

**SUPPLEMENTAL REPORT**

Date Prepared: 04-04-12

1. Original File No. P12030492	2.	3. Off ID 496	4. Dist. C	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred 03-01-12/0226	9. Day 5			
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) 2914 Hyde Park Cir., Riverside							18. Type of Place residence				
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 Sancho Lopez #1011						21. Race - Sex	22. DOB			
23. Residence Address			24. Business or School Address RPD			25. Home Phone	26. Bus. Phone				
Comments:			E-mail Address			Cell Phone	Pager Number				
S U P P L E M E N T A R Y	35. LAST Name - First - Middle Dunbar, Brandon James			36. Race - Sex B-M	37. Age 25	38. Ht. 510	39. Wt. 185	40. Hr blk	41. Eyes brn	42. DOB or ID	43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	44. Address - Clothing - Other Marks or Identifying Characteristics 4171 Hines Ave., Riverside (deceased)										
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

Cat.	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) 245 (d) (1) P.C. (2) (3)					61. Original Offenses Changed to (Code - Crime) (1) (2) (3)					58. Stolen Auto Value ASP: \$
										59. Recovered Auto Value A2 \$

Reporting Officer Det Sanfilippo	Reviewed By S 490	Copies To:	APR Sent:	APB Sent:
			APR Canx:	APB Canx:

VCLO ( )	DOJ-NCIC Entered:	Cancelled:	ENTERED:	STATS:	ARBK:	ANK:	Page 1
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Narrative of Supplemental Report:

W-1—Officer Brett Porter #1709, Riverside Police Officer  
C-1—Smith, Harold Jr., BM, (driver)

I was contacted at my residence by Sgt. Lisa Williams and advised of an Officer Involved Shooting that had just occurred. I responded to the scene and was assigned to assist Det. Medici (case-agent) with this investigation. Upon arrival a briefing was given by Sgt. Lambert followed by a walk thru of the crime scene. I then responded back to the RPD Magnolia Street Station to conduct interviews.

See page two for a summary of Officer Brett Porter's statement.

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DATE 4/4/2012	TYPE OF REPORT 245 (d) (1) P.C.	INVESTIGATING OFFICER Det. Sanfilippo #496
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Present during interview:

Det. Mike Medici

Dep. DA Samah Shouka

DA Investigator Rick Fuentes

Attorney Kasey Castillo (Lackie, Dammeier & McGill)

Det. Medici and I met with Officer Porter at the RPD Magnolia Street Station Conference Room at 0915 hours on 03-01-2012. Officer Porter stated he is in the FTO Program (2<sup>nd</sup> phase) and has been at RPD for approximately 8 weeks. Officer Porter stated his training officer during this phase is Officer Sancho Lopez. Officer Porter said he is a lateral from LAPD where he worked for the past 4 years. Officer Porter advised he is assigned to Watch A (graveyard) and his beat designator is A315.

Officer Porter advised he was driving unit #3908 west on Lincoln St. when he and Officer Lopez (FTO) observed a white van (Wind Star [REDACTED] travel past them east on Lincoln St. Officer Porter stated Officer Lopez recognized the white van from earlier in the evening in the Casa Blanca area of the city. Officer Porter stated Officer Lopez told him to make a U-turn and catch up to the white van. Officer Porter said he doesn't remember exactly why Officer Lopez wanted to catch up with the white van. Officer Porter stated after his U-turn the white van began to accelerate at a high rate of speed away from them therefore Officer Porter said he had to accelerate in order to catch up to the white van to enact a traffic stop. Officer Porter said as the white van made a left onto Anna St. he activated his overhead lights and performed the traffic stop. Officer Porter stated the white van came to a stop in the middle of the street. Officer Porter stated as he was approaching the driver's side of the white van he observed the driver (Harold Smith, Jr.) put one of his hands along with his head out of the driver's window looking back at him (Porter). Officer Porter said C-Smith was saying something that he couldn't make out but due to these actions he (Porter) was on "heightened alert".

Officer Porter advised when he got to the driver's door he observed two black males (C-Smith and S-Dunbar) inside the white van. Officer Porter said C-Smith appeared to be deaf but understood what he (C-Smith) was being asked. Officer Porter stated the driver said "probation off" when he (Porter) asked both C-Smith and S-Dunbar if either were on probation or parole. Officer Porter advised he asked and received C-Smith's license prior to having him (Smith) exit the white van.

Officer Porter advised while beginning to pat-down C-Smith he heard Officer Lopez ask S-Dunbar to exit the vehicle. Officer Porter said within 5 seconds he heard Officer Lopez yell "no stop". Officer Porter stated he then heard a running sound on the other side of the white van. Officer Porter said as he moved to the back of the white van he observed Officer Lopez chasing S-Dunbar back towards Lincoln St. on the east side of the street. Officer Porter stated at this point he immediately put C-Smith on the ground. Officer Porter advised he wanted to back up his partner who was in chase therefore he decided to secure C-Smith by placing him (Smith) in the back of his police unit un-handcuffed. Officer Porter said he secured C-Smith for officer safety reasons as he turned his back on him (Smith) to assist Officer Lopez.

Officer Porter advised as soon as he closed the unit back door he heard a gunshot coming from the direction where S-Dunbar and Officer Lopez were last seen running. Officer Porter said he then ran to cover behind a white vehicle on the west side of the street and took out his weapon and kept it "down range". Officer Porter advised he then heard a "sequence of four shots" and observed the direction of the muzzle flash so he (Porter) proceeded in that direction.

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Officer Porter stated as he got closer he observed Officer Lopez fire one more gunshot over the wall he (Lopez) was at. Officer Porter said when he got to the wall Officer Lopez had his left arm braced up on the wall with his handgun in his right arm pointed over the wall. Officer Porter said Officer Lopez told him to put out "shots fired" on the radio and Officer Porter added "11-99" because he felt officers still needed assistance immediately. Officer Porter stated he then got up on the wall and both he and Officer Lopez kept their weapons pointed at S-Dunbar. Officer Porter added S-Dunbar was on his side facing the residence while on the ground in the backyard. Officer Porter said he observed S-Dunbar holding his stomach area while groaning and saying he couldn't breathe.

Officer Porter said he observed a silver and black handgun lying next to S-Dunbar on the ground. Officer Porter advised Officer Lopez kept telling S-Dunbar to stop moving around and to stay away from the handgun that was next to him. Officer Porter advised when assisting units arrived to the scene Officer Lopez jumped over the wall and approached S-Dunbar. Officer Porter stated he kept cover for Officer Lopez as he (Lopez) kicked the handgun out of the reach of S-Dunbar. Officer Porter stated he then joined Officer Lopez in the backyard when S-Dunbar was secured.

RIVERSIDE POLICE DEPT - Requested Information Provided  
**Public Records Act**  
ANGIE 5/8/2013 12:31:27 PM Unauthorized Release Prohibited

**INTERVIEW WITH OFFICER (BRETT) PORTER**

**Q=Det. Mike Medici**

**Q1=Det. R. Sanfilippo**

**Q2=Kasey A. Castillo**

**A=Ofc. (Brett) Porter**

1  
2  
3  
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8  
9  
10  
11  
12  
13  
14 Q: This is Detective Mike Medici. This is reference File Number P12030492. It's  
15 an officer involved shooting. It is Thursday, March 1, uh, 2012. I have about  
16 0915 in the morning. This is an interview with Officer, uh, Porter, (Brett).  
17 Correct?

18  
19 A: Correct.

20  
21 Q: Porter? Uh, in the room with us is, uh, Kasey Castillo. Correct? Castillo?

22  
23 Q2: Correct.

24  
25 Q: Okay, from Lackie, Dammeier, and McGill. The DA's Office is represented  
26 by Samah Shouka and, uh, (Ricky) Fuentes. Uh, myself, Detective Mike  
27 Medici, and Detective Ron Sanfilippo are also in the room. Uh, I think what  
28 I'll do first, uh, (Brett), is just basically get a background on you. Now, to  
29 Riverside PD, you're new with us, correct?

30  
31 A: Correct. Yes.

32  
33 Q: Why don't you give me your - your background. When did you get - hire on  
34 with RPD?

35  
36 A: With RPD it was approximately, um, let's see, about eight weeks ago.

37  
38 Q: 'Kay. You're in training here?

39  
40 A: Correct.

41  
42 Q: 'Kay. Do- is there - what phase level are you in?

43  
44 A: Uh, Phase 2.

45

46 Q: Phase 2?

47

48 A: I believe it was - uh, I don't remember exactly.

49

50 Q: And that's fine. If you don't remember the exact date, don't - don't worry  
51 about it. Um, you're in Phase 2, and you have a training officer assigned to  
52 you?

53

54 A: Correct, sir.

55

56 Q: And who was that?

57

58 A: Uh, right now it's Lopez, sir.

59

60 Q: Okay.

61

62 A: Sancho Lopez.

63

64 Q: And what is your ID number, (Brett)?

65

66 A: 1709.

67

68 Q: Now, prior to Riverside PD, were you an officer?

69

70 A: Yes, sir.

71

72 Q: And where was that?

73

74 A: LAPD, sir.

75

76 Q: For how long?

77

78 A: Approximately four years, sir.

79

80 Q: Okay. And that was patrol as well?

81

82 A: Correct, sir.

83

84 Q: What division out there?

85

86 A: Pacific Division, uh, Central Division, and (Newton) Division.

87

88 Q: Okay.

89

90 Q2: I know - I don't want to interrupt you, but you are gonna let me...

91  
92 Q: I will. Yeah.  
93  
94 Q2: Okay.  
95  
96 Q: In fact, if you wanna get that out of the way we can do that.  
97  
98 Q2: Okay. I appreciate that. Um, you - just for the record, Officer Porter is here  
99 pursuant to compliance with, uh, Riverside Police, um, Code Section 4.8. He  
100 is giving a statement, um, of his own volition, but he also wants it to be  
101 known that he is here and is not waiving any of his statutory, constitutional, or  
102 federal rights, including those pursuant to the Peace Officer Bill of Rights.  
103  
104 Q: Okay. Um, what I'm gonna do basically is - is just go through the events that  
105 occurred tonight related to the traffic stop and then the shooting that followed.  
106 And, um, we'll be asking you some questions. If you don't know the answers  
107 to 'em, uh, again, let's keep the - the setting fairly informal. Just tell me like  
108 you did before that you don't know exactly when, and approximations are fine  
109 with us, okay?  
110  
111 A: Mm-hm.  
112  
113 Q: So I don't wanna lock you into something that you don't know.  
114  
115 A: Okay.  
116  
117 Q: Uh, so just - jus- verbalize with me and tell me that. Uh, tonight you were  
118 working -- is my understanding is -- with Sancho Lopez, Officer Lopez,  
119 correct?  
120  
121 A: Yes, sir.  
122  
123 Q: Were you in the same unit? In the same patrol car?  
124  
125 A: Yes, sir.  
126  
127 Q: Do you remember what unit number that was?  
128  
129 A: I believe it might be 3908.  
130  
131 Q: Okay. And do you know what your designator was?  
132  
133 A: A315.  
134  
135 Q: And what are your shift hours like today?

136  
137 A: Ten o'clock to eight o'clock in the morning.  
138  
139 Q: Okay. So you are graveyard?  
140  
141 A: Correct, sir.  
142  
143 Q: Uh, this is your normal shift day to work?  
144  
145 A: Yes, sir.  
146  
147 Q: It's one of the normal days? All right. What are your days off, just so I know?  
148  
149 A: My days off are, let's see, work Sunday, Monday, Thursday, I'll come home  
150 Thursday, Friday, Saturday, and then I go back Sunday night.  
151  
152 Q: Okay. Graveyard makes it a little unusual, I realize.  
153  
154 A: Yeah.  
155  
156 Q: You do lose track.  
157  
158 A: I'm still not completely used to it.  
159  
160 Q: I know. You may never get used to it. Um, the area that the traffic stop was  
161 made tonight, is that a normal patrol area for you guys? Is this your normal  
162 beat? Or does it change?  
163  
164 A: I believe it is within our beat, sir.  
165  
166 Q: Okay. So why don't you - why don't you run through it tonight as to what  
167 happened and then Ron and I, I'm sure, will have some questions for you.  
168  
169 A: Okay.  
170  
171 Q: Um, take us through what - what occurred tonight.  
172  
173 A: Okay. I was basically traveling southbound on Maude towards Lincoln, nega-  
174 negotiated a right turn on, uh, Lincoln and went in a westbound direction, at  
175 which time I observed a white van traveling in the opposite direction going  
176 eastbound. And my partner stated something to the effect that, "Turn around, I  
177 recognize that vehicle from -" and I don't remember what was said after that.  
178  
179 Q: 'Kay.  
180

181 A: So I negotiated a u-turn, followed the vehicle, which appeared to be moving  
182 now much quicker than it had been moving when I had seen it. Um, started to  
183 take off a little bit to try to catch up to it. Appeared that it kept going faster.  
184 Um, ultimately the vehicle m- made a left turn onto Anna from Lincoln. Put  
185 out the traffic stop. Upon exiting the vehicle I immediately observed the  
186 driver stick his - one of his arms out the window -- I don't recall which one it  
187 was -- and his head out the window, and say something. I was immediately on  
188 heightened alert because of this. I, uh, approached the driver side door, made  
189 contact with two individuals that were in the vehicle. Each of 'em were male  
190 blacks. I asked the, uh, uh, I think the first thing I stated was, "Is anybody in  
191 the vehicle on probation or parole?" It appeared that the driver was deaf. Um,  
192 he did state, he m- I believe I heard, "probation off," in a muffled voice. And  
193 I've heard that people talk, and I immediately recognized it as possibly being  
194 somebody who was deaf. Um, I also asked the passenger if he was on  
195 probation or parole and he spoke more clearly, and stated that he wasn't. I  
196 then asked him if he had his, uh, license. Uh, I retrieved the license. I put it in  
197 my back pocket. Um, I could hear my partner saying something to both  
198 occupants. I wasn't sure what it was. And I looked up over the vehicle, and  
199 said, "Hey partner, I think they're deaf." And then at some point in time my  
200 partner said, "Take them out of the vehicle." So I asked the driver to step out  
201 of the vehicle. I had him - I had, uh, both of his arms behind his back, um, to  
202 control him, and I, uh, as I was, um - normally my common practice is to ask  
203 them, "Do you have anything sharp on you? Do you have any weapons? Do  
204 you have anything like that?" And, um, I don't recall specifically asking him  
205 that, but it is my common practice. And, um, I remember starting to do a outer  
206 pat search of his pants to make sure he didn't have any weapons, at which  
207 point I heard my partner say, um, something to the effect of, "No. Stop." At  
208 which point I heard the sound of somebody running. I looked around to see  
209 where it was coming from -- which direction they were going -- and I, uh, and  
210 ultimately saw them running, um, back towards Lincoln on the, uh, east side  
211 of the street. At that point, uh, a million things were running through my head.  
212 Um, this person that I'm dealing with is in the car with somebody that is  
213 running from the police. Um, I need to be there to help out my partner, is one  
214 of the first things that went through my head. So I told the - the guy that I was  
215 dealing with, "Get on the fuckin' ground." And I started to take a step in the  
216 direction of where my partner had ran, and I thought to myself, "I'm passing a  
217 possible threat, and so this guy could maybe have a gun." So I turned around,  
218 told the guy, "Get up." Picked him up and started to walk towards the car. He  
219 - told him to get in the car. Opened the - the unit car door and put him in there.  
220 Slammed the door. Which point I heard gunshots. Took off running towards,  
221 um, a vehicle located on the west side of the street for cover as my eyes were  
222 over towards the direction of, um, the - the shooting that was going on. And,  
223 um, once I saw that it was just my partner on one side of the fence, I ran over  
224 to assist him.

225



226 Q: Okay. Anything else?

227  
228 A: Um, once I was, um, at the fence area, I observed my partner reach up over  
229 the fence and fire one shot. And, uh, once I was at the fence -- er, the wall -- I  
230 peeked over myself, and I could see the suspect laying there, um, with a -  
231 what I believed was a semi-automatic handgun, uh, silver in color, behind and  
232 off to the right. And he was making these deep, like, groaning sounds. I put  
233 out, uh, "Shots fired." Like, grabbed my radio, put out, "Shots fired," and um,  
234 1199, uh, victim with a gunshot wound. And roll AMR, um, rem-  
235 remembering that, there's also a suspect inside the vehicle that was  
236 unhandcuffed. I also put out over the radio, to the officers, uh, that there was  
237 another suspect inside my vehicle, and for them to check on him. Uh, police  
238 officers had started to arrive, and there was - they weren't seeing us right  
239 away. My partner yelled to me, "Hey, flash your light," so I flashed my light.  
240 They could see us. Um, once they started to run over to us, my partner had,  
241 uh, jumped over the fence, and I then, um, observed him move the gun with  
242 his foot, out of the suspect's reach. And then I then holstered my weapon and  
243 climbed over the fence, where I was met with supervisors who sho- showed  
244 up very shortly.

245  
246 Q: 'Kay. You f- you feel comfortable that - that's - I'm not - where you wanna  
247 stop? And that's fine, I'm - we're gonna ask you some questions, and we'll -  
248 we'll fine tune things. I just - you y- I wanna make sure that you said you  
249 wanna say to this point, and I don't wanna interrupt you here.

250  
251 A: Um, as far as what was going through my mind, the second that, um, I had  
252 stopped the vehicle, the, uh, soon as I saw the driver put his hand out, and his  
253 head, and say something, I noticed he had, um, -- from what I remember  
254 seeing -- tattoos on his arms. And I know that the vehicle was coming down  
255 Lincoln, and what was going through my mind was, "Okay, Lincoln runs into  
256 Casa Blanca, where there's many known gang members. And it's not normal  
257 for somebody to stick their arm out the window, and their head, and start  
258 saying things." And so I was immediately on heightened alert, um, based on  
259 the time of night as well.

260  
261 Q: Okay. All right. Did you guys even have a chance to run the plate? Do you -  
262 do you know if you put out the plate...

263  
264 A: I think my partner did run the plate.

265  
266 Q: Okay. And if y- if you don't know how it returned -- whether it was, whatever  
267 -- di- do you know one way or another?

268  
269  
270 A: I don't know.

271 Q: Okay. So you think that Officer Lopez put the plate up?  
272  
273 A: For some reason I think I remember looking at the screen as I was driving  
274 quickly, um, down Lincoln towards Anna. I remember looking and seeing on  
275 (MDC). I thought I remembered seeing, you know, the information that comes  
276 up when you run a plate.  
277  
278 Q: This started as a -- I don't like the word "normal" -- but a traffic stop. This  
279 started as a traffic stop.  
280  
281 A: Mm-hm.  
282  
283 Q: Um, if I understand you, Officer Lopez thought he recognized the vehicle.  
284 You pulled behind the car, and then at that point, it was a normal traffic stop  
285 until it went sideways, obviously. You are in a patrol car. I saw the car, so it's  
286 a marked unit, correct?  
287  
288 A: Correct.  
289  
290 Q: Lights, sirens, all that stuff on the light bar. You are wearing a police uniform.  
291 I assume this is what you were in tonight. Was this...  
292  
293 A: Correct.  
294  
295 Q: 'Kay, so there was no question that you were the police.  
296  
297 A: Correct.  
298  
299 Q: Correct? Um, I - I don't wanna forget to ask you this later. Do you carry a  
300 backup weapon?  
301  
302 A: No, sir.  
303  
304 Q: Okay. Do you carry a belt recorder on you? Or is it just...  
305  
306 A: Yes, sir, I have the COBAN and a - the recorder.  
307  
308 Q: You have both.  
309  
310 A: Yes, sir.  
311  
312 Q: Okay. W- was the - your PUMA digital recorder operating, or no?  
313  
314 A: No, sir. Just the COBAN.  
315

316 Q: Just the COBAN. All right. Um, when you carry additional magazines on your  
317 pouch, on - on - on your Sam Browne, do you carry one, two, four? How  
318 many magazines?  
319

320 A: I carry two, sir.  
321

322 Q: Okay, and you still have those magazines, and...  
323

324 A: Yes, sir.  
325

326 Q: They weren't left on the scene, so you're...  
327

328 A: No I have them, sir.  
329

330 Q: ...you're accounted for all your magazines.  
331

332 A: Yes, sir.  
333

334 Q: Okay. And then as far as the charting of the weapons and stuff, I'll - I'll look  
335 at all that later. There's no additional magazines that we're unaware of.  
336 There's no additional handguns that we're unaware of...  
337

338 A: No, sir.  
339

340 Q: ...for back-up weapons. We have them all. Okay. When the driver put his hand  
341 out the window, that alerted you. That wasn't normal to you...  
342

343 A: Mm-hm.  
344

345 Q: ...basically is what you're saying. Was there anything in his hand? Did you  
346 perceive anything in his hand?  
347

348 A: I didn't see anything in his hand, but I'm - as an officer I'm always prepared  
349 for anybody to step out of the vehicle, put their head out the vehicle, anybody  
350 could reach around and shoot out of a vehicle.  
351

352 Q: Sure.  
353

354 A: And so that was my first instinct. So I got out of the car as quickly as I could.  
355 Um, that alone just made me on heightened alert.  
356

357 Q: Okay, and your part of - your responsibility, obviously, as a good officer, is  
358 things alert you -- odd things -- in this case, an arm was out the window. Then  
359 you put together the area you were in, along with the tattoos and his hands.  
360

361 A: Mm-hm.  
362  
363 Q: Right? Is this - this is what I'm understanding is going through your head.  
364  
365 A: Correct.  
366  
367 Q: Okay. Um, you approached the driver side and -- so I'm clear -- did Officer  
368 Lopez then approach the passenger side?  
369  
370 A: I didn't have visual on him.  
371  
372 Q: 'Kay.  
373  
374 A: I could only assume that he did, 'cause that's what we do on traffic stops. But  
375 I didn't see him until I was at the driver side door, when I saw him through the  
376 passenger side door on the other side. So I - I knew he was there.  
377  
378 Q: You've made other traffic stops besides this one with Officer Lopez?  
379  
380 A: Yes, sir, I have.  
381  
382 Q: Okay. In those traffic stops, it is normal -- uh, do drive typically?  
383  
384 A: I do, sir.  
385  
386 Q: Okay, so you've seen him approach the other side of the car while you were  
387 on the driver side in the past.  
388  
389 A: Yes, sir.  
390  
391 Q: So that's why you're saying you just assume at this point he was doing his  
392 regular routine that you guys have.  
393  
394 A: Yes, sir.  
395  
396 Q: All right. Can you recall a point where you might have lost sight of, uh,  
397 Sancho Lopez? Whether it was in your own car? Do you even know at what  
398 point you lost sight of him over there?  
399  
400 A: As soon as I exit the police vehicle, my main focus is gonna be the driver.  
401  
402 Q: 'Kay.  
403  
404 A: Um, especially when his hands are coming out the window. Um, I'm not  
405 looking over to my right. I'm focused on the threat in front of me. Um, I think

406 the only time I could have lost sight of him would have been when I was -  
407 when I was, um, with the driver right outside the driver side door.  
408  
409 Q: Was your responsibility primarily the driver? Or the passenger? Or both?  
410  
411 A: The driver, sir.  
412  
413 Q: Okay. And therefore, Sancho woulda had the passenger.  
414  
415 A: Correct.  
416  
417 Q: Just by the nature of the side that he was on.  
418  
419 A: Correct.  
420  
421 Q: Did you have conversations with the passenger in the car at all?  
422  
423 A: Just when I had, uh, had originally asked him, you know, if both - if they were  
424 on probation or - or parole, anybody in the car. And, um, the driver had first  
425 spoken up. And I had asked the passenger, and he spoke up. And prior to, um,  
426 asking the, um, driver to step out of the vehicle, um, I had asked both the  
427 driver and the passenger to put their hands out in front. I told the driver, "Put  
428 your hands on the steering wheel." I told the passenger, "Put your hands out in  
429 front of you." And I was pointing towards the glove compartment area.  
430  
431 Q: You explained, um, that - that Officer Lopez recognized the vehicle at some  
432 point in time, and you initi- initiated the traffic stop. What - can you - can you  
433 tell me what the reason for the stop was?  
434  
435 A: Yes, um, well w- when I had negotiated the u-turn, and when I had first seen  
436 the vehicle coming towards us, it was - it was going at a relatively normal  
437 pace for that area -- a school zone, residential -- an- and I - when I made the u-  
438 turn, the vehicle was just slightly past me. When I made the u-turn, the vehicle  
439 was already -- and there's a stop sign at Maude and Lincoln -- and the vehicle  
440 was already, um, progressing quickly, um, towards, uh, the next street. So I  
441 knew the vehicle was going pretty quick. I had to accelerate, which - I had a -  
442 a speed that - speed that was above the speed limit in that area, uh, to catch up  
443 to the vehicle. So I knew that, right of way, okay, this guy is easily speeding --  
444 driving over the - the speed limit for that area. And so...  
445  
446 Q: Did it appear to you -- obviously he was accelerating -- did it appear to you  
447 that, um, he knew you were behind him?  
448  
449 A: It - it - it it appeared that, because we're driving a marked black-and-white  
450 police vehicle, that he had seen our vehicle, and -- because he had originally

451 been driving at a normal pace -- and, uh, after I negotiated the u-turn, I - I  
452 believe that he did see our vehicle, and therefore wanted to quickly, um, evade  
453 us.

454  
455 Q: A- and did you have some concerns that that is what was happening?

456  
457 A: I did. That was - that was one of my first concerns, is, you know, this  
458 vehicle's progressing pretty quickly. Um, it's going above the speed limit.  
459 Um, it is my PC to stop them. Um, you know, based on the time of night,  
460 driving around this late, uh...

461  
462 Q: Do you know in the sequence of these events, at what point you lit up your  
463 light bar?

464  
465 A: As soon as I made a left turn onto Anna from Lincoln, I put out the traffic  
466 stop. I said, "3-Adam-15, uh, traffic." She came back and said, "3-Adam-15,  
467 uh, Anna and Lincoln, on the plate," at which point, my partner reached over  
468 and flipped the lights. And I believe hit the - the wail sign - the wail siren.

469  
470 ((Crosstalk))

471  
472 A: Um, typically I put out the plate. I put out all the information, and then -- and I  
473 do that for a reason -- because I like to get all information out before I start -  
474 before I let them know I'm gonna stop them. So, in this case, I wasn't  
475 prepared for my partner to activate it, but it happened and I went with it. Um,  
476 like I said, I just broadcasted and then, he reached over and activated the lights  
477 and, uh, the siren.

478  
479 Q: Okay. And he wailed the siren. Was it a constant siren on, or was it just a - a -  
480 a bleep?

481  
482 A: Uh, from what I remember, it was a bleep.

483  
484 Q: Okay. Um, did it take the driver a while to pull over, or would you say he  
485 complied and pulled over?

486  
487 A: I'd say that he com- he pulled over relatively quick, almost as if he knew we  
488 were following him. Um, he's - he almost stopped right in the middle of the  
489 roadway, instead of pulling to the right, which most drivers do. Um, like I  
490 said, his vehicle came to a stop, and immediately his head came out. And this  
491 happened pretty quick, um, which was abnormal to me. It just didn't seem  
492 right.

493  
494 + Q: A concerning behavior? Is that fair to say?

495

- 496 A: Correct.
- 497
- 498 Q: Okay. Any other behaviors that concerned you from inside the car on the  
499 passenger's end or additional behaviors of the driver that concerned you?  
500
- 501 A: What concerned me - well, is - I would have to say I noticed some tattoos on -  
502 I believe one of 'em had tattoos on the neck and on the knuckles, which - I  
503 know that not a- all tattoos mean you're gang-affiliated, but with my training  
504 and experience that I've seen, a lot of gangsters have tattoos in those a-  
505 common areas. Um, and, um, I'd have to say that's pretty much...  
506
- 507 Q: Did you ever determine what the arm out the window was about? You said y-  
508 you - you determined he was deaf, or at least you thought he was.  
509
- 510 A: Correct. Right.
- 511
- 512 Q: W- well, did you have any time in between when all this chaos started that  
513 you were able to determine why he was flailing out the window?  
514
- 515 A: I didn't ask him that. Um, it just didn't come to me to ask him that.
- 516
- 517 Q: Okay. And that's fine, but there was no - he wasn't holding a gun out the  
518 window at the time.  
519
- 520 A: I didn't see a weapon. No, sir.
- 521
- 522 Q: Okay. Um, he handed you his driver's license?  
523
- 524 A: Yes, sir, at some point in time he did, because when I was here, I reached into  
525 my back pocket and pulled it out and realized, "Oh, I forgot to give him back  
526 his driver's license." So he, um, he did give it to me. I put it in my back  
527 pocket, uh, when I was gonna take him out of the vehicle, and I forgot it was  
528 there.  
529
- 530 Q: Any opportunity to run the license at this point?  
531
- 532 A: No, um, I - what I like to do is I like to - I'm very methodical in taking people  
533 out of vehicles. Um, I like to do it one person at a time. That's usually how I  
534 like to do things. Um, I like to search 'em first, get consent, search 'em. Uh,  
535 make sure they don't have any weapons before I then start handling my radio,  
536 because if he takes out a gun, or takes out a knife or something, and I have my  
537 radio on my hand, it's not going to do me any good. So...  
538
- 539
- 540 Q: Okay, you spoke about a lot of concerns at this point, uh, the tattoos and  
possible gang members in the area you were in, and the flailin' out the

541 window, and - and, um, but I'm gonna a- I'm gonna ask you just because I - I  
542 - I wanna be sure. You pulled them out of the car -- or at least your intention  
543 was to get the driver out of the car, and I assume at this point, I think you said  
544 the passenger as well -- but you were gonna remove the occupants from the  
545 vehicle?

546  
547 A: Correct.

548  
549 Q: Why?

550  
551 A: Um, I had my, uh, my partner was on the other side of the vehicle, and he  
552 said, "Take them out of the vehicle." I said, "Okay." No, in my mind, I'm  
553 thinking, "Okay." Um, I asked the driver to step out of the vehicle, um, based  
554 on all these circumstances that I gave you about, uh, my heightened alert, I  
555 felt that, um, it would be safer for me to take them out of the vehicle.

556  
557 Q: 'Kay, a- and y- your next step, w- when you had them out of your vehicle, in  
558 your mind, was that a pat-down search? Or what was your next...

559  
560 A: It was just gonna be a pat-down search. Um, my common practice is that I'll  
561 ask them, "Hey do you have anything sharp on you? Do you have any knives?  
562 Any guns?" Um, "Do you mind if I check your pants?" Um, I don't recall if I  
563 specifically asked him that. That is my common practice. Um, upon  
564 immediately starting the pat-down, my partner went in foot pursuit.

565  
566 Q: Now, was the passenger then -- if you know, if you don't know, that's fine --  
567 was the passenger also out of the car? At one point, he was out of the car,  
568 'cause he ran, but when you took the driver out...

569  
570 A: He - he was not out of the car.

571  
572 Q: He was still in the car.

573  
574 A: He had his hands where I told him to put 'em. He was still in the car.

575  
576 Q: Okay. And did you hear any conversation with Officer Lopez and the  
577 passenger at all?

578  
579 A: I do remember hearing Officer Lopez say something to the effect of, "Step  
580 out."

581  
582 Q: Okay. And then how long or soon after that did he run?

583  
584 A: Within five seconds.

585



586 Q: Obviously all of this happened very quickly.  
587  
588 A: Very quickly.  
589  
590 Q: If you know, when the passenger exited, was it an exit run? Or was it an exit  
591 and a conversation for five seconds and run? If you know.  
592  
593 A: All I heard was him say, "Step out." And I heard s- "No. Stop," and then feet.  
594 That's all I heard.  
595  
596 Q: S- so it was...  
597  
598 A: So I couldn't...  
599  
600 Q: ...pretty quick.  
601  
602 A: It was very quick. I couldn't, um, I couldn't see - the windows were, I believe,  
603 tinted on the back. So I couldn't completely see. I don't know if they were  
604 tinted or if it was just because it was dark, it made them darker, but I couldn't  
605 see all the way through.  
606  
607 Q: When the passenger ran, did you turn and look to see him running?  
608  
609 A: When the passenger ran, I had a vehicle in front of me, and he was on the  
610 other side, running that way...  
611  
612 Q: 'Kay.  
613  
614 A: ...and so I stepped back, like this, and I was looking, you know, as I was  
615 holding him, to see where he was running. 'Cause all I heard was feet. I'm  
616 looking around this way, or this way, and so at some point I did see him  
617 running this way.  
618  
619 Q: Your immediate focus was on your driver?  
620  
621 A: It was - it was on - it was on my guy, but when I saw him driving -- I mean,  
622 when I heard him running -- then - then I thought, "Okay," you know, a  
623 million things were going through my head.  
624  
625 Q: Sure.  
626  
627 A: My partner, I gotta go - I gotta go help him. I got a threat right in - possible  
628 threat right front of me. This guy's hanging out with somebody that's running  
629 from the police. And so immediately, um, after I heard my partner broadcast  
630 foot pursuit and take off, I told the guy, "Get on the fuckin' ground." Um, by

631 (unintelligible) because I wanted to go help my partner. I took a step in that  
632 direction, and then I thought to myself, "You know what? This guy could  
633 have a gun and shoot me in the back of the head right now." And so, I reached  
634 down and grabbed him, told him to get up. Opened to the car door, put him in,  
635 shut it, took off running towards a vehicle, a white vehicle that was on the  
636 west side of the street. Um, I thought the shooting - I heard multiple gunshots.  
637 Um, I had no idea which direction the bullets were flying, who was hit, who  
638 wasn't. And so my first thought was, "Get to cover and get my gun down  
639 range." Um...

640

641 Q: The driver, did you control him just with your hands? Did you gun-point him  
642 at any time?

643

644 A: I believe when I - as soon as I saw him put his head out the window and stick  
645 his arm out the window, that I did pull out my weapon, and I walked up with  
646 it. Um, and then once I gave them commands to put their hands on the  
647 steering wheel, put their hands on - on the front, I put it away.

648

649 Q: Okay, and then when the passenger ran, and the confusion started, did you  
650 have some kind of control hold on the driver? Or did you have him gun-  
651 pointed?

652

653 A: No, just his hands. That's it.

654

655 Q: Okay.

656

657 A: I just had his hands.

658

659 Q: Did you take him to the ground? Did you order him to the ground?

660

661 A: I said, "Get on the fuckin' ground."

662

663 Q: 'Kay.

664

665 A: And I just - I just held him. And he voluntarily went to the ground.

666

667 Q: Okay.

668

669 A: Um, when I - at the point where I told him to - to get up, 'cause I realized that,  
670 you know, I'm gonna throw him - I'm gonna put him in the back of the car, he  
671 nee- um, he almost became limp. Like, he just, like, he was just letting his  
672 body weight fall. He wasn't i- he wasn't trying to get up by any means. And I  
673 felt like he was trying to delay my investigation, delay me from getting to my  
674 partner. Um, I was trying to lift him up, and he was just laying there. And, um,  
675 I said, "Get up."

676  
677 Q: Uh, I'm sorry, was he handcuffed or not handcuffed?  
678  
679 A: No, he wasn't.  
680  
681 Q: 'Kay. You put him in the back of a patrol car? How much time do you think  
682 went - went by when all that was goin' on? He was on the ground not getting  
683 up, you eventually got him in the patrol car.  
684  
685 A: It felt like five minutes.  
686  
687 Q: I'm sure.  
688  
689 A: You know, it felt like a long time. I hope it wasn't as long as it felt like.  
690  
691 Q: So you eventually got him in the patrol car. He was not cuffed at that time.  
692  
693 A: He was not cuffed.  
694  
695 Q: Um, was the driver combative? Other than delaying getting up, and things like  
696 that, was he actually combative to you at any time?  
697  
698 A: Wasn't combative, um, i- it felt like he was trying to hold himself down  
699 towards the ground, to keep me from assisting my partner.  
700  
701 Q: Okay. So he's in the patrol car, uh, eventually. Frum- from - when he was  
702 down on the ground, were you guys more up towards his vehicle, or back  
703 towards the patrol car? Do you know?  
704  
705 A: We're closer to the patrol car.  
706  
707 Q: 'Kay. H- approximately, ho- how many feet away from the patrol car were  
708 you?  
709  
710 A: Uh, I believe the patrol - we were...  
711  
712 Q: And it does not have to be exact.  
713  
714 A: W- w- w- w- we were toward hi- the trunk of his vehicle and to the right  
715 side of our patrol vehicle, um, the right side being towards the east side of the  
716 street.  
717  
718 Q: Okay.  
719  
720 A: And I - approximately maybe five feet away from the driver side door.

721  
722 Q: So you - okay. All right. And then, um, once he was secure, had you  
723 completely lost sight of your partner?  
724  
725 A: Once he was secure inside the vehicle?  
726  
727 Q: You have him now in the - in your car.  
728  
729 A: Mm-hm.  
730  
731 Q: Can you see Officer Lopez at all?  
732  
733 A: As soon as I put him in the vehicle, and started to shut the door, that's when I  
734 heard the first gunshot.  
735  
736 Q: Okay.  
737  
738 A: And I looked over in that direction, and all I saw was muzzle flash. That's all I  
739 saw. And so I wasn't sure who was shooting, um, if somebody was over the  
740 fence, if somebody was in front of the fence. Um, so I started -- like I said --  
741 running towards the white vehicle.  
742  
743 Q: How many gunshots do you think you heard?  
744  
745 A: I heard one very prominent gunshot, being the first one, stuck out in my mind.  
746 I thought to myself, "Shit. Was that a gunshot?" Um, and then, after that I  
747 heard a sequence of gunshots. Approximately four gunshots.  
748  
749 Q: And - and I know this i- it - it - it may seem nit-picky to you, but these are the  
750 things that I just wanna kinda, uh, fine tune.  
751  
752 A: Okay.  
753  
754 Q: "Sequence of gunshots," meaning, "Pah-pah-pah-pow"? Or s- uh, tell me  
755 however you think you'd wanna tell me how you heard the shots, from the  
756 first one...  
757  
758 A: Okay.  
759  
760 Q: ...to the others.  
761  
762 A: Soon as I shut the door, I heard, "Pah. Pah-pah-pah-pah." I took off running.  
763 As soon as I could see visual - soon as I could finally see some- something in  
764 the dark, and I noti- I recognized it as being my partner, I observed him over  
765 the wall and fire one more shot.

766  
767 Q: Okay, so the "Pow. Pow-pow-pow-pow," then followed by how l- long? How  
768 - how much of a space in between the final shot and the sequence?  
769  
770 A: I would say one second.  
771  
772 Q: Okay.  
773  
774 A: It - "Pow." And you - one or two seconds. And then the - and then about four  
775 gunshots. And then, maybe about one second.  
776  
777 Q: Okay.  
778  
779 A: It wa- it was relatively close together.  
780  
781 Q: When you heard the first gunshot, you were still in the vicinity of the patrol  
782 car?  
783  
784 A: Correct.  
785  
786 Q: Which is a considerable distance away.  
787  
788 A: Right.  
789  
790 Q: Um, I mean, we were out at the scene too. Um, and I don't even want to  
791 venture a guess. But you were still around the patrol car when you heard the  
792 first shot.  
793  
794 A: Correct.  
795  
796 Q: Then, uh, at - at that point, did you advance towards where the gunshots were?  
797  
798 A: As soon as I threw him in the car, I heard the first gunshot...  
799  
800 Q: Right.  
801  
802 A: ...and immediately I ran towards that direction. Towards the, uh, the white car.  
803  
804 Q: Okay.  
805  
806 A: Keeping my focus over here, but knowing that, I'm in the middle of the street.  
807 I have no cover at all. None whatsoever. The first thing saw was the white car.  
808 RAN towards it, and put my firearm down - down-range, looking to see if the  
809 suspect was pointing a weapon at my partner.  
810

811 Q: Okay, and did you see the first muzzle-flash as well? Did you see 'em all?  
812 Or...  
813

814 A: I'm - I don't recall if I saw the first one. I did see muzzle-flashes. Um, I don't  
815 remember how many.  
816

817 Q: The first time you saw a muzzle-flash -- whichever one it was, or h- however  
818 many they were, the very first time you saw one -- about how far away were  
819 you from the muzzle-flash?  
820

821 A: Approximately 100 yards.  
822

823 Q: Okay. Knowing where Officer Lopez was now, at the point of the wall, can  
824 you tell me one way or another whethe- whether or not that muzzle-flash  
825 came from the approximate vicinity of that wall? Or was it earlier?  
826

827 A: It was in the pr- in the proximity of the wall...  
828

829 Q: Okay.  
830

831 A: ...from what I remember. Um, just looking off into the distance, into the dark,  
832 they were - I remember seeing a wall, and I know that they were somewhere  
833 in the vicinity of that wall.  
834

835 Q: Were you able to, at any point, see the suspect running or Officer Lopez  
836 running, at any point during...  
837

838 A: As soon as they took off -- like I said -- I had looked, 'cause I heard him, um,  
839 I heard feet.  
840

841 Q: Right.  
842

843 A: And I had, uh, initially heard him say, "No. Stop." And so I looked back, and  
844 then I did see them running. And then I s- and I saw him start to broadcast.  
845 And I heard him -- I didn't hear him through the radio, I heard him live -- say,  
846 "Foot pursuit." And at that point, you know, a million things running through  
847 my head.  
848

849 Q: Sure.  
850

851 A: I got this guy here. My partner's over there. I wanna be - I wanna be with him,  
852 but I got this to deal with here. And so I had to secure one threat and move on  
853 to the next.

855 Q: As far as, um, seeing them running, did you ever see a suspect jump a wall  
856 into the - into that yard he ultimately ended up in? Did you see him go over  
857 the wall?  
858

859 A: I don't recall. I didn't remember.  
860

861 Q: 'Kay. Do you recall one way or another whether or not the first shot was while  
862 the suspect was still on this side of that fence, or the other side of the wall? If  
863 you know.  
864

865 A: I don't know.  
866

867 Q: Okay.  
868

869 A: It was too dark.  
870

871 Q: At any point, were you able to see the both of them approaching that wall at -  
872 at any time? I mean, whe- I'm trying to determine when you actually - you -  
873 you didn't have sight, you heard feet at the beginning. Then you had s-...  
874

875 A: That's right in the beginning.  
876

877 Q: Okay.  
878

879 A: A- and a- I mean, well not instantly, but I heard - I heard the feet. And then as  
880 soon as they got past the vehicle to where I can see them, um, that's when I  
881 had sight on 'em. Um, I think at the p- p- the point where I lost them would  
882 have been when I told the guy, "Get on the ground." And, uh, I'm dealing  
883 with him.  
884

885 Q: Okay.  
886

887 A: And I start to take a step toward that direction.  
888

889 Q: So you don't know one way or another whether any shots were fired prior to  
890 this guy going over the wall.  
891

892 A: I don't know for sure...  
893

894 Q: Okay.  
895

896 A: ...if - if shots were fired before, or once he was over the wall.  
897

898 Q: Okay.  
899

900 A: Don't know.

901  
902 Q: At any point did you see, uh, a handgun or any gun with that passenger? Other  
903 than when it came to rest?

904  
905 A: Other than when it came to rest, no.

906  
907 Q: Okay. So during the pursuit, during the contact initially, no indications of a  
908 handgun or anything like that, but you saw one later -- and we'll get to that --  
909 but you saw one later laying next to the suspect.

910  
911 A: Correct.

912  
913 Q: Okay. When you get to where Officer Lopez was -- when you're actually at  
914 this wall area -- where do you see him? Where do you see Officer Lopez?

915  
916 A: He's at the wall, he's - he had his arm up on the wall -- I think to hold himself  
917 up. He had his gun pointed over the wall.

918  
919 Q: Okay. And do you actually see the final shot go off as you're there at the  
920 wall? Or are you approaching it still?

921  
922 A: I wasn't at the wall. I was, um, somewhere around the white car. Um, 'cause  
923 once I saw - once I did realize, "Okay, my partner's on this side of the wall.  
924 Don't see the suspect. He must be on the other side of the wall. It's safe to go  
925 this way now." And at that point, I did see a muzzle-flash. And - and it...

926  
927 Q: While you were still a hundred...

928  
929 A: So- somewhere in the proximity...

930  
931 Q: ...yards away?

932  
933 A: Um, no, because I had - I had ran closer to the white car. So I wasn't - now I  
934 wasn't a - 100 yards away. I was closer then now.

935  
936 Q: How - how far do you think?

937  
938 A: Probably 50.

939  
940 Q: Okay. When you got to the wall, uh, Officer Lopez was on - braced on the  
941 wall, if you will, I guess. And then what happened next? Did he go over? Did  
942 you go over? Tell me that sequence.

943  
944 A: We both stayed on this side of the wall. And, uh...



945  
946 Q: On the street side of the wall?  
947  
948 A: Correct.  
949  
950 Q: 'Kay.  
951  
952 A: Um, my frame of mind was that, I don't wanna holster and jump over the wall  
953 or jump over the wall and take my focus off of the threat. I felt like I had  
954 cover where I was at, in behind the wall, and I had my gun pointed in the  
955 threat direction. And, um, my part- I heard my partner's, um, "Don't move." I  
956 don't know if it was, "Don't move or I'll shoot," but I remember he's  
957 something to the effect of, "Don't move." At which point I said, "Don't  
958 fuckin' - don't move, or I'm gonna blow your fuckin' head off."  
959  
960 Q: Okay.  
961  
962 A: Okay.  
963  
964 Q: You had already put out "Shots fired" at some point? Or do you know?  
965  
966 A: I believe I put it out as soon as - as soon as I thought about it. I think it was  
967 after I said that. Um, I don't recall specifically when it was. Um, my - the  
968 thought of the radio - me being on the radio wasn't in my head at - until, you  
969 know, "Code 4," type of thing.  
970  
971 Q: Okay.  
972  
973 A: I wasn't, you know, I wasn't gonna be caught dead with a radio on my hand.  
974  
975 Q: When you caught up with Officer Lopez at the wall, you were both still on  
976 this side of the wall -- the street side of the wall. You had your gun, um,  
977 pointed at the suspect?  
978  
979 A: Yes.  
980  
981 Q: 'Kay.  
982  
983 A: As soon as I met up with my partner, I pulled out my gun and had it pointed in  
984 the direction of..  
985  
986 Q: Officer Lopez, where was his gun? Was it pointed at the suspect? Was it put  
987 away?  
988  
989 A: It was pointed in the direction of the suspect.

990  
991 Q: Okay. What were your observations of the suspect? He was down, obviously,  
992 at that point. Correct?  
993  
994 A: Correct.  
995  
996 Q: 'Kay. Can you tell me what he was saying, how he was moving, tell me what  
997 you saw.  
998  
999 A: He was l- laying down. I believe it was on his side facing towards the  
1000 residence. Um, I believe he was holding his stomach area, from what I  
1001 remember. And he was making a groaning sound, like, "Ah."  
1002  
1003 Q: Okay.  
1004  
1005 A: Um, and, uh, kind of - kind of - kind of - wiggling around, which made me  
1006 nervous, because the gun was not very far from him. And so I was thinking to  
1007 myself, "You know, I - he is still in reach of that weapon." So, which is why I  
1008 continued to have my weapon pointing at him, and which is why I believe  
1009 ultimately my partner gave him an additional command, "Hey, don't touch  
1010 that weapon." And then I gave a - ano- another command to him.  
1011  
1012 Q: W- the very first time you saw the weapon, it was already out and laying on  
1013 the ground? Or did you see the suspect remove it?  
1014  
1015 A: No, the - when I first saw the weapon, it was away from the suspect. I believe  
1016 it was in a little planter I believe, um, off - off and behind him to the - to his  
1017 right.  
1018  
1019 Q: Can you describe that weapon?  
1020  
1021 A: I believe I remember seeing silver and black in the weapon. And I know what  
1022 revolvers look like, and I know that it wasn't a revolver. I believe it to be a  
1023 semi-automatic handgun. Uh, I believe the muzzle was facing, um, in a  
1024 southeast - southeast direction, uh, with the handle facing towards our  
1025 direction.  
1026  
1027 Q: Okay, and again, I'm sorry, the suspect was on his back, or on his stomach, or  
1028 on his side?  
1029  
1030 A: I believe he was on his side, from what I remember.  
1031  
1032 Q: How far, approximately, if you know, was the weapon?  
1033

1034 A: Maybe, like, probably this distance, from edge of the table to this edge of the  
1035 table.  
1036  
1037 Q: Okay, so...  
1038  
1039 A: About 5 feet. I don't - whatever that is.  
1040  
1041 Q2: (Unintelligible.)  
1042  
1043 Q: Four feet, maybe?  
1044  
1045 A: Four feet.  
1046  
1047 ((Crosstalk))  
1048  
1049 Q1: ...maybe...  
1050  
1051 Q: Three-and-a-half, four feet?  
1052  
1053 Q2: Three feet.  
1054  
1055 Q1: If that. Yeah.  
1056  
1057 A: Yeah. It was - it was relatively close.  
1058  
1059 Q1: Yeah, maybe.  
1060  
1061 A: Approximately.  
1062  
1063 Q: Okay. Well, j- just for sake of argument, it looks like somewhere between 3  
1064 and 4 feet to me.  
1065  
1066 A: Yeah.  
1067  
1068 Q1: ...feet.  
1069  
1070 Q: Um, and it was laying on the ground. The suspect was groaning. Any other  
1071 observations you noted, that you guys made commands, however they may be,  
1072 whether it's, "Don't touch the fuckin' gun," whatever, we'll, you know, we'll  
1073 all hear it later. But, um, the commands were for him not to move towards the  
1074 gun, for obvious reasons.  
1075  
1076 A: Correct.  
1077  
1078 Q: Um, did he ever make any additional movements?

1079  
1080 A: He was making movements the whole time, um, but I wasn't sure if it was  
1081 because of th- the pain he was in, or because he was actually trying to retrieve  
1082 the weapon. Um, once I did give him that command, um, to not touch the  
1083 weapon -- or, you know, what I had told you -- um, he said, "I'm not."  
1084 Something to that effect.  
1085  
1086 Q: At what point did you then go over the wall?  
1087  
1088 A: The - I went over the wall once I saw officers were running up, and my  
1089 partner had already jumped over the wall. So I knew that my partner had - was  
1090 over the wall, he had his gun out, so it was safe for me to now holster and  
1091 come over the wall. So once officers were arriving at the scene.  
1092  
1093 Q: So Officer Lopez went over the wall first.  
1094  
1095 A: Correct.  
1096  
1097 Q: Uh, what's the first thing he did when he went over the wall? You mentioned  
1098 he had moved the gun away or something at one point. When did that happen?  
1099  
1100 A: Yeah, I th- I think I saw him move the gun, though, prior to me jumping the  
1101 wall.  
1102  
1103 Q: Okay.  
1104  
1105 A: Um, I remember him moving it with his foot, um, in the opposite direction of  
1106 the suspect. Um, once I went over the wall, I don't remember, um, I believe  
1107 ac- towards the end somebody said that the suspect was handcuffed, but I  
1108 don't ever remember seeing somebody handcuff him.  
1109  
1110 Q: It looks like the gun -- if I remember right -- came to rest in a planter area over  
1111 there. Do you know if it was, um, in the planter initially when you saw it? Or -  
1112 or prior to him moving it? Where was it?  
1113  
1114 A: I believe it was in there. He just moved it further.  
1115  
1116 Q: With his foot.  
1117  
1118 A: Correct.  
1119  
1120 Q: Okay. So he just kicked it away a little further.  
1121  
1122 A: As he - as he continued to have his weapon out for officer safety purposes.  
1123

1124 Q: Officer Lopez jumps the wall, ultimately moves the weapon further away for  
1125 obvious reasons. Um, how long is he in that rear yard with the suspect before  
1126 you actually join him?  
1127

1128 A: Maybe seven seconds.  
1129

1130 Q: Okay. So then once that happens, and you're both in the rear yard, uh, does  
1131 somebody handcuff the suspect?  
1132

1133 A: When - once everything was said and done, and the - the supervisor had  
1134 showed up, I remember officers talking to each other near the fence, um,  
1135 kinda getting on each other about something. I heard one of 'em say, "He's  
1136 handcuffed." I think they were concerned about, um, officer safety. Um...  
1137

1138 Q: So you personally did not put handcuffs on the suspect.  
1139

1140 A: I did - personally did not put handcuffs on the suspect.  
1141

1142 Q: Do you know one way or another if saw - Officer Lopez put handcuffs on the  
1143 suspect?  
1144

1145 A: I do not know.  
1146

1147 Q: Um, the response for medical aid and shots fired, and things like that, you said  
1148 earlier i- in the interview that you put that stuff out.  
1149

1150 A: Correct.  
1151

1152 Q: You recall when and where you did that? Was that in the rear yard?  
1153

1154 A: Uh, no. I wasn't in the yard. I was on the other side of the fence. Um, it was  
1155 prior to jumping over the fence that I put out that information.  
1156

1157 Q: Okay. So all that stuff had already been done. Supervisors obviously were in  
1158 route 'cause they showed up shortly thereafter.  
1159

1160 A: Correct.  
1161

1162 Q: Um, what about civilian people? Anything like that that you observed?  
1163 Witnesses...  
1164

1165 A: I didn't observe anybody out.  
1166

1167 Q: The guy that owned that house ever come out?  
1168

1169 A: I never saw him come out. Um, once I had walked away from the location,  
1170 um, when I was separated from my partner, there's a - there was somebody  
1171 standing outside of his residence. But it wasn't directed into where the  
1172 incident occurred.  
1173

1174 Q: Did the suspect ever say anything to either one of you? Did you ever hear him  
1175 say anything...  
1176

1177 A: He responded to me when I told him to not touch the gun. He said, "I, I'm  
1178 not." Um, later on an officer had walked up and asked him what his name  
1179 was, and, uh, I think he said, uh, "I'm not telling you." Um, I heard him say,  
1180 "I can't breathe." Heard the suspect say, "I can't breathe. Can't breathe."  
1181 Um...  
1182

1183 Q: Did he ever mention the gun? Other than, "I'm not," or "I won't touch it"?  
1184

1185 A: No. He didn't.  
1186

1187 Q: Ron, I'm gonna regroup, if you have somethin' here.  
1188

1189 Q1: (Unintelligible). Just basically, uh, just - if you could go over again, the first  
1190 round you heard was you were puttin' the guy in the - in the back seat. That's  
1191 when you heard the first round.  
1192

1193 A: Correct.  
1194

1195 Q1: Then you said there was, like, a one or two second pause in between the next  
1196 rounds fired?  
1197

1198 A: Mm-hm.  
1199

1200 Q1: So you were in - were you crossing the street then, gettin' to that white car  
1201 when the rounds were bein' fired, then?  
1202

1203 A: I - I had, uh, I was - put the guy in the car...  
1204

1205 Q1: Uh-huh.  
1206

1207 A: ...and I believe it was as I was shutting the door, I heard the first round go off.  
1208

1209 Q1: Okay.  
1210

1211 A: And I was - thought, "Oh, shit."  
1212

1213 Q1: Okay.

1214  
1215 A: You know? I wanted to be where my partner was, helpin' him out. I had this  
1216 guy to deal with.  
1217  
1218 Q1: All right.  
1219  
1220 A: Um, it was - i- it was all very quick.  
1221  
1222 Q1: Right.  
1223  
1224 A: Um, I heard the first round go off, and it was very prominent to me. 'Cause it  
1225 was - I believe the first round. Um, and then I heard, it - I would say  
1226 approximately a second later to two seconds later, I heard about four gunshots.  
1227  
1228 Q1: You were still at the door at that time? Or did you...  
1229  
1230 A: I - after I heard the first - well, the second I slammed the door...  
1231  
1232 Q1: Right.  
1233  
1234 A: I was making my way to my partner to help him out.  
1235  
1236 Q1: Okay.  
1237  
1238 A: And so I think right at that point in time that I had shut the door, I heard the  
1239 first round.  
1240  
1241 Q1: Okay.  
1242  
1243 A: And I started running. Um, whether I heard a round or not, I was still gonna  
1244 be running in the direction.  
1245  
1246 Q1: Right.  
1247  
1248 A: Um, so first round, approximately one to two seconds later, I heard about four  
1249 rounds, approximately...  
1250  
1251 Q1: Were you - w- well, what I mean is, were you behind that car at that point?  
1252 Closer to where he was when you heard the next four? 'Cause you said they  
1253 were consecutive. Were you - you remember running in the street when they  
1254 were goin' off? Or were you already - got - be- behind cover when you heard  
1255 those four?  
1256  
1257 A: I believe it was as I was running to the white car...  
1258

1259 Q1: Okay.

1260

1261 A: ...that was hearing the multiple gunshots.

1262

1263 Q1: And at that point, did you see - at that point, any - then - muzzle-flash.

1264

1265 A: I saw muzzle-flashes.

1266

1267 Q1: So during those four, you saw muzzle-flash coming in that direction where you think...

1268

1269

1270 A: I saw muzzle-flashes. I didn't know what direction it was. Um, I mean, I knew

1271 w- where they were...

1272

1273 Q1: Right.

1274

1275 A: ...but I couldn't see faces, I couldn't see bodies. It was dark over there.

1276

1277 Q1: Okay.

1278

1279 A: I just saw muzzle-flashes.

1280

1281 Q1: Okay.

1282

1283 A: And once I got further, closer to the white car, then I could see, you know, my

1284 partner.

1285

1286 Q1: Right.

1287

1288 A: Where he was up o- up on the wall pointing his gun over.

1289

1290 Q1: Okay.

1291

1292 A: And I heard another gunshot.

1293

1294 Q1: So, what I'm trying to just - for the sequence, just so I - makes sense...

1295

1296 A: Mm-hm.

1297

1298 Q1: So you're running to the white car. During that time, maybe either while

1299 running or behind you saw or heard four more consecutively. And that - from

1300 the white car, could you see your partner - actually see him there by the wall

1301 from that location?

1302

1303 A: Uh, once I was in proximity to the white car, I could see my partner.



1304  
1305 Q1: Okay. So then in - at that point, when you got there, and you saw who it was,  
1306 was there any more shots being fired at that point?  
1307  
1308 A: Once I saw that it was partner, he was up over here...  
1309  
1310 Q1: Right.  
1311  
1312 A: ...with his gun over the wall.  
1313  
1314 Q1: Okay.  
1315  
1316 A: And I saw him fire a shot.  
1317  
1318 Q1: So you were still back at the car when he did that.  
1319  
1320 A: I was a- in the proximity of the w- of the white car.  
1321  
1322 Q1: Okay.  
1323  
1324 A: From what I remember. You know, things happened very quickly. Um...  
1325  
1326 Q1: Okay. And from there, nobody put out anything as far as the radio up to that  
1327 point.  
1328  
1329 A: Just my partner put out, "Foot pursuit."  
1330  
1331 Q1: Okay.  
1332  
1333 A: And, um, I immediately took the guy, put him in the car, and immediately  
1334 started running.  
1335  
1336 Q1: Okay.  
1337  
1338 A: Um...  
1339  
1340 Q1: And then after that last round, you saw him go over. You were near the car.  
1341 Then you ran up to the fence? Or is there any communication? Or the wall -  
1342 was there any communication between you and Lopez? At that point...  
1343  
1344 A: I think the first thing I said was, "Partner, are you okay?"  
1345  
1346 Q1: Mm-hm.  
1347  
1348 A: The first thing I think I said.

1349  
1350 Q1: Okay.  
1351  
1352 A: Um, upon seeing him.  
1353  
1354 Q1: Correct.  
1355  
1356 A: Um...  
1357  
1358 Q1: What'd he say? Did he - re-...  
1359  
1360 ((Crosstalk))  
1361  
1362 A: I don't remember - I don't remember if he acknowledged me.  
1363  
1364 Q1: Okay.  
1365  
1366 A: I don't remember. Um, but I saw that he was pointing his gun over the wall. I  
1367 obviously knew that he was shooting at something, and so I put my head over  
1368 the wall, and that's when I saw...  
1369  
1370 ((Crosstalk))  
1371  
1372 Q1: When you got up to the wall, was he behind the wall as cover, or was he still  
1373 lookin' over with his body over, lookin' over? Or was he back under gettin'  
1374 cover from...  
1375  
1376 A: I don't believe that he - he took his eyes off the suspect.  
1377  
1378 Q1: Okay. Think he was up on top?  
1379  
1380 A: Yeah.  
1381  
1382 Q1: Okay. Did he say anything to you at that point, like, "I shot the guy," or  
1383 whatever, or anything at all? He didn't - you guys didn't communicate  
1384 anything at that time?  
1385  
1386 A: No. Not that I remember.  
1387  
1388 Q1: So then you peeked up. You saw the guy. Wa- when you first saw him, you  
1389 said he was lying down on the ground.  
1390  
1391 A: Yeah, I saw him lying down on the ground. That's - I never saw him standing.  
1392  
1393 ((Crosstalk))

1394  
1395 Q1: Is that when you just put out the, uh, radio call then at that point?  
1396  
1397 A: Yeah. I believe my partner said, "Put out 'shots fired'." And then - and then so  
1398 I said, "Okay." Adam 315, um, "shots fired", I chose to say, "1199"..  
1399  
1400 Q1: Okay.  
1401  
1402 A: ...you know, um, I believe officers did need help, um, and I put that other  
1403 additional information.  
1404  
1405 Q1: Okay. And then you - at some point, a few seconds later -- or minutes later --  
1406 do you know what it was when your partner then jumped into the - the yard?  
1407  
1408 A: Once units arrived, um, I think once units started arriving, he felt comfortable.  
1409 And I had, um, I got out on the guy. And, uh, once the officers were running  
1410 up to the - the fence, he jumped over.  
1411  
1412 Q1: So he didn't go in the yard until the units were up in that yard area?  
1413  
1414 A: I believe so. I don't remember specifically, but..  
1415  
1416 Q1: Okay.  
1417  
1418 A: I think that's when he did.  
1419  
1420 Q1: Now when - did - when you guys put out the location, you just put out  
1421 basically where you were, and you just basically said south of the traffic stop,  
1422 and then they figured out..  
1423  
1424 A: I had put out, um, w- we're approximately 100 yards south of our unit. I think  
1425 my partner said to say that, to specify.  
1426  
1427 Q1: Okay.  
1428  
1429 A: Um, in my mind I thought - I thought - I thought they would see us, er, right  
1430 away. I don't - I don't know why.  
1431  
1432 Q1: Mm-hm.  
1433  
1434 A: You know, a - a lot is going through my mind.  
1435  
1436 Q1: Right.  
1437

1438 A: Um, so my partner said, "Kinda tell 'em we're 100 yards south of our unit."  
1439 So that's exactly what I put out.  
1440

1441 Q1: Mm-hm. Okay. So this whole time, when you're, you know, right when you  
1442 put the guy where your mind is, is basically is you just w-what's goin'  
1443 through your mind from the - from the time that you heard that first gunshot?  
1444

1445 A: I wanted to be where my partner was. Um, like I said, my first instinct was to  
1446 ditch this guy that I was with. I said, "Get on the fuckin' ground," and  
1447 immediately started to - to go. Then I thought to myself, "I can't bypass this."  
1448 And so I turn- turned around, picked him up as quickly as I could and put him  
1449 in the car and shut the door. I didn't even have time to handcuff him. And I  
1450 just ran in the direction of the gunfire.  
1451

1452 Q1: That's all I've got.  
1453

1454 Q: All right, let's - let's take, like, a one-minute break, okay? And then we'll just  
1455 close it off in a second, okay? So, um, I've got 10:14. We'll take a quick little  
1456 break. Okay, this is Detective Mike Medici. Uh, we're back on tape. It is, uh,  
1457 1020 hours, and I don't think we have anything further, so I will end this  
1458 interview not at 10:20.  
1459

1460 A: Uh, can I add something? Um, when I was just going after the vehicle, um, I  
1461 estimated approximately going about between 40 and 45 miles per hour.  
1462

1463 Q: Okay.  
1464

1465 A: Um, and also when I made contact with the driver, uh, it appeared that he  
1466 understood what I was saying. Um, I did hear him say, "Probation off." Uh, it  
1467 was in that muffled tone, like, I knew I - I knew he was deaf, but I could  
1468 understand him, and I knew that he understood me.  
1469

1470 Q: So in response to your question about parole...  
1471

1472 A: He answered my question.  
1473

1474 Q: ...or probation.  
1475

1476 A: Correct. And then, um, I was - so I - I did believe that he was coherent, and  
1477 that he could understand things that I was asking him.  
1478

1479 Q: Okay.  
1480

1481 A: Um, as far as me putting out for the, uh, um, uh, the information about the  
1482 suspect being in the vehicle, I was concerned for the other officers coming.

1483 That's why I put that out, that a - there's a guy back there that's not  
1484 handcuffed. Which is why I put that over - out over the air. Um, um, as - as far  
1485 as, um, the - the running the plate, uh, I believe my partner had ran it, like I  
1486 had said earlier. Um, 'cause when I was driving, I thought I remembered  
1487 seeing, you know, the green screen with the information that comes up when  
1488 you run a plate. But I was the one who broadcasted, just to clear things up in  
1489 case I wasn't clear. Um...

1490  
1491 Q1: The - the one thing I did want to just - and just - i- to go back on it a little bit...

1492  
1493 A: Mm-hm.

1494  
1495 Q1: When you had him on the ground, you said he may have been resisting, or not  
1496 cooperating.

1497  
1498 A: Mm-hm.

1499  
1500 Q1: Um, lookin' back at it now, maybe he was deaf. Did he hear you? Did he see  
1501 your lips? Or maybe he didn't realize what you wanted? Maybe that's maybe  
1502 why he wasn't really...

1503  
1504 A: I- I...

1505  
1506 Q1: ...assisting the other - his partner - or that guy - he wasn't really assisting, he  
1507 just didn't know because he couldn't hear you.

1508  
1509 A: I believe the whole time that he understood what I was saying. Um...

1510  
1511 Q1: You think he could hear you if he wasn't lookin' at you? Or was he lookin' at  
1512 you?

1513  
1514 A: Uh, no, I don't think he was looking at me, because I had had him on the  
1515 ground.

1516  
1517 Q1: Right.

1518  
1519 A: He was facing down.

1520  
1521 Q1: Okay.

1522  
1523 A: So I - I - I'm not gonna say he was looking at me, 'cause...

1524  
1525 Q1: Okay.

1526

1527 A: ...most likely he wasn't. Um, but I do believe that he did hear me, 'cause he  
1528 did respond to my question when I first made contact, uh, with him. And then  
1529 when I had asked him, "D- do you have anything sharp on you? You got any  
1530 knives? Any - anything like that?" Um, I remember him - hearing him saying,  
1531 "No."  
1532  
1533 Q1: Mm-hm.  
1534  
1535 A: And so, you know, I really do believe that he w- he did hear me, and he was  
1536 coherent.  
1537  
1538 Q: Okay. Well, I d- I do- I don't want to beat a dead horse, but as far as the  
1539 combativeness then, I think we talked briefly about that. Um, do you feel he  
1540 was combative? Or stalling? Or w- what's your interpretation?  
1541  
1542 A: I believe he was delaying me from assisting my partner. Um, I gave him the  
1543 command to - to stand up. Um, he did start to get up a little bit, but it was - it  
1544 was a half - half-effort.  
1545  
1546 Q: Okay.  
1547  
1548 A: He was completely just - just letting his body weight fall. I was having to lift  
1549 him up. Um, I think that he started to get up, to act like he was obeying me,  
1550 um, but he wa- it was body weight. I was having to lift him, and then, um,  
1551 once I finally got him up, he did start to walk to the car.  
1552  
1553 Q: I'm - I w- I wanna make sure, uh, on the physical aspect. Was he physical  
1554 with you? Did he punch you? Did he...  
1555  
1556 A: No.  
1557  
1558 Q: ...kick you? Did he hit you? Assault you, any of that stuff?  
1559  
1560 A: No, he never did anything...  
1561  
1562 Q: Okay.  
1563  
1564 A: ...like that.  
1565  
1566 Q: So in your mind, it was more of a - a delay if anything.  
1567  
1568 A: Exactly.  
1569  
1570 Q: Is that fair to say?  
1571

1572 A: Fair. Fair to say.  
1573  
1574 Q1: And it's very possible talking to him, he can read lips...  
1575  
1576 A: Mm-hm.  
1577  
1578 Q1: ...but he can't hear. So that's what I was just trying to say. If he can't - he's  
1579 not lookin' at you, he may not be hearing you. And it may not be that he was  
1580 assistin' the guy, he may just not really known, and he wasn't really being a  
1581 bad guy helpin' the guy. It - just in the whole situation's goin' on, I just wanna  
1582 make it clear for our report, too...  
1583  
1584 Q: From what we've learned of him, he was a little herky-jerky. If he wasn't - he  
1585 - you know, if he wasn't looking right at you, again, from what we've learned,  
1586 he reads lips. Okay, so, it - would that behavior, um, the turns, the - the state-  
1587 the - those kind of behaviors, is that consistent with that? Or do you feel like...  
1588  
1589 A: I think it - it could be consistent with that...  
1590  
1591 Q: Okay.  
1592  
1593 A: ...because if he - if he reads lips, then maybe he's sticking his head out the car  
1594 to, um, you know, to see if I'm gonna say something to him. He needs to see  
1595 my lips. He can't just listen to me.  
1596  
1597 Q: Okay.  
1598  
1599 A: If he - if that's how he...  
1600  
1601 Q: Yeah, and you didn't know that.  
1602  
1603 A: I didn't know that.  
1604  
1605 ((Crosstalk))  
1606  
1607 Q: So I - I just want you to understand that that appears to be what he's doing, is  
1608 when he talks to you, he reads lips. And he can communicate slightly. But I  
1609 don't want there to be an inconsistency in you telling me he's assaulting you  
1610 intentionally. Okay, and it sounds like that's not what he's doing...  
1611  
1612 A: No.  
1613  
1614 Q: ...according to you.  
1615  
1616 A: No.

1617  
1618 Q: Okay.  
1619  
1620 A: I'll - I'll clear that up right now. He never assaulted me.  
1621  
1622 Q: Okay.  
1623  
1624 A: He, um, like I said, he was delaying me assisting my partner.  
1625  
1626 Q: Okay.  
1627  
1628 A: Uh, he never swung at me.  
1629  
1630 Q: Okay.  
1631  
1632 A: Never anything like that.  
1633  
1634 Q: Okay. E- everybody clear on that? Are you good?  
1635  
1636 Q1: Anything else that - that you wanna add, or are you good?  
1637  
1638 A: I think that's it.  
1639  
1640 Q1: And at any point, you know, you can come to m- to Mike, and - and if you  
1641 remember somethin' later tonight, s- that happens sometimes, feel free to  
1642 contact, you know, your attorney or if you ever go through, then maybe you  
1643 can just tell Mike. Or, you wanna add somethin', or you remember somethin'.  
1644 And it happens, so...  
1645  
1646 A: Well, I mean, I - I believe that he was compliant the whole time. You know,  
1647 when I asked him to step out of the vehicle, he stepped out of the vehicle. Um,  
1648 see...  
1649  
1650 Q1: Okay.  
1651  
1652 Q: Okay. Well, I - I - we're obviously glad you're both okay. So, um, all right,  
1653 well, now, um, it is 10:26, and we'll end the interview here.  
1654  
1655  
1656 This transcript has been reviewed with the audio recording submitted and it is an accurate  
1657 transcription.  
1658 Signed Brett Porter 4-4-12