

SUPPLEMENTAL REPORT

Date Prepared: 01-04-14

1. Original File No. P13186428	2.	3. Off ID 496	4. Dist. W	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 123113/1133	9. Day 3				
10. Date/Time Assigned	11. Date/Time Inv. Start	12. Date/Time Inv. Term.		13. Type Clr. Exc	14. Type Cont. Rec	15. Additional Adults Arr.	16. Additional Juv. Arr.					
17. Address of Occurrence (Street No. - Name - City) 3860 Van Buren Blvd., Riverside							18. Type of Place Arlington Park					
For ID USE: V = Victim, I = Informant, W = Witness, O = Other												
19. ID: V-1	20. Last Name - First - Middle (Firm Name if Business) Officer Nathan Asbury #1368					21. Race - Sex	22. DOB					
23. Residence Address			24. Business or School Address Riverside Police Officer			25. Home Phone	26. Bus. Phone					
27. V-2	28. Last Name - First - Middle (Firm Name if Business) Officer Paul Miranda #1501					29. Race - Sex	30. DOB					
31. Residence Address			32. Business or School Address Riverside Police Officer			33. Home Phone	34. Bus. Phone					
SUSPECT	35. LAST Name - First - Middle Hayes, Dontae			36. Race - Sex B-M	37. Age 20	38. Ht. 5'11	39. Wt. 136	40. Hr blk	41. Eyes brn	42. DOB or ID 04-27-93	43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	44. Address - Clothing - Other Marks or Identifying Characteristics 5249 Quapaw, Jurupa Valley; [REDACTED] (Deceased)											
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				
SUSPECT	46. LAST Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr	52. Eyes	53. DOB or ID	54. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No	
	55. Address - Clothing - Other Marks or Identifying Characteristics											
56. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2				

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

Cat.	Currency Notes	B Jewelry Prec. Met.	C Clothing Furs	E Office Equip.	F T.V.-Radio Cameras	G Firearms	H Household Goods	I Consum. Goods	J Livestock	K Misc.
PS	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
57										
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime) (1) 664/187 P.C. on a Police Officer (2) O.I.S.	61. Original Offenses Changed to (Code - Crime) (1) (2)	58. Stolen Auto Value ASP: \$ _____
62. Narrative of Supplemental Report O-1 [REDACTED] (S-1 Hayes girlfriend)		59. Recovered Auto Value A2 \$ _____

Present at interview:

Riverside County Deputy DA Elon Zektzer
Riverside County DA Investigator Scott Michaels
Attorney Saku Ethir

V-2 -Officer Miranda is a seven year veteran of the Riverside Police Department. Officer Miranda is assigned to the POP team and is assigned to West NPC. Officer Miranda was driving unit 3620 with a call sign of Paul 45 while riding partners with Officer Asbury. Officer Miranda had turned on his Puma recorder during the contact with Dontae Hayes and [REDACTED]. This recording was downloaded to the server by Detective Rick Cobb. Officer Miranda agreed to be interviewed per 4.8 of the Riverside Police Department Policy and Procedures.

Reporting Officer Det. Sanfilippo
Reviewed By <i>[Signature]</i>
COPIES TO
VCLO ()
ACTIONS
APR Sent
APR Cncl.
APB Sent
APB Cncl.
DOJ-NCIC
Entered Cncl.
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Stats
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**RIVERSIDE POLICE DEPT.
CONTINUATION PAGES**

PAGE NO: 2

FILE NO: P13186428

DATE 1/4/2014	TYPE OF REPORT 664/187 P.C. on a Police Officer; O.I.S.	INVESTIGATING OFFICER Det. Sanfilippo #496
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Officer Paul Miranda:

Detective Rick Cobb and I interviewed Officer Miranda at the RPD Magnolia Street Station conference room. This interview took place on 12-31-13 at 1455 hours. Officer Miranda advised he is currently assigned to the POP Team and on 12-31-2013 he was assigned to ride with Officer Asbury. Officer Miranda stated at approximately 1130 hours they decided to stop by Arlington Park to check on the homeless problem they have been encountering. Officer Miranda said he drove the police unit (#3620) into Arlington Park on a concrete walkway and stopped near the playground area. Officer Miranda advised he observed a male and female sitting on a bench in this area. Officer Miranda stated it appeared that the female [REDACTED] was possibly vandalizing the bench she was seated on. Officer Miranda said as they approached the two subjects (Hayes and [REDACTED]) he stood behind the bench as Officer Asbury made verbal contact to the front of the bench.

Officer Miranda advised neither Dontae Hayes nor [REDACTED] had any identification in their possession. Officer Miranda stated that Officer Asbury was given their names and date of births verbally by Dontae Hayes and [REDACTED]. Officer Miranda advised that Officer Asbury checked for wants and warrants with RPD Dispatch via channel 2. Officer Miranda stated [REDACTED] gave several different dates of births to Officer Asbury when he asked her. Officer Miranda advised it was learned from RPD Dispatch that Dontae Hayes was wanted on an outstanding Felony warrant and along with a Misdemeanor warrant. Officer Miranda stated they attempted to confirm that the subject (Hayes) that they had was actually the wanted subject. Officer Miranda said they attempted to confirm his (Hayes) identity through tattoos but this info wasn't available to RPD Dispatch.

Officer Miranda advised he took the Dontae Hayes information and walked over to his nearby parked police unit to pull up Dontae Hayes photo from Cal Photo. Officer Miranda added that the entire time during the contact both Dontae Hayes and [REDACTED] remained seated on the bench. Officer Miranda stated he typed in the Cal ID card number Dontae Hayes provided to Officer Asbury. Officer Miranda said he was sitting down in the driver's seat in order to access Cal Photo on the computer. Officer Miranda advised his attention was diverted to his left (toward playground) and observed Dontae Hayes standing facing south while Officer Asbury stood one foot behind him. Officer Miranda said he decided to exit the police unit due to the demeanor he observed by Dontae Hayes while standing in front of Officer Asbury. Officer Miranda said he believes he was only seated in the police unit for 30 seconds to a minute. Officer Miranda said it appeared to him that Dontae Hayes was attempting to run off based on his observation of the contact between Officer Asbury and Dontae Hayes.

Officer Miranda advised it appeared to him that Officer Asbury had begun the process of handcuffing Dontae Hayes. Officer Miranda stated that Officer Asbury had only one hand of Dontae Hayes under control but doesn't remember which hand this was. Officer Miranda stated during the handcuffing process Dontae Hayes stepped to his right and spun back around towards Officer Asbury while pulling out a handgun from his waistband. Officer Miranda said Dontae Hayes pointed the handgun directly at Officer Asbury who at this point created some distance to approximately three to four feet. Officer Miranda said Dontae Hayes then turned towards him and pointed the handgun at him. Officer Miranda advised he ducked behind his opened unit driver's door. Officer Miranda said he was in "disbelief, I can't believe it just happened", "I felt helpless". Officer Miranda added that he "didn't see it coming, felt like I was gonna be shot". Officer Miranda said this happened so fast however appeared to be in slow motion.

Officer Miranda advised Dontae Hayes then pointed the handgun back at Officer Asbury and he immediately heard a "pop". Officer Miranda wasn't sure who fired the shot. Officer Miranda added at this point he

RIVERSIDE POLICE DEPT.
CONTINUATION PAGE

PAGE NO: 3

FILE NO: P13186428

DATE 01/04/14	TYPE OF REPORT 664/187 P.C. on a Police Officer; O.I.S.	INVESTIGATING OFFICER Det. Sanfilippo #496
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(Miranda) stood up and cleared the driver's door and advanced on Dontae Hayes while firing five to six gunshots at him (Hayes). Officer Miranda was only focused on Dontae Hayes and was unsure if Officer Asbury fired his weapon. Officer Miranda believes he got as close as four feet from Dontae Hayes when he fired his (Miranda) last shot. Officer Miranda stated [REDACTED] was seated on the bench when the shooting took place. Officer Miranda advised when Dontae Hayes went the ground his breathing was labored and his arms went out to his side. Officer Miranda advised Dontae Hayes handgun ended up on the ground a short distance from his head. Officer Miranda stated for safety reasons Officer Asbury kicked the handgun a few feet away from Dontae Hayes reach. Officer Miranda added he kicked the cap that Dontae Hayes was wearing a few feet away when he observed a spent 45 casing inside the cap. Officer Miranda explained he did this because [REDACTED] had gone to the ground screaming and yelling and he didn't want her to tamper with the evidence (Dontae Hayes cap). Officer Miranda stated he provided lethal cover on both Dontae Hayes and [REDACTED] while Officer Asbury broadcasted the shooting on the radio. Officer Miranda stated he observed a gunshot wound to the chest of Dontae Hayes and made sure AMR was notified. The interview concluded at 1520 hours.

Detective Rick Cobb and I briefly met with Officer Miranda at 1630 hours and asked him if he observed any Marijuana in the possession of either Dontae Hayes or [REDACTED]. Officer Miranda stated Dontae Hayes admitted to having Marijuana and it was in a white bag on the bench both were seated at. Officer Miranda said he looked in the bag and observed a green leafy substance he believed to be Marijuana and a brown wrapper used to roll the Marijuana. Officer Miranda advised Dontae Hayes said he was willing to throw it away or just leave it on the bench. Officer Miranda added that his partner officer Asbury smelled marijuana as they approached Dontae Hayes and [REDACTED]. This follow-up interview concluded at 1633 hours.

For more details refer to the recorded interview.

RIVERSIDE POLICE DEPT. - RECORDS SECTION
Public REC-1130-1130
ANGIE 6/2/2015 2:57:18 PM

INTERVIEW WITH OFC. PAUL MIRANDA

Q=Det. Rick Cobb

Q1=Saku Ethir

Q2=Det. Ron Sanfilippo

Q3=(Elon Zetsger)

Q4=Inv. (Scott Michaels)

A=Ofc. Paul Miranda

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14
15
16 Q1: Ready?

17
18 Q: Okay. Uh, this is Detective Rick Cobb. It is, uh, about 2:55 pm on January
19 31, 2013.

20
21 Q2: December.

22
23 Q: I'm sorry. December - December 31, 2013. Uh, this is an interview with
24 Officer Paul Miranda. Uh, we're at the Magnolia Police Station regarding
25 Riverside Police case # P13186428. Uh, also present is my partner Detective
26 Ron Sanfilippo, uh, Deputy District Attorney (Elon Zetsger). Hope I
27 pronounced that right.

28
29 Q3: You got it.

30
31 Q: And, uh, DA Investigator Scott Michaels and, uh, Officer Miranda's
32 attorney...

33
34 Q1: Saku Ethir.

35
36 Q: Thank you.

37
38 Q1: You're welcome.

39
40 Q: Okay. Uh, uh, before we get started, uh, as - as you're aware and I think your
41 attorney will also mention, uh, per department policy 4.8, um, you're required
42 to either give a, uh, written statement or a verbal statement. And at this time
43 you wish to give an interview. Is that correct?

44
45 A: Correct.

46
47 Q: Okay. And you wanted to say...

48
49 Q1: Basically the same thing. That, uh, Officer Miranda is here, uh, as he is
50 required to be under 4.8. He's going to be giving a statement and of course
51 answering all of your questions.

52
53 Q: Okay. Uh, Officer Miranda if you would, kind of take me just from the
54 beginning on, uh, when this, um, call if you wanna call it a call, uh, started.
55 Tell me the circumstances and just kind of go from there if you would.

56
57 A: Okay. Um, I was riding two man with, uh, Officer Asbury. I was driving.
58 And, uh, we were headed to Arlington Park. Uh, we go there, uh, often
59 because there's a lot of homeless that stay there. We usually contact, uh,
60 homeless and, uh, shoo them away or make arrests for drugs or warrants.
61 Today we saw, uh, two, uh, people sitting on the bench -- park bench -- next
62 to the playground. And we decided to drive in, uh, and to make contact with
63 them. Uh, I drove my patrol car up the, um - like a walkway -- concrete
64 walkway -- parked it and got out of my car and made contact with the male
65 half. Um, I spoke with him briefly but my attention was focused on the
66 female half because she was doing something to the park bench. It kind of
67 looked like she was either playing with some kind of stick or doing graffiti on
68 the, um - on the park bench. When I got closer I saw she was playing with a
69 ladybug. Um, I stayed in the back behind the two while Officer Asbury, uh,
70 walked up in front of them and started contacting them. Officer Asbury got
71 the names of both subjects and, uh, um, proceeded to run them. Uh, I walked
72 back around to them and started, uh, making conversation with, uh, the male
73 half and the female half. Uh, I remember that their demeanor was very calm.
74 But I also felt that something wasn't right. I felt that one of them was not
75 giving the, uh, correct name. The female half had given Officer Asbury two
76 different, um, birth dates. So right then off the bat I - I thought, okay maybe
77 this girl's wanted and maybe she has a warrant. I flipped on my recorder and I
78 put us out at Arlington Park with two subjects. Um, as we were talking to
79 them no one had IDs and, uh, I told Officer Asbury, I can go in the car and use
80 CalPhoto and - uh, with the information he gave and I'll, uh, see if it verifies.
81 O- Officer Asbury got the ID number for the male half and, uh, um, gave it to
82 me. I went over to my car, walked to my car, sat down and pulled up, uh,
83 CalPhoto. As I was doing this I looked over to my left and, uh, I saw Officer
84 Asbury was, um, standing approximately 1 foot away from the male half. He
85 was now standing up and he was faced away from Officer Asbury. His
86 demeanor appeared to be like he - looked like he was gonna run. Um, so I
87 started to get out of my car. I watched as he pulled out a, um, handgun from
88 his waistband and, uh, turned around towards Officer Asbury. Um, I believe
89 that the - the - the barrel of the gun was pointed at Officer Asbury. At this
90 point everything was going kind of slow. And, uh, a- I couldn't believe what I

91 was seeing. Then h- the male half turned and pointed the handgun at me. Uh,
92 it felt like the handgun was on me for about a couple of seconds. I remember
93 I was standing behind the - the driver's side door standing up. And when the
94 handgun was pointed at me I ducked. Um, as soon as I, uh, moved, uh, the
95 male half proceeded to turn the gun back towards Officer Asbury. Uh, at this
96 point I drew my weapon and I, uh, um, advanced. Uh, c- I think I took a
97 couple of steps towards, uh, where they were standing. I heard a pop. I
98 wasn't sure if that was Officer Asbury or the male half. Um, I was concerned
99 because they were too close together about firing on the male half. But at one
100 point there was some distance between the two and I fired, uh, what I believe
101 was five to six rounds at the male half. As I fired I was walking towards him
102 and I remember once he hit the ground I stopped firing. I kept my handgun on
103 him and also at this point the female was on the ground and I gave her
104 commands to stay on the ground. And I kind of just moved my handgun from
105 him to her. I remember he was laying on his back. And he was giving, um,
106 labored breathing. The handgun was, um, above his head. But there was a lot
107 of blood on the handle and his h- both his arms were out by his side kind of
108 like above his head. So I still had that concern. I wasn't sure how - what the
109 extent of his injuries were. I, uh, had mentioned to Asbury we need to kick
110 the gun away from him. Asbury kicked the gun away from him. Um, at one
111 point the female half tried to grab a hat that was on the ground which I believe
112 came from the male half. Inside that hat I could see there was a shell casing.
113 It looked like it was a .45 caliber shell casing. Sh- um, I kicked the, um, hat
114 away from her and told her to stop that and, uh, keep her hands out. Um, I
115 asked my partner if he was okay. He told me he was okay. He told me he
116 was gonna do communications. I told him I'd just stay on, uh - cover both, uh,
117 subjects while he, uh, puts it out on the radio. I remember asking if he got
118 AMR in route because I knew the guy was shot. I actually saw, uh, a, uh - a
119 bullet hole in his, uh, chest. Um, once the, uh, assisting r- uh, units arrived I
120 still, uh, covered until they placed handcuffs on the male half and someone
121 took the female half into a - into a patrol car. Uh...

122
123 Q: Okay.

124
125 A: ...that's the gist.

126
127 Q: All right. Okay. I'm just gonna take you back just a little bit kind of from the
128 start. Um, when you're first contacting both the male and the female, uh, you
129 and Officer Asbury are together? You're kind of all four in the same area
130 right there by the playground?

131
132 A: Yes.

133
134 Q: Okay. And the female was giving you two different date of births?
135

136 A: She gave Officer Asbury two different date of births.
137
138 Q: Do you remember the name she gave you?
139
140 A: No.
141
142 Q: Okay. We- did she even give you a name at all?
143
144 A: She didn't give me a name. I let Of- Officer Asbury get - collect the names
145 from the people and I just kind of stood and watched over them in the back
146 right behind them.
147
148 Q: Okay. And then when you got the names of both the male and the female
149 everything was okay between everybody? They - they were very calm you
150 said?
151
152 A: They were calm the entire time -- very calm. She was acting different in the
153 sense that she acted as though we weren't there. The - probably the first
154 minute that we were talking to them she never made eye contact with me nor
155 made eye contact with Officer Asbury. And she kept playing with the
156 ladybug. So I thought that was odd that she just kind of was not giving us any
157 attention, that there's two cops here contacting them. Originally I thought she
158 was the one that probably had a warrant and she was lying 'cause once I heard
159 Officer Asbury say, "You gave me two different dates of birth," then...
160
161 Q: Mm-hm.
162
163 A: ...to me that was a red flag and this girl probably is - is wanted.
164
165 Q: Okay. Um, and we - prior to this we also listened to your recording of the
166 incident and it sounded like everybody was just talking relatively normal so to
167 speak. There wasn't any tension at - at that point before. And then correct me
168 if I'm wrong. You said you went back to your patrol car to pull up CalPhoto.
169
170 A: Yes.
171
172 Q: Correct? Were you in the driver's side when you were sitting or the
173 passenger's side?
174
175 A: Driver's side.
176
177 Q: Okay. Um, uh, how long were you in the car doing that approximately?
178
179 A: I wanna say I was in there approximately 30 seconds to a minute.
180

- 181 Q: Okay. Uh, while you're there for the most part everything's okay with, uh,
182 Officer Asbury and the male half? Did w- any tension start brewing between
183 them at all?
184
- 185 A: There was none whatsoever. Um, to back up I forgot to mention this.
186
- 187 Q: Okay.
188
- 189 A: Before this he had mentioned that the male half was (Frank), um, and so then
190 he asked for tattoos because we weren't thinking that maybe this is a mistake
191 'cause this guy is acting calm and cool, never been arrested. Um, and so we
192 were trying to verify if this is the actual guy that's (Frank) and maybe he's
193 giving a wrong name or - or someone else. Um, that's why I went back to my
194 computer to pull up his photo. Normally I call for an IBIS. Um, but today I
195 just went to go use CalPhoto.
196
- 197 Q: Okay. So just so we're clear. But prior to you going to the car that's when
198 you realized he had a felony warrant.
199
- 200 A: Yes.
201
- 202 Q: According to dispatch.
203
- 204 A: Correct.
205
- 206 Q: Okay. Um, so you went back to your car and tried to verify y- you have the
207 right subject. Um, again there's - there's no tension or issues between Officer
208 Asbury and the male suspect. Um, then you mention the - that the male had
209 turned his back towards Officer Asbury, correct?
210
- 211 A: Um, when I looked up it had looked as though Officer Asbury was gonna put
212 han- handcuffs, um, on the subject -- on the male half.
213
- 214 Q: Okay.
215
- 216 A: But his demeanor wasn't that of someone that was being compliant. I
217 suspected that he was gonna run at the most. That's what he looked like -- he
218 was gonna run. Um, but as I just watched him further then he pulled a gun out
219 and...
220
- 221 Q: So it happened that quick?
222
- 223 A: It happened - it happened that quick.
224

225 Q: Was he making - what kind of m- movements was he making prior to pulling
226 out that gun that kind of...
227

228 A: It - it looked like he was trying to, um, free his hand up that Officer Asbury -
229 it looked like Officer - Officer Asbury had one hand in control.
230

231 Q: Hm, okay.
232

233 A: But the other hand he didn't have control of. And that's the...
234

235 Q: Do you know which hand he had control over and which one he didn't?
236

237 A: I wanna say he had control of his right hand. Um, but I'm not 100% sure.
238

239 Q: Uh, at - when - let me ask you - the position they were in. I guess if - which
240 way was the suspect looking when his back is turned? I- was the suspect
241 looking towards...
242

243 A: He's looking south.
244

245 Q: South which would've...
246

247 A: Towards Magnolia.
248

249 Q: ...been towards Magnolia. Okay. And then, uh, so you had a better view of
250 the suspect. Is that correct?
251

252 A: Yes.
253

254 Q: 'Cause Asbury...
255

256 A: I...
257

258 Q: Asbury would've been behind him so to speak in your vision?
259

260 A: Correct.
261

262 Q: Okay.
263

264 A: So once that gun got pulled - was pulled out I'm fairly confident that I saw
265 that before Asbury.
266

267 Q: Okay.
268

269 A: Um, and it - he turned so fast and - and then pointed it at me. It just...

270
271 Q: Did the - did the suspect turn to his right or did he turn to his left -- if you
272 remember?
273
274 A: I - I don't recall.
275
276 Q: Okay. Uh, do you remember by chance which hand he pulled the gun out
277 with?
278
279 A: I believe it was his left hand.
280
281 Q: Okay.
282
283 A: But I'm not - I'm not 100%.
284
285 Q: Okay. That's fine. Uh, so you - you're pretty sure you see the gun first. Did
286 you hear any voices, anybody saying anything...
287
288 A: No.
289
290 Q: ...in that split second?
291
292 A: No.
293
294 Q: Okay. Uh, he - did he actually sp- did the suspect actually spin and turn right
295 at Officer Asbury?
296
297 A: From what I saw he turned around and pointed the gun at Officer Asbury.
298
299 Q: Okay.
300
301 A: That gun was pointed at Officer Asbury.
302
303 Q: At his chest? His head? Do you remember?
304
305 A: Uh, it looked like his - it was - i- I mean, it was moving around but it was I
306 would say his chest area.
307
308 Q: Okay.
309
310 A: Uh, but, you know, it wasn't like a - a still - he wasn't holding the gun still. It
311 was just kind of moving around but it was definitely being pointed at - what -
312 pointed at him.
313
314 Q: Do you remember at that point if he fired a round or not -- the suspect?

315
316 A: I don't recall hearing a - a gunshot at that moment. I recall hearing a pop after
317 he pointed it at me. Then he pointed it back at Officer Asbury. That's when I
318 heard a pop. So I wasn't sure if that was Asbury or - or the male half.
319
320 Q: Do you know what - what made him draw his attention to you?
321
322 A: I have no clue.
323
324 Q: So he...
325
326 A: I was trying to - trying to think about that. I don't know why he didn't fire at
327 me. 'Cause his...
328
329 Q: Are you certain he didn't fire at you?
330
331 A: Hi- I don't know.
332
333 Q: As far as you can remember?
334
335 A: Uh, far as I recall I don't - I don't know. Honestly I don't know i- I g- I guess I
336 can s- I don't know if it was me or Asbury but it know for certain that's the
337 first time someone's ever drawn a gun down on me.
338
339 Q: Mm-hm.
340
341 A: And, uh...
342
343 Q: And then - and then he - then he brought it back at Asbury?
344
345 A: Yeah.
346
347 Q: Okay.
348
349 A: Yeah.
350
351 Q: And then is that when you heard the first round of shot? D- do you think...
352
353 A: I...
354
355 Q: ...you fired first?
356
357 A: No. Well I - I think - I don't know. I heard the pop once he came back to
358 Asbury the second time. Um, I remember thinking when I drew my gun down
359 that they're too close for me to shoot 'cause Asbury's right there.

360
361 Q: Mm-hm.
362
363 A: But at one point Asbury created distance from himself from the suspect. And
364 that's when I knew I h- I was - I was good to shoot, uh, without having any
365 consequence of that - Asbury. And that's when I felt comfortable firing down
366 range.
367
368 Q: Yeah. And you were - you - you were still near your police car. Had you
369 cleared the door fr- the - the door so to speak?
370
371 A: After he...
372
373 Q: When you fired.
374
375 A: ...moved the gun away from me...
376
377 Q: Mm-hm.
378
379 A: ...and back - and th- and as he was going to Asbury that's when I cleared the
door and - and made my way towards and - and started drawing my gun so...
381
382 Q: Okay. Uh, and you actually started walking while you were - you - you
383 approached while you were firing?
384
385 A: Correct.
386
387 Q: Okay. And you estimated how many rounds?
388
389 A: Uh, five to six.
390
391 Q: Okay. Um, di- when you started firing your rounds did the suspect
392 immediately go down?
393
394 A: Yes.
395
396 Q: Okay. Uh, was anything being said from the suspect at all? Did you hear any
397 - him say anything?
398
399 A: I didn't hear him say anything.
400
401 Q: Okay. Um, what was the female doing at this point?
402
403 A: Screaming.
404

405 Q: Was she near the whole time or...
406
407 A: Yes.
408
409 Q: ...or was she still sitting on the bench or was she up?
410
411 A: She was still sitting on the bench 'cause when I left to go back to the car
412 originally to run them they were both sitting on the bench. Both their butts
413 were on the bench. Um, when the firing happened I don't know exactly where
414 she was at but at one point after he was on the ground I saw her, uh, lying on
415 the ground on her stomach, uh, probably like 2 or 3 feet away from him.
416
417 Q: Okay. Was she at all trying to get to the - to the gun at all or she's just trying
418 to get to him?
419
420 A: She kept reaching over towards him.
421
422 Q: Okay.
423
424 A: Um, again my concern was I don't know w- uh, 'cause I knew the gun was
425 right there and I didn't know what she was gonna do. So that's why I kept
426 yelling at her. It freaked me out when she tried to grab the - the hat because
427 that's on - I already had created a boundary; she can't go anywhere near this
428 guy and she had tried to in the beginning. Um, but then she stopped after a
429 couple of commands.
430
431 Q: Okay. Uh, and - I'm sorry. Did you kick the gun away or did Officer Asbury?
432
433 A: Officer Asbury did.
434
435 Q: Did - okay. Did he kick it very far away or...
436
437 A: Uh, yeah. He kicked it probably like, uh --I don't know -- a couple feet, um,
438 just west of his head so...
439
440 Q: Uh, just briefly tell - tell me how you felt when you saw the gun first pointed
441 at Officer Asbury and then pointed at you.
442
443 A: You know, uh, disbelief. Didn't believe that that just happened. It just - I still
444 replay it in my head and I - I can't believe it happened. I can't believe I was
445 stupid enough to be - to let myself into a situation like that. Didn't see it
446 coming. That's for sure. Um, it - it felt like it - he had the gun on me for a
447 couple of seconds. And, uh, I - I felt like I was - I - I felt like I was gonna get
448 shot. And...
449

450 Q: Were you scared - were you scared for your life?
451
452 A: I d- w- yes. And I'd never - I just - looking back I just - I - I thought I was
453 gonna get shot. I thought he was gonna shoot me 'cause wh- he pointed the
454 gun right at me.
455
456 Q: And then when he pointed the gun back at Officer Asbury were you se- scared
457 that he was gonna shoot Officer Asbury?
458
459 A: I - I thought - yeah. Oh yeah, definitely. And that's why I wanted to engage
460 as fast as I could.
461
462 Q: Okay. Got anything else then?
463
464 Q2: Yeah. Just a couple of things. Um, how long you been on the department?
465
466 A: Seven years.
467
468 Q2: Seven years? And what's your ID number?
469
470 A: 1501.
471
472 Q2: Okay. And you guys were working a sp- a direct - a directed type of program
473 like POP or something? Is that what you were...
474
475 A: Yeah. We were both POP officers.
476
477 Q2: Okay. And you guys - uh, you guys go by a certain handle or anything out
478 there then -- a call sign?
479
480 A: Uh, Paul 45.
481
482 Q2: Okay. Um the - the one part, um, if you can remember - and I know - I don't
483 want you to guess. But if you remember at one point you said Asbury had his
484 hand -- you're not sure which hand, maybe his right -- is that correct?
485
486 A: Correct.
487
488 Q2: And then he - a- and he was facing south so they're both facing south at that
489 point. Could you see the female at that point?
490
491 A: Um, my - I - I could see her in the background.
492
493 Q2: Mm-hm.
494

495 A: And I - I'm pretty sure she was sitting down.
496
497 Q2: Okay.
498
499 A: But at this point it was - because he was already up that caught my attention
500 that he was up.
501
502 Q2: Okay. And then the next thing you saw was what?
503
504 A: I saw him pull a gun from his waistband.
505
506 Q2: And you're pointing with your left hand. Is that what you remember?
507
508 A: I - I...
509
510 Q2: You think it was his left hand possibly?
511
512 A: I think it's his left hand possibly. It could've been his right though. I'm not
513 100%.
514
515 Q2: Okay.
516
517 A: I saw it come out of his waistband. I saw him point it at Officer Asbury.
518
519 Q2: And now - just stop there. How does he get to point at Asbury? Does he -
520 does he pull - Asbury let go at that point? Or how does he get to face - do you
521 - could you explain?
522
523 A: I think he just - because he had a hand free he was able to turn his body in, uh,
524 Officer Asbury's direction. And he, uh, um, pointed the gun at Officer
525 Asbury. Uh, I could tell Officer Asbury's, uh, reaction was he saw a gun and
526 he kind of tried to back up.
527
528 Q2: Okay.
529
530 A: Uh...
531
532 Q2: So he might've let go at that point?
533
534 A: I think so.
535
536 Q2: Okay.
537
538 A: Um, and then, uh, again like I said then he pointed the gun at me, um, and
539 then for whatever reasons he pointed it - he went back to Officer Asbury.

540
541 Q2: So when he - when he pointed at, uh, Asbury first what did - what were you
542 doing at that point? Did you - you go for your gun at that point or were you...
543
544 A: Um, I was getting up.
545
546 Q2: Okay.
547
548 A: I was getting - 'cause when I saw them - him standing up and it looked like he
549 was gonna run I started to get out of the car.
550
551 Q2: Okay.
552
553 A: As I started to get out of the car that's when the gun came out. That's when,
554 you know, everything happened. And then, uh, you know, it - it - the only
555 way I can describe it is once the gun was on me I felt like helpless. I was like
556 f- you know.
557
558 Q2: So your gun wasn't out at that point?
559
560 A: No.
561
562 Q2: Do you know if Asbury's gun was out at that point?
563
564 A: I don't know.
565
566 Q2: Okay.
567
568 A: No.
569
570 Q2: And then he went back. So he didn't fire at Asbury at first but he just pointed,
571 then pointed at you, went back to Asbury?
572
573 A: I'm assuming he fired at Asbury.
574
575 Q2: The first time?
576
577 A: Y- uh, s...
578
579 Q2: Before he pointed it at you?
580
581 A: The s- second time.
582
583 Q2: Second time.
584

585 A: Yeah.
586
587 Q2: Okay.
588
589 A: I - I'm assuming because I heard a pop.
590
591 Q2: Okay.
592
593 A: Um, yeah. So I don't - I don't know.
594
595 Q2: Di- okay. And then when you heard the pop do you know if when you looked
596 back did Asbury have his gun out at that point?
597
598 A: My attention wasn't so much on Officer Asbury's hands...
599
600 Q2: Okay.
601
602 A: ...as w- I was focused on the male half's hands.
603
604 Q2: Okay.
605
606 A: So I don't know. I think so but again I was trying to focus on him...
607
608 Q2: Okay.
609
610 A: ...and, uh - and the gun.
611
612 Q2: And at that point how far a distance did they have between the two of them do
613 you think?
614
615 A: A foot.
616
617 Q2: Just a - they were still that close? He didn't make that much distance?
618
619 A: Oh - oh when he created the distance?
620
621 Q2: Yeah. After he pointed at you and he was going back to Asbury di- Asbury
622 didn't get a chance to move any further back?
623
624 A: He was probably - he was probable like 3 or f- 4 feet.
625
626 Q2: Okay.
627
628 A: Yeah.
629

630 Q2: Okay.
631
632 A: Still close.
633
634 Q2: Okay. And - and then you started firing once you cleared your door?
635
636 A: Once I cleared my door - yes.
637
638 Q2: You felt comfortable that he wasn't in your - down range?
639
640 A: Yeah. I still felt that he was...
641
642 ((Crosstalk))
643
644 A: ...still close by Asbury.
645
646 Q2: Yeah.
647
648 A: But f- st- I mean, we had no real options, you know.
649
650 Q2: Right.
651
652 A: I was just like, I couldn't just stand there.
653
654 Q2: Okay.
655
656 A: Um, so I -I fired.
657
658 Q2: So you fired as you're moving toward him. So you said you were walking and
659 firing?
660
661 A: Yeah.
662
663 Q2: Do you know - did you notice, uh, while you were doing this -- and I know a
664 lot was going on -- but did you notice if Asbury is also firing at that point?
665
666 A: N- I don't know.
667
668 Q2: Okay.
669
670 A: I wasn't looking at Asbury.
671
672 Q2: Okay. And you got - and your last time you fired, I mean, he - you said he
went down. How close were you to him at that point?
673
674

675 A: Um, probably - probably 4 feet -- 3 or 4 feet.
676
677 Q2: O- okay. So you got fairly close.
678
679 A: I got fairly close. I came in as fast as I could.
680
681 Q2: Okay. Okay.
682
683 Q: You're - you're currently a SWAT team member. Is that correct?
684
685 A: No.
686
687 Q: Oh you're not? Okay. I thought you were. Okay. Um, unless you have
688 anything else?
689
690 Q2: I think I'm fine.
691
692 ((Crosstalk))
693
694 Q3: Yeah, um...
695
696 Q: I'm gonna go ahead and conclude the interview then. It is, uh, approximately
697 3:17 pm.
698
699

700 The transcript has been reviewed with the audio recording submitted and it is an accurate
701 transcription.

702 Signed _____ 3-11-14

Paul MIRANDA

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Public Records Act Request
ANGIE 6/2/2013 2:57:48 PM Unauthorized Release Prohibited

INTERVIEW WITH OFC. PAUL MIRANDA

Q=Det. Rick Cobb

Q1=Saku Ethir

A=Ofc. Paul Miranda

1
2
3
4
5
6
7
8
9
10
11
12
13 Q: Okay. I'm on. Okay uh, this is Detective Rick Cobb. This is a follow up
14 interview with Officer Paul Miranda. It is uh, still December 31, 2013 and it
15 is approximately 4:30 pm. Uh, also present with Officer Miranda is uh, my
16 partner Detective Officer uh, excuse me, Detective uh, Ron Sanfilippo and
17 Officer Miranda's attorney

18
19 Q1: Saku Ethir.

20
21 Q: Thank you.

22
23 Q1: I was like maybe he'll try it this time.

24
25 Q: Nope. Okay. Um, Officer Miranda we - we discussed just a few minutes ago
26 when we - we uh, listened to your recording there was some mention of uh,
27 possibly y- y- you and your partner finding some marijuana on a suspects.
28 Can you just elaborate and tell me what happened with that?

29
30 A: Um, when uh, marijuana was mentioned um, by the male half, I uh, walked
31 over next to him and on his right side there was uh, a white uh, paper bag uh,
32 similar to like a fast food bag. Um, and it was ripped opened and I looked
33 inside it and I could see um, a green leafy substance that looked similar to
34 marijuana. I also saw a brown um, uh, wrapper that's used commonly to uh,
35 to wrap the marijuana in to smoke it uh, inside the uh, um, inside the bag.

36
37 Q: Okay. And I can't remember if you or your partner had told me that - did you
38 guys smell marijuana as you approached?

39
40 A: My partner did, I didn't.

41
42 Q: Okay. Um, and you said it was next to him. Do you mean s- next to him on
43 the bench or was it actually on his possession or?

45 A: Right next to him on the bench. Um, I'm not sure if he was in possession of it
46 at the time. I don't remember. But it was right next to him um, when I went
47 to up - to look at what was inside the bag.

48
49 Q: Okay. Um, did he offer up that it was marijuana or did he say anything?

50
51 A: Yes. He mentioned that it was marijuana. He mentioned that he would just
52 leave it uh, he'd walk away or he'd throw it away.

53
54 Q: Okay. And uh, you've been a police officer how long?

55
56 A: Seven years.

57
58 Q: Okay. So in your training and experience you believe when you looked at it -
59 it, you believe it to be marijuana?

60
61 A: Correct.

62
63 Q: Okay. Um, it was - do you know w- what ever happened to that marijuana?

64
65 A: I have no idea.

66
67 Q: Okay. Um, did you - after you looked at it, did you just leave it sitting on the
68 bench while you conducted your investigation?

69
70 A: Uh, yes.

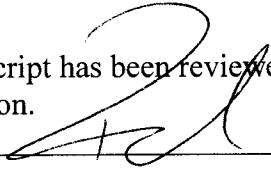
71
72 Q: Okay. And then obviously the shooting occurred and after that you n- you
73 don't know what happened to it?

74
75 A: Correct.

76
77 Q: Okay. Anything real quick? Okay. Uh, let's do (unintelligible) like uh,
78 conclude the interview. It is approximately 4:33.

79
80
81 This transcript has been reviewed with the audio recording submitted and it is an accurate
82 transcription.

83 Signed


Paul MIRANDA

3-11-14