

Riverside Police Department
Continuation Sheet

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664/187 PC

File #P17-032034
Det Rick Cobb #260

On 02/21/17, at 4:20 a.m., Officer Carmona was interviewed at the Magnolia Station regarding this incident. I conducted the interview, along with Detective Wheeler. The interview was digitally recorded and later downloaded to the department server. The following were also present during the interview:

- Saku Ethir (Attorney for Officer Carmona)
- Deputy District Attorney Chris Cook
- District Attorney Investigator Raymond Gayton-Jacob

Interview of Officer Carmona

Prior to interviewing Officer Carmona, his attorney Saku Ethir made a statement stating that Officer Carmona was following Riverside Police Policy and providing a statement per the policy.

Officer Carmona was on routine patrol on 02/20/17 at approximately 2300 hours. He was driving Riverside Police Unit 3545 and was partnered with Officer Espinoza. He was driving and Officer Espinoza was the passenger. They were assigned call sign "3R40". He was in full Riverside Police Uniform.

Officer Carmona said he and Officer Espinoza were patrolling the area of Macarthur Road. He said there has been a problem with narcotics and subjects with warrants in the area. He recently arrested a Parolee At Large who had 18 grams of Methamphetamine with him. He also knew of Identity Theft activity in the [REDACTED]. He was driving south on Macarthur Road when he saw a tan SUV parked on the east side of the street facing north. He saw two people inside the SUV and a Hispanic male (S-Garcia) standing outside the driver's door leaning into the driver's side window. He also saw a female standing outside the SUV on the passenger side. He believed that the subjects may be involved in narcotics activity due to the way the Hispanic male standing outside the SUV was leaning in the driver's side window.

Officer Carmona said he parked his patrol unit just past the SUV facing north. He got out of the unit and immediately told the driver to put his hands on the steering wheel, which he did. He said that at the same time, Garcia turned his back to him and started walking away with both of his hands inside his jacket pockets. He told Garcia to stop and keep his hands inside his pockets, but he kept walking away from him. He said, "The hairs on my neck stood up because his body tensed up, like his hands were protecting something." He said it made him think Garcia had something in his pocket.

Officer Carmona said when Garcia was at the left front fender of the SUV, he was only six feet away from him. He saw Garcia turn to his right and "blade" his body with Garcia's right side facing him. He saw Garcia's right shoulder twitch and he saw Garcia pull his right hand out of his pocket holding a black handgun. Garcia then pointed the gun at him as he was still walking away. He said he feared Garcia was going to shoot him so he began to pull his duty weapon out of its holster. He immediately saw Garcia fire three shots at him in rapid succession. He saw the muzzle flash and heard the gunshots from Garcia. He said Garcia "canted" the gun when he fired. He then fired at Garcia. He believed he fired eight shots because his gun was at "slide lock" and empty. He carries a Springfield 45 Automatic which holds eight rounds in the magazine and one round in the chamber.

Officer Carmona said that Garcia then ran in a north/east direction into a driveway and collapsed. He said he moved about 20 feet north to take cover behind a truck. He said he was reloading his gun at that point and did not see the suspect while he was reloading. He said that

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while he was reloading, he heard more shots. He did not know if the shots were coming from the suspect or Officer Espinoza. He heard Officer Espinoza yell, "Let me see your hands" either before or after the shots. He said he could not remember.

Officer Carmona then saw Garcia stand up and run away from him. He saw Garcia look back towards him. He could not tell if Garcia was raising his arm again, but he feared Garcia was still a threat to him and Officer Espinoza, so he fired four more shots at Garcia. He said it was dark and there were no lights in the driveway. He said Garcia was in the same position as when he first shot at him, which is why he feared Garcia was going to shoot at him again. He did not know if Garcia fired at him. He then heard Officer Espinoza shooting. He lost sight of Garcia who jumped over some fences.

Officer Carmona said he did not chase Garcia because the three other subjects were still at the SUV and he did not know if they were armed also. He then concentrated on the subjects at the SUV.

I asked Officer Carmona to describe Garcia. He said he was a Hispanic male, approximately 30 years old with short hair and wearing a dark colored baseball cap. He was 5'10" tall with a stocky build. He had scruffy facial hair with a goatee. He was wearing a Dodger blue colored windbreaker jacket with grey "Dickie" type short pants that went past the knee. He said he could identify Garcia if he saw him again.

The next day, Officer Carmona positively identified Garcia from a photographic line-up. See supplemental report for specific details.

Officer Carmona had no further information at that time.

Re-interview of Officer Carmona

On 02/22/17, at approximately 1320 hours, I met with Officer Carmona at the Magnolia Station. He told me that he remembered that he had a weapon malfunction during the shooting. I contacted Officer Carmona's attorney, Saku Ethir, by phone and she listened to the interview via speakerphone. Prior to the interview, she stated that Officer Carmona's statement is covered under the original policy statement she covered during the first interview.

Officer Carmona said that after he shot at Garcia for the first time, his weapon was at "slide lock" and empty. He said that as he inserted a new magazine into his weapon, he had a "double feed". He said that a round was already in the chamber and the magazine fed another live round causing the malfunction. He removed the magazine and locked the slide back, removing the two live rounds. He said that to the best of his recollection, he dropped that loaded magazine and inserted another fully loaded magazine.

Officer Carmona had no further information.

INTERVIEW WITH OFC. CHRIS CARMONA

Q=Det. Rick Cobb

Q1=Man

A=Ofc. Chris Carmona

A1=Atty. (Saku Ether)

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8
9
10
11
12
13
14 Q: Today's the 21st?

15
16 Man: Yep. Now it is.

17
18 Q: Okay. All right. This is, uh, Detective Rick Cobb. It is February 21st,
19 approximately 4:20 AM. This is an interview with Officer Christopher
20 Carmona. We're at the Magnolia Police station, Riverside P.D. Uh, also
21 present is Officer Carmona's Attorney, (Saku Ether). My partner, Detective
22 Rick Wheeler. Uh, Deputy District Attorney (Chris Cook), and, uh, District
23 Attorney Investigator (Raymond Gaiton-Jacob). Um, before we get started,
24 (Saku), you wanted to make a statement?

25
26 A1: Um, yes. Uh, Riverside Police Department policy Section 4.8 requires officers
27 under the circumstances that exist this evening, um, with Officer Carmona to
28 either prepare a report or provide a statement to the department about the
29 events that transpired. Um, he is not going to, uh, prepare a report. Instead, he,
30 pursuant to the policy, is going to provide a statement as to the events that
31 transpired last night, in order to comply with that policy.

32
33 Q: Okay. And, uh, for the record, this is regarding Riverside Police Case Number
34 P17-032034. Uh, all right. Officer Carmona, like we talked about, would you,
35 uh -uh, kinda take us from the beginning on how you ended up, uh, at the
36 scene there and what transpired after that?

37
38 A: Uh, on February 20th, approximately 2300 hours, partner Officer Espinoza
39 and I were working uniform patrol in Riverside. Uh, we just recently took a
40 domestic violence case. Uh, we're working swing shifts, so it was around
41 2300 hours. So we decided to head back towards Magnolia Station. We were
42 coming off of California Avenue, um, at that time. Uh, we traveled, uh,
43 southbound MacArthur. Um, in that area, I've had a lot of self-initiated
44 activity for narcotics and, uh, warrant service. And we thought we'd hit that
45 route just to - highest probability, we'd get some - a - a late hook. Um, we

46 turned, uh, southbound MacArthur, uh - uh, from Hawthorne. Uh, as we're
47 turning south- uh, southbound MacArthur, 4800 block, there was a tan, uh,
48 SUV-type vehicle parked against the east curb line. It was occupied two times,
49 at least, and there was a Hispanic male standing at the driver's, uh, door. Um,
50 he's wearin' a dark colored clothing. There was a female on the passenger
51 side. Um, we positioned our vehicle, got out to make a - a - to contact the
52 subjects. Um, immediately I exited my - the driver's side of the vehicle. I told
53 the driver to maintain his hands on the - on the, uh, steering wheel. Which he
54 did. Uh, the male subject that was standing at the door, uh, immediately
55 turned his back to me and ha- uh, concealed his hands in his pockets. Um, as
56 he - he - I told him to stop. He was continuing to walk to the front of the
57 vehicle, northbound, away from me. Um, I told him to keep his hands in his
58 pocket. Um, as he turned back towards me, he reached in his - he i- with his
59 hands in his pocket, he started to bring out his right hand. Um, I told him to
60 keep his hands in his pocket and to stop. He kept on walkin' away from me.
61 At that which - at that time, he, uh, removed a black, uh, handgun from his,
62 uh, right pocket and pointed it in my direction. Uh, fearing for my life, I drew
63 my, uh, duty firearm. Um, I know he got the shots off first. He fired
64 approximately about three rounds, in my direction. Um, fearing for my - my -
65 my safety and, uh, my partner's, I discharged my firearm. Um, he ran -
66 continued northbound Mac- MacArthur on the, uh - against the east curb line.
67 Um, he fell onto the sidewalk. There's a shrub, uh, northeast of my location.
68 It's about maybe 30 feet from where I initially contacted, uh, the vehicle. Uh,
69 he went down. Uh, I stopped shooting because I was at slide lock. My gun
70 was out of rounds. I fired approximately eight rounds. Um, I still had the two
71 occupants in the vehicle. Um, there was a - one female on the passenger side
72 still. I could see her moving towards the rear of the vehicle. So I was losing
73 sight of her. Um, fearing that she would possibly arm with a weapon as well, I
74 moved to, uh, approximately 20 feet up. To a position of - of cover. Um,
75 reloaded my firearm and, at that point, I heard gunshots. Um, I heard verbal
76 commands from my partner. Which I believe were, uh, "Keep your hands
77 where I can see them." Or, uh, something of that nature. Um, as I'm reloading
78 my gun, uh, I see the subject get up and stand up and start r- uh, running away
79 from me. Um, he's lookin' towards us. Couldn't tell if he was, uh, raisin' his
80 firearm, so I discharged, uh, approximately another four rounds in that
81 direction. Towards the subject. Um, fearing - still engaging him, because I - I
82 feared he was still a threat to myself and my partner. And then, from there,
83 um, he hit the fence. Uh, the 4800 block of MacArthur, and fearing that the
84 other subjects could be armed, we weren't sure what we were, uh - were
85 dealing with. I just held my location. Uh, communicated to my partner. Um,
86 called for additional resources. Put out what we had. Um, pruned out the
87 female in the street, on MacArthur and waited for arriving units to do a felony
88 stop on the, uh, two occupants in the vehicle. And the female.

90 Q: O- okay. Very good. Um, what I want to do is kinda just start back at the

91 beginning.
92
93 A: Yes, sir.
94
95 Q: And I'm gonna kinda take it piece by piece.
96
97 A: Sure.
98
99 Q: Okay? Um, so you're - you're comin' southbound, uh, down MacArthur, and
100 i- is that your normal area to patrol?
101
102 A: Yes, sir.
103
104 Q: D- in that area, do you, uh - have you had any, uh, recent activity with any
105 type of criminal activity that's been goin' on in that area?
106
107 A: Yes, sir.
108
109 Q: What kind?
110
111 A: Uh, we just had a use of force, um, on my last, uh - about a week ago. My
112 Friday. Uh, it was involving a parolee at large, out of LA County.
113
114 Q: Okay.
115
116 A: Um, and there was a female that - I, uh - I arrested with that same incident.
117 She was wanted for assault with a deadly weapon warrant, out of Riverside
118 County.
119
120 Q: Okay. Is that a n- narcotics in the area...
121
122 A: Yeah.
123
124 Q: ...that you are...
125
126 A: The subject was also - the male subject was also in possession of 18 grams...
127
128 Q: Okay.
129
130 A: ...of methamphetamine. Um, there's os- another subject on [REDACTED] address, uh,
131 [REDACTED] block. Uh, he's also wanted for, um, identity theft.
132
133 Q: Okay. So you, uh - you pull up to the car. And, again, explain to me. You said
134 there was, uh, a male outside the car?
135

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136 A: Yes. The me- the male who, uh, was in possession of the firearm.
137
138 Q: Okay.
139
140 A: Uh, he fired the shot.
141
142 Q: Where - where, exactly, was he in relationship to that car?
143
144 A: To the best of my knowledge, the- from my recollection...
145
146 Q: Mm-hm.
147
148 A: ...uh, he was standing at the driver's window, leaning inside...
149
150 Q: Okay.
151
152 A: ...as I turned southbound onto MacArthur from Hawthorne.
153
154 Q: And let me backtrack. Can you describe the car?
155
156 A: It was a tan SUV-style.
158 Q: Okay. Like, a large one or a smaller one?
159
160 A: Uh, it was, like, a Kia.
161
162 Q: Okay.
163
164 A: Like, a mid-size.
165
166 Q: All right. So he's standing at the driver's door...
167
168 A: Yes.
169
170 Q: ...and how many people did you see inside the car that you believed?
171
172 A: Uh, there was two silhouettes I could see.
173
174 Q: Okay. Could you tell if they were male or female or...
175
176 A: I could - I c- uh, best of my knowledge, I knew the driver was a male...
177
178 Q: Mm-hm.
180 A: ...'cause he had a hat on.

181
182 Q: Okay.
183
184 A: But the, uh, front right passenger, I could not tell.
185
186 Q: And the ha- and do you remember - do you recall how your - you positioned
187 your car in relationship to the SUV?
188
189 A: Yes. Um, my vehicle was facing southbound. So we're, uh, opposing.
190
191 Q: Okay.
192
193 A: The vehicle was against the east curb line, facing northbound. I positioned it
194 enough where I - I could open my door freely and get out of my vehicle in a
195 quick manner to deal with the - the subjects and contact them.
196
197 Q: It - were you the driver or the passenger?
198
199 A: Yes, sir. I was the driver, sir.
200
201 Q: You were the driver. Okay. Um, did you pull up almost even with that car?
202
203 A: No.
204
205 Q: Do you recall?
206
207 A: My driver's door was almost in line with what would be the passenger rear
208 door.
209
210 Q: Okay. So you had actually pulled a li...
211
212 A: A little bit further past the driver's...
213
214 Q: ...a little past the car. I understand.
215
216 A: Yes, sir.
217
218 Q: Okay. And, uh, just for the record, you were in a black-and-white, uh, Ford
219 Explorer, Riverside Police unit?
220
221 A: Yes.
222
223 Q: And you're - you're - right now, you are wearin' a full Riverside Police
224 Department uniform. The same uniform you were wearing at the time,
225 correct?

226
227 A: Yes, sir.
228
229 Q: Okay. All right. Um, so you get out of your v- your car. What's the first thing
230 you did?
231
232 A: I told the male subject, um, that was seated inside the car, to keep his hands on
233 the steering wheel.
234
235 Q: Okay.
236
237 A: Because his hands were down. Uh, f- wi- based on my training and
238 experience, a lot of narcotics transactions go hand to hands...
239
240 Q: Okay.
241
242 A: ...at doors. So I immediately told him to keep his hands on the steering wheel.
243 Uh, the male subject that was standing there - I told him to stop, but he kept
244 on, uh, walkin' away from me. Um, what made me - the - the hairs on my
245 neck stand up was what he kinda ti- tensed up. He - his body language - his
246 hands were like he was protecting something. Which made me think he had
247 something concealed in them. Um, that's why I told him, "Hey, keep your
248 hands in your pocket." 'Cause I didn't want to - if he had something in there
249 he shouldn't have, I didn't want it to be a- a- an issue.
250
251 Q: Okay. Did he immediately start walking away...
252
253 A: Yes.
254
255 Q: ...right when you pulled up?
256
257 A: Yes.
258
259 Q: Which way did he start walkin'?
260
261 A: He started walking northbound.
262
263 Q: Okay. Towards the front of his SUV, then?
264
265 A: Yes.
266
267 Q: Okay. Um, and so while he has his hands in his pockets, his back is towards
268 you? Is that correct?
270 A: Initially, yes.

271
272 Q: Okay. And what did you tell him?
273
274 A: I told him to stop.
275
276 Q: Okay. And you told him to keep his hands inside his pocket?
277
278 A: And to keep his hands in his pockets.
279
280 Q: What exactly did you do after that?
281
282 A: He kept on walking, and then he turned and faced me. Uh, like - kinda of like
283 a blade.
284
285 Q: Okay.
286
287 A: S- uh, so his right shoulder's, uh, kinda towards me. Um...
288
289 Q: Okay.
290
291 A: At that point, I told him to keep his hands in his pockets again, and then I saw
292 his right - his, uh, right shoulder twitch and then he started pullin' his right
293 hand out of his, uh, pocket. And then that's when I saw the gun.
294
295 Q: Where - where were you positioned at that point?
296
297 A: I was at the driver's door.
298
299 Q: Your driver's door?
300
301 A: At hi- at the - sorry, the, uh - the tan SUV door.
302
303 Q: Okay. And he was - where - whereabouts was he in relationship to the front of
304 the vehicle?
305
306 A: He was approximately about the - the front left fender.
307
308 Q: Okay. So you go- how - how far were you from him when he started to make
309 that move?
310
311 A: Approximately six feet.
312
313 Q: So you...
314
315 A: Six to seven feet.

316
317 Q: Okay. You were pretty close.
318
319 A: Yes.
320
321 Q: Okay. And he immediately pulled out a black handgun, you said?
322
323 A: Yes.
324
325 Q: Could you d- describe the handgun for me?
326
327 A: Uh, I couldn't describe it. I saw the - the only thing I saw, was I saw a muzzle
328 flash initially. That's what...
329
330 Q: Okay. Uh, you couldn't tell if it was a revolver, a semi-auto or anything like
331 that.
332
333 A: I - I - I - to the best of my knowledge, I think it was semi.
334
335 Q: If you - if you - if you don't remember, that's totally fine.
336
337 A: Yeah. I - I don't remember. I...
338
339 Q: I'd ra- okay. No problem. Again, and - and just on that note, if any time we're
340 asking you question...
341
342 A: Mm-hm.
343
344 Q: ...you don't remember; ju- uh, just absolutely say you just don't remember.
345
346 A: Okay.
347
348 Q: That's fine. Okay. So he pulled it out and he immediately fired. You
349 immediately saw a muzzle flash?
350
351 A: Yes.
352
353 Q: Okay. Did you actually get a chance to see him point the gun right at you prior
354 to?
355
356 A: He was bladed, so he...
357
358 Q: Mm-hm.
359
360 A: ...kinda was, uh, almost canting the gun towards me.

361
362 Q: Okay.
363
364 A: Uh, rotating his shoulder back as he was walkin' away from me.
365
366 Q: Okay. Is he still walking while he's doing this?
367
368 A: Yes.
369
370 Q: Okay. And I th- I believe you said he fired three rounds?
371
372 A: Yes.
373
374 Q: That you remember?
375
376 A: To my - it's about two to three rounds. They were rapid succession.
377
378 Q: Okay. Just boom, boom, boom?
379
380 A: Yes.
381
382 Q: Okay. Um, at that point, you do not have - you did not have your handgun out
383 at that point?
384
385 A: No.
386
387 Q: Until - okay. So, uh, if I remember right, from what you said, after you saw
388 the handgun you immediately drew?
389
390 A: Yeah, as he's - d- in his pocket, I could see his movement comin' out. I drew
391 my - my service weapon.
392
393 Q: And did you immediately fire, also?
394
395 A: No, I did not.
396
397 Q: Okay.
398
399 A: Uh, I - just as the gun's up, and I acknowledged it, then I started to fire.
400
401 Q: Okay. And he had already fired at you?
402
403 A: Yes. He g...
4
405 Q: Okay.

406
407 A He got the first shots off, yes.
408
409 Q: He got the first one off? Okay. And do you remember approximately how
410 many rounds you fired at that point?
411
412 A: Uh, I would - I - I immediately went to slide lock.
413
414 Q: Okay.
415
416 A: Um, that first engagement, I fired eight rounds.
417
418 Q: And, for the record, you carry a, uh, Springfield .45?
419
420 A: Yes, sir.
421
422 Q: With a - is it eight rounds in the magazine, plus one or is it seven plus one?
423
424 A: It's eight rounds.
425
426 Q: Eight rounds total or eight rounds plus one?
427
428 A: Uh, eight rounds in a magazine.
429
430 Q: In one. Okay.
431
432 A: Yes, sir.
433
434 Q: So you had nine rounds, total?
435
436 A: I had - yes.
437
438 Q: Okay.
439
440 A: Nine rounds. Yes, sir.
441
442 Q: No problem. Um, hold on. Train of thought real quick. Okay. Um, so he's
443 immediately walkin' away. Oh, d- whe- when you fired, did you have enough
444 time to actually take a stance with a two-handed stance or did you have to fire
445 from the hip because it was that quick? Or do you remember?
446
447 A: I - I do not remember, sir.
448
449 Q: Okay.
450

451 A: Happened that fast.
452
453 Q: All right. So immediately when you fired, uh, did the suspect go down at that
454 point, or did he continue to run off?
455
456 A: He continued to run off, and then fell. Uh, probably about 20 feet from there.
457
458 Q: Okay.
459
460 A: 'Cause I was about seven feet from him initially.
461
462 Q: Did you maintain your position? Or did - while he was runnin' away, or what
463 did you do?
464
465 A: Initially, I did, uh, but then I felt exposed to the two occupants in the vehicle,
466 and the female that immediately moved out of my sight.
467
468 Q: Mm-hm.
469
470 A: So I moved to a position of advantage, to a vehicle. Um...
471
472 Q: And where was that? What - which...
473
474 A: It was almost in line to where he went down. I was put...
475
476 Q: Did you move behind the police unit or the s- s- uh, SUV?
477
478 A: Uh, I moved, uh, approximately 20 feet north. There was a - a parked vehic- a
479 truck. Chevy, I believe it was.
480
481 Q: Oh, okay.
482
483 A: I moved behind that, uh, wheel well. Um, I was reloading at that time, while I
484 was moving, and I heard my - some more shots being fired and verbal
485 commands, and I couldn't tell if they were my partner's rounds or if they were
486 suspect rounds.
487
488 Q: When you took the position of cover there, which is north, which is in a
489 similar direction where the guy was runnin'...
490
491 A: Yes.
492
493 Q: ...um, do you know - or, excuse me. When you took that position, how far
494 were you away from the suspect at that point? When he was on the ground?
495

496 A: Probably another approximately about 15 feet.
497
498 Q: And did he - was he - did he - was he also north, or did he start takin' off in
499 another direction, or...
500
501 A: He was running northeast...
502
503 Q: ...where was he?
504
505 A: ...from - from...
506
507 Q: He was running northeast?
508
509 A: ...from - from - from us initially.
510
511 Q: Could you tell when he went down, was he in a yard? Or driveway? Or could
512 you tell?
513
514 A: He was in a driveway.
515
516 Q: A driveway of a house?
517
518 A: Yes.
519
520 Q: Okay. Did you know where your partner was at that point?
521
522 A: At that time, no I did not.
523
524 Q: Okay. Um, did the - you said you heard some commands. Did you, uh, hear
525 the commands before that second round of gunshots, or after the gunshots?
526
527 A: I - I don't re- recall if it was...
528
529 Q: Okay.
530
531 A: ...right before or after.
532
533 Q: Okay. And i- what was the command you heard, if you remember?
534
535 A: Um, "Let me see your hands." Something the matter - of that matter.
536
537 Q: Okay. And, um, when you heard the shots being fired, could you tell if it was
538 the suspect shooting, your partner shooting, or both?
539
540 A: I couldn't tell.

541
542 Q: Okay. You couldn't tell the difference in the, uh...
543
544 A: No.
545
546 Q: ...gunfire at all?
547
548 A: No.
549
550 Q: Okay. Um, i- what - when - when you heard all these shots, what did you
551 actually see? Did you - were you looking at the suspect or were you looking -
552 were you still tryin' to get cover or what were you doing?
553
554 A: I was - I was moving. I was reloading my gun.
555
556 Q: Okay. So you...
557
558 A: So that happened...
559
560 Q: ...didn't see - I'm sorry. Go ahead.
561
562 A: So that - as I moved up, I was reloading my gun...
563
564 Q: Mm-hm.
565
566 A: ...and then i- literally 20 feet, I - I ran, and then I took position of cover and I
567 loaded my gun. Shots - shots go off, and I'm reassessing - I hear the - I hear
568 the gunshots. I hear some commands, and then I see suspect stand up.
569
570 Q: Okay. What did you think at that point, when you heard second round of
571 gunshots?
572
573 A: I- I des- still in the fight, tryin' to f- take it - take my life or my partner's life.
574
575 Q: Okay. Um, so tell me what happens right after that. You hear that second
576 round of gunshots.
577
578 A: I get my gun back up. I fire additional rounds. Um, and I'm basically shooting
579 due east, 'cause he's approximately 15 feet away from me...
580
581 Q: Mm-hm.
582
583 A: ...into the driveway. Um, and then he hits a fence, and then my - I hear my
584 partner dischargin' his weapon, um, but then I - we still have these two - or
585 three unknowns to deal with.

586
587 Q: Mm-hm.
588
589 A: And had a lot on our plate. So I didn't want to, uh, leave my partner by
590 himself or put myself in a - in a - in a bad situation.
591
592 Q: Tell me what the suspect's actions were as he's runnin', when you fired that
593 second round - the four additional shots.
594
595 A: He - he was doing...
596
597 Q: Approximately four.
598
599 A: ...the same movement as, uh, looking back at us. Uh, as he did...
600
601 Q: Okay.
602
603 A: ...initially. So he's bladed his body. I couldn't - I couldn't tell if he was armed
604 with a, uh - pointin' the gun at me again, um, be- in that area, it was dark.
605
606 Q: It was...
607
608 ((Crosstalk))
609
610 A: There was no lights.
611
612 Q: Okay. There was no lighting there or anything...
613
614 A: No.
615
616 Q: ...but you d- you were able to see him turn to the same right side?
617
618 A: Yes.
619
620 Q: Same position as he was when he first f-fired at you?
621
622 A: Yes.
623
624 Q: Okay. So what were your thoughts when he turned to his right and was
625 blading and - in your direction?
626
627 A: That...
628
629 Q: What were your thoughts?
630

631 A: My thoughts were, "He's gonna shoot - try and take my life or my partner's
632 life."
633
634 Q: Okay.
635
636 A: Fir- by firin' his weapon at us.
637
638 Q: Okay. So you fired four more rounds?
639
640 A: Yes.
641
642 Q: Okay. Did you - do you know - did you hear him fire? Do you know if he -
643 excuse me. Do you know if the suspect fired any rounds at that point?
644
645 A: Uh, no. I do not.
646
647 Q: Okay. And - so he continues, and then you also heard your partner fire?
648
649 A: Yes.
650
651 Q: Did you see him fire or you just heard it?
652
653 A: I heard him fire. Just because...
654
655 Q: Okay.
656
657 A: ...the proximity where he was. Um, initially I know he - he went, uh - on the
658 stop, he initially went around the, uh, rear of the vehicle. Um, so I kinda could
659 tell that the sh- the shots were coming from, uh, the southwest and my
660 position.
661
662 Q: Okay.
663
664 A: So...
665
666 Q: And I'm - and I'm sorry. You m- you probably said it, but when, uh, you
667 heard your partner fire, was that after you fired those four rounds or same time
668 or before?
669
670 A: At - to best my mind, I - I don't recall if they were before or after.
671
672 Q: Okay. That's - that's totally fine. Um, so he - suspect jumped over the fence
673 and, like I said, you went to pay attention to the three other subjects who were
674 still at the car?
675

676 A: Yes.
677
678 Q: Unknown what their involvement was?
679
680 A: Yes.
681
682 Q: Okay. Um, and then, uh, were you the ones that detained the three there?
683
684 A: Yes.
685
686 Q: Okay. Uh, was - who was usin' the radio at this point? You or your partner?
687 Do you remember?
688
689 A: Uh, initially, my partner put out the - our call sign, 3-R-40.
690
691 Q: Mm-hm.
692
693 A: "Shots fired." Um, from then, I bumped back to our - my police unit. Um,
694 where I could still, uh, the occupants of the vehicle. I moved back to the - the
695 off-side. Uh, the non-contact side. Um, then we saw the female out of play. So
696 I even bumped back further with my partner to the west side of, uh,
697 MacArthur...
698
699 Q: Okay.
700
701 A: ...and where we could maintain a vantage of all three suspects. We pruned the
702 female out, basically in front of our unit, and we maintained a visual of our,
703 uh, two, uh, subjects in the vehicle. And then I put out, um, the location where
704 we were. Um, that we were Code 4, and then, um, what suspect description...
705
706 Q: Okay.
707
708 A: ...and what he was armed with.
709
710 Q: Did you get a good look at this - at the suspect?
711
712 A: Yes.
713
714 Q: Okay. Uh, can you describe him for me? Was he, uh - what race was he?
715 White, black, Hispanic?
716
717 A: A Hispanic male.
718
719 Q: Okay.
720

721 A: Approximately 30 years of age. Had some a, uh - a bald head or short cut.
722
723 Q: Totally bald? Or just...
724
725 A: Short - uh, short...
726
727 Q: Short shaved?
728
729 A: Short hai- head. He was wearin' a hat. Dark-colored hat.
730
731 Q: Could you tell - a baseball cap?
732
733 A: Yes. Baseball cap.
734
735 Q: Could - could you tell if it had any logo or anything in front?
736
737 A: No, I do not recall.
738
739 Q: Okay. About how tall was he?
740
741 A: He was about, uh, 5'10".
742
743 Q: How about his built? Uh...
744
745 A: Stocky build.
746
747 Q: Okay.
748
749 A: He's about, uh, maybe 200.
750
751 Q: Was he kinda, like, a, uh, fat 200 or was he - did he seem like he was pretty
752 cut and buff?
753
754 A: Stocky.
755
756 Q: Okay.
757
758 A: I wouldn't say buff, but he was kinda - kinda put up.
759
760 Q: Okay. Um, how about any, uh, facial hair or anything like that.
761
762 A: F- like, facial scruff, I would say. Um - uh, looked like he just hadn't shaved,
763 maybe, like, in a day.
764
765 Q: Like, full beard scruff or just goatee scruff? Or...

766
767 A: Goatee scruff.
768
769 Q: Okay. What kinda - how about clothing?
770
771 A: Uh, he had a - like, a dark, uh - almost like a Dodger blue type, uh,
772 windbreaker jacket. With - with pockets. There's no logo on it or anything. I
773 just saw, like, the Dodger blue that...
774
775 Q: Know that kinda look.
776
777 A: ...normally...
778
779 Q: Okay.
780
781 A: And, uh, d- grey colored, uh, like, short pants. Like, Dickies style.
782
783 Q: Okay. Like, b- past the knee type?
784
785 A: Yeah.
786
787 Q: Okay. How about, uh - you recognize shoes, socks, anything like that at all?
788
789 A: Nothin' like that.
790
791 Q: Okay.
792
793 A: I'd almost say, uh, when I saw him goin' so- somebody go - him - like, feet go
794 into the fence I almost saw, like, white socks. It appeared to be white socks.
795
796 Q: Okay. Would you be able to identify him again if you saw him?
797
798 A: Yes.
799
800 Q: Okay. Um, how about - did - did he say anything at all...
801
802 A: No.
803
804 Q: ...during this time? During a- at any time at all? Nothin' o- not a word?
805
806 A: Nothin'.
807
808 Q: Okay. Did anybody else in the car yell, scream, or anything that you
809 remember while this was all goin' on?
810

811 A: The female was sayin' somethin'. Uh - um, I recognized her from, you know,
812 workin' as a police officer in Riverside, but I just can't put my finger on it.
813
814 Q: Mm-hm.
815
816 A: Um, she was - said something, but I - I don't recall...
817
818 Q: Okay.
819
820 A: ...what - what it was.
821
822 Q: All right. And you were 3-R-40 tonight?
823
824 A: Yes.
825
826 Q: Is that what you said?
827
828 A: Yes, sir.
829
830 Q: Do you remember what unit you were drivin'?
831
832 A: 35-45.
833
834 Q: Got anything while I'm lookin'?
835
836 Q1: Um - uh, Espinoza was riding passenger in your - in the unit?
837
838 A: Yes, sir.
839
840 Q1: Is he dressed the same way you are? Blue uniform? Clearly defined as an
841 officer?
842
843 A: Yes, sir. He is.
844
845 Q1: Okay. And the unit, as I understand it i- a black-and-white, uh, light bar on
846 top, take-down lights on the side. All that kind of stuff?
847
848 A: Yes, sir.
849
850 Q1: Okay. When - when you guys pulled onto MacArthur, um, and noticed that
851 vehicle, did you guys use any of your lights or anything to, uh, illuminate the
852 vehicle or anything like that?
853
854 A: Uh, don't recall. Initially where the - one thing I do re- recall about the - that
855 area is the - the vehicle is s- stopped in a - parked in a lit place.

856
857 Q1: Okay.
858
859 A: Um, I don't recall. I'm - that's almost habitual that I use my light, but I - I
860 can't recall 100%.
861
862 Q1: Okay. That's okay. That's completely fine. Um, let's see here. The - once you
863 stop your vehicle or just a little bit beyond the s- this little SUV we're talking
864 about, you get out of the car. Do you ever actually - were you able to close the
865 distance with the guy standing near the driver's side? Did you ever get close
866 enough to - to put hands on him or to start to put hands on him?
867
868 A: I was goin' that way, but somethin' in my - my - um, i- like, my spider senses
869 told me, "Hold - hold what you got here."
870
871 Q1: Okay.
872
873 A: Um, I got the driver that I'm not sure what he may have in the vehicle.
874
875 Q1: Mm-hm.
876
877 A: Um, at that - I didn't want to over-extend myself and put myself in a bad
878 situation and then, uh - so - so no. I maybe - maybe took a step or two, but
879 then I kinda just stopped.
880
881 Q1: Okay. And did the guy outside of the car - did he start walking away wh- or
882 walking as soon as you got out and began to, uh, converse with the people at
883 the car?
884
885 A: As we were slow-rolled up - as we came up - we came up - I wouldn't say in a
886 - in a, um - an expedient manner. We weren't, you know, uh, tires sceechin' or
887 anything. Came up in a quick manner to - to contact them. Uh, he was already
888 kinda movin' in that direction.
889
890 Q1: Okay. Um, did that mean anything to you? That the guy was walkin' away as
891 you guys pulled up?
892
893 A: Normally - like I said, what - when we cleared that corner, narcotics deals and
894 stuff hand-to-hand's usually curbed when people see cops or see the lights
895 comin' down the road. They usually walk away to kinda, you know, say,
896 "Hey, these aren't - we weren't doin' anything."
897
898 Q1: Okay.
899
900 A: All right.

901
902 Q1: Safe to say it raised your suspicion?
903
904 A: Yes, it did.
905
906 Q1: Okay. Um, the, uh - the second, uh, volley of rounds that you fired after your
907 reload, and after you were seeking, uh, some cover behind the - the truck, um,
908 is the suspect, uh - you said moving kinda northeast. Does that put him on the
909 sidewalk, driveway area? Is that what I think I understood?
910
911 A: Yes. Um...
912
913 Q1: Okay.
914
915 A: After I moved to that second position, he was basically due east of me. He
916 was, like, on a - on a sidewalk...
917
918 Q1: Okay.
919
920 A: ...or a driveway. Um, excuse me. A driveway. And just east of the sidewalk.
921
922 Q1: Okay.
923
924 A: His feet might've been even partially layin' on the sidewalk. There was a, uh -
925 a shrub running east and west on that, uh, property...
926
927 Q1: Okay.
928
929 A: ...that he was lying on.
930
931 Q: Excuse us. Excuse us.
932
933 Man: Sorry.
934
935 Q1: Um, when, uh - when you look over a- and see him, uh, i- does he - is he on
936 the ground when you finish your reload and look for him?
937
938 A: Yes. He's on the ground. But he's - he's - he's still, like, movin' around. It
939 wasn't like he was, you know, out or n- you know, compliant. Like, laying
940 there. If somebody...
941
942 Q1: Okay. Is that when the commands start to come from your partner officer?
943
944 A: Uh, I believe the commands came just right after that.
945

946 Q1: Okay.
947
948 A: So after he goes down, then the commands...
949
950 Q1: Okay.
951
952 A: ...come shortly after.
953
954 Q1: All right. And when you just - when you, uh, re-engage with him, um, is he
955 still on the ground, or is he getting i- up? Is he - what exactly was he doing
956 when you re-engage?
957
958 A: He's standing up and he's startin' to blade his body towards me again.
959
960 Q1: Okay.
961
962 A: In my direction.
963
964 Q1: Okay. All right. I think it - I think that - oh, (unintelligible) think you got the
965 others that I was gonna ask.
966
967 Q: Yeah. We're good.
968
969 Q1: Good.
970
971 Q: Okay. Um, is there anything that you would like to say that you think I
972 might've missed, or somethin' that, uh, I might've left out that's pertinent to
973 all this?
974
975 A: Uh, not - not that I can think of, sir. Thanks.
976
977 Q: Okay. Uh, unless anybody's got anything else, I'm going to conclude the
978 interview. It is...
979
980 Q1: I got one last thing to...
981
982 Q: Mm-hm.
983
984 Q1: Does your, uh, handgun have a flashlight on it?
985
986 A: Yes, it does, sir.
987
988 Q1: Okay. And were you usin' the flashlight that night?
989)
990 A: Yes, I was using my flashlight.

991
992 Q1: I- do you have any idea if you saw, uh, Officer, uh, Espinoza's flashlight at
993 any time, helping to illuminate?
994
995 A: Uh, n- no, sir. I do not recall.
996
997 Q1: Not sure. Okay.
998
999 Q: And also just, uh, now that you mention it - just f- you're currently a member
1000 of the Metro team, correct?
1001
1002 A: Yes, sir.
1003
1004 Q: For safety SWAT team?
1005
1006 A: Yes, sir.
1007
1008 Q: How long you been with the SWAT team?
1009
1010 A: I believe, uh, about two years now, sir.
1011
1012 Q: Okay. Great.
1013
1014 A: About two years.
1015
1016 Q: Okay, I'm gonna conclude the interview. It's approximately 4:47 am.
1017
1018
1019 The transcript has been reviewed with the audio recording submitted and it is an accurate
1020 transcription.
1021 Signed

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