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VIDEOTAPED INTERVIEW

CYNTHIA MOORE

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APPEARANCES:

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

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1           MR. GARDNER: My name is  
2 Detective/Sergeant Scott Gardner. I'm with the  
3 East Cleveland Police Department assigned to the  
4 Major Crimes Unit.

5           MR. SARAYA: I'm John Saraya. I'm with  
6 BCI. I've been here doing crime scene and  
7 officer-involved shootings for about 12 years.  
8 Okay?

9           Before we get into this -- and these  
10 guys heard the spiel once already.  
11 Unfortunately, they're going to hear it quite a  
12 few times. We're going to go through everything.  
13 We've got a list of questions here to go over to  
14 keep things uniform.

15           If you think there's something that we  
16 need to know about, we can just add it. I might  
17 ask you questions at certain points and you'll  
18 probably give me a funny look over it. It's only  
19 because I'm going to -- I want you to give me a  
20 little bit more detail with what you're telling  
21 me in trying to extract some of the facts. Okay?

22           I'm not here to second-guess you. I'm  
23 not here to belittle you or anything else. So  
24 when you hear these questions, don't sit there

1 and roll your eyes. Well, you probably will.

2 But understand where I'm coming from.

3 THE WITNESS: Okay.

4 MR. SARAYA: Okay? It's just that we're  
5 trying to get people to really dig in and get as  
6 much detail as we can.

7 When everything is said and done, this  
8 is going to be a very thick file; and everything  
9 goes to the Prosecutor's Office for review.  
10 Okay?

11 With the new prosecuting attorney in  
12 Cuyahoga County, they're looking at  
13 officer-involved shootings. Every county we deal  
14 with handles it a little differently. Sometimes  
15 the prosecutor just reviews it, signs off on it.  
16 Sometimes they review it and then go through the  
17 grand jury just to sign off on it. So if you get  
18 a grand jury subpoena down the road, that's  
19 what's going on.

20 THE WITNESS: Okay.

21 MR. SARAYA: It's not that you did  
22 anything wrong. My personal preference, I like  
23 the grand jury to sign off knowing the officers  
24 are right on the money here with everything.

1 Okay?

2 If you have any questions for us at any  
3 time, ask.

4 THE WITNESS: Okay.

5 MR. SARAYA: Okay? So let's start with  
6 your name.

7 THE WITNESS: Cynthia Moore.

8 MR. SARAYA: C-I-N or C-Y?

9 THE WITNESS: C-Y-N-T-H-I-A, M-O-O-R-E.

10 MR. SARAYA: Okay. Cynthia, what's your  
11 address?

12 THE WITNESS: My home address?

13 MR. SARAYA: Yes. It's -- it all gets  
14 restricted, redacted anyhow, so don't worry about  
15 that. But I just need it for my report.

16 THE WITNESS: [REDACTED],  
17 [REDACTED].

18 MR. SARAYA: Okay. What's an easy  
19 number for me to get you, a cell phone or  
20 something?

21 THE WITNESS: Cell, [REDACTED].

22 MR. SARAYA: Okay. All right. This is  
23 not an internal investigation. This is a  
24 criminal investigation. All right? Here, again,

1 not that you did anything wrong; but you've got  
2 all the rights and privileges the same as  
3 everybody else.

4 And I'm sure you were told Miranda  
5 warnings are going to be given. Okay? So for  
6 that reason, you have the right to remain silent.  
7 Anything you say can and will be used against you  
8 in court. You have the right to consult with an  
9 attorney and have an attorney present during  
10 questioning. If you cannot afford an attorney,  
11 one can be provided to you before questioning at  
12 no cost.

13 Do you understand these rights?

14 THE WITNESS: Yes.

15 MR. SARAYA: All right. First and  
16 foremost, how are you holding up?

17 THE WITNESS: Okay.

18 MR. SARAYA: Doing okay?

19 THE WITNESS: Yeah.

20 MR. SARAYA: Okay.

21 MR. D'ANGELO: She -- let her know she  
22 needs to speak up. I'm not sure how well the  
23 audio captures, but I'm going to --

24 THE WITNESS: Speak up.

1           MR. D'ANGELO: The last -- last one of  
2 these statements we had in Parma, the officers  
3 later on for one -- one trial you could hardly  
4 hear.

5           MR. SARAYA: Okay.

6           MR. D'ANGELO: So let her know if she  
7 needs to speak up.

8           MR. SARAYA: Normal talking voice is  
9 fine.

10          THE WITNESS: Okay.

11          MR. SARAYA: Okay? If you start  
12 whispering or something, I'll let you know.

13          THE WITNESS: Okay.

14          MR. SARAYA: All right. But normal  
15 conversation is pretty good in here.

16          THE WITNESS: Okay.

17          MR. SARAYA: All right?

18                               EXAMINATION

19          BY MR. SARAYA:

20               Q. What's your current assigned district,  
21 beat?

22               A. Two.

23               Q. Second District?

24               A. Second District, Eighth Platoon.

1 Q. Okay. And how long have you been at  
2 Cleveland PD?

3 A. Five years.

4 Q. Anywhere else before that?

5 A. No.

6 Q. What is your normal shift?

7 A. I work -- by the hours?

8 Q. Yeah.

9 A. 1530 to 0130.

10 Q. What are your days off with that? Are  
11 you steady days off?

12 A. No. I'm in -- the V class I'm in, it  
13 changes every week. So....

14 Q. Okay. What is the V class?

15 A. It's cube.

16 Q. Okay. Explain this to me.

17 A. The V class is the -- it's your  
18 scheduled days off for the year.

19 Q. Okay.

20 A. Every officer has it -- has it.

21 Q. Okay. And your days off rotate how  
22 often, then?

23 A. Every week.

24 Q. Every week?

1 A. Yeah.

2 Q. Okay. Last week what were your days off  
3 when this occurs?

4 A. My days off last week were Thursday,  
5 Friday, Saturday, and Sunday, I think. I can't  
6 think.

7 Q. What days did you work last week? And  
8 this happens on Thursday night.

9 MR. GARDNER: This happened on Thursday.

10 A. So I was back Wednesday. Wednesday. So  
11 I worked Wednesday, Thursday -- my days off that  
12 week were Saturday, Sunday, Monday, Tuesday. I'm  
13 sorry. Right? Yeah. So I came back Wednesday,  
14 Thursday.

15 Q. Okay.

16 A. And I'd be off today.

17 Q. Okay. Gotcha. Who is your normal  
18 supervisor you report to?

19 A. It's different every shift.

20 Q. Every shift is different?

21 A. Yep.

22 Q. How do you keep it all straight?

23 A. There's a schedule posted every day.

24 Q. Look at the sheet, huh?



1 A. Yeah.

2 Q. Do you remember who your supervisor was  
3 Thursday night?

4 A. There were a few. I want to say my  
5 supervisor was Sergeant Lockwood, I believe.

6 Q. You said Lockwood?

7 A. Lockwood. And Sergeant Chetnick.

8 MR. GARDNER: N-I-C-K.

9 Q. N-I-C-K? Okay.

10 A. I believe there's another one. I can't  
11 -- I can't recall.

12 Q. Okay. Are you working any side jobs,  
13 open shifts?

14 A. No.

15 Q. Nothing like that?

16 A. Huh-uh.

17 Q. Okay. All right. Thursday night when  
18 this incident starts, how are you feeling for the  
19 shift? Everything okay? Tired? Sleepy?  
20 Sneezing? Allergies? Cold?

21 A. Outside cold.

22 Q. You had a cold?

23 A. No. I said it was cold out.

24 Q. Oh, okay. All right. But everything

1 else health-wise --

2 A. I was feeling fine, yeah.

3 Q. Take any type of medications or anything  
4 like that?

5 A. No.

6 Q. Prescribed? Over-the-counter?

7 A. No.

8 Q. Okay. Drinking out the night before or  
9 anything?

10 A. What was that?

11 Q. Drinking the night before, Wednesday,  
12 the day off?

13 A. No.

14 Q. Okay. Wear glasses or contacts or  
15 anything?

16 A. No.

17 Q. All right. Normal uniform assignment?

18 A. Uh-huh, yes.

19 Q. External vest?

20 A. External vest, correct.

21 Q. That seems to be the new -- new thing  
22 there. A lot more comfort, I understand. Okay.  
23 But full uniform. Okay.

24 Duty belt, what do you normally have on

1 your belt?

2 A. I have handcuffs, magazine pouch, ASP,  
3 pepper spray, my gun.

4 Q. Okay. Taser?

5 A. On my vest (affirmative nodding of  
6 head). Actually on my vest.

7 Q. Any other new contraption --

8 A. That you guys don't know about?

9 Q. -- that nobody's ever heard of? Less  
10 lethal fuel testing?

11 A. No.

12 Q. Okay. You mentioned magazines. How do  
13 you carry them? Loaded full up?

14 A. Uh-huh.

15 Q. Okay. So how many rounds are you  
16 carrying with you?

17 A. Sixteen in each magazine. I had two  
18 magazines in my pouch on my belt.

19 Q. Sixteen in each magazine?

20 A. Was I wrong?

21 MR. KINAS: What gun do you have?

22 THE WITNESS: Nineteen.

23 MR. KINAS: Fifteen.

24 THE WITNESS: Fifteen. I'm sorry,

1 fifteen.

2 BY MR. SARAYA:

3 Q. And you have the standard load-out,  
4 then, two on the belt and one in the gun?

5 A. Uh-huh.

6 Q. Okay. When you're working, do you carry  
7 a digital recorder or videocamera with you at  
8 all?

9 A. No.

10 Q. No? Okay.

11 All right. What -- what cruiser were  
12 you working on Thursday night?

13 A. I was -- what car were we working?

14 Q. Let's go with -- yeah, since we have a  
15 variety of car numbers assigned here.

16 A. We were working car Barney 22. We were  
17 driving a different car.

18 Q. What car were you driving?

19 A. 217.

20 Q. Okay. Who were you riding with?

21 A. My partner that night was Mike Brelo.

22 Q. Okay. Who was driving?

23 A. He was.

24 Q. A fully marked car? Almost marked car?

1 A. Fully marked.

2 Q. Fully marked?

3 I know the cruisers don't have a dash  
4 cam. Do you guys, you or he, have your own stuck  
5 up on the dashboard somewhere?

6 A. No.

7 Q. No? Okay.

8 Everything working okay in the car?  
9 Lights, radio, spotlights, siren, MDT,  
10 everything's fine?

11 A. Everything was working, yeah.

12 Q. Okay. Any type of specialized training  
13 or instructor certificates or any other  
14 assignments that you've done?

15 A. Huh-uh.

16 Q. No?

17 Military experience or anything like  
18 that? No?

19 A. No.

20 Q. Okay. You've qualified this year with  
21 your firearm?

22 A. Yes.

23 Q. Okay. Do you guys use use of force  
24 training, red gun, anything like that?

1 A. We did use of force, yes.

2 MR. SARAYA: Okay.

3 MR. GARDNER: Just handgun? Shotgun?

4 THE WITNESS: Handgun and shotgun.

5 MR. GARDNER: Anything else? Any other  
6 qualifications?

7 THE WITNESS: No.

8 BY MR. SARAYA:

9 Q. Have you ever been involved in any other  
10 shootings?

11 A. No.

12 Q. How did you become involved in this  
13 incident? How -- tell me what happened. Start  
14 with about the beginning of your shift. How did  
15 the shift go when you started at 1530?

16 A. Shift went good. We were just answering  
17 radio assignments. Normal shift. We were busy.

18 Q. Okay.

19 A. I'm trying to think what we did right  
20 before. I can't even remember. I know we were  
21 driving on 25th.

22 Q. Okay.

23 A. Just driving around in our zone at 25th  
24 and Barber, so we were pretty close. We heard --

1 should I -- do you want me just to start?

2 Q. Yeah. Yes.

3 A. Okay.

4 Q. Just go.

5 A. We heard Officer Nan call out that he  
6 was being shot at and mobile support, so we  
7 started heading that way towards him.

8 We were coming up to Detroit. He made  
9 the right onto Detroit, and we were right behind  
10 Siefer -- should I use names?

11 Q. Go ahead. Whatever. We'll come back  
12 and clarify.

13 A. Okay.

14 Q. So you were behind?

15 A. We were behind Siefer and Hummel.  
16 Siefer broadcasted that he noticed the car, the  
17 blue -- the older Chevy coming westbound across  
18 the bridge; and we were right behind him, and we  
19 flipped around and we were right behind Siefer  
20 and Hummel --

21 Q. Okay.

22 A. -- for the beginning of the chase.

23 Q. Okay. Keep going. What happened?

24 A. We proceeded -- we were right -- we kept

1 up with Siefer and Hummel for a while. And again  
2 Nan got back on the air and was saying that he  
3 was shot at by that car, to be careful.

4 Just -- just the chase went on and on,  
5 and everybody was yelling on the air to be  
6 careful, they're pointing guns out the back  
7 window, that the passenger was reaching under the  
8 seats, that it appeared that -- that they were  
9 loading a gun.

10 That -- I mean, that went on for -- for  
11 it seemed like forever, 20 minutes. And it -- we  
12 weren't -- we weren't close the whole time. We  
13 fell back in the chase. So we weren't -- like at  
14 the beginning we were, you know, close, like the  
15 second car; and as it progressed, we were further  
16 back.

17 So, you know, we were just listening to  
18 what people were telling us. "They're pointing a  
19 gun out the back window." "Be careful."  
20 "Everybody back off." Just -- just the -- you  
21 know, everybody was just afraid. "Be careful.  
22 Be careful. They're pointing guns."

23 Q. Okay. What happened then?

24 A. Like I said, the chase went on forever.



1 At one point, you know, I didn't even know where  
2 we were. We were -- Dead Man's Curve was really  
3 scary. Everybody was, you know -- the light, you  
4 know, you couldn't really see too much on the  
5 highway, all the lights and dust; and everybody  
6 still yelling to be careful.

7 We got off the highway, and I had --  
8 really had no idea where we were. I was trying  
9 to clear intersections for him, make sure  
10 everyone was out of the way, trying to keep him  
11 focused on driving, telling him to calm down and  
12 blink his eyes and pay attention. And then we  
13 went up the hill.

14 I'm trying to think. I don't know like  
15 how -- how far you want me to go here.

16 Q. Just keep going.

17 A. We pull up -- I don't remember the name  
18 of the street. It was the Wymont (sic.), I don't  
19 remember. We go -- we pull into the driveway of  
20 the school; and as we're pulling in, like I said,  
21 we're further back. We're not -- you know,  
22 there's already cars ahead of us.

23 So as we're pulling in, we hear, "Shots being  
24 fired." We hear people -- somebody on the radio

1 yelling, "Shots fired."

2 At this point I look up and I see the  
3 suspect vehicle right -- coming right at us.  
4 There was another zone car next to us. They  
5 rammed the zone car. And then it -- they were  
6 ramming that zone car and coming right at us.

7 Q. Okay. What happened?

8 A. And then I looked up, I seen two  
9 individuals in the car, what appeared to be guns  
10 pointing at me; and I heard shots, and I returned  
11 fire through the windshield of the zone car.

12 Then I got out of the car, and I was  
13 kind of next to the zone car still firing. It  
14 was just shots being fired and people yelling.

15 Q. Okay.

16 A. It's -- the shots were like going off  
17 forever, and it felt like I was being shot at.  
18 There's glass flying at me. Officers are coming  
19 up next to me. I actually said to -- I forget  
20 who I said it to. So I go back and -- or I told  
21 him to get the shotgun out of his own car; and he  
22 was like, "No." Like there were rounds coming at  
23 us through the windshield. So we were kind of  
24 just tucked down by the rear of the zone car.

1 I don't know, I don't know what else.

2 MR. GARDNER: Okay. How long do you  
3 think that shots were being fired? The whole --  
4 I mean --

5 THE WITNESS: Are you asking how -- what  
6 I -- my feeling?

7 MR. GARDNER: Yes.

8 MR. SARAYA: Yes, your interpretation.

9 THE WITNESS: Forever it seemed like.  
10 It seemed like forever. It seemed like -- it  
11 seemed like we were being -- it was like a fire  
12 fight. Like I felt like we needed to get the  
13 shotgun, that we needed -- like we weren't going  
14 to -- it wasn't done. Like it felt like it was  
15 going to go on and continue to go on.

16 And then finally, you know, it stopped.  
17 But, like I said, it felt like it was going on  
18 forever.

19 BY MR. SARAYA:

20 Q. Okay. All right. During the pursuit  
21 are you doing any radio traffic? Were you  
22 broadcasting anything?

23 A. No.

24 Q. At the beginning of this you said you

1 guys were the No. 2 car, pretty close. All  
2 right. Were you able to see anything going on in  
3 the vehicle as you're chasing it?

4 A. No.

5 Q. Can you see any of the movement going  
6 on?

7 A. No. I was more -- I was focusing on the  
8 car; but I was also trying to focus more on  
9 clearing intersections, talking to my partner  
10 to -- you know, obviously I don't want him to get  
11 tunnel vision. You know, I wanted him to focus  
12 on driving.

13 Q. Okay.

14 A. So, you know, the zone car lights in  
15 front of us were enough to, you know, mess up my  
16 eyes.

17 Q. Dazzle ya.

18 A. Yeah.

19 Q. Okay.

20 A. So, like I said, I was just trying to  
21 clear intersections and make sure there was  
22 nobody crossing streets or cars or what have you.

23 Q. Okay. So were you able to see if  
24 anything -- if the other car would have pitched

1 something -- the suspect vehicle, if they were to  
2 toss something out the window, were you in a  
3 position you would have been able to see it?

4 A. I don't -- I don't think so.

5 Q. Okay. Okay. During the pursuit these  
6 guys are running stop signs, running red lights?

7 A. Yep. Running stop signs. We were  
8 stopping -- a couple times they were going  
9 through residential areas, and we were stopping,  
10 clearing every stop sign.

11 They got ahead for a minute until they  
12 popped back out on the main road. Obviously the  
13 main car. But we were -- every stop sign it was  
14 -- it was really surprising nobody got hurt.

15 Q. Okay. About how close would you say you  
16 guys were physically to the suspect car?

17 A. When?

18 Q. You tell me. Beginning to end. At the  
19 beginning you're the No. 2 car. About how close  
20 do you think you guys are?

21 A. We weren't very close. We kept our  
22 distance from that main car that was pursuing.

23 Q. The first car in the pursuit.

24 A. Yeah.

1 Q. Okay. About -- from where you could  
2 see, did he seem pretty close to him? Was he  
3 keeping a distance back?

4 A. He was pretty close. I mean, every --  
5 you know, everybody tried to stay pretty close.  
6 However, everybody was afraid. There was -- he  
7 just shot at a policeman. So we were trying to  
8 obviously not get into a -- you know, close  
9 enough where we could get shot.

10 Q. Okay.

11 A. You know, there -- he was pointing a gun  
12 at them out the window. So then, of course,  
13 everybody kind of backed off of it.

14 Q. Okay. When did you first become aware  
15 of race, sex of the occupants?

16 A. I'm pretty sure when Officer Nan did his  
17 initial broadcast he broadcasted a description.

18 Q. Okay. Do you recall what that was?

19 A. I believe he said two black males.

20 Q. Okay. After the fact this has -- all  
21 this has transpired, you've heard the names of  
22 the two suspects in the car?

23 A. That night?

24 Q. That night or after the fact since then.

1 A. After the fact, yeah.

2 Q. Okay. Do you know those names? Did  
3 they ring a bell with you? Did you ever deal  
4 with them before, come across them on calls or  
5 anything like that?

6 A. No, not that I can recall.

7 Q. Okay.

8 MR. SARAYA: Do you have those? Okay.

9 MR. GARDNER: This is Timothy Russell.  
10 Does he look familiar to you for any reason?

11 THE WITNESS: No.

12 MR. GARDNER: Malissa Williams?

13 THE WITNESS: Huh-uh.

14 MR. GARDNER: Okay.

15 BY MR. SARAYA:

16 Q. Okay. This is bird's eye view here.  
17 Okay?

18 A. Uh-huh.

19 Q. Got your orientation? You understand  
20 what's going on here with the way this is laid  
21 out, right?

22 A. Yep.

23 Q. Okay. You guys are where, then? Here's  
24 our suspect vehicle.

1           A. This is us right here.

2           Q. Use the Sharpie pen there, go ahead and  
3 circle it so I know which one you're at. The  
4 number is there. They have --

5           A. (Complies with request.)

6           Q. So that's you.

7           A. Uh-huh.

8           Q. Okay. And you were the passenger  
9 officer, so you're exiting out on this side,  
10 then. This little grassy area?

11          A. No, I wasn't in the grass. I was right  
12 next to the car.

13          Q. Oh, okay. So it's still on the pavement  
14 there?

15          A. Yeah. Oh, yeah. I was close to the  
16 car, because I was getting -- I felt rounds  
17 coming at me. So there was -- I didn't go over  
18 here because I didn't -- that's all open.

19          Q. Right.

20          A. So I stayed as close to the car as I  
21 could.

22          Q. Okay. Okay. Excellent.

23                 Do me a favor, just initial that for me  
24 there on the side.



1           A. (Complies with request.)

2           Q. Great. Thank you.

3                    So you guys were literally real close to  
4 the car. You're a car length away? Less than?  
5 More than?

6           A. Here?

7           Q. Yeah.

8           A. Yeah. I mean, we were nose-to-nose.

9           Q. Did they strike your cruiser?

10          A. I -- I believe they did. Because it  
11 seemed like at this point they were trying to  
12 squeeze through and get back out. And we -- I  
13 mean, clearly there's no room.

14          Q. Okay. Okay. Your interpretation, what  
15 was the lighting like in that parking lot?  
16 Streetlights? Moonlight?

17          A. I would say streetlights. But, again,  
18 there was all red and blue flashing lights in my  
19 face. So....

20          Q. And you couldn't say, then, that you  
21 felt that it was a dark parking lot or a well-lit  
22 parking lot or anything like that? All you're  
23 seeing --

24          A. At this time?

1 Q. Yeah. When you -- when you rolled up  
2 there.

3 A. No, I couldn't say if I thought it was  
4 dark or well-lit.

5 Q. Okay. A lot of things going on there.

6 A. Right. And, like I said, you know, the  
7 lights from the zone car, you know, blinding  
8 enough. You know, at that point they're just,  
9 you know.

10 Q. Right.

11 A. And there was, let me see, at least, you  
12 know, seven zone cars there. So....

13 Q. Okay. Could you hear anybody trying to  
14 give verbal commands to the drivers, the people  
15 in the car?

16 A. I could hear yelling.

17 Q. Anything stick out in your mind?

18 A. "Let me see your hands." "Let me see  
19 your hands."

20 Q. Were you -- did you get a chance to yell  
21 anything during this?

22 A. I think I yelled also. And, again,  
23 there was sirens. There was -- there was just --

24 Q. Pandemonium.

1 A. Yeah.

2 Q. I understand. This -- I'm just asking  
3 for your recollection, what you can remember  
4 going on out there.

5 A. Okay.

6 Q. Did it look like the occupants of the  
7 car were complying at all?

8 A. No.

9 Q. Could you tell what they were doing in  
10 the car?

11 A. No.

12 Q. At any time do you see anything -- and  
13 I'm going to phrase it this way, all right --  
14 that made you think they have weapons?

15 A. Yes.

16 Q. Okay. What did you see to make you  
17 think that?

18 A. When we pulled up, we were faced like  
19 this; and I seen objects in their hands that I  
20 believed were guns pointing at me.

21 Q. Okay.

22 A. And then immediately followed by shots  
23 being fired.

24 Q. Coming at you?

1 A. Uh-huh.

2 Q. Okay. So on the sketch here you're over  
3 here on this side and your partner is then on  
4 your left.

5 A. I assume, yes.

6 Q. Okay. Was anybody else running up  
7 behind you? Was there anybody else on your side  
8 of the car?

9 A. Yeah.

10 Q. Okay. Who was over there by you?

11 A. Officer Box and Officer Patrick.

12 Q. And where did they come from, do you  
13 know?

14 A. No idea. From behind me.

15 Q. Okay. So the two of you are all  
16 hunkered down behind the car?

17 A. Yeah. Well, not from the very  
18 beginning. I was inside when I was -- my partner  
19 and I were inside the car when the shots first  
20 started.

21 Q. Okay.

22 A. At one point I -- I don't know if we  
23 simultaneously, but I bailed out of the car and  
24 tucked back. And then -- then at that point is

1 when the other two officers came up.

2 Q. Okay. Okay. So as soon as this car's  
3 coming up, you see it strike the other cruiser --

4 A. Uh-huh.

5 Q. -- and maybe it strikes you, maybe it  
6 didn't.

7 A. It was coming right at us.

8 Q. It was coming right at you.

9 Again, this is going to sound like a  
10 silly way to phrase it. I can't think of any  
11 other way to do it.

12 What prompted you to fire? What --

13 A. Because I was being shot at.

14 Q. Okay.

15 A. I was being fired at.

16 Q. Okay.

17 A. That -- that vehicle was still moving  
18 too. When -- when that started, when the firing  
19 began --

20 Q. Okay.

21 A. -- that vehicle was still moving. It  
22 was -- it wasn't stopped.

23 Q. Okay.

24 A. So they were still coming, you know, at

1 us.

2 MR. SARAYA: Okay.

3 MR. GARDNER: Can I just clarify a  
4 point?

5 MR. SARAYA: Sure.

6 MR. GARDNER: When you're saying the  
7 vehicle was still moving and you -- did you start  
8 shooting before or after it hit this unit here?

9 THE WITNESS: After.

10 BY MR. SARAYA:

11 Q. Okay. Do you have any idea how many  
12 shots you fired?

13 A. Do I know? Yes.

14 Q. Okay. How many do you think you fired?

15 A. I know how many.

16 Q. Okay.

17 A. Is that what you're asking me?

18 Q. Yes.

19 A. Seventeen. Did I know at the time? No,  
20 I didn't know.

21 MR. SARAYA: Okay.

22 MR. GARDNER: How do you know? Just  
23 curiously. I mean, how are you so --

24 THE WITNESS: They told us. They

1 counted our rounds that night.

2 MR. GARDNER: At -- at that night you  
3 said you didn't recall?

4 THE WITNESS: No. I had -- I had no  
5 idea.

6 BY MR. SARAYA:

7 Q. Okay. So you reloaded, then.

8 A. Yeah.

9 Q. Do you remember doing that?

10 A. I do remember doing that.

11 Q. Where did you reload at?

12 A. At the side of the car when I was out of  
13 the vehicle.

14 Q. You were out of the vehicle?

15 A. Yeah.

16 Q. Okay. Around to the back? I'm assuming  
17 you --

18 A. I didn't go to the back. I went to the  
19 rear of the --

20 Q. Okay.

21 A. I was at the rear of like the passenger  
22 trunk area, and I reloaded there.

23 Q. Okay. What were you aiming at when you  
24 were firing? Are you just into the passenger

1 compartment or specifically are you aiming at the  
2 driver or are you --

3 A. Yes. I --

4 Q. -- or aiming at the passenger?

5 A. Yes, I was aiming it where I saw the gun  
6 pointed at me, which was from the -- from the  
7 driver.

8 Q. Okay. All right. Now, where do you  
9 think your rounds were hitting? Could you see  
10 your rounds hitting the windshield?

11 A. I could see them hitting the windshield  
12 from my zone car, but I couldn't see --

13 Q. Okay.

14 A. I was trying to stay as low as I could.  
15 I -- I was afraid -- and I was staying low. I  
16 was afraid.

17 Q. Right.

18 A. I felt like I was being shot at, so I  
19 was -- and my -- what I was thinking was I was  
20 returning fire. So I was staying low where I  
21 couldn't -- you know, I didn't want to get shot.

22 Q. Right.

23 A. So I was staying low, trying not to  
24 stick my head up there to get shot off.



1 MR. GARDNER: I'm going to jump in here  
2 a minute.

3 Officer Brelo's actions, your partner,  
4 did he start shooting inside the car too do you  
5 know or do you think --

6 THE WITNESS: I believe he did. You  
7 know, I believe he did.

8 MR. GARDNER: Okay.

9 THE WITNESS: He -- I went one way and  
10 he went the other way, so I couldn't really see  
11 him.

12 BY MR. SARAYA:

13 Q. The other two officers that showed up,  
14 Box and Patrick, did you see them returning fire  
15 as well?

16 A. I can't recall.

17 Q. Okay.

18 A. I was more focusing on not getting  
19 killed, you know.

20 Q. Absolutely. That's fine. That's --  
21 that's a fair statement.

22 MR. GARDNER: Do you recall seeing  
23 anyone else shooting?

24 THE WITNESS: I can't recall. Any

1 officer? I'm sorry.

2 MR. GARDNER: Yes.

3 THE WITNESS: No, I cannot recall.

4 BY MR. SARAYA:

5 Q. Okay. At any time when this is going  
6 on, do the suspects give you any other  
7 alternatives to shot them, or is it they're just  
8 coming at you and you guys are seeing weapons and  
9 rounds are coming and everything else, or is  
10 there any other alternatives out there that you  
11 think --

12 A. No, there was absolutely not. If there  
13 was any other alternative, it's the alternative  
14 we would have taken.

15 Q. Okay. Do you know who called for EMS?

16 A. No.

17 Q. Not knowing what you guys have, anybody  
18 -- any of the officers there grab a first aid kit  
19 or anything to see if they should render  
20 assistance if they could render assistance?

21 A. I don't know.

22 MR. GARDNER: Did you hear at any point  
23 anyone calling for EMS or --

24 THE WITNESS: I did. I -- I heard

1 somebody say to start EMS. I don't know who.

2 BY MR. SARAYA:

3 Q. Okay. Now we're getting into some of  
4 these questions you're probably going to roll  
5 your eyes at me about. All right?

6 After the shooting what did you do? Did  
7 you move anything around? Reload your gun again?

8 A. I picked up magazines. I don't remember  
9 doing -- I did pick up my magazine.

10 Q. Okay.

11 A. Like I -- I don't even remember doing  
12 that. I just -- I had it in my pocket  
13 afterwards, so....

14 Q. Training, huh?

15 A. Yeah.

16 Q. Pick up your stuff. High-stress  
17 environment. You react the way you were trained.  
18 You get done at the shooting range, you pick up  
19 all your -- you police your stuff back up.  
20 That's -- that's normal.

21 A. Right.

22 Q. Okay. Did you check -- you and your  
23 partner, did you (inaudible) in any way, shape,  
24 or form?

1           A. Yeah. I looked for my -- I looked for  
2 my partner immediately; and like, you know, you  
3 couldn't find anybody. Everybody's dressed the  
4 same, so you're just like frantically looking for  
5 him. And then somebody came up to me and said to  
6 check yourself. So I'm like, okay.

7           Q. Any injuries?

8           A. Huh-uh.

9           Q. Did you take any hits to the vest or  
10 anything?

11          A. No.

12          MR. SARAYA: Okay. Okay.

13          MR. D'ANGELO: If I may, on the  
14 magazines, did you turn them in, though? The  
15 ones you picked up, did you ultimately turn them  
16 over to investigators?

17          THE WITNESS: Uh-huh. Yes.

18 BY MR. SARAYA:

19          Q. Do you remember who you turned it over  
20 to?

21          A. Somebody from our homicide unit. The  
22 lieutenant, I believe.

23          Q. Was that Tim?

24          A. Tim, yes. I'm sorry, I couldn't think

1 of his name. I didn't wanted to call him  
2 something wrong.

3 Q. That's all right. We'll figure out who  
4 they are. Okay.

5 What were guys -- what was everybody  
6 saying when things started calming down up there?

7 A. Everybody was just pretty much shocked,  
8 you know, just couldn't believe what just  
9 happened and just pretty much checking out  
10 everybody and making sure everybody was okay.

11 Q. Anything else?

12 A. Not that I can -- that I can think of.  
13 It was just -- go ahead, I'm sorry.

14 MR. GARDNER: No. I just -- I wanted to  
15 clarify an earlier question and answer just so  
16 it's on the table.

17 At any point did you disturb any part of  
18 the vehicle or --

19 THE WITNESS: Of my vehicle?

20 MR. GARDNER: No.

21 THE WITNESS: Of anything?

22 MR. GARDNER: Of anything.

23 THE WITNESS: No.

24 MR. GARDNER: The suspect vehicle.

1 THE WITNESS: No, I did not.

2 BY MR. SARAYA:

3 Q. Okay. Who have you spoken to regarding  
4 this incident?

5 A. Just --

6 Q. Family, friends?

7 A. No.

8 Q. No?

9 A. Huh-uh.

10 Q. The guys you work with here?

11 A. Yeah. Well, I mean, the first time I  
12 said my story was to him yesterday and to you  
13 now, so....

14 Q. Okay. All right. Have any of the other  
15 officers involved in this talked to you about  
16 this? Anybody else? Your partner or any of the  
17 other guys at the scene?

18 A. No. Just -- people just calling to see  
19 if you're okay or just checking to see if you  
20 need anything or -- you know.

21 Q. Okay. But as far as actually discussing  
22 what happened there, no one else has called you?

23 A. No.

24 MR. GARDNER: There's nothing wrong with

1 that if that happened. We just sort of need to  
2 know.

3 THE WITNESS: No. I mean, I just  
4 haven't been talking to anybody. I just  
5 obviously wanted to talk to you guys and that's  
6 it.

7 MR. GARDNER: Okay.

8 THE WITNESS: I guess I will talk to  
9 somebody eventually.

10 BY MR. SARAYA:

11 Q. Yes, please. Okay?

12 Do you think the actions -- your  
13 actions, we'll start with you first. Your  
14 actions, are they consistent with the training  
15 you've received?

16 A. Absolutely, yes.

17 Q. What about everyone else at the scene,  
18 do you think they reacted the way they were  
19 trained?

20 A. Yes, I do.

21 Q. All right. Did you or did you see  
22 anybody taking out their phones to get a picture  
23 of what happened?

24 A. No, I did not.

1 Q. Okay. And this is -- we're asking  
2 everybody.

3 Has anyone asked you to lie or otherwise  
4 try to influence your statement to us?

5 A. No.

6 Q. Okay. Okay. This whole time you guys  
7 are running this lights and siren?

8 A. (Affirmative nodding of head.)

9 Q. Okay. Did you guys log in with dispatch  
10 that you were in pursuit as well?

11 A. I could not get in, no.

12 Q. Couldn't get a word in edgewise?

13 A. No. And really during the pursuit I  
14 didn't feel it to be necessary to interrupt.

15 Q. Okay. Did you -- did you broadcast  
16 anything at all during the pursuit?

17 A. No.

18 Q. You were just listening in --

19 A. Correct.

20 Q. -- and hearing all the other traffic,  
21 right?

22 A. Correct.

23 MR. SARAYA: Okay.

24 MR. GARDNER: Did you make any calls



1 afterwards, friends, family?

2 THE WITNESS: I called my fiance, yes.

3 MR. GARDNER: Okay.

4 THE WITNESS: To tell him that he's  
5 going to have to stay home from work. We have a  
6 baby, so obviously I wasn't in shape.

7 MR. SARAYA: Okay. Gentlemen, anything  
8 from you?

9 MR. D'ANGELO: Yeah, I just have a  
10 couple.

11 Did you have any training shortly before  
12 this incident for the -- shortly before this  
13 incident relative to shooting from inside your  
14 zone car?

15 THE WITNESS: Yes.

16 MR. D'ANGELO: Explain that.

17 THE WITNESS: In-service training we go  
18 to every year. They just recently did the  
19 training at the range regarding shooting through  
20 the windshields of the zone cars -- or through  
21 the windows rather.

22 MR. SARAYA: Did you guys actually do  
23 that at the range?

24 THE WITNESS: No, no.

1 MR. SARAYA: Okay. We didn't actually  
2 do that.

3 MR. GARDNER: You didn't want to trash  
4 any windshields for that?

5 THE WITNESS: I guess not.

6 MR. GARDNER: They didn't have a car --

7 THE WITNESS: We didn't use ammo. It  
8 was simunition, so obviously they're not going to  
9 let us --

10 MR. GARDNER: Is there any specific  
11 title to this training, do you know?

12 MR. D'ANGELO: Do you want to chime in,  
13 Sergeant Campbell (sic.)?

14 MR. KINAS: Yeah. It's actually -- I  
15 think they call it ambush training. And they do  
16 have a vehicle that they remove the front  
17 windshield. Some of the classes did get -- you  
18 shot simunitions through it.

19 THE WITNESS: Half of our class did,  
20 yeah. Obviously we all didn't get to. We all  
21 went through the training. We all didn't get to  
22 fire the simunition.

23 MR. SARAYA: Okay. When did this occur?

24 THE WITNESS: I was just there -- I

1 can't even --

2 MR. SARAYA: November, October,  
3 September?

4 THE WITNESS: October.

5 MR. SARAYA: October?

6 THE WITNESS: I had one the week before  
7 Christmas -- or the week before Halloween, I'm  
8 sorry.

9 MR. D'ANGELO: Just to follow up.  
10 Were you aware that there were  
11 supervisors also involved in the pursuit?

12 THE WITNESS: Yes.

13 MR. D'ANGELO: How did you know that?

14 THE WITNESS: Because there was a  
15 supervisor broadcasting during the pursuit.

16 MR. SARAYA: Do you recall anything  
17 specific that he was saying, the supervisor?

18 THE WITNESS: Calling out streets,  
19 telling us to -- "The passenger appears to be  
20 reaching under the seat." "Passenger appears to  
21 be loading a weapon." "Be careful."

22 MR. SARAYA: How fast do you think you  
23 guys were doing -- doing during the pursuit in  
24 the city area? Again, this is your guess.

1           THE WITNESS: I mean, maybe 55, 60  
2 maybe. Like I said, we were -- we were going  
3 very cautious to clear the intersections. Like I  
4 said, at one point it was very residential. And  
5 we work there every day, so we know that there's  
6 people out at that time.

7           MR. SARAYA: Uh-huh.

8           THE WITNESS: So we were being -- trying  
9 to be as cautious as we could.

10          MR. SARAYA: Okay. Obviously on the  
11 freeway and the main straightaways and everything  
12 else all the speeds ramped up.

13          THE WITNESS: Yeah, I can't recall.  
14 And, again, there were so many zone cars. So  
15 there was -- I know there were people on the  
16 highway also. So everybody's just trying to be  
17 as safe as they could.

18          MR. SARAYA: Okay. Anything you think  
19 we need to know that we didn't ask you?

20          THE WITNESS: Nothing I can think of.

21          MR. SARAYA: No? Okay.

22          MR. D'ANGELO: Scared enough?

23          THE WITNESS: Scary, yeah. Definitely  
24 scared.

1           MR. SARAYA: It's okay. You're allowed  
2 to be. All right. Very good.

3           I thank you for your time. You guys've  
4 got your own thing to do. I've got nothing else  
5 for her.

6           MR. D'ANGELO: Great.

7           (End of videotaped interview.)

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