

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

INTERVIEW WITH JOSE ESTRADA

Q=Det. Smith

Q1=Det. Rowe

A=Jose Estrada

Q: This is my partner Detective Rowe.

Q1: How you doin'?

Q: Obviously somethin' went down tonight and we're all out here, you guys are here, um, I know a little bit about what happened, but I don't know anything about you. I don't know anything about this girl over here, ah, the guy that got shot, you know, I don't know what you guys were doin'. I don't know anything. So in order for me to know those things I need to talk to you.

A: Mm-hm.

Q: Okay. Right now you are being detained. I don't know what involvement you had in anything. Um, so that's another thing I want to ask you about, and find out about, okay? Um, right now you are not under arrest for anything but you are being detained pending this investigation.

A: Mm-hm.

Q: Um, and I just told you obviously what I want to talk about. So, um, I know you give this name Jose De La Luz?

A: Mm-hm.

Q: Estrada?

A: Mm-hm.

Q: And what's your birth date?

A: [REDACTED]

Q: And your home address?

46

47 A:

[REDACTED]

48

49 Q:

And how long have you lived there?

50

51 A:

I lived there since I was 10.

52

53 Q:

10 years old?

54

55 A:

'Cuz I'm adopted.

56

57 Q:

Do your par- Okay. So who lives - who do you live there with?

58

59 A:

My aunt.

60

61 Q:

And what's her name?

62

63 A:

(Maria Flores).

64

65 Q:

Okay.

66

67 A:

(Maria Estrada Flores).

68

69 Q:

Okay. And the car you were in is - belongs to her or...

70

71 A:

No. It belongs to my cousin (Gloria Aguirre).

72

73 Q:

Okay. And she knows you have it and all that stuff?

74

75 A:

Yeah. Yeah. I just took it out to shop and what was it? Yesterday? Or the day before yesterday.

76

77

78 Q:

Okay. And I asked you earlier you've never been arrested or have you?

79

80 A:

Nope.

81

82 Q:

Tickets or anything?

83

84 A:

Nope.

85

86 Q:

Never had a traffic ticket?

87

88 A:

Ah, yeah. I had a traffic ticket for, ah, what was it for? No license.

89

90 Q:

Okay. Which car were you driving?

91
92 A: Ah, that same exact one.
93
94 Q: That same car?
95
96 A: Mm-hm.
97
98 Q: How long ago was that?
99
100 A: That was about, um, I want to say, ah, it was a while back.
101
102 Q: Years ago?
103
104 A: Ah, I want to say a year ago.
105
106 Q: Okay. And was - was the address that you gave at the time for that ticket the
107 same one you're giving now?
108
109 A: Yes, sir.
110
111 Q: Okay. All right. So to move forward I - I, like I said, I want to talk to you
112 about everything that happened tonight. Um, again, you are not under arrest,
113 but since you were brought down here in handcuffs and you are not free to
114 leave right now 'til - 'til we kind of figure out what's going on, before I talk to
115 you, um, I'd like to read you your rights. Have you ever...
116
117 A: All right.
118
119 Q: ...heard of that before?
120
121 A: Mm-mm.
122
123 Q: Okay. Well, listen to 'em, I want to make sure you understand 'em and, ah,
124 again, I - I definitely want to talk to you but you can decide if you want to talk
125 to me or not at the end - at the end of what I read to you, okay? You have the
126 right to remain silent. Anything you say can and will be used against you in a
127 court of law. You have the right to talk to a lawyer and have him present with
128 you while you are being questioned. If you can't afford to hire a lawyer one
129 will be appointed to represent you before any questioning if you wish. Now
130 understand you're not under arrest, but I don't know what we're gonna find in
131 the car and I don't know what your involvement was with anything until I talk
132 to everybody. Okay? Having the rights in mind I just read to you, do you
133 understand 'em?
134
135 A: Mm-hm.

136
137 Q: Okay. Do you want to talk to me about what happened tonight?
138
139 A: Yeah.
140
141 Q: Okay. So first off, how do you know (Stephanie), the girl over here?
142
143 A: I know her from around.
144
145 Q: Just around the neighborhood?
146
147 A: Yeah the neighborhood.
148
149 Q: How long have you known her?
150
151 A: I've known her for about not that long. Probably two months.
152
153 Q: Two months? And how did you guys meet?
154
155 A: Ah, at a store. I know her son, one of her sons.
156
157 Q: What's her son's name?
158
159 A: Ah, I really don't know his name. I just met him.
160
161 Q: From around the neighborhood or...
162
163 A: Yeah.
164
165 Q: You don't - you don't know - does he have a nickname?
166
167 A: No.
168
169 Q: So you know her for about two months from around the neighborhood. Do
170 you know where she lives?
171
172 A: No. I don't know nothing about her.
173
174 Q: So how you - how do you meet up with her?
175
176 A: Today?
177
178 Q: Well, any time. Do you just see her around?
179
180 A: Yeah. I see her around.

181
182 Q: Do you have her phone number?
183
184 A: Nope.
185
186 Q: Okay. So how did you meet up with her tonight then?
187
188 A: Tonight, ah, she was walking around and, ah...
189
190 Q: Where?
191
192 A: She was over at (McKenna)'s house but their down the street from where I
193 live at.
194
195 Q: On 10th Street?
196
197 A: Uh-huh.
198
199 Q: What's a cross street from where your house is, like 10th and what?
200
201 A: 10th and Kansas.
202
203 Q: Okay. So not too far from where you guys were really?
204
205 A: Yeah.
206
207 Q: Not too bad?
208
209 A: Yeah.
210
211 Q: Okay. So 10th and Kansas, I'm sorry...
212
213 A: We were right there and then he showed up.
214
215 Q: Who was? You and her were where?
216
217 A: (Stephanie) and we was just hangin' out, me and my cousins.
218
219 Q: And where were you?
220
221 A: And a couple of friends.
222
223 Q: Where were you?
224
225 A: Outside.

226
227 Q: I know, but at whose house?
228
229 A: My cousin's house.
230
231 Q: And what's your cousin's name?
232
233 A: (Frank).
234
235 Q: (Frank) what?
236
237 A: Ah, (Aguilar).
238
239 Q: Okay. Do you know his address?
240
241 A: No.
242
243 Q: Is it on 10th you said?
244
245 A: Yeah.
46
247 Q: 10th and ah, across Kansas you said?
248
249 A: Mm-hm.
250
251 Q: So you're hangin' out there and then (Stephanie) wa- walks up?
252
253 A: Yeah. And we, ah, said if she wanted to hang out and she's like, yeah, and
254 then, ah - ah, that guy he showed up and he said if I could give him a ride.
255
256 Q: Was he with her or he just showed up?
257
258 A: No.
259
260 Q: Like she did, just kind of out of the blue?
261
262 A: Yeah. They were just walking by and he said, ah, can I have a ride
263 somewhere, and I was like (unintelligible) and I said, yeah, how long is it
264 gonna take? I was supposed to pick up my girlfriend from, ah, her friend's
265 house 'cuz she's coming back from Chico and, ah, he said this is not gonna
266 take long. And I said, okay, so I'll take you. So we went over there to the
267 house. I don't know whose house it was.
58
269 Q: He - he directed you over there?
270

271 A: Yeah.
272
273 Q: Okay.
274
275 A: I took him over there and, ah, I was parked in the driveway and he told me to
276 park across the street. And I said okay. So I parked over there. And, ah - ah,
277 waited for him over there for about, ah, mmm, I wanna say 10 minutes - 15
278 minutes at the most. And I was texting my girlfriend and I seen a cop come
279 by and I wasn't paying attention to the cop. I was just textin', and I see him
280 like running and, ah, I seen the cop point the - the light at him and he gets over
281 here and says, cool, it's cool. The cop - he told the cop, "it's cool, it's cool,
282 officer". And I don't know what happened. I just hear gunshots.
283
284 Q: Okay. So you are sitting there texting?
285
286 A: Mm-hm.
287
288 Q: Are you in the driver's seat?
289
290 A: Driver's seat.
291
292 Q: And where is (Stephanie)?
293
294 A: In the back seat.
295
296 Q: Okay. How come she went with you guys?
297
298 A: Because she wanted to go.
299
300 Q: Just for somethin' to do?
301
302 A: Yeah.
303
304 Q: Okay. So, um, you are texting and - and dude gets out, goes - do you know
305 what house he went to?
306
307 A: No. I didn't even see the house. I just parked outside and he got off and told
308 me to park over there across the street where the gas station - the little gas
309 station's at.
310
311 Q: You said - well, you said you pulled into a driveway and then he told you to
312 go across the street?
313
314 A: Yeah. Yeah. I parked in the driveway and he said just stay right here and
315 then he went in the house. I don't know which house. I don't know if he went

316 to the back house and then he came back outside. I wasn't paying attention. I
317 wasn't really paying attention. And then he told me to park over there. So I
318 parked over there and I said, okay, fine. And then he went in some other
319 house, and then that's when I seen the cop, like, I waited for 10 minutes.

320
321 Q: So he went to two different houses on that street?

322
323 A: I really didn't see the house to tell you the truth. And he went into the house
324 and then and he told me to come - go and park across the street. And then
325 waited 10 - 15 minutes. That's when I seen the cop and then I see him come
326 out and then the cop pointed the light at him.

327
328 Q: So he's - where's the - he's - the guys walkin' across the street?

329
330 A: Yeah. The cop's coming, ah, from the fre- you know from the freeway.

331
332 Q: Uh-huh. Uh-huh.

333
334 A: He's coming this way and he's coming out. And I think - I think it was he
335 thinks that I was a regular car so he just ran across the street.

336
337 Q: Okay.

338
339 A: And the cop - you know, the cops. He pointed the light at him.

340
341 Q: Uh-huh.

342
343 A: And, ah, like he stopped like next to my car, next to my car.

344
345 Q: On your side or on the other...

346
347 A: My side.

348
349 Q: ...on the passenger side?

350
351 A: My side.

352
353 Q: Okay.

354
355 A: The cop was.

356
357 Q: Oh, the cop stopped on your side?

358

359 A: Yeah he stopped, yeah my side. And he went around the car and he said "it's
360 cool, officer, it's cool", and I don't know what happened. I just heard
361 gunshots.

362

363 Q: So - so the guy what - what's this guy's name? Did he tell you anything?

364

365 A: I- I know him as (Murphs), (Mirks), (Smurf). Somethin' like that.

366

367 Q: How old is he?

368

369 A: Ah, I really don't know.

370

371 Q: Well, how...

372

373 A: I never met this guy...

374

375 ((Crosstalk))

376

377 Q: But lookin' at him what do you think? Is he 20 or is he 40?

378

379 A: Ah, no. Ah, no. No. Like...

380

381 Q: Or 50 or 60?

382

383 A: I don't know. I want to say he's, ah, middle 30s. 35.

384

385 Q: Okay. What kind of tattoos - does he have tattoos on his face or anything that
386 you noticed when you were talkin' to him?

387

388 A: No. I didn't see no tattoos on his face.

389

390 Q: Nothin' on his face?

391

392 A: No.

393

394 Q: Okay. And, ah, had you ever seen him before over in the neighborhood?

395

396 A: Yeah. I seen him before.

397

398 Q: Just walkin' around or at somebody's house?

399

400 A: Just walkin' around. I met him by my friend.

401

402 Q: So your friend knows him?

403

404 A: Yeah. My friend knows him.
405
406 Q: Okay.
407
408 A: I actually know his daughter. I - I really - I went to school with his daughter
409 and I met his daughter not that long ago.
410
411 Q: Okay.
412
413 A: But I really don't know what her name is or nothing. But I met her.
414
415 Q: So she went to North?
416
417 A: Yeah. She went to North.
418
419 Q: And what - what grade was she in?
420
421 A: Ah, I think she was a year younger than me.
422
423 Q: And what year did you graduate?
424
425 A: Eleven. 2011.
426
427 Q: So she graduated in 2012?
428
429 A: I'm pretty sure, yeah. I think she was a year younger man me.
430
431 Q: What was her name?
432
433 A: Ah, really don't know her name.
434
435 Q: Then how'd you meet her daughter then? How did you meet his daughter?
436
437 A: Oh, I - I met his daughter because one time he came and said this is my
438 daughter.
439
440 Q: Okay. So you don't even know - you're tellin' me you don't even know this
441 guy's name or nothin' about him but he introduces his daughter to you?
442
443 A: Yeah.
444
445 Q: And you don't remember her name either?
446
447 A: Yeah. I don't remember her name. But I - I know him as (Smirks) or
448 somethin' like that.

449
450 Q: (Smurf) like the blue (Smurf)s?
451
452 A: Yeah. (Smurf).
453
454 Q: Is he, ah, an ESR guy or is he, ah, what - what - is he a gang guy? A gang
455 member or what's - what's his deal?
456
457 A: I'm pretty sure he is, but I don't know.
458
459 Q: Do you know which one?
460
461 A: No. I really don't know. I - I really don't get involved in all that.
462
463 Q: Okay. And I'm not - I'm not sayin' that you are.
464
465 A: No.
466
467 Q: Okay. But I find it hard to believe you know this guy, you met him many
468 times and he even introduced his daughter to you and you just barely know
469 him as (Smurfs) or somethin' like that?
70
471 A: Yeah.
472
473 Q: I mean that's kinda weird.
474
475 A: That's - that's how I met him the first name. I never asked what his real name.
476
477 Q: Who introduced you to him?
478
479 A: My friend.
480
481 Q: Ah, was it your cousin?
482
483 A: No. No. No. Some guy (Raul).
484
485 Q: Some guy named (Raul)?
486
487 A: Yeah.
488
489 Q: And you don't remember what he called him when he introduced you guys?
490
491 A: (Smurf). It was - it was something (Smurf) or (Smirks).
92
493 Q: (Smirks)?

494
495 A: (Smirks), (Smurf). Somethin' like that.
496
497 Q: And he never told you why he wanted a ride over there?
498
499 A: No. He never told me. He said can I go - can you go drop me off here. And I
500 said, yeah fine, and then he told me to wait.
501
502 Q: Was he gonna pay you?
503
504 A: No.
505
506 Q: Gas or nothin'?
507
508 A: Nothin'.
509
510 Q: How come you took him?
511
512 A: Just wanted to do a favor. It was cold outside. And I wouldn't want to be
513 walkin' in this cold.
514
515 Q: And he didn't say why he needed to go over there or nothing like that?
516
517 A: No. He just said can you drop me off. And I said, yeah, I can drop you off.
518 And he just told me to wait, and I said okay.
519
520 Q: At the house?
521
522 A: Yeah.
523
524 Q: And you said this - and how - do you know her as (Stephanie) or somethin'
525 else?
526
527 A: (Stephanie).
528
529 Q: What's her last name?
530
531 A: I really don't know her last name.
532
533 Q: And you just know her from around the neighborhood, too?
534
535 A: Mm-hm.
536
537 Q: Well, for a guy that has never been arrested if - if you are who you are tellin'
538 me you are.

539
540 A: Yeah.
541
542 Q: You sure pick up a lot of, you know, shady people and give 'em rides all over
543 the place. Isn't that kinda risky?
544
545 A: Yeah.
546
547 Q: I mean, what if he's over there pickin' up dope? You think that's what he was
548 doin'?

549
550 A: I really don't know what he was doin'.
551
552 Q: Did you ever see him with a gun?
553
554 A: No. I didn't even know he had a gun.
555
556 Q: When did you first know that he had one?
557
558 A: I didn't - I didn't know he had a gun. I don't know if I heard the gun - the
559 gunshots from this side first or this side.
560
561 Q: But you heard 'em from both sides?
562
563 A: Yeah. I heard from both sides.
564
565 Q: How many do you think you heard?
566
567 A: Ah, - ah, I heard about three - four.
568
569 Q: Okay. Total?
570
571 A: Yeah. Three - four total because, ah, yeah. Ah, the last - yeah, it was the last
572 one (unintelligible) the last one was when I ducked and the one it would have
573 hit me if I didn't move.
574
575 Q: Could you tell, um, how many times that, ah, the guy fired, (Smurfs) or
576 (Smirks), whatever you call him?
577
578 A: I think - I think (unintelligible).
579
580 Q: Okay. Who fired first? Him or the cop?
581
582 A: I really don't know. Yeah, I was - I was, ah, I was planning (unintelligible)
583 driving. I was lookin' at the cop when I was sitting right here, it's cool, it's

584 cool. And he opened the door and that's when - that's when I hear gunshots.
585 And that's when I just ducked down. And I said, stop shooting, stop shooting.
586 That's what I told the cop.
587
588 Q: Okay. And then what happened after the shooting stopped? What did you
589 see?
590
591 A: Ah, nothing. I just seen him laying down on the ground and he said - I forgot
592 what he said. He says stop. And I told him, hey, you okay. And he - he
593 (unintelligible) 'til like after I pulled my - and everybody showed up and I
594 pulled my hand on the windshield and he wasn't movin' no more.
595
596 Q: So your phone is still in the car?
597
598 A: Yeah.
599
600 Q: (Unintelligible) okay (unintelligible) it's gonna show that you were texting?
601
602 A: Yeah.
603
604 Q: Right there?
605
606 A: I probably have a lot of missed calls from her.
607
608 Q: She's probably wonderin' what happened to you, huh?
609
610 A: Yeah. 'Cuz I was supposed to - she was coming down from Chico, Chico
611 State for a week, so we were having - we were supposed to have a surprise
612 party for her tonight.
613
614 Q: Okay.
615
616 A: And as soon as I was done with that I was supposed to go pick her up.
617
618 Q: 'Kay.
619
620 Q1: You were supposed to have a surprise party at midnight?
621
622 A: Yeah. At a house 'cuz she's comin' down from Chico and her family wanted
623 to surprise her. She - she was over there in college.
624
625 Q: So you got - there's a bunch of people at your house on 10th street?
26
627 A: No. No. No. At her house.
628

629 Q: At her house?
630
631 A: Yeah. Her house.
632
633 Q: Where's that?
634
635 A: Ah, I've never been actually to her house. But I have the address in my phone.
636
637 Q: And you were supposed to meet her over there or what?
638
639 A: No. I was supposed to pick her up from her friend's house. I don't even know
640 where her friend lives at.
641
642 Q: Okay.
643
644 A: (Unintelligible).
645
646 Q: Jose, you realize that every time I ask you who somebody is or where they
647 live you tell me you don't know?
648
649 A: Yeah. 'Cuz I don't know.
650
651 Q: That doesn't sound right to me. You don't know anybody's name or address.
652 All these people you hang out with and give rides to and, ah, you know, your
653 girlfriend and all these things you don't know where she lives?
654
655 A: I never actually been to her house. I actually barely started dating her. I have
656 the address in my phone. That's it. When she gave it to me to go drop her off
657 go see her.
658
659 Q: I won't be able to see your phone or anything in that car 'til probably next
660 week, but when I do, do you mind if I find that address?
661
662 A: Go ahead. Mm-hm.
663
664 Q: You don't mind if I look in there?
665
666 A: No.
667
668 Q: So what time you think you got over to, ah, (Frank)'s house, the 10th and
669 Kansas?
670
671 A: Today?
672
673 Q: Mm-hm.

674
675 A: When I showed up right there? Um, it had to be, like, around mmm, I want to
676 say I was there since, like - I went to Walmart at like I want to say 9:00, it was
677 like 9:00 or 8:30.
678
679 Q: 8:30 or 9:00 at night tonight?
680
681 A: Yeah.
682
683 Q: Okay. Did you go over there with anybody or by yourself?
684
685 A: No. I went by myself.
686
687 Q: And you were just goin' to hang out with (Frank) or what?
688
689 A: Mm-hm.
690
691 Q: And he's who now? Your cousin?
692
693 A: My cousin.
694
695 Q: Like, your real cousin?
696
697 A: Mm-hm.
698
699 Q: Okay. So you get over there, you're hangin' out at 8:30 - 9 o'clock you get
700 there. Who else was - who else was over there?
701
702 A: It's him - him and, ah, two of his friends.
703
704 Q: What are their names?
705
706 A: (Alonzo Brooks).
707
708 Q: Thank you for knowing their first and last name.
709
710 A: Mm-hm. And, um, my other cousin - yeah, and my other cousin that was
711 there.
712
713 Q: And what was that cousin's name?
714
715 A: (George Guzman).
716
717 Q: You guys hangin' outside or inside?
718

719 A: Inside.
720
721 Q: Okay. So you're hangin' out inside?
722
723 A: Well, we were just goin' in and out.
724
725 Q: That's fine. Okay. So who shows up first? (Smurfs) - (Smirks) or whatever
726 or (Stephanie)?
727
728 A: She did.
729
730 Q: Okay. What time did she get there?
731
732 A: Mmm, I want to say like around like 10-something. 10:30 - 10:40.
733
734 Q: Okay. We'll say 10:30-ish. Okay. And she's just walkin' by?
735
736 A: Mm-hm.
737
738 Q: And she - you guys see each other or...
739
740 A: Yeah. We seen her outside. She's like, hi. She was like, you look familiar.
741 And I say - I said, I met you before, (unintelligible) (Stephanie). Oh, hi, you
742 want to hang out? Yeah. And then he shows up.
743
744 Q: Okay. So - so (Stephanie)'s just hangin' out. You guys drinkin' or smokin'
745 or...
746
747 A: No.
748
749 Q: ...what are you doing?
750
751 A: I don't drink. I don't smoke.
752
753 Q: Okay. So (Stephanie) shows up. Why would she just wanna hang out with
754 you (unintelligible) just for the hell of it?
755
756 A: Mm-hm.
757
758 Q: So what time is - does the dude show up?
759
760 A: Like around, ah, like 11-ish.
761
762 Q: Okay.
763

764 A: Close to 11:00. It was - actually - yeah, it was close to 11:00.
765
766 Q: And he just wanders by and starts talkin' to you or how does that happen?
767
768 A: Mm-hm. Yeah. He walks by and tells me, can I ask you for a favor? And I
769 said, yeah. Can you give me a ride somewhere. I'm like, yeah, how long is it
770 gonna take? I'm like it'll be fast. So I said, okay, I'll take you.
771
772 Q: So you said you met this guy before and that's why he's asked you for a ride?
773
774 A: Mm-hm.
775
776 Q: Or did he stop and talk and then during the conversation he asked for a ride?
777 Or was the first thing he said is, hey, dude, can you give me a ride?
778
779 A: Yeah.
780
781 Q: That was the first thing he said?
782
783 A: Mm-hm.
84
785 Q: That was the whole reason he stopped was to ask you for a ride?
786
787 A: Yeah.
788
789 Q: Okay. So and he didn't say what it was for or where you guys were goin'?
790
791 A: Mm-mm. Just drop me off. That was it.
792
793 Q: And you didn't say where? I mean, what if he was - what if he wanted you to
794 drive to Anaheim or somethin'. I mean, you didn't even ask him where - how
795 far?
796
797 A: Mm-mm.
798
799 Q: Or nothin'?
800
801 A: Mm-mm. But he said close by, so I said, okay. He said (unintelligible)
802 Riverside. I was like, yeah. So I said, okay.
803
804 Q: Okay. So and then how does (Stephanie) get involved?
805
806 A: She just wanted to go with us 'cuz she don't really know them - my cousin.
807
808 Q: So she just piped in?

809
810 A: Yeah.
811
812 Q: Said I'll go with you or what?
813
814 A: Yeah. She didn't want to feel awkward at the house probably.
815
816 Q: Okay. So she jumps in and you're driving, she's in the back and this guy's in
817 the front seat and where did he tell you to go?
818
819 A: Ah, he was just pointing, he was like go down University, 'cuz we made a
820 right on Kansas. And we went to University. On University and, ah, we
821 made a right on Park, made a left on Mission, and then we went down past the
822 train tracks, made, ah - what's that street called by Smart & Final?
823
824 Q: Ah, Commerce?
825
826 Q1: Vine
827
828 Q: Vine?
829
830 A: Yeah. And then that street Smart & Final or where Third and Smart & Final
831 connect.
832
833 Q: Mm-hm.
834
835 A: There - we went there and he told me to just, ah, go straight 'til we hit the dead
836 end and follow it.
837
838 Q: And which house did he tell you to pull into? 'Cuz you said you pulled in a
839 driveway?
840
841 A: Yeah. It was - there was a car outside. It was an old car. I don't remember
842 the color of the car. Just pulled in fast.
843
844 Q: Do you remember how many houses from the corner you were?
845
846 A: Ah...
847
848 Q: I mean, if you drew - could you draw it for me?
849
850 A: One, two, three - I want to say three.
851
852 Q: Okay. And you said there was an old car in the driveway?
853

854 A: Yeah.

855

856 Q: What kind of car?

857

858 A: Not in the driveway. Like on the side - on the side of the house.

859

860 Q: Parked up next to the house?

861

862 A: Yes.

863

864 Q: Not in the street?

865

866 A: No. Not in the street. Like, do you know how there's dirt?

867

868 Q: Okay.

869

870 A: Yeah. There's dirt there.

871

872 Q: What kind of car was it or what color?

873

874 A: I really don't know. It looked old. It looked like it was parked for a while.

875

876 Q: Like a car not a truck?

877

878 A: Yeah. It was a car.

879

880 Q: Was it covered with anything or just out in the open?

881

882 A: No. It was just out in the open.

883

884 Q: Okay. So that's the driveway you pulled into and then he got - he got out and

885 went up to that house somewhere?

886

887 A: Mm-hm.

888

889 Q: Okay. How long was he gone?

890

891 A: Ah, inside of the house?

892

893 Q: Yeah.

894

895 A: Or before he came outside and told me to move?

896

897 Q: Well, tell me what happened now. He went in the house and then went

898 somewhere else?

899
900 A: Yeah. He told me - he went in the house and then he came outside and told
901 me to park outside.
902
903 Q: How long - how long after that? I mean, how long was he in the house?
904
905 A: Ah, it was like three minutes.
906
907 Q: So he's in the house for three minutes?
908
909 A: Mm-hm.
910
911 Q: He came back to you?
912
913 A: (Unintelligible) he said to park in the front.
914
915 Q: Across the street?
916
917 A: Mm-hm.
918
919 Q: And so you said what?
920
921 A: And I probably said, yeah.
922
923 Q: Okay. And then did he get back in the car or did he go back up to the house?
924
925 A: No. He went back inside the house.
926
927 Q: He went back inside?
928
929 A: Yeah. He was (unintelligible).
930
931 Q: Okay. So you parked across the street?
932
933 A: Mm-hm.
934
935 Q: And did you - did he ever come back out to you again?
936
937 A: No.
938
939 Q: Prior to the police showin' up?
940
941 A: No.
942
943 Q: So how long were you across the street?

944
945 A: Ah, for about...
946
947 Q: Before the cops showed up?
948
949 A: 10 minutes. 10 - 15 at the most.
950
951 Q: Okay. So he goes back up. Did he say where (unintelligible) of the house or
952 (unintelligible)?
953
954 A: No, I didn't even pay attention. I just seen him go in the driveway and that
955 was it.
956
957 Q: Okay. And so 10 minutes later is when you see him coming back across the
958 street?
959
960 A: Yeah. I didn't see him to tell you the truth. I seen the cop and then I
961 seen him. And then that's when the cop pointed the light on him.
962
963 Q: Okay. So he comes out or you notice a car comin', you look and see it's a
964 cop?
965
966 A: Mm-hm. Yes.
967
968 Q: Was this - was the spotlight on already or did it come on after he ran across?
969
970 A: No. No. It came on after he ran, after (unintelligible).
971
972 Q: Okay. So you see the guy, he runs across, like, just to get across the street?
973
974 A: Mm-hm.
975
976 Q: Before the car comes?
977
978 A: Mm-hm.
979
980 Q: He gets hit with a spotlight?
981
982 A: Mm-hm.
983
984 Q: And so the guy - did he say somethin' right then to anybody or did the guy just
985 keep running around to the passenger side of your car?
986
987 A: He said - he said, it's cool, officer, it's cool.
988

989 Q: Is that before he got to the passenger side of your car?
990
991 A: Yeah. That's...
992
993 Q: He said it out in the street?
994
995 A: Yeah. That's when - that's when he was like in the back of my car. Like goin'
996 towards - towards the door.
997
998 Q: Goin' around the back of your trunk area or...
999
1000 A: Yeah.
1001
1002 Q: ...around the front of it?
1003
1004 A: Ah, through the back, the trunk.
1005
1006 Q: So he's goin' around the trunk area. Did the cop stop already?
1007
1008 A: Yeah. He already stopped and he already got out of the car with the light on.
1009
1010 Q: The cop got out and he had his flashlight?
1011
1012 A: Mm-hm. No, had the li...
1013
1014 Q: The spotlight?
1015
1016 A: Yeah. The spotlight.
1017
1018 Q: Okay. So the cop is standing outside his car and the spotlight's shining?
1019
1020 A: Mm-hm.
1021
1022 Q: In the area?
1023
1024 A: He was walking towards - towards him, towards the car.
1025
1026 Q: Towards the - and - and at that time the guy's towards the back of your car?
1027
1028 A: Mm-hm. He's already in the side of the car.
1029
1030 Q: He's already on the passenger side. And he's saying what now?
1031
1032 A: He said, it's cool, it's cool. That's when I heard gunshots.
1033

1034 Q: Okay. You heard gunshots and you sounded like goin' back and forth?

1035

1036 A: Yeah. Goin' back and forth when I - that's when it hit my windshield and
1037 that's when I got scared like, oh shit, so I just ducked down I said, stop. And
1038 there's no, ah, what I say? Stop shooting, stop shooting.

1039

1040 Q: So you heard - you heard your wind - you heard your windows break?

1041

1042 A: No (unintelligible) my windshield cracked, as soon as I heard my windshield
1043 crack I got ducked down and I said, stop shooting, stop shooting.

1044

1045 Q: You're saying windshield. That's the one in the front?

1046

1047 A: Ah - ah, yeah.

1048

1049 Q: Are you talkin' about the windows on the side?

1050

1051 A: On the side, yeah.

1052

1053 Q: Okay. And what was (Stephanie) saying during the whole thing?

1054

1055 A: She was saying that her eye was hurting.

1056

1057 Q: Her eye was hurting?

1058

1059 A: Yeah. Like glass had went in her eye or something.

1060

1061 Q: Oh, after everything?

1062

1063 A: Yeah.

1064

1065 Q: And how does (Stephanie) know the guy?

1066

1067 A: How does (Stephanie) know him?

1068

1069 Q: Yeah.

1070

1071 A: I really don't know.

1072

1073 Q: But you think they know each other?

1074

1075 A: Yeah. I'm pretty sure they do.

1076

1077 Q: From, I mean, what makes you think that?

1078

1079 A: From the streets.
1080
1081 Q: Okay.
1082
1083 A: Everybody knows everybody.
1084
1085 Q: Just neighborhood?
1086
1087 A: Yeah.
1088
1089 Q: And everybody's around?
1090
1091 A: Yeah.
1092
1093 Q: Okay. And that's how you know these folks, too?
1094
1095 A: Yeah.
1096
1097 Q1: Did (Stephanie) go in the house?
1098
1099 A: Inside of the house?
1100
1101 Q1: Yeah.
1102
1103 A: No.
1104
1105 Q: Did she get out of the car at all, ah, when you were over there?
1106
1107 A: No. She was inside the car with me the whole time.
1108
1109 Q1: You said that you were just going to - he asked to you drop him off
1110 somewhere?
1111
1112 A: Mm-hm.
1113
1114 Q1: So why were you stayin' at the house if he asked to you just drop him off?
1115 Why were you waitin' like 10 or 15 minutes?
1116
1117 A: He told me - he told me to wait. So that's when I was, like, you told me to
1118 drop him off. And then that's when he came outside again and told me park in
1119 the front. That's when everything happened.
1120
1121 Q1: So at some point during your car ride did it change from him being dropped
1122 off over at a house to you waiting while he went inside the house?
1123

1124 A: I thought I was just gonna go drop him off and that was it.
1125
1126 Q1: So when he got out of the car to go up to the house why didn't you leave?
1127
1128 A: He told me to wait.
1129
1130 Q1: And you have no idea why he was goin' to the house? It's okay if he was goin'
1131 to get drugs or anything. We don't care.
1132
1133 A: I don't know the house. Never been there.
1134
1135 Q1: Okay. But it doesn't make too much sense, um, Jose, right?
1136
1137 A: Mm-hm.
1138
1139 Q1: It doesn't make a whole lot of sense that some guy that you barely know
1140 you're just gonna give him a ride over to the house - over to a house and sit
1141 there and wait for him for 10 or 15 minutes and not know what's going on,
1142 what he's doing or anything like that.
1143
1144 A: Mm-hm. Yeah. I don't know what he was goin' over there for though.
1145
1146 Q1: Okay. But I'm asking you a question. That doesn't make any sense. To as to
1147 you just taking some guy over to the house that you barely know and that you
1148 don't even know his name and standin' - sittin' out in your car for 10 or 15
1149 minutes waitin' for him to go do something. Why - why were you doing that?
1150
1151 A: I was doin' a favor.
1152
1153 Q1: You understand why a lot of this stuff especially after what happened tonight
1154 is - is suspicious about what is going on with you and - and that we don't
1155 believe that you are being truthful with us?
1156
1157 A: Well, I'm sayin' what I know and I'm sayin' what I did and I'm sayin' what
1158 happened. I got no reason to lie to you guys.
1159
1160 Q1: At what point did you...
1161
1162 Q: That we don't know, if you do or you don't, you know?
1163
1164 Q1: At what point did he pull out the - the gun?
1165
1166 A: I - I didn't see - I didn't even know he had a gun, to tell the truth.
1167
1168 Q1: Okay. Well, you said that you heard him shooting?

1169
1170 A: Mm-hm. I heard gunshots.
1171
1172 Q1: Okay. So at what point - where was he at when...
1173
1174 A: When I knew that somebody shot first because the cop shot. (Unintelligible)
1175 why would a cop shoot?
1176
1177 Q: Oh, so because the officer was firing you figured...
1178
1179 A: Mm-hm. I figured (unintelligible).
1180
1181 Q: ...that the other guy had shot?
1182
1183 A:he had a gun. Yeah. 'Cuz why would a cop shoot?
1184
1185 Q1: Okay. Had he got into your car yet?
1186
1187 A: No. When he got - when he got - when he opened my door to my car.
1188
1189 Q1: Okay.
1190
1191 A: That's when he was already goin' to the ground.
1192
1193 Q1: Okay. So he - he was - he had opened the passenger door of your car?
1194
1195 A: Mm-hm. I think that's when he already got hit.
1196
1197 Q1: Okay. Why do you think that?
1198
1199 A: Because that's when he laid down on the floor. That's when he just went
1200 down and never got back up.
1201
1202 Q1: He fell down to the floor inside your car?
1203
1204 A: Yeah. Like this - the top of his head was inside of my car.
1205
1206 Q1: That...
1207
1208 A: That's when he was - he wasn't out like I - I was like this and I look at him and
1209 I'm like, you okay, you okay? I was like and then he wouldn't talk.
1210
1211 Q1: Okay. And when he was inside your car did he have the gun in his hand?
1212
1213 A: Nope. I didn't see no gun.

1214
1215 Q1: Okay.
1216
1217 Q: Were you talkin' about the whole time or are you talkin' about after the
1218 shooting?
1219
1220 Q1: I'm talkin' about when he fell into the car.
1221
1222 A: Yeah. I didn't see no gun.
1223
1224 Q1: Okay. Did you see his hands?
1225
1226 A: Ah, yeah, I seen his hands.
1227
1228 Q1: Where was his hands at?
1229
1230 A: His one hand was right here and the other hand - and the - yeah, I seen one of
1231 his hands.
1232
1233 Q1: Okay. Which hand?
1234
1235 A: This one.
1236
1237 Q1: And where was that hand at?
1238
1239 A: In the passenger- on the floor.
1240
1241 Q1: On the floorboard?
1242
1243 A: Yeah.
1244
1245 Q1: Okay. And did you see a gun in his hand?
1246
1247 A: No.
1248
1249 Q1: Okay. Did you see his other hand?
1250
1251 A: No.
1252
1253 Q1: Okay. So you don't know whether or not he had a gun in his other hand or
1254 not?
1255
1256 A: I don't know if he had a gun (unintelligible).
1257
1258 Q1: Okay. At any point did you ever see him with a gun?

1259
1260 A: No.
1261
1262 Q1: Did you ever see a gun near your car or inside your car or anything like that?
1263 But you heard gunshots coming from the passenger side of your car? Did you
1264 hear - and you heard, ah, gunshots coming from where the officer was at?
1265
1266 A: Yeah. Well, that's the one that almost hit me.
1267
1268 Q1: The gunshot that - from...
1269
1270 A: The officer fired.
1271
1272 Q1: ...from the officer?
1273
1274 A: Mm-hm.
1275
1276 Q: There's - there's cameras at that gas station where you guys parked?
1277
1278 A: Mm-hm.
1279
1280 Q: They point in that direction. None of those are gonna show you or
1281 (Stephanie) gettin' in and out of the car during this whole thing?
1282
1283 A: No.
1284
1285 Q: When we get that video and stuff?
1286
1287 A: No.
1288
1289 Q1: And the only thing that was said by this person that you don't know is, um, it's
1290 okay, officer?
1291
1292 A: Yeah. It's okay, officer.
1293
1294 Q1: He didn't say anything else?
1295
1296 A: Mm-mm.
1297
1298 Q1: What is...
1299
1300 A: It's okay, officer, it's cool, it's cool, it's cool. And that's when I don't know
1301 what happened.
1302
1303 Q1: What did the officer say to him?

1304
1305 A: I didn't hear what the officer said to tell the truth. I just heard, "it's cool, it's
1306 cool". And that's when I turned over here and the cop was comin' and that's
1307 when I just heard gunshots.
1308
1309 Q1: What do you mean by coming?
1310
1311 A: Like (unintelligible).
1312
1313 Q1: So the officer had gotten out of his car?
1314
1315 A: Mm-hm like (unintelligible).
1316
1317 Q1: And was he walkin' towards your - your door or was he walkin' - where was
1318 the officer walkin'?
1319
1320 A: In the back.
1321
1322 Q1: He was walkin' towards the trunk?
1323
1324 A: Mm-hm.
1325
1326 Q1: And had the - had the guy, um, again, that you don't know, had he already
1327 gotten to your op- started opening your door when...
1328
1329 A: When he opened my door I think it was when he already got hit.
1330
1331 Q1: Okay.
1332
1333 A: And that's when he opened the door and he just went down like this.
1334
1335 Q1: Okay.
1336
1337 A: And that's when I - when I yelled, screamed, stop shooting, stop shooting.
1338 'Cuz I heard her - her screaming and I then I see a (unintelligible) like through
1339 the window and then I see a bullet and that's when I ducked down and I just
1340 put my hand like this, said stop shooting, stop shooting.
1341
1342 Q1: Could you see where the officer was when he was shooting?
1343
1344 A: No. That's the one part that I did not see was (unintelligible).
1345
1346 Q1: Okay.
1347
1348 Q: Were any of your windows, ah, down?

1349
1350 A: Mmm, nope.
1351
1352 Q: Everything was up?
1353
1354 A: Mm-hm.
1355
1356 Q: Was your car running or was it off?
1357
1358 A: Yeah. (Unintelligible).
1359
1360 Q: Was your stereo on or was it off?
1361
1362 A: Ah, it was off.
1363
1364 Q: Okay.
1365
1366 A: So there was music but it was not loud (unintelligible).
1367
1368 Q: So your stereo was on?
1369
1370 A: Not loud.
1371
1372 Q1: When we talk to (Stephanie) is she gonna say that you guys were goin' over
1373 there to get some dope or somethin' like that?
1374
1375 A: Mm-mm.
1376
1377 Q1: No?
1378
1379 Q: And you don't - you don't seem like you're high. You don't seem like you're
1380 drunk. You seem completely sober.
1381
1382 A: Yeah (unintelligible).
1383
1384 Q: to me right now.
1385
1386 A: 'Cuz I don't smoke weed. I don't drink.
1387
1388 Q: And if this is your real name Jose Estrada.
1389
1390 A: Mm-hm.
1391
1392 Q: And your real birth date.
1393

1394 A: Mm-hm.
1395
1396 Q: Um, I don't see a criminal record for you anywhere. Um, I do see that you
1397 possibly got pulled over once.
1398
1399 A: Mm-hm.
1400
1401 Q: Um, and might have got a ticket but you did not have a license.
1402
1403 A: Mm-hm.
1404
1405 Q: Um, so I really hope this is you and I really hope you are telling me
1406 everything.
1407
1408 A: Mm-hm.
1409
1410 Q: That, you know, the way it happened.
1411
1412 A: Mm-hm.
1413
1414 Q: Um, I think you're telling me the incident correctly. I think you might not
1415 want to tell me too much about other people.
1416
1417 A: Mm-hm.
1418
1419 Q: Is there a reason for that?
1420
1421 A: No. I been straight up with you.
1422
1423 Q: Okay. And what's his - what's this (Smurfs) guy's reputation around the
1424 neighborhood?
1425
1426 A: What do you mean?
1427
1428 Q: I mean, is he known as a - you said you're pretty sure he might be a gang
1429 member but you're not sure which one. Is he like drugs or do you know
1430 anything else about him?
1431
1432 A: No.
1433
1434 Q: I still don't know who he is.
1435
1436 A: Mm-hm. (Unintelligible) no, I really don't know. I just knew he had a job at
1437 the (unintelligible).
1438

1439 Q: Okay.
1440
1441 A: I don't know how long ago. Probably like, four months - five.
1442
1443 Q1: Did you see that picture there? Is that him?
1444
1445 Q: We don't know if this was him or not.
1446
1447 A: Oh, no.
1448
1449 Q: Not even close?
1450
1451 A: No. Not even close. Ah, can I see him? No. Not him. He don't have a, you
1452 know.
1453
1454 Q1: Well, without the mustache he - people can shave.
1455
1456 A: (Unintelligible) he got - he's not tattoos on his face.
1457
1458 Q1: He doesn't have tats on his face?
1459
1460 A: No.
1461
1462 Q1: Okay. He's got tats on the back of his head though, right?
1463
1464 A: Mmm, yeah. I seen - I seen - I think I seen a lip right here, a lip and one - on
1465 the side.
1466
1467 Q1: He's got like a pair of lips on the side of his - which side?
1468
1469 A: I think a lip and I think I seen - I think I seen the Riverside Bell.
1470
1471 Q1: Which side?
1472
1473 A: Ah, I want to say this side. There's a Riverside Bell and there's a, ah, the, ah,
1474 the Aztec 13.
1475
1476 Q1: Mm-hm.
1477
1478 A: There (unintelligible).
1479
1480 Q: Is he from east side Riverside or is he from Rubidoux?
1481
1482 A: No. He's from Riverside.
1483

1484 Q: He is? How - how could I identify this guy? I know they could probably
1485 fingerprints and stuff, but I'd like to talk, you know, obviously speak to his
1486 family probably would want to know what's going on. How could I identify
1487 him or find out where he lives?
1488

1489 A: That's a hard one.
1490

1491 Q: Does anybody ever talk about where he lives?
1492

1493 A: No.
1494

1495 Q: And he - and - and when you got introduced to him was it - you said it was
1496 (Frank) that introduce - introduced you or somebody else to this guy?
1497

1498 A: Somebody else. My friend. (Raul).
1499

1500 Q: And so when (Raul) introduced this guy was it just a chance encounter
1501 somewhere?
1502

1503 A: Mm-hm.
1504

1505 Q: Or were you guys at somebody's house?
1506

1507 A: Yeah. Well, we - we were in the streets and, ah, I seen (Raul) and I seen him
1508 and he was all - he was all like a (Smurf). (Smurf), (Smirks), (Smurfs).
1509 Hello, nice to meet you.
1510

1511 Q: Mm-hm.
1512

1513 A: And that's - that's all I knew. And every time I see him on the street I say
1514 what's up to him and that was it.
1515

1516 Q: So it's just chance encounters here and there?
1517

1518 A: Yeah.
1519

1520 Q: And everything's cool?
1521

1522 A: Yeah.
1523

1524 Q: 'Cuz you guys are livin' in the same neighborhood?
1525

1526 A: Yeah.
1527

1528 Q: (Unintelligible). Do you have any tattoos?

1529
1530 A: Nope. Me?
1531
1532 Q: Yeah?
1533
1534 A: No.
1535
1536 Q: Nothin' on you?
1537
1538 A: No.
1539
1540 Q: Your name? Nothin' like that?
1541
1542 A: Nope.
1543
1544 Q: Were you injured in this thing?
1545
1546 A: Injured?
1547
1548 Q: Yeah?
1549
1550 A: No.
1551
1552 Q: You get hurt?
1553
1554 A: No. No. I probably would (unintelligible).
1555
1556 Q: It looks like everybody was lucky as far as you guys go inside the car and the
1557 officer as well. 'Cuz, ah, you know, the officer's car got hit with gunfire, too.
1558
1559 A: Oh, yeah?
1560
1561 Q: So, ah, this - this thing pretty much was caused by one person. This thing
1562 was, ah, all as a result of one person's actions. Um, and, ah, you know, he
1563 obviously had a big gun with him and obviously chose not to - I don't know if
1564 he panicked or what. Did he seem like he was high or anything when you
1565 talked to him earlier or drunk or anything like that?
1566
1567 A: No. I always see him the same.
1568
1569 Q: He just seemed normal?
1570
1571 A: Yeah.
1572

1573 Q: In your mind I know you said he didn't talk about it. What do you think - did
1574 you really just think he was wanted a ride someplace and you were gonna
1575 drop him off or did you think he might want a pick up or something or
1576 (unintelligible)?
1577
1578 A: No. I just thought - I thought he was really gonna get dropped off.
1579
1580 Q: Just a ride?
1581
1582 A: Mm-hm.
1583
1584 Q: And he didn't say whose house it was or anything?
1585
1586 A: Nope. He just, drive me to there.
1587
1588 Q: And - and you really thought you were just gonna drop him off and - and...
1589
1590 A: Yeah.
1591
1592 Q: ...you were gonna split?
1593
1594 A: Yeah.
1595
1596 Q: And where were you gonna go after that?
1597
1598 A: I was gonna go pick her up.
1599
1600 Q: Pick up your girlfriend?
1601
1602 A: Mm-hm.
1603
1604 Q: Okay. Were you texting that stuff to her?
1605
1606 A: Mmm...
1607
1608 Q: Sayin' (unintelligible) or anything?
1609
1610 A: Yeah. We were -we were - yeah, we were talkin'. I was gonna go back to
1611 10th Street and then by the time she'd be there. 'Cuz she had told me the car
1612 got a flat. So they was waitin' on AAA.
1613
1614 Q: So she's driving with somebody or...
1615
1616 A: Yeah. She's driving with her roommate.
1617

1618 Q: Okay.
1619
1620 A: And her mom - her mom wanted to go there and pick them up. 'Cuz they
1621 were only gonna be here for a week.
1622
1623 Q: Okay. And what was your plan with (Stephanie)? What were you gonna do
1624 with her?
1625
1626 A: Well, she was supposed to, ah, go by the 10th Street with us and that's it. And
1627 then from there I was gonna split.
1628
1629 Q: By yourself or were you gonna take (Stephanie)?
1630
1631 A: No. I wasn't gonna take (Stephanie).
1632
1633 Q: That probably wouldn't go over too well.
1634
1635 A: I wasn't gonna take a girl to my girlfriend's.
1636
1637 Q: Okay. What - what do you know about (Stephanie)?
38
1639 A: Mmm, I just seen her around the streets, that's it.
1640
1641 Q: And you said that you thought she would know this guy better than you did.
1642 Why - what makes you think that?
1643
1644 A: Ah, they're about the same age. Ah, they probably know longer than I know
1645 him. Ah...
1646
1647 Q: Did she act like she knew him when he came up when you guys were standin'
1648 around?
1649
1650 A: Yeah (unintelligible).
1651
1652 Q: Did they say hi to each other?
1653
1654 A: Yeah. They - they - they - they live right near each other.
1655
1656 Q1: Are we gonna find anything illegal in your car?
1657
1658 A: No.
1659
1660 Q1: Nothin' at all?
1661
1662 A: No.

1663
1664 Q1: Do you care if we search it and go through it and make sure there's nothin'
1665 illegal in the car?
1666
1667 A: Mm-hm.
1668
1669 Q1: It's okay?
1670
1671 A: Mm-hm.
1672
1673 Q1: No guns? No drugs? No nothin' like that?
1674
1675 Q: We're gonna hold onto it anyway. Obviously it's got gunshots in it and we
1676 gotta - there's a lot we gotta do to ah - I mean, you guys couldn't get it back 'til
1677 next week anyway, so don't - you're not gettin' anything back tonight
1678 (unintelligible). We want to, ah, process it which means, you know, for DNA
1679 and for fingerprints and stuff like that.
1680
1681 A: Mm-hm.
1682
1683 Q: I don't know if I'm gonna need 'em or not but I only get one chance to collect
1684 those things. So there's two ways I can get 'em. With your consent which is
1685 (unintelligible) to be honest with you very easy to get for your vehicle. So
1686 that's why he's askin' you for permission because it's easier for us and it helps
1687 us do everything faster so you can get - you guys can get the car back. Um,
1688 you know, obviously - who is it - did the bullet go through your side window?
1689
1690 A: The what?
1691
1692 Q: Your window next to you?
1693
1694 A: Yeah. Yeah. There's a bullet (unintelligible).
1695
1696 Q: Who rolled - who rolled the window down? Did they have you do that?
1697
1698 A: Yeah.
1699
1700 Q: When the officer showed up to get you guys out?
1701
1702 A: No. No. Ah, they tal- they told me through the radio.
1703
1704 Q: Okay.
1705
1706 A: Through the speaker.
1707

1708 Q: Okay.
1709
1710 A: (Unintelligible).
1711
1712 Q: But it's down so that's why I'm asking you.
1713
1714 A: Yeah.
1715
1716 Q: There's a hole through that window.
1717
1718 A: Yeah. There's a hole and there, you know where the lines are?
1719
1720 Q: Mm-hm.
1721
1722 A: Like the little cracks there's like a hole like right next to it.
1723
1724 Q: Okay.
1725
1726 A: Like if I was sittin' there the bullet had just gone through.
1727
1728 Q: I think there's a bullet in this passenger window and your window. Did you
1 / 29 know that?
1730
1731 A: Ah, I seen - when - when I seen I seen all the windows cracked.
1732
1733 Q: At the same - like all at once?
1734
1735 A: Yeah.
1736
1737 Q: And I know it's impossible to know this but let me ask you. Do you think the
1738 same bullet went through yours and then went through this one either this way
1739 or that way?
1740
1741 A: That's a hard one.
1742
1743 Q: What makes you think it was the officer's bullet that went through your
1744 window?
1745
1746 A: Because it went through this side. I heard - I heard the crackin' from this side.
1747
1748 Q: So you heard that - when your windshield broke it sounded like it came from
1749 your left?
50
1 / 51 A: The officer.
1752

1753 Q: The officer's side.
1754
1755 A: That's when I just ducked.
1756
1757 Q: Okay. And I'm just gonna play a little bit back to you. Your - all windows
1758 are up, you are texting your girlfriend, you see a car coming. Did you know -
1759 you noticed it was a marked police car?
1760
1761 A: Yeah. I knew it was a cop.
1762
1763 Q: You saw it was a cop, then you noticed (Smurf)?
1764
1765 A: Mm-hm.
1766
1767 Q: Like joggin' across the street back to you?
1768
1769 A: Mm-hm.
1770
1771 Q: The cop stops, starts to get out and shines the spotlight on...
1772
1773 A: Turned the spotlight on.
1774
1775 Q: On him or on your car?
1776
1777 A: Him.
1778
1779 Q: By this time you - you notice he was around the back of your car?
1780
1781 A: By - by the time the cop stopped like completely stopped and pointed the light
1782 at him he was already in this side of the car.
1783
1784 Q: He was already on the passenger's side?
1785
1786 A: Mm-hm.
1787
1788 Q: And at what point you said you heard him say, it's cool, it's cool?
1789
1790 A: Ah...
1791
1792 Q: Right there or (unintelligible)?
1793
1794 A: Ah, right - no. When the cop was pulling up he said, it's cool, it's cool,
1795 officer, it's cool.
1796
1797 Q: (Unintelligible).

1798
1799 A: (Unintelligible).
1800
1801 Q: (Unintelligible).
1802
1803 A: Yeah. It's cool (unintelligible) heard gunshots.
1804
1805 Q: How long after, it's cool, it's cool, did you hear gunshots from anybody?
1806
1807 A: Ah, after like, ah, two seconds.
1808
1809 Q: Like...
1810
1811 A: Everything just happened so fast.
1812
1813 Q: Like bam?
1814
1815 A: Yeah.
1816
1817 Q: And you - you have an opinion on - on - now that you're thinking about it and
18 thinking back where you heard the gunshots coming from first? The officer's
1819 side or the guy's side?
1820
1821 A: I really - I - it's hard to say though. It's hard to say 'cuz I just heard gunshots.
1822
1823 Q: Okay.
1824
1825 A: I don't know - I didn't know it was gonna get to that extreme.
1826
1827 Q: So all you really can recall is that it was an exchange?
1828
1829 A: Yeah.
1830
1831 Q: You can't remember who shot first?
1832
1833 A: No.
1834
1835 Q: And you thought it was about four shots altogether?
1836
1837 A: Yeah.
1838
1839 Q: Was it, like, all at the same time or boom?
1840
1841 A: I heard boom and then boom, boom, boom.
1842

1843 Q: Okay. So like one and then...
1844
1845 A: Yeah.
1846
1847 Q: ...some more. All right. Jose, is there anything else that we didn't talk about
1848 that might be important to us, ah, about what happened today?
1849
1850 A: Mmm, pretty sure (unintelligible).
1851
1852 Q1: You want any - do you need any DNA or anything from him at all? (Leann)
1853 was gonna go back to the scene, so just wanted to know - she wanted to know
1854 if...
1855
1856 Q: Do you mind if, ah, we just take a cotton thing and swab your cheek, ah, in
1857 case we want to do some DNA on something. Let's say we find, ah - let's say
1858 there's another gun in your car.
1859
1860 A: Mm-hm.
1861
1862 Q: Just for - I don't know if there is or isn't. And we want to find out who - who
53 was hangin' on to that gun. Um, one way to do that could be to check it for
1864 DNA which means whoever was holding it left their DNA on it. Do you
1865 understand what that stuff is?
1866
1867 A: Mm-hm.
1868
1869 Q: Okay. So one way I could prove that you did or didn't have a gun or the gun
1870 or whatever we find in the car is to check for DNA. So what I'd want is to
1871 vol- see if you will voluntarily give me a DNA sample. It's just - it's a cotton
1872 swab and all we do is rub the inside of your cheek. And then I'll have it if I
1873 need it. It doesn't get entered into anything. It doesn't get sent to any systems
1874 or anything like that. It's just for me to compare if I find something in there I
1875 want to know who had it. Do you understand?
1876
1877 A: Mm-hm.
1878
1879 Q: Are you willing to do that?
1880
1881 A: Yeah.
1882
1883 Q: Okay. At this point without searching your car just based on the incident
1884 itself, what we know, um, I'm gonna send you home, okay? As soon as I'm a
35 hundred percent positive that you are this person, Jose.
1886
1887 A: (Unintelligible).

1888
1889 Q: And then, ah, (unintelligible) vehicle you or your aunt, she's the registered
1890 owner, right?
1891
1892 A: No. My cousin's the registered owner.
1893
1894 Q: Who's - I'm sorry. What was your cousin's name again?
1895
1896 A: (Gloria Aguirre).
1897
1898 Q: What's her phone number so I can get a hold of her?
1899
1900 A: Ah, I really don't know. It's in my phone.
1901
1902 Q: But it's in your phone?
1903
1904 A: Yeah.
1905
1906 Q: Is it under (Gloria)?
1907
1908 A: Yes. It's under (Gloria).
1909
1910 Q: Okay. What kind of phone do you have?
1911
1912 A: iPhone.
1913
1914 Q: What color?
1915
1916 A: White.
1917
1918 Q: Okay. Well, I - I imagine you're gonna be talkin' to her and you're, you
1919 know, when you get out of here. Um, I'm gonna give you my card.
1920
1921 A: Mm-hm.
1922
1923 Q: Before you go. So she can contact me.
1924
1925 A: Okay.
1926
1927 Q: Ah, a reference to the car. But, like I said, I'm gonna have it 'til next week
1928 'cuz I got - I'm gonna really go through it, okay?
1929
1930 A: Mm-hm.
1931

1932 Q: And, ah, your consent and I'm - I may or may not need (Gloria)'s consent. I
1933 don't know. Ah, will speed things up quite a bit. So, like I said, I can get a
1934 search warrant if she doesn't feel comfortable, but, um, all I'm looking for is I
1935 want to recover evidence from the shooting, bullet fragments, whatever, and I
1936 want to talk to them about the damage to her car and things like that. So if
1937 there's nothin' to hide there's really no reason to object to it.
1938
1939 A: Mm-hm.
1940
1941 Q: But it's a hundred percent up to you guys. You know, it's your right, so, okay?
1942 Can you think of anything else, (Greg), for the time being?
1943
1944 Q1: Sit tight for me. Gotta use the bathroom or anything right now?
1945
1946 A: Yeah. I gotta use the bathroom.
1947
1948 Q: Okay. Let me - let me leave for one second and I'll come back and we'll take
1949 care of that, okay?
1950
1951 A: Okay.
52
1953 Q: Oh, you got a bunch of money in there. How much money do you think it is?
1954
1955 A: Um, about 280.
1956
1957 Q: And what's that from? Work?
1958
1959 A: Yeah.
1960
1961 Q: And how come you carry it all at once?
1962
1963 A: Huh?
1964
1965 Q: How come you carry it all around with you? Isn't that kind of dangerous?
1966
1967 A: (Unintelligible) like 280 bucks?
1968
1969 Q: Yeah.
1970
1971 A: (Unintelligible).
1972
1973 Q: Well, don't you think you, you know, most guys don't want to keep all their
74 money in one spot in case they get jacked or...
1975
1976 A: Yeah.

1977
1978 Q: Lose their wallet.
1979
1980 A: I was gonna be at my girlfriends so.
1981
1982 Q: And how do you know it's 280? Is that how much your check was or you
1983 counted it or...
1984
1985 A: No. That's how much, I counted it. It should be like 280.
1986
1987 Q: It's almost two - maybe that's two with that. 20, 40, 60, 80 - 310. A little
1988 more than you thought.
1989
1990 A: Mm-hm.
1991
1992 Q: Is this from your paycheck or is this - you said...
1993
1994 A: I don't get paychecks. Cash.
1995
1996 Q: Cash?
1997
1998 A: Yeah.
1999
2000 Q: (Unintelligible).
2001
2002 A: It's my own car wash.
2003
2004 Q: So it's your own thing that you do?
2005
2006 A: Mm-hm.
2007
2008 Q: And people would just pay you cash?
2009
2010 A: Mm-hm.
2011
2012 Q: (Unintelligible) a little bit (unintelligible)?
2013
2014 A: Yeah.
2015
2016 Q: I have a feeling dummy was going up to get drug (unintelligible) you got a
2017 bunch of cash on you so maybe you - he wanted you to buy it, you know?
2018
2019 A: No, I wouldn't. I didn't know the guy but I (unintelligible).
2020
2021 Q: No. I mean maybe you wanted something (unintelligible)?

2022

2023 A: Ah, no.

2024

2025 Q: Okay. That's just a possibility, that's all.

2026

2027 A: Yeah. Yeah.

2028

2029 Q: All right.

2030

2031 A: How long you think before we go over there?

2032

2033 Man: (Unintelligible).

2034

2035 Man: (Unintelligible).

2036

2037 Q1: Um, can you guys take him just to use the bathroom and then come back into
2038 the same room? Thanks.

2039

2040

2041 This transcript has been reviewed with the audio recording submitted and it is an accurate
2042 transcription.

2043 Signed  3-4-14

RIVERSIDE POLICE DEPT. - Restricted Information
Public Records Act Request
ROZ 6/29/2015 5:01:27 PM Unauthorized Release PROHIBITED