

**SUPPLEMENTAL REPORT**

1. Original File No. P08-157587	2. [Redacted]	3. Off ID 146	4. Dist. W	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 10-31-08 / 2144	9. Day 7
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)  
7800 Block of Cypress Avenue, Riverside

18. Type of Place  
City Street

For ID USE: V = Victim, I = Informant, W = Witness, O = Other

19. ID: V/ 20. Last Name - First - Middle (Firm Name if Business)  
Officer Daniel Koehler

21. Race - Sex 22. DOB

23. Residence Address 24. Business or School Address  
RPD

25. Home Phone 26. Bus. Phone  
(951) 787-7911

27. V/ 28. Last Name - First - Middle (Firm Name if Business)  
Officer Jeffrey Ratkovich

29. Race - Sex 30. DOB

31. Residence Address 32. Business or School Address  
RPD

33. Home Phone 34. Bus. Phone  
(951) 787-7911

SUSPECT 35. LAST Name - First - Middle  
Acevedo, Marlon

36. Race - Sex H / M 37. Age 35 38. Ht. 507 39. Wt. 230 40. Hr. BLK 41. Eyes BRN 42. DOB or ID [Redacted] 43. Arrested  Yes  No

44. Address - Clothing - Other Marks or Identifying Characteristics  
7857 Cypress Avenue, Riverside

45. Juv: Other Disp: Juris.  2 Juv. Ct. Prob.  5 Within Dept.  6 Detained  1 Not Detained  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  Yes  No

55. Address - Clothing - Other Marks or Identifying Characteristics

56. Juv: Other Disp: Juris.  2 Juv. Ct. Prob.  5 Within Dept.  6 Detained  1 Not Detained  2

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

	A 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) Officer Involved Fatal Incident

61. Original Offenses Changed to (Code - Crime)  
(1)

58. Stolen Auto Value ASP: \$

59. Recovered Auto Value A2 \$

62. Narrative of Supplemental Report  
-Interviews with Germain Gabaldon and Sarah Rescorl-  
  
-Print out from Officer Heiting's Taser

Reporting Officer  
Det. J. Brandt

Reviewed By  
M. Rossi 603

COPIES TO

VCLO ( )

**ACTIONS**

APR Sent  
APR Cncl.  
APB Sent  
APB Cncl.

DOJ-NCIC  
Entered \_\_\_\_\_  
Cancl. \_\_\_\_\_

**ENTERED**

Stats ARBK ANK

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Det. J. Brandt #146

**Witnesses:**

Gabaldon, Germain                      DOB: [REDACTED]  
7850 Cypress Avenue #1103  
Riverside, CA 92503  
[REDACTED]

Rescorl, Justin Scott                    DOB: [REDACTED]  
7850 Cypress Avenue #9301  
Riverside, CA 92503  
[REDACTED]

Rescorl, Sarah Danielle                DOB: [REDACTED]  
7850 Cypress Avenue #9301  
Riverside, CA 92503  
[REDACTED]

**Narrative:**

On 10-31-08, at approximately 2300 hours, I responded to 7850 Cypress Avenue, in the city and county of Riverside regarding an In-Custody Death Investigation. Upon my arrival, I was asked to assist Detective G. Rowe with witness interviews. The interviews took place at the scene, separately, and were audio recorded. Refer to Detective Rowe's Supplemental Report regarding W/ Justin Rescorl's statement. Below is a summary of W/ Gabaldon and W/ Sarah Rescorl's statements. Refer to attached transcripts and recordings for details.

**Germain Gabaldon**

W/ Germain was inside his apartment when he heard a guy "going crazy" and screaming outside. As he walked outside to see what was happening he heard a banging sound like somebody punching a car. He went to the front of the apartments and saw S/ Acevedo walking around in the street. W/ Germain went back to his apartment and told his wife to lock the door. He went back out front and was standing on the sidewalk in front of the complex and saw S/ Acevedo standing in the street, screaming and holding up traffic. S/ Acevedo was nearly hit by passing vehicles twice. At one point, someone in a white and burgundy Suburban stopped and asked S/ Acevedo what was wrong with him. S/ Acevedo nearly hit the Suburban but the driver was able to back away.

W/ Germain said his friend "Safety" was outside with him and called 9-1-1. ("Safety" was identified as Justin Rescorl and Detective Rowe and I interviewed him.)

W/ Germain said two uniformed police officers arrived in one marked patrol car and approached S/ Acevedo. He said the officers were talking to S/ Acevedo but W/ Germain could not hear

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what was being said. As the officers walked closer to S/ Acevedo he started swinging his fists at them. He saw a black flashlight fall on the ground and assumed S/ Acevedo knocked it out of one of the officer's hands.

W/ Germain said S/ Acevedo was "like a maniac on, on them [officers]" so one of the officers used a baton "from my point of view, it was self defense. They had no choice but to use it".

W/ Germain said his eyes are kind of bad at night and he was too far back to know if the officers struck S/ Acevedo. He also described that the patrol car actually blocked some of his view as well.

W/ Germain said the officers were trying to restrain S/ Acevedo but he was not listening to them and not following their directions.

During the altercation W/ Germain heard "two shots. Then I heard like a loud ssss sound". After that he saw what he thought was vomit in the street.

W/ Germain said he went back and forth from his apartment during this incident and after coming back out the last time the ambulance and fire department were arriving on-scene. There were also additional police officers there. W/ Germain does not believe that S/ Acevedo could ever be handcuffed or restrained. He said several officers and medical personnel put S/ Acevedo, on his back, onto a gurney.

Refer to transcripts and recording for details.

**Sarah Rescorl**

W/ Sarah was just returning from trick or treating with her husband (Justin Rescorl) and their two (2) children when she heard S/ Acevedo yelling. She saw that he was standing in the street, nearly being hit by passing vehicles and stopping traffic. He was yelling at people as they passed by on foot and in vehicles. He also threw a suitcase or briefcase at a parked car. An unknown lady, possibly S/ Acevedo's wife, tried to get him to come out of the street but he refused. Concerned that S/ Acevedo was going to be hit by a car, W/ Justin called 9-1-1.

A short time later two uniformed police officers arrived in a marked police vehicle. When the officers walked up to S/ Acevedo "he was just really belligerent and out of it." She said the officers were saying something to S/ Acevedo but she was too far away to hear. S/ Acevedo starting swinging at the officers with his fists. She did not see if S/ Acevedo had anything in his hands. The officers each took out their batons and she thinks they both struck S/ Acevedo with the batons. She described that the strikes were on the outside portion of his thigh or knee. She did not see strikes up high or near the head. She said S/ Acevedo was standing when he was struck but ended up on the ground. When he went to the ground she could not see what was happening because the police car was in her way. She then heard a clicking sound and asked her husband what the noise was and he told her it was a taser. She only heard the clicking noise one time.

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She then believes the officers handcuffed S/ Acevedo, who was lying on his stomach. One of the officers then bent S/ Acevedo's legs up towards his butt. Shortly after that an ambulance arrived at the scene.

Refer to recording and attached transcript for details.

I then responded to the Magnolia Station where I took possession of Officer Heiting's taser for the purpose of downloading the information. The taser is a Model X26 with Serial # [REDACTED]. Detective R. Tipe assisted with downloading the information and printing out the information. The downloaded information indicated this taser has not been used since 07/10/08 at 15:48:57 (Local Time) and therefore was not deployed during this incident. Refer to attached print out.

**No Further Information.**

RIVERSIDE POLICE DEPT - Restricted Information  
**CPRC Public Release**  
CPRCROBERT 9/1/2010 9:31:28 AM Unauthorized Release PROHIBITED



**TASER**  
INTERNATIONAL

**TASER Information**

Serial # [REDACTED]  
 Model # X26  
 X26 Software Version 20  
 Dataport CD Version 15.6  
 Record Date Range All Data  
 Computer Time Zone Pacific Standard Time  
 Using Daylight Savings Time Yes

**Downloaded By**

Name Robert Tipre  
 Dept Riverside  
 Rank Detective  
 Windows Version Microsoft® Windows NT(TM) Service Pack 3  
 Report Generated 11/01/08 04:12:31 (local)

**Recorded Firing Data**

OFFICER Heiting's TASER

Seq	GMT Time	Local Time	Duration	Temp	Battery
0001	11/30/99 00:02:44	11/29/99 16:02:44	Old Time		
0002	07/03/07 18:06:40	07/03/07 11:06:40	New Time		
0003	07/03/07 18:07:35	07/03/07 11:07:35	5	26	99
0004	07/03/07 18:07:41	07/03/07 11:07:41	5	26	99
0005	07/03/07 18:07:47	07/03/07 11:07:47	5	26	99
0006	10/12/07 13:57:48	10/12/07 06:57:48	5	24	98
0007	05/28/08 13:14:16	05/28/08 06:14:16	1	21	96
0008	05/30/08 19:34:10	05/30/08 12:34:10	1	21	96
0009	06/16/08 17:00:24	06/16/08 10:00:24	1	21	96
0010	07/10/08 22:38:46	07/10/08 15:38:46	1	24	96
0011	07/10/08 22:48:57	07/10/08 15:48:57	1	24	96
0012	11/01/08 10:53:30	11/01/08 03:53:30	Old Time		
0013	11/01/08 11:12:04	11/01/08 04:12:04	New Time		

End of Report.

INTERVIEW WITH GERMAIN GABALDON

Q=Det. Jim Brandt

Q1=Det. Greg Rowe

A=Germain Gabaldon

A1=Woman

14 Q: All right, this Detective Jim Brandt. Ah, with Detective Greg Rowe. We're at  
15 7580 Cypress. It's, ah, November 1st, 2008 at about 12:41 a.m. And this is  
16 regarding RPD file number P08157587. And your last name, sir?

18 A: Gabaldon, G-A-B-A-L-D-O-N.

20 Q: And your first name?

22 A: Germain, G-E-R-M-A-I-N.

24 Q: Do you have a middle name?

26 A: No, sir.

28 Q: No?

30 A: No.

32 Q: And you live here?

34 A: Yes.

36 Q: 7580...

38 A: No, 7850.

40 Q: 7850?

42 A: Yeah.

44 Q: Okay, Cypress. What number do you live in?

46 A: 1103.  
47  
48 Q: 1103. What's the zip code over here, 9250...  
49  
50 A: Three, I believe.  
51  
52 Q: Okay. Do you have a phone number at the, ah, apartment?  
53  
54 A: [REDACTED].  
55  
56 Q: Ah-huh.  
57  
58 A: ... [REDACTED]  
59  
60 Q: And do you have a cell phone?  
61  
62 A: No, I don't.  
63  
64 Q: And, how about a work address?  
65  
66 A: No, self employed.  
67  
68 Q: You're self employed?  
69  
70 A: Yes.  
71  
72 Q: Is there a phone number at the business?  
73  
74 A: No.  
75  
76 Q: You use the same one - the apartment?  
77  
78 A: Yeah, I just use it - same one to the apartment and then (unintelligible).  
79  
80 Q: All right, um...  
81  
82 Q: What's your birthday?  
83  
84 A: Um, my birthday? [REDACTED]  
85  
86 Q: [REDACTED]?  
87  
88 A: Yeah, [REDACTED]

- 90 Q: All right, we're here, obviously to talk to you - talk to you about what  
91 happened earlier and what you heard - how anything came to your attention  
92 and then what you saw.  
93
- 94 A: Um, what I saw - I just saw - I just heard from my apartment some guy going  
95 crazy, like, scream- and then, as I walk outside, I heard, like, a bang, like the  
96 guy hit a car or something, like, like somebody punching a car. And then I  
97 told my friend, I go, "What's going on? How long this guy's been out here -  
98 he's walking around," so I went - I went inside to the apartment, told my wife  
99 to lock the door just in - just to be on the safe side. You know, for - 'cause it's  
100 - I mean, I have a family.  
101
- 102 Q: Mm-hm.  
103
- 104 A: I have two boys. You know? So I - then I go back outside and then, um, he -  
105 there he goes screaming again. You know? He - then as he was screaming, he  
106 was holding traffic. Two - he almost got hit twice, from what I saw.  
107
- 108 Q: Okay.  
109
- 110 A: I go - I really didn't know. You know? I told my friend, "You know what?" I  
111 go, "I don't have a cell phone," you know, "Maybe we should call 9-1-1. So  
112 we waited for a few minutes, ma- we thought maybe he'd go back inside. So  
113 then next - s- so then, long story short, he continued. So we call the - we  
114 called - he called 9-1-1.  
115
- 116 Q: Your friend did?  
117
- 118 A: Yeah.  
119
- 120 Q: Okay.  
121
- 122 A: So, and then they were talking to him outside here, but. I go, 'cause it's like,  
123 "You know what? This guy's - he - we would better rather have him be safe".  
124 That's right. And plus, he - he - him and his family live here too.  
125
- 126 Q: Who's him?  
127
- 128 A: S- um, I don't know of his real name, but I call him "Safety."  
129
- 130 Q: You call him what?  
131
- 132 A: "Safety."  
133
- 134 Q: "Safety?"

135  
136 A: Yeah.  
137  
138 Q: And who is that, your friend that called 9-1-1?  
139  
140 A: Yeah, you know why, we want it - it's probably guy "Safety," you know what  
141 I mean?  
142  
143 Q: Right.  
144  
145 A: So, then when - what I saw, from when the cops got here, the guy - they say,  
146 "Hey, what are you doing." I couldn't really hear. But then, like, I saw him  
147 swinging at the cops. He's like - throwing fists.  
148  
149 Q: Okay.  
150  
151 A: And then, I do know that I saw a flashlight - and, ah, one of the flash - he  
152 knocked out the flashlight and then I think it's got the baton? I want to - one  
153 of the cops hands.  
154  
155 Q: He knocked them - he knocked the flashlight?  
156  
157 A: Yeah, he just hit the flashlight - I see the - all I saw was the flashlight fly out.  
158  
159 Q: Okay. Was it a - a big flashlight? Or...  
160  
161 A: It was probably one of those magnums.  
162  
163 Q: Okay.  
164  
165 A: A black one.  
166  
167 Q: Um, did you see how that whole thing happen? Did he swing at them first?  
168 Were...  
169  
170 A: I really (unintelligible)...  
171  
172 Q: ...they talking to him? Or...  
173  
174 A: ...they were trying to talk to him. But I think I - as - what I - from what I saw,  
175 he got - as they got closer, he started swinging.  
176  
177 Q: Okay.  
178  
179 A: So, it's like...

180  
181 Q: His fists, you said?  
182  
183 A: Yeah, I seen the - I saw the fists start...  
184  
185 Q: Okay. Did you - do you know if he hit the officers at all? Actually connected  
186 or anything?  
187  
188 A: I really don't know to be honest with you.  
189  
190 Q: Okay. And, is it during those initial, um, punches that you noticed the  
191 flashlight went flying?  
192  
193 A: I noticed - I noticed, like, within a few seconds that - I saw - just saw a  
194 flashlight start rolling, so that's what I assumed, that...  
195  
196 Q: Okay.  
197  
198 A: ...he - he hit the flashlight out of the hand.  
199  
200 Q: Okay. Um, and then what did the officers do in response to being punched?  
201  
202 A: I couldn't really see, to be honest.  
203  
204 Q: Okay.  
205  
206 A: So...  
207  
208 Q: Um, what prevented you from seeing li- lighting? Or cars in the way?  
209  
210 A: (Unintelligible)...  
211  
212 Q: Or...  
213  
214 A: No, my eyes are kinda bad at night.  
215  
216 Q: Okay.  
217  
218 A: So...  
219  
220 Q: How far - where were you standing, um...  
221  
222 A: I was...  
223  
224 Q: ...when you - when you saw him first start swinging?

225  
226 A: I was standing near (unintelligible), ah, the car's coming?  
227

228 Q: Mm-hm.

229  
230 A: Just right there to the side.

231  
232 Q: Like what...

233  
234 A: (Unintelligible)...

235  
236 Q: ...not back by the gate - not back at the apartments...

237  
238 A: (Unintelligible)...

239  
240 Q: ...in the driveway?

241  
242 A: From where this wall's all the way. Like, in the front.

243  
244 Q: How many - how many feet. Do you know how many feet, would you say?

245  
246 A: Less than 15 - hold on a - that's a good question.

247  
248 Q: Okay, you're out in the street?

249  
250 A: Not in the street, I was - I was in the apartment property.

251  
252 Q: But, like, in the driveway or...

253  
254 A: Yeah.

255  
256 Q: ...in the sidewalk out there? Or...

257  
258 A: On the sidewalk. On the sidewalk where the apartment's at.

259  
260 Q: Okay. But, out front of the complex, then...

261  
262 A: Yeah.

263  
264 Q: ...on the sidewalk.

265  
266 A: Yeah.

267  
268 Q: And where was - where was he at?  
269

- 270 A: He was right there in the middle of the street. He was lo- like I said, he was  
271 blocking traffic, this guy's all, "Hey, what's wrong with you?" Some guy in a  
272 suburban. The suburban was white with burgandy, that I saw. And then, like,  
273 he almost, like, started hitting the suburban, but, the guy kinda, like, the guy  
274 just backed - backed away and got away from him.
- 275
- 276 Q: Okay. Um, w- I wanna go back, 'cause you said that - this is happening and  
277 the police had already come out once on him or something like that?
- 278
- 279 A: No, no, not once. W- he - I told - no, I said just that we should call the cops.
- 280
- 281 Q: Okay..
- 282
- 283 A: And, just, so, nothing else goes bad. This guy was already going crazy  
284 (unintelligible) like, like I said, I got family, what would of happened if he  
285 would get in the complex.
- 286
- 287 Q: Wh- wh- describe going crazy. What is going crazy?
- 288
- 289 A: Like, screaming, shouting out...
- 290
- 291 Q: Was he saying anything in particular? Do you remember anything he was  
292 saying?
- 293
- 294 A: No, I don't. I just know that he was waving his hands. So...
- 295
- 296 Q: But you were actually in your apartment when you first heard him?
- 297
- 298 A: Yeah, I was in my apartment.
- 299
- 300 Q: Okay. Um, have you ever seen that guy before in the neighborhood or  
301 anything?
- 302
- 303 A: No, I haven't. First time I have actually seen him.
- 304
- 305 Q: Okay, um, how long was this yelling and stuff going on before you guys  
306 called 9-1-1?
- 307
- 308 A: I don't know - I had just - I got in - in about - between the ten of nine, 9:10,  
309 between 9:10 and 9:20. I went outside once 'cause I heard something. And  
310 then, ah, that was probably, say, 15, 20 minutes after.
- 311
- 312 Q: That's when you first started hearing him yelling and stuff?
- 313
- 314 A: Yeah.

315  
316 Q: (Unintelligible).  
317  
318 A: And - and - yeah, maybe like ten minutes after, ah, 'cause he would continue  
319 and then, when he started blocking traffic from both s- directions, that's when  
320 we said, "You know what? Let's go ahead and do it."  
321  
322 Q: When you say, "Blocking traffic," was he standing out there stopping traffic?  
323 Or he...  
324  
325 A: Yeah.  
326  
327 Q: ...was out in the street, and it was causing them to stop 'cause he...  
328  
329 A: Yeah, it was causing them to stop so they wouldn't hit him.  
330  
331 Q: Okay. Um, is the closest you got to him was from the sidewalk...  
332  
333 A: Yeah...  
334  
335 Q: ...to the street?  
336  
337 A: ...I was too afraid to get any closer.  
338  
339 Q: I mean, you don't know if - if he smelled like alcohol or...  
340  
341 A: I don't know, I couldn't tell from that distance.  
342  
343 Q: Okay. Um, can...  
344  
345 A: Um...  
346  
347 Q: ...you describe him to me? The person that you saw out in the street?  
348  
349 A: Ah, he was from - a Hisp- Latino...  
350  
351 Q: White, black, Hispanic? Okay.  
352  
353 A: Hispanic. Bald. He was wearing, um, a blue Polo, like a - not like a da- ah, not  
354 the ones with the, like the, like an undershirt type.  
355  
356 Q: Okay.  
357  
358 A: Like one of these, with, ah, I think they were blue Dickies. Like, blue and  
359 white shoes. I think, or (unintelligible) wearing shoes.

360  
361 Q: He was wearing white shoes? You said? Or...  
362  
363 A: Like, bluish white, I couldn't...  
364  
365 Q: How old would you say he was?  
366  
367 A: Say he was in his 30's?  
368  
369 Q: Did you ever swing anything at the officers other than his fists? You see him  
370 grab any of...  
371  
372 A: No, I didn't see - I didn't see him pull out nothing. I - I just saw him just, like,  
373 swinging.  
374  
375 Q: Did you see the officers fight back at all? Were you able to tell, I mean, if they  
376 were able to throw punches back? Or if they...  
377  
378 A: They were - I was - I was too far back to tell whether or not the officer...  
379  
380 Q: Okay, at some point do you see him or one of the officers, or both of the  
381 officers and him go on to the ground? Or is the fight always standing up?  
382  
383 A: At one point, though, I've seen him - I seen him on the ground.  
384  
385 Q: All of them?  
386  
387 A: Good night.  
388  
389 A: All right.  
390  
391 Q: Good night.  
392  
393 A: I seen, yeah, I seen all of them on the ground.  
394  
395 Q: Okay, and how many officers showed up?  
396  
397 A: I saw two.  
398  
399 Q: Okay.  
400  
401 A: I remember seeing two.  
402  
403 Q: Did they come in one car or two cars?  
404

405 A: One car. It was one car.

406

407 Q: Okay. Um, during this fight - do you know what a taser is?

408

409 A: Yeah, actually, when, ah, a security guard right now - carries.

410

411 Q: Okay, have you seen it before?

412

413 A: Huh?

414

415 Q: Have you seen it before? Have you seen it out before?

416

417 A: He's shown me - he's got two of them. One's like a gun type, and then the

418 other one's just a hand held.

419

420 Q: Okay. Um, have you heard what they sound like?

421

422 A: Not - ah, to be honest with you, no.

423

424 Q: Okay.

425

426 A: But I heard, like, a - like a gun type, but then I heard like a - like a zapping

427 type.

428

429 Q: Tonight you did?

430

431 A: Yeah, tonight.

432

433 Q: Okay, an...

434

435 A: That's what I - I heard it, like, twice.

436

437 Q: Okay.

438

439 A: I wasn't sure - I - I didn't know what it was, but I heard, like, two shots. Then

440 I heard like a - like a loud sss sound.

441

442 Q: And, um, if you can think about it, at what point during this...

443

444 A: Like a time frame?

445

446 Q: ...altercation, or whatever it is that happened, ah, is he punching and you hear

447 that?

448

449 A: I...

450  
451 Q: Or is it going to the ground and you hear that?  
452  
453 A: Yeah - it was on the ground, and he - no, I can't even remember, honest.  
454 'Cause I don't wanna say something and it be false.  
455  
456 Q: Okay, well, I mean, and that's why think about it. I mean, I know you're not  
457 lying to me, I just want you to...  
458  
459 A: Yeah.  
460  
461 Q: ...to think about it, and if you don't know, then you don't know.  
462  
463 A: 'Cause - I - I know he was - they were trying to restrain him, and he wasn't,  
464 how do you say, he wasn't listening to them. He wasn't following their  
465 directions. I mean...  
466  
467 Q: Okay.  
468  
469 A: ...he kept trying to move up. And then that's when I heard the tasers. So, and  
470 then, like, when I - after that, I saw - just saw vomiting, like, I saw vomit. So...  
471  
472 Q: Where?  
473  
474 A: On the stree- like, I guess they must have had a towel underneath him or  
475 something.  
476  
477 Q: So, this is, like, later? I mean, is the ambulance here? Whe- at what point do  
478 you see...  
479  
480 A: No, thi- this is before the ambulance.  
481  
482 Q: Okay.  
483  
484 A: Bef- 'cause before the cops got here, we saw the chopper come all around.  
485 And they pointed it at him.  
486  
487 Q: Okay.  
488  
489 A: That light.  
490  
491 Q: And, when the light was on him, you noticed that there was a towel on the  
492 ground?

494 A: Ah, I don't know - I don't know what they used, but I ju- from where, ah,  
495 from where I saw, it looked like he was vomiting.  
496  
497 Q: Okay.  
498  
499 A: So...  
500  
501 Q: Um...  
502  
503 A: So...  
504  
505 Q: ...during this fight, are the officers telling him anything? Are they giving  
506 him...  
507  
508 A: I can't hear nothing.  
509  
510 Q: ...commands or anything?  
511  
512 A: No.  
513  
514 Q: You...  
515  
516 A: I - I couldn't hear nothing. And...  
517  
518 Q: Is he screaming still at the same time? Is - or is - is he...  
519  
520 A: He was kinda, actually, quiet. But he was, like, trying to, like, get, like, get  
521 loose.  
522  
523 Q: And you don't hear the officers telling him anything?  
524  
525 A: No.  
526  
527 Q: But you hear the - the cracking...  
528  
529 A: Cracking sound...  
530  
531 Q: ...sound of the...  
532  
533 A: ...yeah, the cracking sound.  
534  
535 Q: And you said you heard that two times?  
536  
537 A: It sounded like, twice.  
538

539 Q: Okay. Um, and I've asked you but I just want to make sure, did you ever see  
540 the officers pull out a baton or a flashlight or anything like that and use that...  
541  
542 A: I - I don't (unintelligible)...  
543  
544 Q: ...to hit him?  
545  
546 A: ...anything. At the begi- beginning of it, they were trying to, like, 'cause he  
547 wasn't - like I said - he was trying to sw- he was swinging at them. So they  
548 were using it in self defense.  
549  
550 Q: Okay.  
551  
552 A: 'Cause the guy was gon- like a maniac on - on them. So they used their - from  
553 my point of view, it was self defense. They had no choice but to use it.  
554  
555 Q: Well, what did - what did they use that...  
556  
557 A: The - the baton?  
558  
559 Q: Okay.  
560  
561 A: And that's - that's all I saw them use.  
562  
563 Q: Did you see one of them get the baton? Did you see...  
564  
565 A: I just saw one. The one - one - the whole time, I just saw one.  
566  
567 Q: Okay. Um, and the officers that showed up, ah, they were in a marked police  
568 car?  
569  
570 A: Yeah.  
571  
572 Q: Black and white police car?  
573  
574 A: Black and white. Sa- said Riverside on.  
575  
576 Q: Light bar on top and all that stuff?  
577  
578 A: Yeah.  
579  
580 Q: And the officers that you saw were they in uniforms?  
581  
582 A: They - they were in uniform.  
583

584 Q: Not - not like just a - a vest or whatever? They were...  
585  
586 A: No, no, no...  
587  
588 Q: ...actually in uniform?  
589  
590 A: ...they were actually in uniform, uniform.  
591  
592 Q: Okay.  
593  
594 A: So, I mean, that's how we knew 'cause the, ah, my friend who - the guy who  
595 was on the phone, he just told them, "Hey, you know what, the cops just got  
596 there." Okay, and he hung up. So that's how no-...  
597  
598 Q: When you saw those guys pull up in that car and get out...  
599  
600 A: Mm-hm.  
601  
602 Q: ...there's no question to you that they were police officers, right? They were...  
603  
604 A: They were...  
605  
606 Q: ...in complete uniform? They were...  
607  
608 A: ...yeah, they were in complete uniform.  
609  
610 Q: All right. Um, the officer that you saw with the baton, did you see how many  
611 times he swung the...  
612  
613 A: I - I don't...  
614  
615 Q: ...baton and went like that?  
616  
617 A: ...re- I don't even think he got a chance to swing it. To be honest with you.  
618  
619 Q: And that is because this guy's continuing to swing at them?  
620  
621 A: Yeah, there's a hu- like I said, he's a big guy. He's about, ah, he's, like, three  
622 or four times bigger than I am.  
623  
624 Q: Okay. Ah, woo- weight - height wise, how tall would you say he was?  
625  
626 A: I'd say - he was probably about 5'8", 5'9"? I'm 5' se- I'm 5'7", 5'6".  
628 Q: And how much would you say he weighed, then?

629  
630 A: Estimated about two to 300. Well, I'm 265, so he was probably about 300  
631 plus.  
632  
633 Q: Um, and you don't - I mean - you don't remember the dialogue between the  
634 officers and him, wo- they're telling him to stop...  
635  
636 A: No.  
637  
638 Q: ...or get down or whatever? You don't recall hearing anything like that?  
639  
640 A: No.  
641  
642 Q: You don't know what he was screaming? He was just screaming, just being?  
643  
644 A: It was just screaming.  
645  
646 Q: And screaming at cars and you actually heard him hit a car or something?  
647  
648 A: I heard - I just heard a - you know? I was, like, "What was that?" And  
649 somebody said, "Oh, he just hit a car." And I was, like, "He must have hit a" -  
650 from what I saw, he hit a parked car, probably.  
651  
652 Q: Okay.  
653  
654 A: And that's what I've seen. 'Cause - that's what he told me.  
655  
656 Q: And who saw this? Who's telling you this? Is it your friend that called 9-1-1?  
657  
658 A: No, somebody else. Someone that he - I don't even know who it was.  
659  
660 Q: Oh, somebody who was standing out there at the end of it?  
661  
662 A: Yeah.  
663  
664 Q: Um, was it always just those two officers in that one car there? Or did any  
665 other officers show up at any point?  
666  
667 A: Well, um, I went back inside to, you know, my girlfriend - to make sure she  
668 was doing what sh- I told her, like, staying inside. And, ah, when I got back  
669 out, there was, like, two more cop cars. So - I don't know how many - I see  
670 how many cops were out there afterwards. But that at that point of time, he  
671 was already ground, and, ah, as I heard the ambulance and the fire department  
672 start coming in.  
673

- 674 Q: Okay, did you see the officers, um, restrain him in any way? Were they able to  
675 handcuff him?  
676
- 677 A: I know they tri- I saw that they tried to handcuff him, but, I don't know that  
678 they were able to.  
679
- 680 Q: Okay. Um, w- did you ever see if they, like, restrained his legs in any way?  
681
- 682 A: No, I didn't see none of that.  
683
- 684 Q: Okay. Um, do you know if they l- laid on him for any extended period of  
685 time? Or was it kinda just a fight and then you went back inside? Or, how did  
686 that happen?  
687
- 688 A: It was kinda, like, yeah, it was, like, a fight, but then I just went back inside.  
689
- 690 Q: How - why did you - why did you go back inside as the police are fighting  
691 with somebody?  
692
- 693 A: 'Cause it just - 'cause, like, it's - it's kinda none of my business. And then I  
694 was trying to see, like, I'm kinda like, nosy. So it's like...  
695
- 696 Q: Well, that - I mean - that - that's a common thing, I would think...  
697
- 698 A: Yeah.  
699
- 700 Q: ...as the police are fighting someone in the street, I think it's more...  
701
- 702 A: Yeah.  
703
- 704 Q: ...common to stand and watch than it is to turn around and go back, so I just  
705 wanna make sure that, I mean that we're not...  
706
- 707 A: What I...  
708
- 709 Q: ...missing anything.  
710
- 711 A: ...was going in and out, 'cause, like, I had to work - make - my son he was  
712 actually, he's been crying, 'cause he's been sick, and teething - so I'm going  
713 in and out. And, um, I was (unintelligible).  
714
- 715 Q: How long does this incident, or this fight happen? How long do you think it  
716 goes?  
717
- 718 A: Estimated?

719  
720 Q: Yeah.  
721  
722 A: If I would have - probably about 15, 20 minutes, I'm guessing.  
723  
724 Q: With the police? Or with him out there screaming? And the police came  
725 there? Or...  
726  
727 A: Fir- or, no, the - when the police got there, it was probably, like, a few - just a  
728 few minutes.  
729  
730 Q: Okay.  
731  
732 A: 'Cause they were, it took them a few minutes, like a few seconds to get him  
733 down 'cause he was big, so...  
734  
735 Q: Okay, and you say the officer - you saw at least one officer get his baton?  
736  
737 A: Yeah.  
738  
739 Q: And...  
740  
741 A: And then I - when...  
742  
743 Q: Not sure if he was able to hit the guy?  
744  
745 A: I'm not sure.  
746  
747 Q: Okay, but you s-...  
748  
749 A: That's when, like, I wish I could give you some more information...  
750  
751 Q: No, th- and that's fine. But your word was that the officer went for the baton  
752 in self defense because...  
753  
754 A: It - it was, in my - like I said - from my point of view, it was self defense for  
755 you - for him - and then he pulled it out. But I don't think he was able to hit  
756 him, though.  
757  
758 Q: Okay. And you never saw the guy get restrained, ah, on the ground? You  
759 never...  
760  
761 A: No.  
762  
763 Q: ...anything like that?

764  
765 A: No.  
766  
767 Q: The scuffle, um, (unintelligible)...  
768  
769 Q1: You went inside before the ambulance showed up?  
770  
771 A: Huh?  
772  
773 Q1: You never saw the ambulance show up?  
774  
775 A: I saw the ambu- I was already out - I was outside. 'Cause I had - went inside -  
776 I went inside to check on my kids, and then I went back out. And when I -  
777 when I, like, went back out ah, the second or third time, that's when I saw the  
778 ambulance show up. And that's about the fi- the fire department.  
779  
780 Q: Okay. You have anything else?  
781  
782 Q1: Um, what - had - had they already loaded him into the ambulance when you  
783 came back out there? Or were they s-  
784  
785 A: No, they...  
786  
787 Q1: ...was he still on the street?  
788  
789 A: ...they were still trying to load him. They were still trying to load him up  
790 'cause he - he was a big guy.  
791  
792 Q1: Okay. And he- how many officers were trying to load him up?  
793  
794 A: Trying - there was, like, quite a few of those officers and then the people  
795 from...  
796  
797 Q1: More than just the two officers that were...  
798  
799 A: More than, there was more - there was quite a few. Trying to think of, like, I  
800 take him to the hospital.  
801  
802 Q1: And w- wh- what was his position when - when they were trying to pick him  
803 up and put him in the ambulance?  
804  
805 A: Ah...  
806  
807 Q1: I mean, did the ambulance actually bring the - the bed or the gurney out to  
808 him?

809  
810 A: Well, he was...  
811  
812 Q1: Or did they take...  
813  
814 A: ...he wasn't where- he was, like, on the floor and then they were parked their  
815 vehicle right here and they had pulled that - what is it, the bed?  
816  
817 Q1: Mm-hm.  
818  
819 A: And then they just brought it down and they...  
820  
821 Q1: Okay.  
822  
823 A: ...tried to roll him.  
824  
825 Q1: Put him on there?  
826  
827 A: Yeah.  
828  
829 Q: Did you see how he was laying?  
830  
831 A: No.  
832  
833 Q: How they put him on the...  
834  
835 A: I wasn't...  
836  
837 Q: ...gurney?  
838  
839 Q1: Did they put him on his stomach? On his back?  
840  
841 A: I think it was on his back.  
842  
843 Q1: Put him on his back? All right. And, earlier you - you said that, um, you  
844 couldn't really see very well. Well, you - you - I mean, you've given pretty  
845 good statement about...  
846  
847 A: Mm-hm.  
848  
849 Q1: ...what you could see, as - I mean...  
850  
851 A: Yeah, that's like - that's...  
852  
853 Q1: ...was there anything blocking you from seeing what you, what you saw?

854  
855 A: 'Cause, ah, where the police car was...  
856  
857 Q1: Mm-hm.  
858  
859 A: ...I was, like, on this side. You know? It's like, if you have the street, you got  
860 the sidewalk, and then you got our, ah, loading and unloading zone, and then  
861 you have the other sidewalk. I was on that sidewalk. So, where the cop car  
862 was, that's - was - that was, like, basically my blind spot.  
863  
864 Q1: Okay, did you move around so that you could see what was happening, then?  
865  
866 A: I was - I moved to the side, that's when I saw the guy on the floor.  
867  
868 Q1: Okay.  
869  
870 A: You know? I went to where the light post is at. Right here.  
871  
872 Q1: Mm-hm.  
873  
874 A: That's where - that's when I saw him. And I explained about the vomit and  
875 stuff like that.  
876  
877 Q1: Ah, is the - so the - the - there's pretty good lighting out there?  
878  
879 A: It's pretty good lighting. Um, I honestly - I really don't know if there's a  
880 camera out there, but I know there is cameras for (unintelligible) here.  
881  
882 Q: Yeah, we're - we're mainly concerned with - as - what you saw, though.  
883  
884 A: Mm-hm.  
885  
886 Q: Um, and you never - you never actually saw the officers hit him with the  
887 baton?  
888  
889 A: No, I just see the...  
890  
891 Q: I'm so...  
892  
893 A: ...baton just fly out somewhere.  
894  
895 Q: ...saw the guy hitting - trying to...  
896  
897 A: Yeah.  
898

899 Q: ...hit the officers.  
900  
901 Q1: Um, who - you said your friend is the one that called 9-1-1?  
902  
903 A: Mm-hm.  
904  
905 Q1: What's his name?  
906  
907 A: Safety (unintelligible).  
908  
909 Q1: Why do you call him 'Safety'?  
910  
911 A: That's the name he told me - ah...  
912  
913 Q: Is he the one with all the piercings in his face?  
914  
915 A: Yeah.  
916  
917 Q1: That's the - I mean, he's got a safety pin in his...  
918  
919 A: Yeah.  
920  
921 Q1: ...eye, is that why you call him '(Safety)?'  
922  
923 A: I gue- well, I don't know why he calls...  
924  
925 Q: Oh:  
926  
927 A: ...that's what he told me - I don't know his actual name, so.  
928  
929 Q1: He - he's the one that's out...  
930  
931 A: Yeah, I...  
932  
933 Q1: ...there with - the white guy with the mo- Mohawk and all the piercings in his  
934 face?  
935  
936 A: Yeah, yeah.  
937  
938 Q1: Okay. I- was there anybody else out there with you guys, watching this?  
939  
940 A: No...  
941  
942 Q1: Besides him?  
943

944 A: ...it was just me, him, and then I think - I think it was his wife or...  
945  
946 Q1: Okay.  
947  
948 A: ...I don't know if it's his wife or girlfriend.  
949  
950 Q1: The one that's dressed in black?  
951  
952 A: Yeah.  
953  
954 Q1: Okay. She was out there?  
955  
956 A: It was just us three.  
957  
958 Q1: ...just, ah...  
959  
960 Q1: In - in the street - that's all - that's, ah, those were the only...  
961  
962 A: (Unintelligible)...  
963  
964 Q1: ...people that were out there?  
965  
966 A: It was just us and they have two kids. So, they were just coming back from  
967 trick or treating.  
968  
969 Q: Okay.  
970  
971 Q1: How old are their kids?  
972  
973 A: (Unintelligible).  
974  
975 Q1: I mean, just estimate - small, young kids?  
976  
977 A: No, she's not little - but, cute little girl.  
978  
979 Q1: Okay. So they're not teenagers or anything?  
980  
981 A: No.  
982  
983 Q1: Um...  
984  
985 A: (Unintelligible)...  
986  
987 Q1: ...ah, and so you didn't...  
988

989 A: ...yeah, I was just...

990

991 Q1: ...you didn't see anybody else out on the street?

992

993 A: No, I just (unintelligible) look. 'Cause, I told my (unintelligible) go, what is -

994 'cause he looked like somebody who - 'cause I was trying to get evaluated for

995 ADD - he- I thought - from what I saw, at first, I thought he was somebody

996 that I'd seen over at the mental health - mental health department. 'Cause I

997 was trying to get myself reevaluated for ADD. And I was - and I see some

998 guys that kinda looked like him. But it turned out later on that it wasn't. And

999 he's somewhat - I guess somebody told me, "Oh, he lives across the street."

1000 And then that's when (unintelligible), "Oh, it wasn't him." 'Cause the person

1001 who to- whoever told me that, they also said that he's - he's never act like that

1002 before.

1003

1004 Q: You know who that person was that told you that?

1005

1006 A: I don't know who that person was.

1007

1008 Q1: Could you hear him say anything to the police officers?

1009

1010 A: No.

1011

1012 Q1: But you were close enough to hear - hear him, right?

1013

1014 A: I was clo- and he was just screaming.

1015

1016 Q1: Just screaming, wasn't saying anything that you can comprehend?

1017

1018 A: No.

1019

1020 Q1: And the officers, you don't remember what they were saying to him?

1021

1022 A: No.

1023

1024 Q1: Did you, ah, see the officers with any other weapons besides the baton and the

1025 - the taser?

1026

1027 A: No.

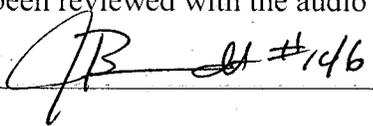
1028

1029 Q: No?

1030

1031 A: No.

1033 Q: Did they have their - when they - when they pulled up, did they have their -  
1034 the - the lights going?  
1035  
1036 A: I saw the lights going.  
1037  
1038 Q: The top lights?  
1039  
1040 A: Yeah. And then when I came back in - when I went inside and then I came  
1041 back out, they were already off. So..  
1042  
1043 Q: What about, you know, the spotlights they use when they pull - pull people  
1044 over?  
1045  
1046 A: I never (unintelligible) see - see the spotlight.  
1047  
1048 Q: Didn't see them? Okay.  
1049  
1050 A: 'Cause there was - no, I didn't even see those.  
1051  
1052 Q: And what - and where did this happen at - did it happen in the street or on the  
1053 sidewalk?  
1054  
1055 A: This was on the, like, in the middle of the street.  
1056  
1057 Q: Okay.  
1058  
1059 A: The guy was screaming in the middle of the street, that's why we called 9-1-1  
1060 and all this. You know?  
1061  
1062 Q: Okay. Think of anything else?  
1063  
1064 A: You guys want a cup of coffee?  
1065  
1066 Q1: I'm good.  
1067  
1068 Q: That'll conclude the interview at, ah, 1:06 a.m.  
1069  
1070

1071 This transcript has been reviewed with the audio recording submitted and it is an accurate  
1072 transcription.  
1073 Signed  #146

**INTERVIEW WITH SARAH RESCORL**

**Q=Det. Jim Brandt**

**Q1=Det. Greg Rowe**

**A=Sarah Rescorl**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13 Q: All right, this Detective Jim Brandt. I'm here with, ah, Detective Greg Rowe.  
14 It's, ah, November 1st, 2008 at 1:33 a.m. Ah, and your last name?

15  
16 A: Rescorl.

17  
18 Q: R-E-S-C-O...

19  
20 A: Yeah.

21  
22 Q: ...R-L?

23  
24 A: R - right.

25  
26 Q: And your first name?

27  
28 A: Sarah.

29  
30 Q: S-A-R...

31  
32 A: A-H.

33  
34 Q: And, do you have a middle name?

35  
36 A: (Danielle).

37  
38 Q: And your birthday?

39  
40 A: 

41  
42 Q: And what's the address here? 7...

43  
44 A: 7800, um, yeah. And 9309.  
45

46 Q: Right. Riverside. 92503?  
47  
48 A: Um, yeah.  
49  
50 Q: Okay. And what's the phone number here?  
51  
52 A: Um, [REDACTED]  
53  
54 Q: And, do you have a cell phone?  
55  
56 A: Yeah, um, [REDACTED] same area code.  
57  
58 Q: Okay.  
59  
60 A: [REDACTED]  
61  
62 Q: [REDACTED]  
63  
64 A: [REDACTED]  
65  
66 Q: Ah, and are you working right now?  
67  
68 A: No.  
69  
70 Q: Go to school?  
71  
72 A: No.  
73  
74 Q: Obviously you know why we're here.  
75  
76 A: Mm-hm.  
77  
78 Q: We'd like to talk to you about what happened out front earlier. Um, so, if you  
79 would, just, kinda go over...  
80  
81 A: Okay.  
82  
83 Q: ...what you're doing, what you saw, and then we may ask some questions  
84 afterwards to...  
85  
86 A: Okay, well, basically, we're coming home from trick or treating. And, um, we  
87 heard a guy yelling out front, you know, in front of the the house. And, um,  
88 so, and, like, at first he's just yelling, and he started getting into traffic and the  
89 middle of the road. And, like, blocking traffic and some cars were going fast  
90 almost hitting him. That's when we got - we got concerned 'cause we thought

91 he was going to get hit by a car. We didn't know where this guy came fro-  
92 like, I never seen the guy, like, I guess he lives in the house, but, I never even  
93 seen him before, and, um, so, my husband called, and, um, 9-1-1, and then she  
94 told us just to kinda stay and watch him. And, so, yeah, he was blocking  
95 traffic and yelling at people, and people were stopping, but some people were  
96 try- I don't know, some people were (unintelligible) fast. And almost got hit a  
97 couple times.

98  
99 Q: Mr.-hm.

100  
101 A: And then, um, then the police showed up and they - they came up to him and  
102 he was just really belligerent and out of it. Oh, a lady did come up and try and  
103 s- like, get him to come out of the road. But he didn't come - go, and, but,  
104 yeah, the police got there, um, then he tried to swing at them, and, that's when  
105 they started hitting him with the stick. Um, they got him down but he's still  
106 struggling. And, I don't know, he was really out of it, so...

107  
108 Q: Okay. Um, I gue- first of all, who - it was you, your husband...

109  
110 A: Mr.-hm.

111  
112 Q: ...um, you had kids? One kid, two kids?

113  
114 A: I had two kids, yeah.

115  
116 Q: Okay, and what's their ages?

117  
118 A: [REDACTED]

119  
120 Q: Um, and where are you when - when you first notice this guy?

121  
122 A: We're, like, right up front. Up, you know, like, right in front of the parking  
123 lot.

124  
125 Q: W- like, getting ready to come in the gate? Like...

126  
127 A: Yeah, like...

128  
129 Q: ...coming home?

130  
131 A: ...yeah..

132  
133 Q: Okay. And where was he?

134  
135 A: He was in front - I guess his house.

136  
137 Q: W-  
138  
139 A: The, I don't know the address of the house right there.  
140  
141 Q: He's right out front? Kinda where the police cars are stopped?  
142  
143 A: Yeah, but he was...  
144  
145 Q: (Unintelligible)...  
146  
147 A: ... on the other side of the street, yelling.  
148  
149 Q: Okay.  
150  
151 A: Yeah.  
152  
153 Q: Um.  
154  
155 A: I don't know the address there.  
156  
157 Q: And, what was he doing wi- di- ah, could you hear what he was yelling?  
158  
159 A: Any - no, I couldn't understand what he was saying, that's why we're like,  
160 "What?" At first we thought it was some guy messing around for Halloween.  
161  
162 Q: Right.  
163  
164 A: And, um, he was just standing there yelling, so we're, like, "What? What's  
165 going on?" Like, he's acting kinda weird. And then he started getting out in  
166 the street and thro- he threw his suitcase, too. Like, at a car. Parked car.  
167  
168 Q: Like at, ah, it's a suitcase or something?  
169  
170 A: Yeah, it looked like a - it looked like a briefcase or something. Like, he threw  
171 - he threw it and it hit one of the parked cars that are at - in the front.  
172  
173 Q: Do you know what color the car was or what it looks like, or anything like  
174 that? Or what the make is?  
175  
176 A: Um, I think it was a light blue, like a Toyota, like, kinda like an '80's, late  
177 '80's Toyota.  
178  
179 Q: Now, did you see him, like, swinging or punching cars or anything like that?  
180 Q: ...

181  
182 A: No, I didn't see him doing that. I didn't see him - just yelling at people.  
183  
184 Q: When he's out on the street, is he, like, yelling at the passing cars? Or is he  
185 just, like, yelling, just arbitrarily at whatever?  
186  
187 A: Um, he kinda yelled at the people because some people were kinda, like, you  
188 know, that - "What's going on, what's wrong with you?"  
189  
190 Q: Right.  
191  
192 A: And, um, so, yeah, he was kinda yelling at people.  
193  
194 Q: But - and you don't remember what he was saying?  
195  
196 A: No, he was just - he was swearing a little bit and just, like, I couldn't  
197 understand him - most of what he was saying, like, I don't know if he was  
198 talking in Spanish, or just so belligerent that it, um, that I couldn't understand  
199 what he was saying.  
200  
201 Q: Okay. Um, and then, your husband called 9-1-1, right?  
202  
203 A: Yeah.  
204  
205 Q: And what happens - what happens after that?  
206  
207 A: Well, he - that's, ah, he was still going in and out of traffic, mostly he was  
208 staying in the middle of the road. Like, car - he was totally stopping traffic.  
209 And, and that's what he was doing when the police showed up.  
210  
211 Q: Do you know if the helicopter got here first? Or did, like...  
212  
213 A: Um...  
214  
215 Q: ...police in cars get here first?  
216  
217 A: I think it - I don't know. Did the helicopter come first? Or...  
218  
219 Q: If you, yeah, if you don't know, I mean, it - it (unintelligible)...  
220  
221 A: I don't remember, I think it they almost came at the same time.  
222  
223 Q: Okay. Um, the officers that showed up, um, not in the helicopter - did they  
224 come in, um, a marked police car?  
225

226 A: Yeah.  
227  
228 Q: Black and white?  
229  
230 A: Yeah.  
231  
232 Q: With lights on top...  
233  
234 A: Yeah.  
235  
236 Q: ...and stuff? Um, when they pulled up, do you remember if they had their  
237 overhead lights on? Or if they had the spotlights on or anything like that?  
238  
239 A: Um, they had - they just had their nor- well, they had the - the top lights on.  
240  
241 Q: Okay.  
242  
243 A: I mean, their headlights, of course, like when you turn the spotlight on,  
244 maybe, when they got up to him.  
245  
246 Q: Okay. And then, um, how many officers showed up originally?  
247  
248 A: Two.  
249  
250 Q: Okay.  
251  
252 A: Two in the ca- in one car.  
253  
254 Q: Two officers in one car?  
255  
256 A: Yeah.  
257  
258 Q: And when they got out, were they in uniform?  
259  
260 A: Yes.  
261  
262 Q: Okay. When they got out, it was obvious to you that they were police  
263 officers...  
264  
265 A: Yeah - oh, yeah.  
266  
267 Q: ...in uniform? Did you hear the officers giving him any commands or telling  
268 him anything?  
269

270 A: I didn't hear - I didn't hear them. S- they sa- I heard them say stuff, but I  
271 couldn't understand what they were saying.

272

273 Q: Okay. Um, how far away would you say you were from - now, where the  
274 officers, ah, show up, are they - are talking to him - how far away are you?

275

276 A: Oh, I don't - I don't really know exactly. They were kinda - they're kinda at  
277 an angle, and I was, like, far. So they're kinda like this way, kinda. We're up,  
278 right in front, kinda, by the, you know where the front gate is?

279

280 Q: Ah-huh.

281

282 A: Right there, a little bit over. And they were kinda on the corner, like, this side  
283 of the corner.

284

285 Q: But across the street?

286

287 A: Like - yeah, like in the middle of the street.

288

289 Q: Okay.

290

291 A: So I couldn't - I - I don't know, I didn't really hear them.

292

293 Q: Okay. And then you said, um, the officers got here and at some point he  
294 swung at them?

295

296 A: Yeah, well, when they - when they approached him, they - they tried to - I  
297 don't know if they tried to handcuff him right away or what, but then he  
298 started - he swung, like twice.

299

300 Q: Did you notice if - if the officers had reached for him or grabbed him when he  
301 swung? Or where they talking him at the time (unintelligible)...

302

303 A: Um, I don't know when they first - when they first went up to him if they said  
304 - they probably did say something to him, I don't know, but, I didn't hear  
305 anything they were saying in there. What he said to them or anything.

306

307 Q: So, the first, um, act as far as somebody fighting or, ah, being aggressive is  
308 him swinging at the officers?

309

310 A: Yeah, he did swing, like, two or three times. So (unintelligible)...

311

312 Q: Like, with his fists?

313

314 A: Yeah.

315  
316 Q: Okay. And, what happened from there?  
317  
318 A: Then they - that's when they kinda started, kinda with the sticks and stuff.  
319  
320 Q: Did you see one of the, um, officers got their batons from?  
321  
322 A: Um, I think from their side...  
323  
324 Q: Okay.  
325  
326 A: ...I don't - I think. I don't quite remember, but.  
327  
328 Q: Okay. Um, did you see any of the officers, ah, hit him with the baton?  
329  
330 A: Yeah.  
331  
332 Q: Okay. Um, did each officer hit him with the baton?  
333  
334 A: It looked like it, yeah.  
335  
336 Q: Okay. Could you tell where it was that...  
337  
338 A: It looked like...  
339  
340 Q: ...they hit him?  
341  
342 A: ...in the legs, like right he- in here. What I saw.  
343  
344 Q: Okay. Um, kinda like on the outside of the knee or the thigh?  
345  
346 A: Yeah, like in the back, 'cause, like, kinda right - they ha- his back was  
347 towards me. Like a- the guy they're arresting. And sitting there try- his back  
348 was towards us, and then, like, he - the officers would come in at, like, this on  
349 him. So, like...  
350  
351 Q: Can you  
352  
353 A: ...it looked like they got his legs. Is what it looked like to me.  
354  
355 Q: Nothing up high, though? Nothing, like (unintelligible)...  
356  
357 A: I didn't see...  
358  
359 Q: ...the head or anything like that?

360  
361 A: ...I didn't see any of that.  
362  
363 Q: Um, and as they're hitting him, is he standing up or is he actually on the  
364 ground?  
365  
366 A: Oh, he was up and then they got him down.  
367  
368 Q: Okay. And then what happened on the ground?  
369  
370 A: Um, where I could see, 'cause then - and then there were actually more over  
371 when that happened. He was more across the street. And then the police  
372 (unintelligible)...  
373  
374 Q: Further away from you, you mean?  
375  
376 A: Yeah.  
377  
378 Q: Okay.  
379  
380 A: And the police car's kinda in the way at that time. And I can only see one -  
381 kinda back, like, his legs. And, um, yeah, they got him down, then it looked  
382 like he was still struggling. And then we s- I don't know, I don't - I think they  
383 hit him a couple of more times. I don't - I - and I quite don't remember if - I  
384 think they did a couple more times, and then they tasered him and - and then,  
385 like, a little after th- he was still struggling, like, 'cause I - I think the di- ah,  
386 they had to put his feet tied or something. I don't know. They were holding  
387 his feet down. And he finally ca- you know, wasn't re- really moving  
388 anymore. Then the ambulance came shortly after all of that.  
389  
390 Q: You said they tasered him, um, how do you know that? Do you - did you see  
391 it? Or did you hear it? Or...  
392  
393 A: Well, y- at first I was, like, what are they doing? And my husband told me that  
394 they're tasing him, 'cause they had him, I mean, like, ah, a machine thing,  
395 it- clicking sound.  
396  
397 Q: Okay, so you could hear the - you could hear the noise?  
398  
399 A: Yeah.  
400  
401 Q: And that's when you asked - you asked him what that was?  
402  
403 A: Yeah.  
404

405 Q: Okay, so he told you that it was a taser?  
406  
407 A: Yeah.  
408  
409 Q: Um, when it was clicking, or when it was activated, um, did that go on for  
410 seconds and then stop? And did you ever - ever hear it restart or anything?  
411  
412 A: No, I only saw them do it once. So, I heard it once.  
413  
414 Q: Okay. Um, did you ever see them handcuff him or restrain his arms in any  
415 way?  
416  
417 A: It too- it looked like they handcuffed him. I couldn't see the top part of his  
418 body, so.  
419  
420 Q: Okay.  
421  
422 A: But it looked like they handcuffed him.  
423  
424 Q: Okay. And then you said they wa- um, had tightened up - tightened his legs or  
425 something, you said, (unintelligible)...  
426  
427 A: It looked like it, yeah, 'cause he's was on his stomach; and I saw his legs  
428 kinda bent. You know? Like that, kinda like that, both of them.  
429  
430 Q: Okay. And there's an officer holding his legs?  
431  
432 A: Yeah.  
433  
434 Q: Um, is that one of the two original officers? Or did another officer show up...  
435  
436 A: I think it was...  
437  
438 Q: ...on top of that?  
439  
440 A: ...the two originals. 'Cause...  
441  
442 Q: Okay.  
443  
444 A: ...I don't think anybody really showed up till after they pretty much had him  
445 down.  
446  
447 Q: Okay. Um, so, the - they had him down. You think they had him handcuffed,  
448 one officer has his feet and they ha- have it bent up, kinda, towards his butt  
449 basically? Said...

450  
451 A: Yeah.  
452  
453 Q: All right, and he's laying on his stomach?  
454  
455 A: Yeah. That's...  
456  
457 Q: Oh.  
458  
459 A: ...when he started - he's still kinda struggling, but he started to calm, like, stop  
460 so much.  
461  
462 Q: Okay. And then, how soon after that did the fire department and, or,  
463 ambulance show up?  
464  
465 A: Um, God, oh, within probably, maybe five minutes.  
466  
467 Q: Probably five minutes? Is...  
468  
469 A: Yeah, like...  
470  
471 Q: ...five minutes is quite a while...  
472  
473 A: ... (unintelligible).  
474  
475 Q: ...from the time that they had him restrained? Or from the time...  
476  
477 A: Yeah, well, like...  
478  
479 Q: ...they first showed up?  
480  
481 A: ...well, after he - they tied the back, well, they - they held his back legs down,  
482 and then he start to calm down, I don't - yeah, I don't, they showed up really  
483 fast, though.  
484  
485 Q: Okay.  
486  
487 A: So...  
488  
489 Q: Did you ever see any other officers, um, come and assist them during the  
490 struggle?  
491  
492 A: No.  
493  
494 Q: It was just the two original officers?

495  
496 A: Yeah, I - yeah, 'cause I don't think anyone showed up till after.  
497  
498 Q: Okay. And when the ambulance got there, did - did you see them put them on  
499 the gurney or on the...  
500  
501 A: Yeah.  
502  
503 Q: ...bad thing? And how did - how'd that happen? Did you see how they were -  
504 picked him up or how they put him on the gurney or anything like that?  
505  
506 A: Um, I didn't see really how they picked him up, but, I saw him (unintelligible)  
507 and it was kinda...  
508  
509 Q: Was he on his side, on his back...  
510  
511 A: On his back.  
512  
513 Q: ...on his stomach? He's on his back? Um, other than the baton, did you see the  
514 officers use any other weapons?  
515  
516 A: Uh-uh. Besides the taser...  
517  
518 Q: (Unintelligible).  
519  
520 A: ...no.  
521  
522 Q: Okay. Um, you said in the beginning of this, you've never seen that guy  
523 before.  
524  
525 A: Yeah, I never seen him before, like, I didn't even know he lived there until  
526 someone else mentioned it, they think he lives there.  
527  
528 Q: Okay. Um, and, just, what does - what does the guy look like? Is he white,  
529 black, Hispanic?  
530  
531 A: Um, yeah, he's his- Hispanic.  
532  
533 Q: And how about an age?  
534  
535 A: Oh, he maybe looked like in his 40's?  
536  
537 Q: Um, and how tall?  
538  
539 A: Um, it maybe, like, 5'8", 5'9"?

540  
541 Q: And a weight?  
542  
543 A: Ah, yeah. about there.  
544  
545 Q: And how much would you say he weighed?  
546  
547 A: Oh, I don't know, he was kinda heavy. I don't know, maybe probably like  
548 280, three - I don't think - maybe not 300.  
549  
550 Q: Okay. But he was a bigger framed...  
551  
552 A: Yeah, he was - he was pretty big.  
553  
554 Q: Okay. Um, Greg, do you have...  
555  
556 Q1: Um, did you see - did you see that guy with any weapons?  
557  
558 A: No.  
559  
560 Q1: Just u- just using his fists against the...  
561  
562 A: Yeah.  
563  
564 Q1: ... (unintelligible) never seen him with any - any weapons?  
565  
566 A: No, I didn't see him use any weapons.  
567  
568 Q1: Did you see anybody else out there watching it besides you and your  
569 husband? And...  
570  
571 A: Um, there was a neighbor down - I don't know of his name, but, um, I think  
572 they took down his information too.  
573  
574 Q1: Was there an- yo- you - you - you mentioned that he was over there near that -  
575 near the house across the street?  
576  
577 A: Mm-hm.  
578  
579 Q1: Was there anybody out there in - in front of that house watching?  
580  
581 A: No, there wasn't.  
582  
583 Q1: No?  
584

585 A: That's why I thought it was just some crazy guy, like, some s- I don't know  
586 where from.

587  
588 Q1: Was there - was there anybody else, ah, in front of the complex...

589  
590 A: Besides the lady that came out to that - try to get him out of the street.

591  
592 Q1: Do you know who that was?

593  
594 A: No. I think, y- I think you may be talking to her, I think that's his wife. What I  
595 believe. I think she lives in the house right across the street, too.

596  
597 Q1: Was she out there when the of- officers were with him?

598  
599 A: I don't know - I don't know if she was. 'Cause she came out and then she  
600 went - it seemed like she disappeared, like, I didn't see her. And then she  
601 came out again and then she kinda was gone again. So I don't know if she was  
602 out there.

603  
604 Q1: So you don't know if she was ever out there while the officers were out there?

605  
606 A: Yeah, I don't know if she was. I didn't - I didn't see her, but I don't know for  
607 sure if she was there or not. Ah...

608  
609 Q: Anything that you can think of that we didn't ask you or that you think is  
610 important?

611  
612 A: Um, I don't think so, no.

613  
614 Q: Okay. Ah, that'll conclude the interview at 1:50.

615  
616  
617 This transcript has been reviewed with the audio recording submitted and it is an accurate  
618 transcription.

619 Signed

*Det. Paul Santillo*

01-05-09