9 they talk about that daze that they have, they're
10 looking at you but they're looking through you.
11 You know, there's just the way that some people
12 get that, you know, they're just -- they're not
13 really there or they're not just...

14 MR. SARAYA: At the -- just fixed
15 straight ahead --

16 THE WITNESS: Yeah.

17 MR. SARAYA: -- or is he looking over at
18 you?

19 THE WITNESS: No, no, no. He's just --
20 he's just fixed straight ahead.

21 So I go -- we're talking a split second
22 for them to get by me.

23 BY MR. GARDNER:

24 Q. Did you see the passenger at all?

1 A. No. I saw somebody. I couldn't have
2 told you -- I could tell it was a black person.
3 I couldn't tell you, you know, what at that
4 time.

5 Q. Okay.

6 A. So then they get by us. Detective
7 Rinkus immediately does a U-turn. And at this
8 time, he's able to pull up to our final resting
9 spot, which is, I want to say, a 45-degree angle
10 with the driveway.

11 Q. Okay.

12 A. This one here.

13 MR. SARAYA: Now we're going to jump
14 over to this one here, this diagram. So
15 whereabouts are you guys?

16 THE WITNESS: That would be us.

17 MR. SARAYA: This would be you guys
18 right here?

19 THE WITNESS: Is that how you have this
20 tagged, is by our license plates?

21 MR. SARAYA: Yeah.

22 THE WITNESS: Okay, okay.

23 MR. SARAYA: You don't have a car number
24 on it, so --

1 THE WITNESS: Yeah, yeah. I mean, I --
2 that's our plate.

3 MR. SARAYA: That's your plate?

4 THE WITNESS: Yeah.

5 MR. SARAYA: So this is you guys here,
6 then?

7 THE WITNESS: Uh-huh.

8 BY MR. GARDNER:

9 Q. What happens next?

10 A. We get here, we get to our final resting
11 spot, and that's when the target vehicle, he
12 comes up -- we're driving southbound. 238, which
13 is the police car that got hit, Sistik is the
14 passenger, and I only know this because I saw him
15 jump out.

16 He jumps out and I told Rinkus, I said,
17 "He had no idea that that car was coming,"
18 because he gets out kind of -- I don't want to
19 say, like, he gets out like he comes busting out
20 of the car, but he comes out to where he's not,
21 you know, running to where if you were in a foot
22 chase you would jump out, but he gets out and he
23 looks up and he's just like, "Oh, shit," like he
24 didn't know that this car was there.

1 Q. Okay. Hang on. I'm trying not to
2 interrupt your thought. But this is before the
3 target car made contact with the car he got out
4 of or --

5 A. I want to say right before. The target
6 car had not hit him yet.

7 Q. Well, what's the officer's name?

8 A. Sistek.

9 MR. KINAS: S-i-s-t-e-k, Scott.

10 Q. Okay. So Sistek gets out of the car
11 prior to the target -- target vehicle coming up?

12 A. Reaching his vehicle, yeah. However you
13 want to say it. Before they struck him and
14 before they were, you know, close to him, he got
15 out of the car.

16 Q. Okay.

17 A. As he gets out, that's when he looks up
18 and that's when he had that -- that look of, you
19 know, terror or surprise on his face, whatever
20 you want to say. You know, you could tell he was
21 like, "Oh, shit," you know, "I screwed up." You
22 know, not screwed up, but holy -- this isn't
23 going to be good.

24 So then the suspect vehicle hits

1 Sistek's car. Detective Rinkus and I jump up.
2 Sistek is able to turn and run away, so now he's
3 traveling the same way as the suspect car. And
4 good thing he did, because this car shut Sistek's
5 door for him. Sistek turned and ran, and then
6 they made contact.

7 At this time Detective Rinkus and I had
8 exited our vehicle. Now we're running, let's
9 say, like straight up towards the vehicle, not
10 straight, but let's say in a maybe, you know, a
11 diagonal type of --

12 Q. Uh-huh.

13 A. We're running. He gets -- he crosses --
14 he crosses, let's say, the vehicle first. I get
15 in behind him. And this is just as this vehicle
16 is striking -- or shutting the door on Sistek's
17 car.

18 MR. D'ANGELO: What do you mean shutting
19 the door? Hitting it?

20 THE WITNESS: Hitting it, yeah, to shut
21 it.

22 As -- and it's at this point we heard
23 the gunshots. As we're running up, Sistek goes
24 down. He's near the trunk of his car. His --

1 his vehicle's facing ours. And I want to say
2 Sistek's near the back door, let's say the side
3 of the trunk, and he goes down.

4 So now I'm thinking the car got him.
5 I'm thinking he's underneath the car. And as
6 this car came to rest against the zone car, the
7 engine's revving. And I'm thinking he's trying
8 to get out of that pinned position and he's going
9 to run Sistek over.

10 So the shots are coming out. I shoot
11 twice as I'm running with Rinkus. And I'm kind
12 of -- I'm behind Rinkus a little bit and, let's
13 say, one step back and one step over. We get up
14 to the sidewalk.

15 MR. SARAYA: Where is that? Feel free
16 to draw on it all you want. So you guys start
17 here?

18 THE WITNESS: Uh-huh.

19 MR. SARAYA: And you run this way off at
20 an angle?

21 THE WITNESS: Yeah. I angled, yeah,
22 towards the vehicles.

23 MR. SARAYA: Okay.

24 THE WITNESS: And then I'm behind

1 Michael one -- I guess one over and, let's say,
2 one behind.

3 MR. SARAYA: Okay.

4 THE WITNESS: And we go over to the
5 sidewalk. Michael had stopped. I could see
6 Michael and I could feel -- Rinkus, that's his
7 first name. I could see him and feel him. He's
8 out of my line of sight for the vehicle, but he's
9 in my -- you know, my vision. He stops.

10 I kept going and then I end up behind
11 him. I don't know if I should have kept shooting
12 or not from behind. I had the perfect shot.

13 BY MR. GARDNER:

14 Q. So you shot twice while you were running
15 up --

16 A. While I was running up towards the
17 car.

18 Q. What are you shooting at?

19 A. At this back -- through the back window
20 of the vehicle.

21 Q. Did you have a target --

22 A. Towards the driver.

23 Q. All right. So you're running up. You
24 shoot twice through the back window at the

1 driver?

2 A. Uh-huh.

3 Q. Rinkus is in front of you?

4 A. He's in front of me.

5 Q. I mean after you're shooting?

6 A. Yeah.

7 Q. So you keep running?

8 A. Uh-huh. And then I end up behind
9 Michael. The shooting -- the shooting continues.
10 Not from me. There's other shooting going on.
11 There's glass -- glass is flying. There's
12 bullets coming by you. You could -- you could --
13 you could hear the sound as you're -- as we're
14 running up to the car. So, you know, you're
15 trying to duck and stay out of the way, you know,
16 and still get up to where it's coming from.

17 Q. Uh-huh.

18 A. That's when we end up right on the
19 sidewalk. But at that time it's that we
20 separated. You know, there were other officers
21 there to provide cover and handle the situation.

22 I proceeded back to the -- I proceeded
23 back to the silver Charger prior to Michael, and
24 I took cover behind the silver Charger.

1 Q. Okay. So you fall back behind the
2 silver Charger --

3 A. Yes.

4 Q. -- once more shooting started happening?

5 A. Yes.

6 MR. SARAYA: So, okay, we started here.
7 You guys bail out and you run up to about here
8 and then you ran back and took cover.

9 Are rounds still flying around at this
10 point when you're getting back to the silver
11 Charger?

12 THE WITNESS: It was at this time that
13 everybody was right here. All the officers were
14 on this grassy knoll here. Yeah, so that's when
15 I proceeded to head back to the silver Charger.

16 MR. SARAYA: Okay. Go ahead and use
17 that Sharpie pen and draw out kind of what you
18 just explained to us there.

19 THE WITNESS: I don't -- I don't think
20 we were that close. But I think -- yeah, Michael
21 came and then I came and we were right here on
22 the corner of this. We hadn't made it onto the
23 grass. We're probably just on the sidewalk.

24 MR. SARAYA: Okay.

1 THE WITNESS: You know, a few feet from
2 this police vehicle.

3 MR. SARAYA: Okay. So what happens
4 then?

5 THE WITNESS: Then took cover. Michael
6 had -- I see Michael coming back to the car and
7 then he gets behind me. He said he was out of
8 ammo. And then we were there behind the silver
9 Charger just waiting for, let's say, the scene to
10 settle down.

11 MR. SARAYA: Uh-huh. Okay. Go ahead
12 and initial that for me, if you would be so kind,
13 sir.

14 THE WITNESS: (Complies with request.)

15 MR. GARDNER: Can you also just circle
16 your unit?

17 THE WITNESS: Yeah. (Complies with
18 request.)

19 MR. GARDNER: Okay. Excellent.

20 MR. SARAYA: Grand total, about how many
21 shots did you fire?

22 THE WITNESS: Two.

23 MR. SARAYA: That's it?

24 THE WITNESS: That's all.

1 MR. SARAYA: Okay. Give us a second.

2 I've got to go back and reread all this.

3 All right. When you say you're about
4 61st and Clark, they come right past you, you say
5 they're hauling pretty good. About how fast do
6 you think they were going?

7 THE WITNESS: I would say at least -- I
8 would say a good 85.

9 BY MR. GARDNER:

10 Q. Other than the time that you were by
11 Jacobs Field and you called out on Channel 5, did
12 you transmit any other radio traffic?

13 A. No.

14 MR. SARAYA: Okay. When you're coming
15 down Clark towards Quigley, about how far behind
16 you are they -- how far behind them are you?

17 THE WITNESS: Clark's a straight shot.
18 You know, there's not hills or anything, so you
19 can see. Probably a few blocks. I want to say a
20 quarter mile, but that might be a little too far.

21 MR. SARAYA: That's fine. This is your
22 call. You tell me what it is. A few blocks, a
23 quarter mile, I think you're pretty good on both
24 counts.

1 You guys are going up the hill there and
2 you hear radio traffic it's coming out the
3 window?

4 THE WITNESS: Uh-huh.

5 MR. SARAYA: Is that what they said,
6 "It's coming out," or did they say, "They're
7 pointing something out the window, they're
8 throwing something out the window"?

9 THE WITNESS: No. The point was as we
10 made it onto Quigley, "Coming out the window,"
11 going up the hill.

12 MR. SARAYA: So they just said, "It's
13 coming out the window"?

14 THE WITNESS: "Coming out the window."

15 MR. SARAYA: Okay. What did you take
16 that to mean?

17 THE WITNESS: The gun was coming out the
18 window.

19 MR. SARAYA: Okay, okay. You say you're
20 pulling in here and a zone car kind of comes
21 right across 90 degrees to you. Did you ever
22 figure out who that was?

23 THE WITNESS: No.

24 MR. SARAYA: No?

1 THE WITNESS: I think one or two might
2 have even come across. (inaudible) vehicle was
3 up ahead of us.

4 MR. SARAYA: Did you see any other cars
5 from any other agencies jump into the pursuit?

6 THE WITNESS: No.

7 MR. SARAYA:

8 BY MR. GARDNER:

9 Q. Did -- did you ever hear or see a
10 suspect's gun, gunfire?

11 A. I didn't see -- I didn't see their gun,
12 no.

13 Q. Were you able to see whether or not
14 anything came out of the suspect's vehicle, gun,
15 or they discarded something else?

16 A. No. We -- we were never that close.
17 Well, we were that close, but when the initial
18 "It's coming out the window," we weren't that
19 close for that.

20 Q. How would you describe the traffic
21 throughout the pursuit?

22 A. It was -- it was very light.

23 Q. Did you ever see the suspect vehicle --
24 I mean, was it obeying the law the entire time?

1 A. No, no, never. We were able to catch up
2 to it at certain points. Never stopped for any
3 lights, never slowed down for cross traffic, if
4 there was any.

5 There was -- there was a stop -- there
6 was at least one or two stop signs. They weren't
7 slowing down for those; only like for turns, just
8 to make a turn.

9 Q. When did you first become aware of the
10 sex and the race of the vehicle occupants?

11 A. After the shooting. Or I saw a male
12 driver. I could tell you that was a male driver.
13 But to be sure, it was after the shooting.

14 Q. And you say -- you're talking about
15 directly after the shooting?

16 A. Yeah. We were -- we were all -- after
17 all the shooting had stopped, we were up on --
18 and we were just looking in the car to make sure
19 that there's -- they're disabled or nothing's in
20 their hand or they're no longer a threat.

21 Q. And you knew it was a female passenger?

22 A. I did.

23 MR. SARAYA: Afterwards, now, on the
24 news and whatnot, you've heard their names,

1 right?

2 THE WITNESS: I have.

3 MR. SARAYA: Okay. Did this ring any
4 bells with you that, "Hey, didn't I deal with
5 them at such and such a call, such and such a
6 place," anything like that?

7 THE WITNESS: No.

8 MR. SARAYA: Okay.

9 BY MR. GARDNER:

10 Q. Malissa Williams, Timothy Russell, do
11 they look familiar to you?

12 A. No.

13 Q. I've got observation -- what do you
14 consider the lighting conditions for the -- the
15 parking lot here?

16 A. They had some -- I believe they had some
17 big lights inside. Maybe medium, at best. A
18 little darker in areas.

19 Q. How about with the -- all the red and
20 blue lights going?

21 A. It -- I mean it brightened it a little
22 bit, but it was still pretty dark.

23 Q. Did you give any verbal commands to the
24 suspects?

1 A. No.

2 Q. Did you hear anybody give verbal
3 commands to the suspects?

4 A. I -- no, I didn't. I don't remember
5 hearing anything.

6 Q. I know you already spoke on you didn't
7 see any weapons. Did you believe there to be
8 shots coming from the suspect vehicle?

9 A. I did.

10 Q. And can you expand on that more?

11 Why do you think that there were shots
12 coming from the vehicle?

13 A. When we were out on the range and we're
14 side-by-side and we're all pointed the same way,
15 you don't hear it but this you could hear. I
16 don't want to say it was loud, but it was pretty
17 obvious. You know, you could hear it coming by
18 and you don't hear that stuff when you're all
19 shooting in the same direction.

20 Q. So shots were coming back at you?

21 A. Toward -- yeah, you could hear them
22 coming towards you.

23 Q. Towards. Did you see any of the
24 movements of the suspect once -- I mean, even

1 prior when they went by you, did it appear that
2 they were doing anything or --

3 A. No. I looked in the car for -- to see
4 if anyone was, you know, above the -- or above
5 the dashboard that I could see and nothing stuck
6 out.

7 Like I said, when I was fixated on him,
8 one, it was real quick, so I didn't see much.

9 Q. You talked about a couple -- you've
10 talked about positioning of a couple of officers.
11 Do you recall any of the other officers'
12 positions?

13 A. When? At what point?

14 Q. Towards the beginning of the shooting.

15 A. No, no. Other than I knew there was a
16 zone car facing us and then I knew there was the
17 other zone car -- there were the two zone cars
18 facing us. The one was pretty much directly in
19 front of us, and all I remember is Sistek is the
20 only officer I remember.

21 Q. Do you recall any cars being up on this
22 loop?

23 A. Not until after.

24 Q. Afterwards?

1 A. I didn't realize what that was even
2 until after.

3 Q. Do you know who was the first to shoot?

4 A. No.

5 MR. SARAYA: You were aiming at the back
6 window towards the driver, right?

7 THE WITNESS: Yes.

8 MR. SARAYA: Do you think you hit it?

9 THE WITNESS: I'm -- I believe I went
10 right through it. I was trying to get through
11 the back headrest, the back headrest area.

12 BY MR. GARDNER:

13 Q. When did -- when did you fire?

14 A. As we exited the car (inaudible) the
15 zone car and right up towards the sidewalk.

16 Q. And why did you fire?

17 A. The -- because I saw -- I saw my officer
18 go down. I saw the vehicle come at him. I saw
19 the look of fear on his face. I saw the target
20 vehicle hit the front part of Sistek's car. I
21 saw the target vehicle close Sistek's door. And
22 I saw Sistek go down as he reached the back of
23 the zone car. I heard the engine revving. I
24 didn't think they were done with him.

1 Q. And you stated previously you shot two
2 times?

3 A. Yes.

4 Q. How do you know that you shot two times?

5 A. That's all I -- that's all I -- that's
6 all I remember shooting as I reached Rinkus.

7 Q. Did there come a point in time that you
8 counted your ammunition?

9 A. After, yes.

10 Q. Do you know who did that for you?

11 A. Sergeant -- is it Sergeant Stacho?

12 MR. KINAS: Tim Stacho.

13 MR. SARAYA: You remember two shots.
14 Did you count -- did they count out that you were
15 only two down?

16 THE WITNESS: Yes.

17 BY MR. GARDNER:

18 Q. Already answered that.

19 Were you able to see, did your rounds
20 hit?

21 A. No, I didn't see that.

22 Q. This is one of those questions. All
23 right? I have pretty tough cheeks.

24 Was there any -- any other availability

1 or practicality of any other options?

2 A. No, no.

3 Q. Can you expand upon that?

4 A. My guy was -- my guy was here and that
5 was it for him. If we didn't stop this -- the
6 threat -- you know, I wanted to do what I could,
7 as I feel I'm sure everyone else did. But I knew
8 he was down in front of that car.

9 Q. Recovered 483. Was there any medical
10 treatment for the suspect?

11 A. I believe EMS came and I believe fire
12 came, but I don't think -- I --

13 MR. SARAYA: Did --

14 THE WITNESS: I'm sorry?

15 MR. SARAYA: Any idea who called them?

16 THE WITNESS: No. But I don't think --

17 I don't think any of us were allowed in that
18 area. Because (inaudible) pretty quick.

19 BY MR. GARDNER:

20 Q. Can you hear anyone contact EMS? Radio
21 or --

22 A. No. I wasn't in that -- I didn't have a
23 radio on me and I was out in the car the majority
24 of the time after the event.

1 Q. All right. After the shooting you said
2 you guys had fell back behind that car?

3 A. Uh-huh.

4 Q. After everything calms down, what did
5 you do?

6 Did you -- well, you couldn't reload
7 because you didn't have any magazines. What did
8 you do?

9 A. That's when I went back up to the -- to
10 the area where the police car and the target car
11 were and just tried to -- just made sure
12 everything was secured inside the vehicle.

13 Q. Did you at any point move anything?

14 A. No, I never was that close to their
15 vehicle.

16 Q. Were you at all injured?

17 A. No.

18 Q. You checked yourself afterwards?

19 A. Yes.

20 MR. SARAYA: Check your vest to make
21 sure you didn't catch one on your vest and didn't
22 know about it and everything?

23 THE WITNESS: Yes.

24 BY MR. GARDNER:

1 Q. Afterwards did anybody -- were people
2 making, you know -- do you recall anything
3 specific that anybody said afterwards?

4 A. Just checking out everybody, making sure
5 everyone else was okay.

6 Q. Other than the two union representatives
7 and your attorney here, have you spoken to
8 anybody else regarding this incident?

9 Before you answer, it's not a bad thing
10 if you did. We just need to know.

11 A. Other than officers involved.

12 Q. Which ones?

13 A. Rinkus, Nan, Sistek, you know, making
14 sure they were okay. (Inaudible.)

15 MR. SARAYA: Okay. Beyond making sure,
16 you know, how are you doing and everything else,
17 go into details about what happened?

18 THE WITNESS: Oh, no.

19 MR. SARAYA: You did this, you saw that,
20 anything like that?

21 THE WITNESS: No.

22 BY MR. GARDNER:

23 Q. Were you -- you pretty much somewhat
24 already answered this. Were you in fear or in

1 fear of someone else's safety?

2 A. Yes.

3 Q. Can you expand upon that a little bit?

4 A. I was in fear of Officer Sisteck's
5 safety. I was in fear that he was struck by the
6 vehicle, that he was underneath the vehicle, and
7 possibly going to be damaged some more if it ran
8 over him.

9 Q. Do you believe that your actions were
10 consistent with training?

11 A. Yes.

12 Q. Do you believe that others's actions
13 were consistent with training?

14 A. Yes.

15 Q. Okay. Here comes a couple of the
16 eye-rollers.

17 Has anyone asked you to lie or otherwise
18 try to influence your statements to us in this
19 investigation?

20 A. No.

21 Q. Did you use your cell phone while on
22 scene?

23 A. No.

24 Q. Call anybody?

1 A. No.

2 Q. Take any pictures?

3 A. No.

4 Q. It's important that you be honest.

5 A. Yeah, I know. I learned from that one.

6 I didn't personally do it.

7 MR. SARAYA: (Inaudible.)

8 Q. Is there anything that you can think of
9 that we have not asked you that you think is
10 important?

11 A. Huh-uh. No.

12 MR. GARDNER: Counsel?

13 MR. D'ANGELO: I think you said that you
14 believe that the occupants in the suspect vehicle
15 were firing gunshots?

16 THE WITNESS: Yes.

17 MR. D'ANGELO: At police officers?

18 THE WITNESS: Yes.

19 MR. D'ANGELO: And you were in fear that
20 Sistek was about to be run over by the suspect
21 vehicle --

22 THE WITNESS: Yes.

23 MR. D'ANGELO: -- at the time you shot?

24 THE WITNESS: Yes.

1 MR. D'ANGELO: How would you describe
2 the -- the time frame that this all occurred,
3 when you arrived on scene and the time it took
4 from the beginning of the shots to the end of the
5 shots?

6 THE WITNESS: Just in that school?

7 MR. D'ANGELO: Yeah.

8 Your interpretation, what did it feel
9 like?

10 THE WITNESS: Minute.

11 MR. D'ANGELO: About a minute?

12 How would you describe the atmosphere?
13 Was it highly charged?

14 THE WITNESS: Yes, yes.

15 MR. D'ANGELO: Did you have the chance
16 to observe other officers?

17 THE WITNESS: During this time?

18 MR. D'ANGELO: Shortly thereafter.

19 THE WITNESS: I did.

20 MR. D'ANGELO: You got to see their
21 faces?

22 THE WITNESS: I did.

23 MR. D'ANGELO: Were people -- from what
24 you could -- how would you describe their

1 demeanor?

2 THE WITNESS: There was a look of relief
3 on everybody I think once everyone was checked
4 out. Worried for everybody.

5 MR. D'ANGELO: Were you afraid?

6 THE WITNESS: I was.

7 MR. D'ANGELO: Were others afraid, that
8 you could tell?

9 THE WITNESS: Yes.

10 MR. D'ANGELO: Had you ever been
11 involved in any kind of a shootout like this
12 before?

13 THE WITNESS: Not this high intense.

14 MR. D'ANGELO: Have you ever used deadly
15 force before this incident?

16 THE WITNESS: No.

17 MR. FOLLMER: Could we have a second?

18 MR. D'ANGELO: Could we have a second?

19 MR. SARAYA: Absolutely.

20 (Pause in proceedings.)

21 MR. SARAYA: Two quick follow-ups. We
22 were talking here.

23 After everything slows down and calms
24 down, did you go look for Sistek?

1 THE WITNESS: Uh-huh.

2 MR. SARAYA: And what happened?

3 THE WITNESS: I -- I found him on -- I
4 had found him on the hill. I noticed -- when I
5 went back to the silver car, I noticed he had
6 then made it around to the hill. (Inaudible.)

7 MR. SARAYA: Was he injured or --

8 THE WITNESS: At that point I didn't
9 know, but then I did see him go down again. But
10 that was because there was shooting going on
11 around him and he felt it and so I saw -- I
12 thought he was hit.

13 MR. SARAYA: So you get back up here to
14 the silver Charger --

15 THE WITNESS: And everybody's up here.

16 MR. SARAYA: -- and everyone's up there?

17 THE WITNESS: Yeah.

18 MR. SARAYA: Here it is. And you see
19 him and he's over here on this hillside now over
20 here?

21 THE WITNESS: Yeah.

22 MR. SARAYA: Okay. And you see him go
23 down again?

24 THE WITNESS: Yeah. Well, what ended up

1 happening was he dropped because of the cross --
2 the fire was behind him.

3 MR. SARAYA: Okay.

4 MR. D'ANGELO: At the time your belief
5 was --

6 THE WITNESS: He went down.

7 MR. D'ANGELO: From --

8 THE WITNESS: From being shot at.

9 MR. D'ANGELO: And he was struck by --

10 THE WITNESS: Bullet.

11 MR. D'ANGELO: -- fire? Okay.

12 MR. SARAYA: Your partner, Rinkus, did
13 you see him shooting at all?

14 THE WITNESS: I did.

15 MR. SARAYA: You did?

16 THE WITNESS: Uh-huh.

17 MR. GARDNER: Do you know how many
18 times?

19 THE WITNESS: No. I mean, I know that
20 he said he emptied his magazine.

21 MR. SARAYA: Okay. Is he like you, he's
22 only carrying one or did he have a few?

23 THE WITNESS: No. He only carries one.
24 But he has a smaller weapon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MR. SARAYA: Oh, okay.

Anything else you can think of?

MR. GARDNER: No.

MR. SARAYA: William, thank you. I appreciate everything.

MR. SARAYA: Good luck to you.

THE WITNESS: Thank you.

(End of videotaped interview.)

(End of videotaped interview.)

* * *

