

**SUPPLEMENTAL REPORT**

1. Original File No. P17-032034	2.	3. Off ID 260	4. Dist. C	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred	9. Day
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) 4041 Macarthur Road Riverside, CA							18. Type of Place Street	
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For ID USE: V = Victim, I = Informant, W = Witness, O = Other

19. ID: V-1	20. Last Name - First - Middle (Firm Name if Business) Officer C. Carmona					21. Race - Sex	22. DOB
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23. Residence Address			24. Business or School Address Riverside Police Department			25. Home Phone	26. Bus. Phone
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27. ID: V-2	28. Last Name - First - Middle (Firm Name if Business) Officer R. Espinoza					29. Race - Sex	30. DOB
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31. Residence Address			32. Business or School Address Riverside Police Department			33. Home Phone	34. Bus. Phone
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S U P P L E M E N T A R Y	35. LAST Name - First - Middle GARCIA, Marcelino Arthur			36. Race - Sex H / M	37. Age 39	38. Ht. 600	39. Wt. 230	40. Hr Bro	41. Eyes Bro	42. DOB or ID 04/13/77	43. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No
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44. Address - Clothing - Other Marks or Identifying Characteristics Deceased											
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45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			
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S U P P L E M E N T A R Y	46. LAST Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr	52. Eyes	53. DOB or ID	54. Arrested <input type="checkbox"/> Yes <input type="checkbox"/> No
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45. Address - Clothing - Other Marks or Identifying Characteristics Clothing, other marks or identifying characteristics											
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56. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			
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**ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW**

Ct.	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) 664/187 PC - Attempt Murder of a P.O. (2)					61. Original Offenses Changed to (Code - Crime) (1) (2)					58. Stolen Auto Value ASP: \$
										59. Recovered Auto Value A2 \$

62. Narrative of Supplemental Report Interview of Officer Espinoza.										
Reporting Officer Det Rick Cobb Reviewed By <i>T. Banks</i> COPIES TO          VCLO ( ) <b>ACTIONS</b> APR Sent APR Cncl. APB Sent APB Cncl. DOJ-NCIC Entered _____ Cancl. _____ <b>ENTERED</b> Stats ARBK ANK										

Riverside Police Department  
Continuation Sheet

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664/187 PC

File #P17-032034  
Det Rick Cobb #260

On 02/21/17, at 5 a.m., Officer Espinoza was interviewed at the Magnolia Station regarding this incident. I conducted the interview, along with Detective Wheeler. The interview was digitally recorded and later downloaded to the department server. The following were also present during the interview:

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

**Interview of Officer Espinoza**

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

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

Officer Espinoza said they were heading to the station and driving on Macarthur Road near Garfield. They saw a silver or tan four door box type car parked on the east side of Macarthur Road, facing north. The vehicle had two males inside. He saw S-Garcia standing outside the vehicle near the front quarter panel on the driver's side. He said there has been an increase in gang activity, graffiti and narcotics activity in the area so they stopped to see what they were doing.

Officer Espinoza said that Officer Carmona got out and contacted the driver and Garcia. He said he went around the front of their unit towards the rear of the other vehicle. He heard Officer Carmona tell the driver to keep his hands on the steering wheel. He then heard Officer Carmona say something similar to, "Let me see your hands."

Officer Espinoza saw Garcia backing away from Officer Carmona. Garcia was walking backwards and continued facing Officer Carmona. He saw Garcia blade his body to the right so his left side was facing Officer Carmona. He saw Garcia turn his body and take out his right hand from his pocket and fully extend his right arm towards Officer Carmona. Garcia immediately aimed and fired a gun at Officer Carmona. He saw 2 to 3 muzzle flashes coming from the end of Garcia's extended arm. He did not see a gun in Garcia's hand.

Officer Espinoza feared for his and Officer Carmona's safety, so he fired approximately five rounds at Garcia. He saw Garcia run approximately 10 to 15 feet down a driveway. Officer Espinoza said he went to the front of the police unit and lost sight of Garcia. He crossed the street to get a better view of the suspect and kneeled behind a parked vehicle. He then saw Garcia on the ground. He yelled at Garcia to show him his hands. He saw Garcia get up and turn towards him. He saw Garcia raise his right arm up. He feared Garcia was going to shoot at him and feared for his life. He said he fired approximately five shots at Garcia. He said he did not know if Garcia fired at him.

Officer Espinoza said that Garcia then jogged away from him in an eastbound direction towards a fence. He saw Garcia blade his body again in his direction and saw his hand come up. He said it was the same movement Garcia made when he shot at Officer Carmona. He believed Garcia was still armed and was going to kill him so he fired approximately 10 to 15 rounds at

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Garcia. He said Garcia jumped over the fence and continued running. He did not chase after Garcia because the other subjects were still behind them and he believed they may be armed.

Officer Espinoza said he performed two "combat reloads" during the shooting. He said that after the first volley of shots he fired, he ejected his magazine and inserted a fully loaded magazine inside. He said that after the second volley of shots he fired, he ejected his magazine and inserted a fully loaded magazine inside. He said his gun never went empty. He carries a Glock model 22, .40 S&W handgun.

Officer Espinoza said he did not get a very good look at the suspect. He described him as a male Hispanic, 35 to 40 years old, 5'8" tall and approximately 230 to 250 pounds. He was wearing a blue windbreaker jacket and a dark colored baseball cap. He did not remember what kind of pants Garcia was wearing. He did not know what style of hair Garcia had or if he had facial hair. I asked him if he could identify Garcia and he said he was not sure.

The next day, Officer Espinoza positively identified Garcia. See supplemental report for details.

Officer Espinoza had no further information.

RIVERSIDE POLICE DEPT - Restricted Information  
Public Records Act Request  
JPEDROZA 9/18/2019 2:33 PM Unauthorized Release Prohibited

**INTERVIEW WITH OFC. RAMON ESPINOZA**

**Q=Det. Rick Cobb**

**Q1=Det. Rick Wheeler**

**A=Ofc. Ramon Espinoza**

**A1=Atty. (Saku Ether)**

1  
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12  
13  
14 Q: Okay. This is Detective Rick Cobb. It is February 21, 2017, approximately  
15 5:00 am. Uh, we're at the Magnolia Police Station, Riverside P.D. This is an  
16 interview with Officer Ramon Espinoza regarding Riverside Police Case  
17 Number P17-032034. Also present is Officer Espinoza's Attorney, (Saku  
18 Ether), my partner, Detective Rick Wheeler, uh, Deputy District Attorney,  
19 (Chris Cook), and, uh, District Attorney Investigator (Raymond Gaiton-  
20 Jacob). Uh, before we get started, (Saku), did you want to give a statement?  
21

22 A1: I do. Um, River - Riverside Police Department has a policy - uh, Section 4.8 -  
23 that under circumstances such as this, an officer-involved shooting, an officer  
24 has a choice of writing a report or, um, providing a statement regarding their  
25 actions with respect to that incident. Uh, Officer Espinoza, uh, will not be  
26 writing a report. Instead, pursuant to the policy, he is going to provide a  
27 statement to you regarding the events that transpired, and, um, he's doing so  
28 because he's required to, pursuant to the policy.  
29

30 Q: Okay. Um, Officer Espinoza, like we talked about, if you would, regarding the  
31 incident tonight, kinda take us from the beginning on how you first arrived at  
32 that scene and what transpired after that.  
33

34 A: Yes, sir. On the indicated date and time, partner Officer Carmona and I were  
35 on uniform patrol i- riding - or driving a, uh, marked black-and-white police  
36 vehicle. Officer Carmona was driving. I was passenger. Um, n- n- we were on  
37 our way back to - workin' our way back to the station. I had a domestic  
38 violence report that I needed to type up due to the fact that graveyard was  
39 already out. Uh, we started - we talked about it and we started makin' our way  
40 back to Magnolia station to type. Uh, we were driving southbound on  
41 MacArthur, approaching Garfield. Um, I observed a vehicle parked on the east  
42 side of the street, facing northbound. The behicula- vehicle appeared to have  
43 two male occupants inside the vehicle. One in driver's seat. Uh, one in the  
44 passenger seat. A - another male, standing outside the vehicle, appeared to be  
45 in - standing in the left front quarter-panel of the vehicle. And a female, on the

46 passenger side of the vehicle, uh - like, on the sidewalk. Uh, as we drove  
47 southbound, due to increased activity in the area and that being our beat, uh,  
48 we decided to stop and contact the subjects. Uh, I exited the passenger seat of  
49 the vehicle, and I began flanking towards the rear of the vehicle. Due to the  
50 fact that the vehicle was occupied two times, there was a male standing on the  
51 left front quarter-panel, and a female on the passenger side. Uh, Officer  
52 Carmona stayed on the driver's side, so I flanked to the rear part of the  
53 vehicle, so we could get eyes on both sides. Uh, as I began walking towards  
54 the rear of the vehicle, I heard Officer Carmona give, uh, announcement or  
55 advisement such as, "Keep your hands on the steering wheel." Which is  
56 common for him when we're conducting traffic stops or such, to be able to see  
57 the hands clearly visible. Uh, then I heard him say something to the effect of,  
58 "Let me see your hands," or something similar. Uh, I saw the subject that had  
59 been standing outside of the vehicle, uh, start retreating back towards the front  
60 of the vehicle. Uh, he had his hands in his pockets of his - I believe he was  
61 wearin' a jacket. Uh, refusing to take his hands out. He began blading his  
62 body, kind of away from both of us. Uh, at which p- time I had made - I had  
63 walked over to the rear passen- or to the rear of the suspect vehicle. Uh, I then  
64 i- saw the suspect comin' out with a - his extended right arm. Uh, I saw a  
65 muzzle flash and I heard gunshot. Uh, saw a muzzle flash coming from his  
66 direction. At which point, in fear for my life, and my partner's life, I feared  
67 that he was tryin' to kill us, due to the fact that I had seen muzzle flash  
68 coming from his right arm. Um, I engaged at that point. Fired my duty  
69 weapon in the direction of the suspect. Um, the suspect then walked or ran in  
70 a northeast direction. There's a long driveway that runs east and west. He  
71 went towards the east. Uh, due to the fact that, uh, I couldn't clearly see where  
72 he had gone, I retreated back in tactical position, behind cover. Uh, I still  
73 didn't have eyes on the suspect. Didn't know his status. If he was still armed  
74 or if - what his situation was. Uh, I went towards the front of our vehicle and  
75 walked over towards the rear of the patrol vehicle, to see if I could get better  
76 eyes on him. I still couldn't get good eyes. Uh, due to the fact that Officer  
77 Carmona, I believe, had stayed in that general area, we still had the two  
78 occupants of the vehicle. Which were clearly friendly to him, 'cause he had  
79 been there, standing, talkin' to them. And the fact that the female was still  
80 there, I went across the street to the west side of the street, where I could  
81 clearly see down the long driveway, to keep eyes on the suspect. Uh, at which  
82 point, I saw him down, on the ground. Um, I then saw him movement. I  
83 believe I gave him commands. Something similar to, "Let me see your  
84 hands." Uh, the suspect, at that point, kinda began turning his body  
85 westbound. Kinda facing me. I saw his right arm start raisin' again. Uh, due to  
86 the fact that he had already fired at us and had attempted to kill us, I believed  
87 that he was attempting to do that again. Attempting to kill us, due to, uh, fact  
88 that he was not following commands and he wasn't tryin' to surrender. Um, in  
89 fear for my life, I f- I fired another volley of shots. Um, the suspect then got  
90 up and he began - I don't recall exactly if briskly walking or tryin' to run

91 away - but continue in an eastern direction. Still away from us. Uh, at which  
92 point, I remember him kinda blading his body and began to - raising his hand  
93 again. Uh, believing that the - or knowing that the suspect, uh, was still  
94 outstanding and was still - I believed that he was still tryin' to kill us and harm  
95 us, due to the fact that he had not stopped and his furtive movement was the  
96 same that he had done before when he had fired at us, I engaged again and  
97 shot fo- uh, fi- uh, rounds in his direction. Uh, at that point, I - he went  
98 eastbound and then I lost sight of him. It sounded like he hit a fence goin'  
99 northbound into one of those yards. Uh, I communicated with my partner.  
100 Asked him if he was Code 4. If he was okay. Uh, he verbally advised that he  
101 was good. Uh, believe I put out the first radio broadcast. I put, uh, three or  
102 four d- shots fired. Or something similar to that. Um, I began kinda walking  
103 northbound, still on the west sidewalk, to see if I could get eyes on the  
104 suspect. At which point I heard what sounded like he had hit another fence.  
105 Meaning, it sounded like a fence moving in the northern direction. I then saw,  
106 on the west side of the street, facing southbound, a vehicle that was parked  
107 there, occupied times two. Uh, I could clearly see a female in the passenger  
108 seat and someone else in the driver's seat. I couldn't see who they were. Not  
109 knowing if they were friendlies or they were - excuse me, if they were  
110 friendlies to the suspect or what their status was. The fact that my partner was  
111 still with the two other occupants and the female, I retreated back to his  
112 location, to cover him. Make sure he was good. At which point, we started  
113 putting on more information over the radio. I relayed most of the  
114 communication, uh, requesting additional units and once units started getting  
115 there, developing a tactical plan to - we still had to secure the female and the  
116 two occupants of the vehicle and start talking about containment.

117  
118 Q: Okay. Um, great. What I'd like to do is just kinda take you back to the  
119 beginning now and kinda take things, uh, piece by piece.

120  
121 A: Sure.

122  
123 Q: Um, you said you were, uh - you just finished a call. Domestic violence call,  
124 and you were, uh, patrolling the area. And you had mentioned that that's your  
125 normal beat?

126  
127 A: That's correct. Yeah.

128  
129 Q: And you, uh - I can't remember the word you said. So there was a- previous,  
130 uh, criminal activity in the area?

131  
132 A: There's be a recent, uh - uh, increase of criminal activity in the area.

133  
134 Q: What kind of a- uh, activity has you - have you...  
135

136 A: Uh, we've been in- conducting...  
137  
138 Q: ...take...  
139  
140 A: ...a lot of traffic stops in the general area. Um, been getting emails from  
141 Captain reference, uh, just a increase in graffiti and homeless people and, uh,  
142 gang activity in the general area of Hunt, Park. So we've been increasing our  
143 proactive, uh, approach. Contacting people. Especially late hours at night,  
144 'cause that's when mo- it seems like most of the activity's been going on.  
145  
146 Q: Is there any narcotics activity?  
147  
148 A: Nacrotics...  
149  
150 Q: Also, that you know of?  
151  
152 A: Correct.  
153  
154 Q: Okay.  
155  
156 A: Yes.  
7  
158 Q: Okay. So you - you see this vehicle. Describe the vehicle for me, if you could.  
159 The suspect vehicle, best you can.  
160  
161 A: Uh, best I can, I can remembered - I believe it was a silver or tan four-door,  
162 uh, box-type sedan. It almost looked like a Scion. Like the boxy ones, but it  
163 was smaller. I know it wasn't a Scion.  
164  
165 Q: Okay.  
166  
167 A: But I - I don't remember exactly the make or model on it.  
168  
169 Q: Okay. And as you're pullin' up - correct me if I'm wrong - I believe you said  
170 there were two people in the car that you saw?  
171  
172 A: Inside.  
173  
174 Q: Inside the vehicle?  
175  
176 A: That's correct, sir.  
177  
178 Q: Okay. Could you tell if they were male or female? Or...  
9  
180 A: Uh, they appeared both to be male Hispanics.

- 181  
182 Q: Okay. And there w- where was the primary suspect in this? The one that fired  
183 at you?  
184  
185 A: Uh, from what I recall, he was on the left front quarter-panel of the vehicle.  
186  
187 Q: Okay. So, um - uh, Officer Carmona's driving. He gets - he stops the car. Can  
188 you kinda describe how he parked the car? Your vehicle. Your police unit, in  
189 relationship to the...  
190  
191 A: In relationship to...  
192  
193 Q: ...suspect vehicle.  
194  
195 A: ...to the vehicle, yeah. He - he kinda passed it up a little bit. More than we  
196 would've liked to. Uh, I think we rounded that corner onto Saffron and  
197 MacArthur, and we kinda saw it i- if I could say "last-minute." So i- we  
198 weren't position in a tactical position. What we would've normally wanted.  
199 Uh, but to explain better, the f- the police vehicle's front bumper had already  
200 passed the suspect vehicle's rear bumper.  
201  
202 Q: Okay. And you're f- you're facing opposite directions, correct?  
203  
204 A: That's correct.  
205  
206 Q: Okay. Uh, you're heading southbound?  
207  
208 A: Correct. And the vehicle was parked northbound, on the east sidewalk.  
209  
210 Q: Okay. Okay. Um, as you're getting out, you go to the front of your police  
211 unit?  
212  
213 A: That's correct.  
214  
215 Q: Around the front? 'Cause Officer Carmona is contacting the people there. I  
216 believe you used the word you flanked to the rear. Is - is - that's - you headed  
217 up to the rear of the suspect vehicle, correct?  
218  
219 A: That's correct.  
220  
221 Q: Okay. Um, when you, uh - uh, prior to hearing a- any gunshots, what  
222 commands did you hear at all?  
223  
224 A: I heard Officer Carmona say something to the effect of, "Keep your hands on  
225 the steering wheel," and then I heard him - if I remember correctly, something

226 to the effect of, "Let me see your hands."  
227  
228 Q: did you see - did you see what the primary suspect was doing at this point?  
229 I'm gonna - I'm calling the primary the guy that was outside of the vehicle.  
230  
231 A: Yes.  
232  
233 Q: Could you see what he was doing when these commands were bein', uh,  
234 made?  
235  
236 A: I lost sight for a little bit, 'cause even when I flanked around the front of the  
237 vehicle, I didn't have clear sight at the time that I actually had sight on - or  
238 eyes on him. He had his - both of his hands in his jacket or sweatshirt pocket.  
239  
240 Q: Was he just standin' there or was he walkin' away, or...  
241  
242 A: He was standin' there. He was m- backin' away, but backwards. Uh, in a  
243 obvious attempt to try to evade us or get away from us.  
244  
245 Q: He was walking backward? So he's still facing you?  
246  
247 A: Correct.  
248  
249 Q: Okay. He's walking backwards. His hands are in his pockets still?  
250  
251 A: Correct.  
252  
253 Q: Okay. Tell me exactly what happened that led up to the f- gunshots that you  
254 heard and saw.  
255  
256 A: I remember, as he's walking backwards, he kinda - Officer Carmona was  
257 giving him commands and the suspect began kinda - if I remember correctly -  
258 blading his body. Kind of towards his right, so kinda away from him. Away  
259 from both of us. And...  
260  
261 Q: D...  
262  
263 A: Sorry.  
264  
265 Q: I'm sorry. Go ahead.  
266  
267 A: All right. And then I saw him come out with his right hand.  
268  
269 Q: When you say "blading," um, does that mean - you said to the right. Does this  
270 mean that the suspect has turned to his right and, I guess, half of his body is

271 facing you?  
272  
273 A: That's correct.  
274  
275 Q: The right side of his body is actually facing you?  
276  
277 A: The right side of his body - if I remember correctly - was facing away from  
278 us.  
279  
280 Q: Away from you.  
281  
282 A: Or away from me.  
283  
284 Q: Okay. If you can, uh, kinda describe to me how the suspect was doin' it, and  
285 then I'll describe it for the tape.  
286  
287 A: If I remember correctly...  
288  
289 Q: Mm-hm.  
290  
291 A: ...as he's walking back, he's got his hands like this, in his jacket or sweatshirt  
292 and he's turnin' his body to his right.  
293  
294 Q: Okay. And then - okay. You can go sit. What you're - what you're describing  
295 is you're s- you're facing me and then you turn your body to the right side, so  
296 that actually his left arm is facing you, I guess.  
297  
298 A: Exposed.  
299  
300 ((Crosstalk))  
301  
302 A: Or facing us.  
303  
304 Q: Okay. And then, uh, wh- tell me exactly what happens right after that.  
305  
306 A: Right after that, uh, I reached the rear of the suspect vehicle, and I saw the  
307 suspect extend - fully extend his right arm. Um, pointing forward, towards  
308 Officer Carmona.  
309  
310 Q: Did he turn, uh, more to his right? Or did he...  
311  
312 A: At - at that - at that point, he - he began blading his body, turning his body the  
313 opposite direction. So towards the left.  
314  
315 Q: Towards the left? Towards...

316  
317 A: Facing - basically, with his right arm pointing...  
318  
319 Q: Tell you what, if you don't mind, describe it for me again.  
320  
321 A: Yeah.  
322  
323 Q: I think that's the best way...  
324  
325 A: No, that's fine.  
326  
327 Q: ...and then I'll describe it. That's okay.  
328  
329 A: He was - he was bla- he was like this, blading away, initially.  
330  
331 Q: Ah-huh.  
332  
333 A: ...and then I remember him going like this.  
334  
335 Q: Okay. So he - he continues - almost continues to face you guys, to a point, and  
336 then you described he took his right hand out of his pocket and pointed it at -  
337 was he - could you tell where he was pointing it?  
338  
339 A: Uh - uh - uh, no. I - I couldn't tell for sure if he was pointing at me or...  
340  
341 Q: Okay.  
342  
343 A: ...Officer Carmona, but in our general direction.  
344  
345 Q: When you heard the shot, was that one quick action from pulling, uh - pulling  
346 his hands out of his pockets?  
347  
348 A: Uh...  
349  
350 Q: Did he immediately fire?  
351  
352 A: He immediately fired...  
353  
354 Q: The suspect?  
355  
356 A: ...but it wasn't - if I remember correctly, it - it wasn't coming out. It was more  
357 once he had the weapon, or his arm fully extended, and the weapon was  
358 presented.  
359  
360 Q: So he fully extended as if he was aiming at...

361  
362 A: Cor...  
363  
364 Q: ...one of you?  
365  
366 A: Correct.  
367  
368 Q: Okay. And then, uh, how many rounds do you think you heard or saw the  
369 suspect fire?  
370  
371 A: I think approximately two to three rounds.  
372  
373 Q: Okay. And you saw a muzzle flash, correct?  
374  
375 A: Yes.  
376  
377 Q: Okay. Coming...  
378  
379 A: And, uh, I saw approximately two to three muzzle flashes coming from his  
380 right extended arm.  
381  
382 Q: Okay. Uh, did, uh - do you know if Officer Carmona fired at that point?  
383  
384 A: Uh, I don't.  
385  
386 Q: Did you either hear or see it?  
387  
388 A: He - he was to my left. I - I don't remember...  
389  
390 Q: Okay. That's fine.  
391  
392 A: ...at that point.  
393  
394 Q: If you don't remember, that's fine. Uh, and then when you saw it, did you  
395 immediately fire?  
396  
397 A: Yes.  
398  
399 Q: Okay. Wh- that's when you had saw him extending. Did you actually see a  
400 gun in his hand?  
401  
402 A: No, I did not.  
403  
404 Q: Okay. But you saw the muzzle - obviously, we know you saw the muzzle  
405 flash and you heard it. I just want to know if you actually physically saw...

406  
407 A: Correct.  
408  
409 Q: ...the gun.  
410  
411 A: I did not.  
412  
413 Q: Okay. Um, do you remember approximately how many rounds you fired?  
414  
415 A: At that...  
416  
417 Q: At that point?  
418  
419 A: At that point? I believe I fired approximately f- approximately five rounds.  
420  
421 Q: Okay. And I - again, this is approximate.  
422  
423 A: Yeah.  
424  
425 Q: I only want you to estimate. That's all. Okay. Um, so you fired approximately  
426 five rounds. Did the suspect continue to run away, or did he drop or what?  
427  
428 A: He continued to run away.  
429  
430 Q: Okay. Did, uh - how far did he get?  
431  
432 A: Um, I'd say approximately 15 feet. 10 to 15 feet.  
433  
434 Q: Okay. Where did you position yourself at this point? Did you chase after him,  
435 or...  
436  
437 A: No. Uh, due to the fact that the vehicle was still occupied, times two...  
438  
439 Q: Mm-hm.  
440  
441 A: ...I did not want to chase and pass up the vehicle that had not been cleared,  
442 'cause I didn't know what the intentions were of - or if the occupants were  
443 armed or anything. So I didn't want to pass that position. So I went towards  
444 the front of my poli- police vehicle. Behind a position of cover. Behind the  
445 engine block.  
446  
447 Q: Oh, okay. All right. At that point, you're behind the engine block. What did  
448 you see the suspect doing at that point?  
449  
450 A: Uh, at that point, I lost sight. I didn't have eyes on him.

451  
452 Q: Okay.  
453  
454 A: Uh, at which point, I went to the rear of the police vehicle. Um, I tried looking  
455 down and I still didn't have eyes on him. I didn't - I knew he had gone  
456 eastbound on that driveway, but I couldn't c- clearly see. At which point, I  
457 had crossed the street, uh, onto the west sidewalk and got behind cover from  
458 one of the park vehicles where I could clearly see down the long driveway.  
459  
460 Q: Okay. Is that when you saw the suspect again?  
461  
462 A: That's correct.  
463  
464 Q: And what was he doing?  
465  
466 A: At that point, I saw him. He - and he was down, um, on the ground, on the  
467 south side of the driveway.  
468  
469 Q: Okay. And tell me what happened immediately with the suspect after that?  
470  
471 A: Uh, I believe I gave him, uh, one or two commands to let me see his hands. At  
472 which point, I saw him start getting up and kinda start turning his body  
473 towards me. Um, I saw kinda, like, fur- furtive movement of his hand coming  
474 up again. I couldn't tell what he had in there or - or what he had. At which  
475 point, fearing for my life and the fact that he had already, uh, fired at us, I  
476 feared that he was gonna i- he - he was still attempting to kill us, and I  
477 engaged again and shot, uh, rounds.  
478  
479 Q: Okay. Was he f- was he facing you?  
480  
481 A: He was beginning to.  
482  
483 Q: Okay.  
484  
485 A: He - he was tryin' to get up. At w- at the same time as he's getting up, he's s-  
486 starting to turn his body.  
487  
488 Q: And how - what were - what was his hands doing?  
489  
490 A: Uh, his hands were both kinda coming up.  
491  
492 Q: Okay. In...  
493  
494 A: I- in...  
495

496 Q: Kinda in a shooting position, or...  
497  
498 A: Uh, i- they were just starting to come up, but they were coming up in my d-  
499 direction. So facing westbound.  
500  
501 Q: Was anybody giving commands to him at this point?  
502  
503 A: Uh, like I said, I - I believe I gave him, like, one or two commands and they  
504 were s- some - I believe it was right when he was down on the floor.  
505  
506 Q: And he was not paying attention to your commands and not doing what you  
507 were telling him to do?  
508  
509 A: That's correct. He...  
510  
511 Q: Okay.  
512  
513 A: ...disregarded.  
514  
515 Q: And you obviously - like you said, you believed he was gonna fire at you  
516 again, because it - was it a similar type of stance to the first time?  
517  
518 A: Uh, yes. It was.  
519  
520 Q: Okay. Do you remember approximately how many rounds you fired at that  
521 volley?  
522  
523 A: At that volley, I - I would say approximately another five rounds.  
524  
525 Q: Okay. Did you see if the suspect fired at you at that point?  
526  
527 A: No, I did not.  
528  
529 Q: See or hear?  
530  
531 A: No, I did not.  
532  
533 Q: Okay. Could you, uh, see or hear Officer Carmona fire at that point?  
534  
535 A: Uh, at that point, no. I could not. No.  
536  
537 Q: Okay. All right. You've just fired. Tell me what the suspect does at this point.  
538  
539 A: He is able to fully get up and start kind of in a brisk walk or - or run i-  
540 jogging, uh, continues eastbound through that driveway. Uh, away from me.

541  
542 Q: Are you...  
543  
544 A: And...  
545  
546 Q: Are you yelling at him or anything at that point?  
547  
548 A: Uh, not that I recall.  
549  
550 Q: Okay. And then what does he do?  
551  
552 A: And then...  
553  
554 Q: The suspect?  
555  
556 A: ...as he's running or going eastbound, he again starts bla- kinda blading his  
557 body. He's runnin' away, but then he starts kinda bladin' his body, turning in  
558 my general direction again, and I see - I don't recall which hand - kinda  
559 comin' up again. Uh, fearing that he still hasn't gone down and the fact that  
560 he's doing the same furtive move that he had done and he's turning his body  
561 towards me again. Uh, I feared that he was s-- still armed then, attempting to  
562 kill us. So therefore I f- fired more rounds.  
563  
564 Q: Could you tell which way he turned to blade you? Was he turned to his right  
565 or his left?  
566  
567 A: If I remember correctly, he was turning towards his left.  
568  
569 Q: Towards his left. So turning this way, in a sense. And I'm - I'm turning my  
570 body to the left for - so, in a sense, possibly his left hand was facing you?  
571  
572 A: Correct.  
573  
574 Q: Okay. Um, do you remember approximately how many rounds you fired at  
575 that time?  
576  
577 A: Uh, at that time, I want to say approximately five to ten rounds.  
578  
579 Q: Did you ever have to reload?  
580  
581 A: Uh, yes, I did. Uh, two combat reloads.  
582  
583 Q: Two?  
584  
585 A: Yes, sir.

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586  
587 Q: Okay. Let's backtrack a little bit. Do you remember the f- where - where -  
588 which, uh - uh, what part of the incident to you f- uh, do the first combat  
589 reload?  
590  
591 A: Uh, I believed at the time - I believed that the first one had been before I  
592 moved to the rear of my police vehicle. After I had - had fired the first rounds.  
593  
594 Q: Mm-hm.  
595  
596 A: Um, at - while still at the scene, I saw both of my magazines behind the  
597 location where I did my second volley of shots. So I - at the time, I believed I  
598 had done it before I moved to across the s- the street. But l- l- l- looking at my  
599 - the position of both magazines, it appears that I did both of them in - across  
600 the street.  
601  
602 Q: Okay. Uh, tell me f- uh, for the record what - what do you mean by a "combat  
603 reload?"  
604  
605 A: Combat reload, uh - I wasn't aware of how many rounds exactly I had fired.  
606 Uh, therefore, due to the fact that he was still an active, uh, threat and the  
607 threat was still active and had not been, uh, stopped, I wanted a fresh, uh,  
608 magazine with full capacity of rounds, in case he decided to engage again or I  
609 needed to engage. Therefore, I knew exactly that I - I was topped off and I  
610 knew exactly how many rounds I had in my weapon.  
611  
612 Q: So that means you, uh, dropped the magazine?  
613  
614 A: I dropped - sorry.  
615  
616 Q: The current magazine that was in the - in the weapon?  
617  
618 A: Correct.  
619  
620 Q: You dropped it?  
621  
622 A: I hit the mag release, dropped the current magazine, retrieved another m- uh,  
623 full magazine from my magazine pouch and insert it into the magazine well.  
624  
625 Q: All right. And you've done that twi- you did that twice in the - during the  
626 incident?  
627  
628 A: Correct. Uh, looking back, I - I b- believe I did it when I was there behind  
629 cover, and then after I lost sight of the suspect. After it was done, or after I  
630 had no more eyes on him. Uh, I did another combat reload to make sure I was

631 topped off with a full fresh mag.  
632  
633 Q: So basically what you're sayin', uh, your two magazines that are at the scene,  
634 on the ground, they most likely had live rounds inside their magazine still?  
635  
636 A: Correct.  
637  
638 Q: Okay. Your - your - your, uh, handgun never went to...  
639  
640 A: Slide lock?  
641  
642 Q: ...lock slide, right?  
643  
644 A: No.  
645  
646 Q: Correct? Okay. All right. Um, did you actually get a really good look at the  
647 suspect?  
648  
649 A: Uh, I did not. Just m- uh, I didn't.  
650  
651 Q: Okay. Tell me how - how - the best way to describe him, and let's start with  
652 his race. Was he white, black, Hispanic?  
653  
654 A: From what I could recall, he appeared to be a male Hispanic. Um,  
655 approximately 35 to 40 years old. Uh, f- he was wearin' - it looked like a blue  
656 jacket. Kind of like a windbreaker type, uh, and a dark color hat. Uh, as far as  
657 his bottoms, I don't remember if he was wearin' pants or shorts or what.  
658  
659 Q: Okay. The hat. Was it a baseball hat?  
660  
661 A: Yes.  
662  
663 Q: Uh, did it have any type of logo on it that you could see?  
664  
665 A: I don't remember. I remember it was facing forward, with the bill facing  
666 forward.  
667  
668 Q: Okay. About how tall do you think he was?  
669  
670 A: Uh, I'd say between 5'8", 5'10". Heavyset. Uh, approximately - I'd say  
671 approximately 230, 250.  
672  
673 Q: How about hair? Shaved? Long? Short?  
674  
675 A: I couldn't tell because of the hat.

676  
677 Q: Okay. Um, any type of facial hair or anything that you saw?  
678  
679 A: Uh, I don't - I don't recall.  
680  
681 Q: Okay. During - at any point during this whole incident, did he ever say  
682 anything to you? Did he yell or scream or say anything?  
683  
684 A: No, not that I recall.  
685  
686 Q: Okay. And, uh, backtrack, I know - I do remember you said that you were in  
687 black-and-white marked Riverside Police unit. Uh, currently you're wearing a  
688 full p- Riverside Police uniform. That is what you were wearing at the time of  
689 the incident, correct?  
690  
691 A: That's correct.  
692  
693 Q: Okay. You got any real quick, while I'm lookin'?  
694  
695 Q1: Uh, i- is your, uh, duty weapon - your side arm. Does it have a tactical light?  
696  
697 A: Yes, sir. It's got a TLR-1.  
698  
699 Q1: Okay. And were you able to use that during this?  
700  
701 A: Yes, sir. It's got a pressure switch on it. So when I get a master grip, it  
702 automatically - well, not au- automatically, but when I get a master grip, it -  
703 it'll light up.  
704  
705 Q1: Okay. And was it functioning? Were you able to use it to actually...  
706  
707 A: Yes, sir.  
708  
709 Q1: ...see the suspect? Okay. All right.  
710  
711 Q: You carry the Glock .22, correct?  
712  
713 A: That's correct, sir.  
714  
715 Q1: Uh, let me think here. I think we covered most of it. Um...  
716  
717 Q: Yeah.  
718  
719 Q1: Yeah. I think we got most of it. Uh, what unit do you - were you guys drivin'  
720 tonight?

721  
722 A: Uh, I believe it was 35 - either 35 or 35-45. I think 45.  
723  
724 Q: What was your call sign tonight?  
725  
726 A: Uh, 3-R-40.  
727  
728 Q: Okay. Um, can you think of anything that might be important that I forgot to  
729 ask you that you'd like to add?  
730  
731 A: Uh, no sir.  
732  
733 Q: Right. I think you hit it on the head. Okay. Um...  
734  
735 Q1: You know, the last thing I would - the one thing I...  
736  
737 Q: Yeah.  
738  
739 Q1: ...forgot to ask you. Um, when you guys first came around the corner and -  
740 and saw the vehicle, did you guys activate any of the, uh - uh, side lights that  
741 you have or your overheads, or anything at all like that?  
2  
743 A: Uh, not any of the overheard- heads or anything. I don't recall if Officer  
744 Carmona did. Um, we usually both use our spotlights. Uh, it happened real  
745 quick. I - I don't remember if I activated my spotlight or not.  
746  
747 Q1: Okay.  
748  
749 A: But from what I call - recall, uh, none of our overhead or take-downs or  
750 anything like that.  
751  
752 Q1: Okay. Can you ri- how would you describe the lighting out there at the time of  
753 the incident? When you guys first stopped, before the shooting started?  
754  
755 A: Uh, it was dark.  
756  
757 Q1: Okay.  
758  
759 A: It was dark. Uh, and there was some lighting from - um, but I don't recall if it  
760 was from the houses up front or street lighting.  
761  
762 Q1: Okay.  
763  
4 A: But it - it was pretty dark.  
765

766 Q1: Okay.  
767  
768 Q: I could reme- uh, could you, uh, identify the suspect if you saw him again?  
769  
770 A: I'm not sure if I could.  
771  
772 Q: Okay. All right. That's fine. Okay. Unless anybody's got anything else, uh,  
773 I'm gonna conclude the interview. It is approximately 5:26 am.  
774  
775  
776 The transcript has been reviewed with the audio recording submitted and it is an accurate  
777 transcription.  
778 Signed \_\_\_\_\_

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