

SUPPLEMENTAL REPORT

Date Prepared: 02-04-09

1. Original File No. P09008550	2. [Redacted]	3. Off. ID 303	4. NPC	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date / Time Occurred 01-17-09 / 1943	9. Day				
10. [Redacted] / 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 - Zip) South of 2855 Mulberry St, Riverside, CA							18. Type of Place Vacant Lot					
For ID USE: V = Victim, I = Informant, W = Witness, O = Other												
19. ID: V	20. Last Name - First - Middle (Firm Name if Business) Ofc. Dave Taylor #432						21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address Riverside P.D.			25. Home Phone	26. Bus. Phone					
27. ID: V	28. Last Name - First - Middle (Firm Name if Business) Ofc. S. Quinn #1535						29. Race - Sex	30. DOB				
31. Residence Address			32. Business or School Address Riverside P.D.			33. Home Phone	34. Bus. Phone					
S U S P E C T	35. Last Name - First - Middle Hyatt, Russell Franklin			36. Race - Sex W - M	37. Age 48	38. Ht. 6-02	39. Wt. 180	40. Hr. BRO	41. Eyes BRO	42. DOB or ID [Redacted]	43. Arrested Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
	44. Address - Clothing - Other Marks or Identifying Characteristics LKA: 3468 Spruce St, Riverside, CA / CDC# [Redacted]											
45. Juv: Other () 2 Disp: Juris.		Juv. Ct. Prob. () 5		Within Dept. () 6		Detained () 1		Not Detained () 2				
S U S P E C T	46. Last Name - First - Middle			47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr.	52. Eyes	53. DOB or ID	54. Arrested Yes <input type="checkbox"/> No <input type="checkbox"/>	
	45. Address - Clothing - Other Marks or Identifying Characteristics											
56. Juv: Other () 2 Disp: Juris.		Juv. Ct. Prob. () 5		Within Dept. () 6		Detained () 1		Not Detained () 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	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime) (1) 664-187 PC (On a Police Officer) (2)				61. Original Offenses Changed to (Code - Crime) (1) (2)				58. Stolen Auto Value ASP	59. Recovered Auto Value A2
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62. Narrative of Supplemental Report: [Redacted] 62a. Audio Recording Available? **Yes** 62b. Incident Number: [Redacted]

Initial Response

Interviews:

Ofc. S. Quinn

Ofc. D. Taylor

Reporting Officer
Det. R. Wheeler
Reviewed By
M. V. Rossi 603
COPIES TO

VCLO ()

ACTIONS		
APB Sent		
APB Cancl.		
APR Sent		
APR Cancl.		
DOJ - NCIC		
Entered		
Cancl.		
ENTERED		
STATS	ARBK	ANI

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- 1 **Assisting Personnel:**
2 Sgt. Mason – On Call Supervision
3 Sgt. Rossi – CIB Supervision
4 Det. Cobb – Co-Case Agent
5 Det. Smith – Scene Processing
6 Det. Sanfilippo – Follow up at CIB
7 Det. O’Boyle – Interviews at 3468 Spruce St.
8 Det. Banks – Interviews at 3468 Spruce St.
9 Det. Turner – Interviews at 3468 Spruce St.
10 ID. Tech Supv Fuller – Scene Processing
11 ID Tech Lane – Scene Processing; Asst. at CIB
12

13 **Assignment:**
14 On Saturday January 17th, 2009 at approximately 2000 hrs, I was contacted at home by Sgt. Rossi who
15 asked me to respond to the 2800 Block of Mulberry St, Riverside for an Officer Involved Shooting
16 investigation. I was assigned as the case agent and Det. Cobb was assigned as my co-case agent. I
17 arrived at the scene at approximately 2050 hrs and met with Det. Cobb and several members of the
18 uniformed patrol division and members of the RPD command staff.
19

20 **Investigation:**
21 Ofc. Boulерice gave the group a briefing on what had happened that night. He explained that RPD
22 officers had been called to 3468 Spruce St for a man with a gun call. Several uniformed patrol officers
23 responded and contacted residents at the house, one of which was V/Iris Hyatt (wife of S/Russell Hyatt).
24 She told officers that her estranged husband, S/Hyatt, had come to the house and was demanding his
25 truck keys and wallet. Iris would not let him into the house so he pulled a small framed handgun from
26 his clothing, pointed to his head and said he was going to kill himself. S/Hyatt eventually made his way
27 into the house through the back door and began rummaging around for his keys and wallet. S/Hyatt was
28 agitated and made several threats to kill himself in front of everyone in the residence. Finally, he kicked
29 open the front security screen door and left the residence. His whereabouts were unknown at the time
30 officers arrived on scene. Officers conducted an area check for S/Hyatt but he was not found. An APR
31 was broadcast and two officers stayed in the immediate area in case he returned.
32

33 Approximately 1½ hrs later, Iris’ daughter, V/Marquita Brooks, contacted RPD dispatch and said
34 S/Hyatt was now at 2841 Mulberry St. RPD officers responded to that location and confronted him to
35 the front of a residence. S/Hyatt still had the gun and threatened to kill himself as he held it to his head.
36 S/Hyatt was able to run southbound on Mulberry St where RPD officers contacted him again and a
37 shooting occurred. S/Hyatt was pronounced dead by medical personnel who responded to the scene.
38 Ofc. Boulерice wrote the initial report for this investigation.
39

40 I then spoke with Ofc. Barretta who interviewed a witness at 2841 Mulberry St, W/Dana Derring. Dana
41 had been inside the residence when S/Hyatt walked in, unannounced, and asked for a cigarette and to
use a phone. S/Hyatt called Iris’ home and spoke with her, demanding his wallet and truck keys.

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1 During the phone call, S/Hyatt told Iris that he was going to kill himself if she did not do the things he
2 was asking of her. When he was done with the phone call, S/Hyatt started to leave the residence and
3 pulled out a small 'silver' handgun from his pants and held down along his right side. Dana tried to call
4 911 as he followed S/Hyatt out of the residence and onto Mulberry St. Moments later, two uniformed
5 RPD officers arrived and tried to contact him as he headed south down Mulberry St. A second RPD unit
6 arrived and two more officers exited their car to assist the first two. Dana lost sight of S/Hyatt and
7 moments later heard a gunshot. He then saw one of the RPD officers fire their weapon. Dana did not
8 actually see all of the shooting. He only saw the RPD officers and heard the shots.

9
10 After receiving the briefs, Det. Cobb, Det. Smith, ID Tech Supv Fuller and I walked the crime scene. I
11 saw where S/Hyatt was lying, the bullet casings near two marked RPD units and the front of 2841
12 Mulberry St. After walking the scene, Det. Cobb and I went to CIB where four RPD officers had been
13 taken due to their involvement in the shooting. Officers D. Taylor, S. Quinn, J. Miller and J. Russell
14 were at CIB and were interviewed by CIB detectives. Det. Sanfilippo interviewed Ofc. Miller, Det.
15 Cobb interviewed Ofc. Russell and I interviewed Ofc. Quinn. Det. Cobb and I interviewed Ofc. Taylor.

16
17 **Interviews:**

18 What follows are the interviews of Ofc. Quinn and Ofc. Taylor. Both interviews were audio recorded
19 and downloaded to the RPD Audio Server. The following is a synopsis of those interviews.

20
21 **Ofc. Steve Quinn #1535:**

22 Ofc. Quinn was assigned to a two-man marked unit this evening with the designator of "C130". The
23 other officer assigned to this unit was Ofc. Russell #1458. Ofc. Russell was the driver while Ofc. Quinn
24 was the passenger. They were assigned marked RPD unit #3909. This unit is equipped with a video
25 camera system but the unit was parked several houses away from the shooting scene and the system had
26 not been activated upon their arrival on Mulberry St. Ofc. Quinn did not activate his audio recorder at
27 anytime during this incident.

28
29 On January 17th, at approximately 1800 hrs, Ofc. Quinn and Ofc. Russell responded to handle a call of a
30 man with a gun at 3468 Spruce St, Riverside. Both officers, as well as several other RPD officers,
31 arrived at the residence and made contact with V/Iris Hyatt and other occupants of the home. Ofc.
32 Quinn got a brief rundown on what happened from Iris who stated that her husband, S/Russell Hyatt,
33 had come to their home and threatened to shoot himself with a gun he was carrying if she did not let him
34 take his truck. Iris did not want to let S/Hyatt take the truck because he had been drinking. S/Hyatt had
35 left the scene about five minutes before they had arrived, heading west on Spruce St, on foot. Ofc.
36 Quinn was able to get a description of S/Hyatt and advised fellow officers of his physical description
37 and clothing. He was also able to view some recent photos of S/Hyatt which Iris said accurately
38 depicted what he currently looked like. She also gave Ofc. Quinn S/Hyatt's CDL to help the other
39 officers better recognize him. Ofc. Quinn overheard S/Hyatt's step-daughter say that when he left the
40 residence, he turned and pointed his handgun back at the family as they watched him leave the area.
41 This made the family scared and they ran back into the house for safety.

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1 Ofc. Quinn and the other RPD officers conducted a detailed search of the residence and surrounding
2 neighborhood. They also enlisted the help of San Bernardino County's police helicopter during the
3 search. S/Hyatt was nowhere to be found. Patrol supervision assigned Ofc. Quinn and Ofc. Russell to
4 stay in the area in case S/Hyatt returned to the area.
5

6 Sometime after this initial call, while Ofc. Quinn and Ofc. Russell were stationed near the Spruce St
7 address, RPD dispatched updated the Spruce St call by stating a female had called saying that S/Hyatt
8 was now at 2841 Mulberry St and he was entering that residence. Ofc. Quinn knew that they were about
9 three blocks from this address so he and Ofc. Russell drove to that area to look for S/Hyatt. Ofc. Russell
10 parked their unit at the intersection of Mulberry & Poplar, where they got out on foot to make a more
11 safe approach. As they walked south on Mulberry, Ofc. Quinn noticed a Hispanic male and female
12 standing in the street. When the officers approached, the Hispanic male told them that their mother had
13 called the police because an unknown male had entered their home. Just as the Hispanic male was
14 finishing his sentence, a male subject exited the south side of a nearby residence and headed toward the
15 sidewalk. The Hispanic male pointed toward this male and said he was the person who had come into
16 their home. Ofc. Quinn recognized the man as S/Hyatt. Ofc. Quinn tried to get S/Hyatt's attention by
17 calling out to him and by using his flashlight but S/Hyatt did not respond. Instead, S/Hyatt turned away
18 from the officers and headed south down the sidewalk. Ofc. Quinn and Ofc. Russell began to follow him
19 using nearby cover as they went.

21 A few moments later, S/Hyatt turned back toward Ofc. Quinn and Ofc. Russell and pulled a small
22 handgun from his clothing. S/Hyatt put the handgun to his head (Ofc. Quinn thought the gun was in his
23 left hand) and said, "You gonna make me do this!" Ofc. Quinn and Ofc. Russell remained behind cover
24 to avoid being shot as they gave S/Hyatt commands to put down the gun. S/Hyatt refused to follow their
25 commands and instead began walking backwards down Mulberry as he held the gun to his head. Ofc.
26 Quinn and Ofc. Russell followed him using cover as they went. At one point, S/Hyatt turned away from
27 the officers and began to run south down Mulberry and out of their sight.
28

29 Using the limited cover in the area, Ofc. Quinn and Ofc. Russell tried to follow S/Hyatt. While they
30 were following him, an RPD unit pulled up in the street and Ofc. Quinn watched Ofc. Taylor get into the
31 passengers side of the unit. The unit continued south down Mulberry as they continued on foot. At one
32 point, Ofc. Quinn and Ofc. Russell approached the corner of a fence near a vacant lot and began to go
33 around this corner when Ofc. Quinn saw S/Hyatt lying on the ground, on his stomach, with his feet
34 pointing south/ west and his head pointing north/ east. Ofc. Quinn could see the upper part of S/Hyatt's
35 face but his mouth was obscured by his hands and arms pointing out from his body toward Ofc. Quinn
36 and Ofc. Russell. In S/Hyatt's hands was the small handgun, now pointed at Ofc. Quinn. Fearing he
37 would be shot, Ofc. Quinn quickly stepped back behind the wall he had just passed. During this time,
38 Ofc. Miller and Ofc. Taylor pulled up in the street, out in the open, east of Ofc. Quinn. Almost right
39 after he stepped back, Ofc. Quinn heard a single gunshot. He could not tell where it had come from or
40 what caliber it sounded like. Ofc. Quinn looked toward the RPD unit and saw Ofc. Miller and Ofc.
41 Taylor standing to the rear/ driver side of the unit taking cover from S/Hyatt. He was concerned they
may have been struck by the shot he heard.

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1 Seconds later, Ofc. Quinn looked back to the south and heard a second gunshot. This one sounded like
2 the first and again he could not tell where it had come from. Ofc. Quinn peaked around his cover and
3 now saw S/Hyatt lying with his head to the south and his feet to the north, parallel to the fence he had
4 been in front of. His hands were under his body and out of view. All four officers walked carefully up
5 to S/Hyatt and pulled his hands from his body, cuffing them for safety purposes. Ofc. Quinn could see a
6 pool of blood near S/Hyatt's head. Medical aid was summoned and they stayed on scene as supervision
7 arrived.
8

9 Ofc. Quinn was armed with his service pistol during this incident. He never fired a shot. Ofc. Russell
10 was armed with a patrol shotgun. Ofc. Quinn did not he fired a shot during the incident. He did not
11 know if S/Hyatt or anyone else fired the shots he heard.
12

13 After interviewing Ofc. Quinn, I inspected his RPD issued audio recorder and found there were no
14 recordings for January 17th. I also inspected Ofc. Miller's recorder and found it had no recordings for
15 that date. Ofc. Quinn's handgun was charted by RPD ID Tech's and returned to him that night.
16

17 Ofc. Dave Taylor #432:

18 Present for this interview were myself, Det. Cobb, DDA M. Paradise, DDA M. Urban, DA Inv M.
19 McGill and private counsel for Ofc. Taylor.

21 Ofc. Taylor was assigned as "K95" (his permanent call sign as a K-9 officer) in unit #3332. He had his
22 police service dog with him this night but it was never involved in this incident. Ofc. Taylor was a
23 single man unit. He is assigned to help patrol units throughout the city as needed.
24

25 On the evening of January 17th, Ofc. Taylor heard a radio call dispatched to RPD units stating there was
26 a man with a gun call at an address on Spruce St. Information was also dispatched that the suspect had
27 been arrested for attempted murder on a police officer in the past. Ofc. Taylor responded to the
28 residence on Spruce to assist officers and was advised that the suspect had already left the scene prior to
29 any officers arriving. Ofc. Taylor was shown a photo of the suspect, S/Hyatt, while at the Spruce St
30 address. He and several other officers conducted a search of the neighborhood around the residence but
31 they did not locate S/Hyatt. Sgt. Corbett asked Ofc. Taylor to stay on patrol in the area in case S/Hyatt
32 returned to the scene. Ofc. Taylor agreed to stay and was in the area for around 30 minutes before an
33 update to the initial call came in via dispatch.
34

35 RPD dispatch advised officers that S/Hyatt was recently seen on Mulberry St. Ofc. Taylor was a few
36 blocks from Mulberry so he headed that direction. When he arrived, he found an empty, marked RPD
37 unit already parked in the area so he continued south down Mulberry past this unit to where he could see
38 two officers on foot speaking with some citizens. As he exited his unit, Ofc. Taylor could see further
39 south of the two officers (Ofc. Quinn and Ofc. Russell), a subject on foot. As he walked toward the
40 officers, Ofc. Taylor could see the subject looked like S/Hyatt. He could also see that S/Hyatt was
41 holding a handgun. Ofc Taylor could not recall in which hand he held the gun. Ofc. Quinn and Ofc.
Russell also saw S/Hyatt and began giving him multiple commands to put down his gun. S/Hyatt
refused their commands.

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1 S/Hyatt turned and began running south down Mulberry toward the "S" turn in the street. Ofc. Quinn
2 and Ofc. Russell pursued S/Hyatt while Ofc. Miller pulled up next to Ofc. Taylor. Ofc. Taylor got into
3 the front passenger seat of Ofc. Miller's unit and the two drove south after the suspect and two officers.
4 As they drove Ofc. Taylor tried to keep a visual on S/Hyatt. At some point, he lost sight of S/Hyatt as
5 S/Hyatt went around a fence. Ofc. Miller stopped his unit in the street where they could see the area
6 beyond the corner of the fence. Ofc. Quinn and Ofc. Russell were approaching this same corner on foot
7 as Ofc. Taylor and Ofc. Miller exited the unit and went around to the driver side to take up cover. From
8 his position behind the marked unit, Ofc. Taylor could see S/Hyatt lying in a prone position on his
9 stomach with his hands and head facing toward their unit. His feet were facing to the west. S/Hyatt was
10 also on the downhill side of a small slope making it hard for officers to see him. In his hands, Ofc
11 Taylor could see S/Hyatt was holding the handgun and he was pointing it to the east toward the corner
12 Ofc. Quinn and Ofc. Russell were about to go around. Ofc. Taylor described S/Hyatt's position as
13 "lying in wait" for the officers on foot.

14
15 Fearing the officers would be shot, Ofc. Taylor yelled out for them to go back as he moved to the trunk
16 of the unit. When he did this, S/Hyatt got up on his knees and pointed his handgun at Ofc. Taylor. He
17 could see S/Hyatt adjusting his aim or "tracking" him to get a good shot. Ofc. Taylor expected S/Hyatt
18 to fire his gun at any moment. Upon seeing S/Hyatt on his knees and fearing he would be shot at any
19 moment, Ofc. Taylor fired two rounds at S/Hyatt from his service pistol. S/Hyatt went to the ground
20 after the rounds were fired. After the second shot, Ofc. Taylor's handgun malfunctioned (stove piped)
21 which he cleared right away. Ofc. Taylor was not sure that he had struck S/Hyatt. Ofc. Taylor and Ofc.
22 Miller moved up to the corner of the wall where Ofc. Quinn and Ofc. Russell were taking cover and
23 together they moved up as a team to where S/Hyatt was lying. Ofc. Taylor used his handcuffs to secure
24 S/Hyatt. He also searched under S/Hyatt's body with his hand and felt the grip of a gun. Ofc. Taylor
25 chose to leave the gun where it was when medical aid pronounced S/Hyatt deceased. Ofc. Taylor could
26 see that S/Hyatt had been struck in the head causing a severe injury.

27
28 Ofc. Taylor did not know if S/Hyatt ever fired at him during the shooting. Ofc. Taylor did not reload his
29 weapon after the shooting. Ofc. Taylor did not have his audio recorder running during any part of this
30 incident.

31
32 Photos were taken of Ofc. Taylor and his handgun was taken as evidence and charted that night. He was
33 given another handgun for use while his weapon was being held.

34
35 NFI

INTERVIEW WITH OFC. STEVE QUINN

Q=Det. Rick Wheeler

A=Ofc. Steve Quinn

1
2
3
4
5
6
7
8
9
10
11
12 Q: All right, this is Detective Rick Wheeler with Riverside Police Department.
13 And today's date is January 18th at 01- we'll call it 07 in the morning. I am
14 here talking with Officer Steve Quinn, also with RPD, ID number 1535. Um,
15 the report number that we're discussing is an officer involved shooting,
16 P09008550. Uh, happened on January 17, 2009. Steve, uh, I want to go over
17 kinda basically what happened prior to uh, the shooting tonight. 'Cause as I
18 understand some of that is um, kind of a basis for why things happened later
19 on. And uh, if you can kind of provide me with some of that information and
20 then just let me know just uh, uh, when the shooting took place? That's kind
21 of what I'm going to want to know about. Um, let's start off with the basic
22 stuff. Were you uh, assigned in a one man or a two man unit?

23
24 A: Two man.

25
26 Q: Two man? Who was your partner?

27
28 A: Officer Jeremy Russell.

29
30 Q: Okay. And uh, were you riding passenger or driver?

31
32 A: I was passenger.

33
34 Q: Passenger. And do you know what unit you guys were driving?

35
36 A: 3909.

37
38 Q: Okay. Does that have, um, any video equipment in it?

39
40 A: Yeah, it's equipped with Coban.

41
42 Q: It does have Coban, okay. Do you recall at any time um, during the earlier
43 incident on the 17th, where you guys were out at Spruce, or during the
44 shooting, did you guys have it on during any of that?
45

46 A: Uh, I don't believe so. We didn't - we didn't roll code to the call, so.
47
48 Q: Okay, okay. How about, do you know if you had your uh, audio recorder on at
49 any time?
50
51 A: I did not, no.
52
53 Q: Okay. Okay, um, why don't you kinda - actually, what were you guys
54 assigned as far as your call sign?
55
56 A: Uh, Charles 130.
57
58 Q: 130, okay. Okay. Uh, kinda take me through um, maybe the - that first call
59 that got you guys started and put everything and then kind of run through it
60 and we'll go into it in detail afterwards?
61
62 A: Okay. We were dispatched to a radio call for service today and I don't
63 remember exactly how the call was dispatched originally.
64
65 Q: Okay.
66
67 A: But essentially we got information that there was a man uh, at a house on
68 Spruce who had a gun and was - was telling the family uh, his family
69 members that he was going to kill himself. Uh, we also learned through
70 dispatch that he has been - or he's on parole for uh, attempt murder on a
71 police officer or assault with deadly weapon on a police officer.
72
73 Q: Okay.
74
75 A: Um, it was one of the two. Anyway, uh, in the call text we also read that he
76 was last seen westbound on Spruce about three minutes prior to the call. So...
77
78 Q: Okay.
79
80 A: ...we were operating under the assumption that he was - he already left the
81 area. However, we were trying to confirm that through dispatch while we
82 were en route.
83
84 Q: Okay.
85
86 A: Just to uh, you know, address any - any necessary threats that me might need
87 to address before we even arrived.
88
89 Q: Okay.
90

91 A: Um, we arrived and immediately contacted the uh, family members who
92 advised us that he - he had left the area, um, probably about five to seven
93 minutes prior to our arrival. Um, they were all pretty upset. Um, the uh, turned
94 out to be the wife of the - of the suspect, um, was pretty upset. She was
95 probably most upset. Um, started talking to her. Got a basic suspect
96 description. Made sure that the other responding units uh, had the same
97 suspect description just in case they were going to be uh, coming up from
98 different directions than we had.
99
100 Q: Okay.
101
102 A: So that we could uh, conduct a more thorough area check. Um, ended up
103 searching the back yard trying - trying to find him as well. Um, we're - we
104 were unable to locate him there. Got some, uh, info from the daughter, who
105 said that the last place she had actually seen the suspect was behind a white
106 sedan, which was parked in her next door neighbor's driveway. Which is
107 technically west of the house. Um...
108
109 Q: Okay.
110
111 A: It's about ten feet west of the house. And at that point, when he was leaving
112 he turned around and produced the gun and was pointing it in the direction of
113 the family members who had come out to the porch to see what he was doing
114 and - and look...
115
116 Q: Okay.
117
118 A: ...to see maybe where he was going or anything else. Try to stop him or
119 whatever.
120
121 Q: Okay.
122
123 A: Um, they all got scared because he was now pointing a gun at them so they all
124 ran back inside the house.
125
126 Q: All right.
127
128 A: So at that point everybody who we spoke with at that house lost visual of the
129 suspect and he was gone. They, you know, next thing they know is we arrive.
130
131 Q: Okay.
132
133 A: So they have no clear cut idea as to where he might have gone.
134
135 Q: All right.

136
137 A: At that point. Um, over the next probably 30 minutes, we conducted various
138 area checks. Um, and - and even searched a few houses. Um, I know that there
139 was a - it's a Sober Living home, uh, which was described to uh, by the - to us
140 by the - by the wife. Um, it's also on Spruce. But it's going to be west of this
141 location. It's going to be closer to (Northbend).

142
143 Q: Okay.

144
145 A: And uh, she said he doubt that he went there. We call, we make sure. We sent
146 some units over there. They did a res check and everything was - everything
147 was fine. He wasn't there. Um, and the folks there at the Si- at the Sober
148 Living home hadn't seen him, uh, throughout the course of the night. Um, we
149 also searched a vacant house, um, which would be southeast of that location.

150
151 Q: Okay.

152
153 A: Um, which we found just to try to make sure that we touched everything that
154 we possibly could.

155
156 Q: Mm-hmm.

157
158 A: We even had a helicopter from San Bernardino come out and help us with the
159 area check because, you know, we figured getting some eyes from above
160 would probably be a good idea too.

161
162 Q: Okay.

163
164 A: However, everybody involved in this area check was unable to locate the
165 suspect. Um, after about a half an hour, maybe 45 minutes of the search, um,
166 we decided to call the search. Uh, the family was advised to, you know,
167 possibly consider other options for the evening such as staying in a hotel
168 room, something like that. Just get out of the area, just in case he did come
169 back.

170
171 Q: Mm-hmm.

172
173 A: And additionally, um, Officer Russell and I were assigned to stay 10-6 on this
174 call and be in the area with observation on the house just to make sure, you
175 know, within the, you know, the hours. So, after anyone in the area would of -
176 would of seen police units leaving the area.

177
178 Q: Okay.

179

180 A: Um, just to make sure that - that nothing else happened. So we wanted to
181 make sure these folks were going to be safe. Um, I was also told to let Officer
182 Taylor know, um, because he's a canine officer and he has a dog.
183

184 Q: Okay.
185

186 A: Uh, help out with any type of secondary search if one was needed. Uh, if it -
187 just in case he, uh, popped out again or anybody else saw him. So as we were
188 waiting, uh, probably about 25 minutes or so, I - I - that's just a rough guess,
189 but um, just like a little while afterwards, um, we received an update on our -
190 on our (MDC) to the original call saying that an RP was calling from 2841
191 Mulberry and that somehow this person that she was calling about was trying
192 to enter her house and she - I don't know if dispatch maybe put it together that
193 this person was the same person as the suspect that we've been looking for on
194 our first call.
195

196 Q: Okay.
197

198 A: Or - or maybe that, you know, somehow they knew that and they ended up
199 updating our original call as opposed to dispatching it as a - as a prowler or
200 any other type of new call for service.
201

202 Q: Gotcha.
203

204 A: So um, since we were still in the area, and um, we were actually probably I'd
205 estimate about three blocks or so. If there were streets that went all the way
206 through, um, away from that area. We responded to that location. We parked
207 our car at uh, Mulberry and - and Poplar. Got out and uh, walked on - on foot
208 probably about a half a block or so. Um, while we were responding to that
209 location, um, we - I noticed that there was uh, Hispanic male and a Hispanic
210 female both pretty on, um, standing out in the street. Uh, they seemed to be
211 pretty keyed in on us, so I started asking them once we got close enough if
212 they were the ones who had called the police the second time. Um, and uh, the
213 male uh, told me that he had called - or that uh, I think his mom had called.
214 Um, but someone from his family, his party, you know the group of people
215 that he's familiar with had called because there was a strange man that they
216 didn't know or, you know, that didn't belong there was trying to get into this
217 house.
218

219 Q: Okay.
220

221 A: No more than a second after he finished his sentence, uh, I saw a white male
222 matching the description, uh, of the original suspect description, walk out
223 from the south side of this house, uh, eastbound onto Mulberry and then upon

224 seeing us, he turned immediately southbound and started walking away from
225 us.
226
227 Q: Okay.
228
229 A: The male who had been talking to me outside in the street pointed and said,
230 "That's the guy." At which point, uh, Officer Russell and I contacted this man
231 by both using verbal commands and our flashlights to try to show the guy that,
232 you know, that we had actually seen him, you know, by - by flickering our
233 flashlights at him a little bit. And - and telling him to, you know, show us his
234 hands and things because we were uh, we'd gotten information from the
235 family originally that he was armed with a small caliber, possibly a .25 auto
236 pistol.
237
238 Q: Okay.
239
240 A: So, um, as we were giving this man verbal commands, he - he refused all of
241 them. And uh, wasn't listening to us. Uh, he walked away at a pretty - pretty
242 normal walking pace. Until at one point he uh, he spun around, faced us, and
243 pulled a gun out and pointed it to his own head. And he was challenging us,
44 um, you know, saying things - I can't remember exactly what they were, but it
245 was just a - like a verbal challenge like, "Come on, you gonna make me do
246 this?" or something like that.
247
248 Q: All right.
249
250 A: And he was yelling and screaming while he had this gun pointed to his own
251 head.
252
253 Q: Okay.
254
255 A: Um, at that point, Officer Russell and I took cover as best we could.
256 Communicated to each other that there was a gun involved at this point and
257 that we had a - that we both had knowledge of the fact that this gun was - was
258 involved in the situation now.
259
260 Q: Okay.
261
262 A: Um, as he - but he was still - he was back peddling at the point when he was
263 facing us. He was still traveling southbound. He was just facing a different
264 direction at this point.
265
266 Q: Okay.
267

268 A: I'm putting the uh, as many updates as I can over the air saying, you know,
269 "This guy's southbound on Mulberry. He's got a gun. Um, he's pointing it to
270 his own head." And uh, "We're continuing southbound on Mulberry." He
271 actually turned back around with his back facing - back towards us, at this
272 point.
273
274 Q: Okay.
275
276 A: And began walking southbound again. And uh, and continued in that
277 direction.
278
279 Q: Still - still a gun to the head?
280
281 A: Uh...
282
283 Q: Do you recall?
284
285 A: ...at this point, we started - I started running up, uh, to - to close the distance.
286 Only so that I can keep an eye on him, but also moving behind cover.
287
288 Q: Sure.
289
290 A: So I kind of lost sight of that. But I - I could still see the outline of this man
291 walking, um, as I was trying to find a good place to take cover and...
292
293 Q: Sure.
294
295 A: ...possibly cover or concealment, whatever I can get my hands on so that I
296 could make sure that I was, you know, going to be putting something hard in
297 between the suspect and myself.
298
299 Q: Okay.
300
301 A: Um, we crouched behind a uh, behind a - a block retaining wall, which must
302 have been about three to maybe four feet tall. There was a - a wrought iron
303 gate set up on top of that, which increased its height and there were some
304 branches of some kind. I don't know if they're, you know, vines or shrubs, or
305 whatever, but they're growing on these - on this fence so that we had a little
306 bit of concealment on top of - on top of some cover.
307
308 Q: Okay.
309
310 A: Kept eyes on him. Uh, saw him continuing south- I mean he's just kept going
311 south. I keep updating dispatch and other responding officers, letting

312 everybody know wh- where he's going and what he's doing and - and - and
313 direction, um, of his travel.

314

315 Q: Okay.

316

317 A: Um, at which point, uh, he starts to get a little bit further away from us. So we
318 again left our point of cover to keep eyes on him. Um, when I was leaving that
319 point, I looked into the street and I saw a patrol unit had pulled up next to -
320 basically next to our location, whether they knew we were there or not.

321

322 Q: Okay.

323

324 A: Um, and I saw Officer Taylor opening the handle of the passenger seat, uh,
325 the passenger side. Which told me there was at least two more officers there
326 now at this point.

327

328 Q: Okay.

329

330 A: Because he's a canine officer. He always rides alone. And he's jumping into
331 the passenger seat of another moving police car that hadn't been there
332 previously.

333

334 Q: Had - had uh, Officer Taylor been on foot with you guys?

335

336 A: Not to my knowledge.

337

338 Q: Okay.

339

340 A: I - I don't know where he parked or what - at what point he joined the foot
341 pursuit or anything else, but I do know that when I looked out the street, I saw
342 him trying to open the passenger side of this car as if to ride almost two man
343 with...

344

345 Q: Gotcha.

346

347 A: ...with whichever officer was in the driver's seat of that vehicle.

348

349 Q: Okay.

350

351 A: At which point, uh, Russell and I left our - our point of cover again to
352 continue after the suspect on foot, whose still not following any of our verbal
353 commands and - and resisting every other option that we were able to give
354 him safely at that point.

355

356 Q: Okay.

357

358 A: Um, as soon as I came around that fence that I had - I had been hiding behind
359 and saw the police car, I looked for the suspect on the sidewalk which is
360 where he had been walking.

361

362 Q: Okay.

363

364 A: And I couldn't find him anymore. Um, I was familiar with the area simply
365 because about two months ago, maybe a month and a half ago, there was a
366 house that burned down right there and I remember being stuck on that scene
367 for awhile.

368

369 Q: Mm-hmm.

370

371 A: It was right where that had happened.

372

373 Q: Okay.

374

375 A: So I was familiar with the area enough to know that there was a block wall,
376 uh, similar to the one that we had been hiding behind, but a lot taller, maybe
377 six, six and a half feet.

378

379 Q: Okay.

380

381 A: Covered with plants, so, Officer Russell and I ran to the corner of that wall.
382 And we both sort of overextended ourselves. We both ran past the - the
383 threshold of that wall.

384

385 Q: Mm-hmm.

386

387 A: And uh, when I ran around, I saw the suspect proned out with his feet against
388 the chain link fence, which would be about - which would be in a
389 southwestern direction and his head in a northeastern direction. And I can
390 remember seeing his entire face, except for his mouth area. And in the place
391 of that, I saw that his hands were forward and that there was a gun in his
392 hands.

393

394 Q: Okay.

395

396 A: And he was pointing it in our direction, as if he was going to wait for us to run
397 around this corner and then shoot us.

398

399 Q: Okay.

400

401 A: When we overextended ourselves, which we did.

402
403 Q: Okay.
404
405 A: Quickly yelled, said, "He's got a gun." I ducked behind the plants again. Just
406 retraced my steps really quickly. And uh, at that point I heard a gunshot. I
407 immediately looked up to find that there w- was now this patrol car that had
408 been following us down the street. And I saw Officer uh, Miller and Officer
409 Taylor standing to the rear of that patrol car. So I looked at them to make sure
410 that they were okay. Just in case the suspect had fired the shot that I had
411 heard.
412
413 Q: Okay.
414
415 A: I wanted to make sure they were okay. At which point I heard the second shot
416 go off. Um, so I took a quick peek around the corner and I...
417
418 Q: Mm-hmm.
419
420 A: ...and at that point I saw that the suspect, instead of lying in the direction that
421 he had been lying previously, with his gun pointed towards us and his head
22 pointed towards us and his feet going back towards the fence...
423
424 Q: Okay.
425
426 A: ...he was now lying with his feet almost it would appeared in the same
427 position, except that his body would have been pivoted to the south. So now
428 his head was to the south and his feet were to the north and he was lying
429 parallel to that fence.
430
431 Q: Okay.
432
433 A: So it appeared as though he had been - he had fallen over to the side, over
434 here, or maybe rolled over to this side. But he also appeared to be lying on his
435 stomach.
436
437 Q: Okay.
438
439 A: Um, which he had been - which he had been previously, however, uh, at this
440 point he would have a much worse angle if he was going to be trying to shoot
441 us.
442
443 Q: With the gun.
44
445 A: We made the decision to approach him at that point. We noticed that uh, his
446 hands were underneath his body, his torso area. Um, chest, stomach,

447 somewhere in there. Um, as we were approaching, we continued with our
448 verbal commands. Uh, he didn't respond to those. I noticed that there was a - a
449 pool of blood, um, at the - it'd be around his head area. And so, uh, I provided
450 lethal cover for the officers who uh, removed his hands from underneath his
451 body at, which point he was handcuffed.

452

453 Q: Okay.

454

455 A: And that was it.

456

457 Q: Okay.

458

459 A: And then we called for - my medical aid was en route, but we just guided
460 them into the scene and uh, Sergeants were there within - they responded to
461 the original traffic that I had been putting out, uh, during the foot pursuit and
462 the uh, the mention of a gun over the radio, so that everybody knew exactly
463 what we were dealing with and...

464

465 Q: Okay.

466

467 A: ...that was it.

468

469 Q: Okay. Uh, total of two shots, uh, that you heard while - when this thing went
470 down?

471

472 A: Yes.

473

474 Q: Okay. All right. It's - it's real thorough, uh, Officer Quinn. So I'm gonna go
475 back, kind of a little bit, and - and ask some additional questions. And forgive
476 me if I re-ask something that we may have already gone over, but I want to...

477

478 A: Sure.

479

480 Q: ...make sure we cover it all. Um, the address that you guys went to over on
481 Spruce do - do you recall what it was, or?

482

483 A: I believe it was - it was either 3648, or 3468.

484

485 Q: 3468 is the one that I had heard anyway, do that sound right?

486

487 A: Yes.

488

489 Q: 3468? Okay. Um, and do you know, is that where the guy lived, from what
490 you could tell, or?

491

492 A: I spoke with his wife and he - and she told me that when he's in and out of
493 prison.
494
495 Q: Mm-hmm.
496
497 A: And that when he's not in prison, that that's where he lives. But he had been
498 sleeping like last night apparently, and - and according to her, a few of the
499 nights prior to that, he had been sleeping in Indio at some sort of uh, recovery
500 place. Like a rehab place or something like that.
501
502 Q: Okay.
503
504 A: And that she had just been contacted by him asking her to pick him up from
505 there and then all of a sudden he appeared. She refused to pick him up and all
506 of a sudden he appeared at the house.
507
508 Q: Okay. Okay.
509
510 A: So she...there's photos of him in -inside the house and everything else. Um,
511 and - and I get the sense that if he were to out and he were to be..
512
513 Q: That's where he would be.
514
515 A: ...not in prison, that that's where he would be. Or in a recovery home or
516 something like that.
517
518 Q: Okay. Um, do you recall, were there a lot of people at that house, or just the
519 wife and the - the one other female?
520
521 A: There were - there were a few people at the house. Uh, there - the wife was
522 there along with uh, it's I believe it's the wife's daughter from another either a
523 relationship or marriage.
524
525 Q: Okay, was that uh, last names was (Brooks)? Did that sound familiar?
526
527 A: I..
528
529 Q: I don't know if you...
530
531 ((Crosstalk))
532
533 A: I - I only spoke to the - to the wife to be honest.
534
535 Q: Okay.
536



537 A: So, I - I didn't interview any of the other people at the house.
538
539 Q: That's fine.
540
541 A: I do remember seeing, however, uh, I think two males. Uh, the uh, the female
542 she might have been in her - in her 20's, maybe mid-20's.
543
544 Q: Okay.
545
546 A: And the woman with whom I was speaking, which is the wife of the suspect,
547 and a very small child, maybe a two year old or something.
548
549 Q: Okay. Um, did uh, did she say why he was there? He - he just needed a ride or
550 wanted a place to stay? Or did she ever know why he was actually there?
551
552 A: Uh, no. And to be honest, she seemed pretty concerned because first of all, I
553 mean the police were getting called, but second of all, uh, she - several - at
554 several different points in the - in the - my interview, my brief interview with
555 her...
556
557 Q: Mm-hmm.
558
559 A: ...just trying to get some information and everything else, basic stuff...
560
561 Q: Sure.
562
563 A: Uh, mentioned that uh, he was on parole and she offered, uh, she must have
564 offered between five and ten times for me to talk to his parole officer on the
565 phone.
566
567 Q: Okay.
568
569 A: So it seemed as though she was trying to get some type of a resolution to this.
570
571 Q: Sure.
572
573 A: To the problem.
574
575 Q: Okay.
576
577 A: And uh, that's - that's the only thing that uh, that she was able to give me. She
578 had no idea, that at least she told me why he would be there at this point.
579
580 Q: Uh, does anybody know how he got there, um, like did he have a vehicle or
581 anything that you are aware of?

582
583 A: The only vehicle that he had access to, uh, which we were able to confirm
584 with the neighbors, uh, is a truck which was parked on a street to the front of
585 the house.
586
587 Q: Okay.
588
589 A: Uh, the wife told us that he had - that the suspect had wanted keys to the truck
590 so that he could leave, but she didn't want to give him the keys because she
591 felt that he was in a either intoxicated or - or something like - she knew that
592 him driving the vehicle was going to be a bad idea.
593
594 Q: Yeah, okay.
595
596 A: Because of the state that he was in.
597
598 Q: Okay. All right. And that's good, because I had heard about a truck, but I
599 wasn't sure if he had driven it to the location or if he was just wanting access.
600 And it sounds like he was wanting to gain access to it?
601
602 A: That's the exact same impression that I got.
603
604 Q: Okay.
605
606 A: From speaking with her.
607
608 Q: So- sounds about what I had heard. Okay. Um, do you recall the description of
609 the guy that they gave you at the time?
610
611 A: Yes. Uh, 6'2".
612
613 Q: Uh-huh.
614
615 A: Between 160 to 180 pounds.
616
617 Q: Okay.
618
619 A: He was uh, had shorter gray hair with a mustache. Wh- which was also gray.
620 He was uh, originally - the original suspect description was a uh, blue and
621 black striped collared long sleeve, button-down style of shirt.
622
623 Q: Okay.
624
625 A: Along with a pair of blue jeans. And uh, I was also given a picture. Not - the
626 driver's license as well as a picture, uh, like a home family portrait of...

627
628 Q: Okay.
629
630 A: ...of the suspect and uh, everybody in the house was able to describe him as
631 matching the photo, which was a very high quality glossy, you know, photo
632 that uh, that they said was a very accurate uh, portrayal of how he looked
633 today.
634
635 Q: Okay. And uh, is the driver's license something you got from the wife? Or did
636 that come from him?
637
638 A: Yes, uh, she gave that to me, uh, during the response to her house, so that I
639 could uh, I could show other responding units, uh, originally what he looked
640 like.
641
642 Q: Gotcha. Okay. Um, obviously it doesn't sound like, uh, anything came up
643 while you guys were kind of on that observation, or keeping an eye out on the
644 - the house? Um, and then the next update you guys get is from a location
645 other than where you're at, saying that someone is at the residence and
646 dispatch is somehow connecting that it's potentially linked to the case that you
647 had initially been on, is that right?
648
649 A: Correct.
650
651 Q: Do you remember what that other address was?
652
653 A: 2841 Mulberry Street.
654
655 Q: Okay.
656
657 A: And we never - never went inside or contacted the uh...contacted what
658 sounded like the RP. Uh, based on the brief update that we received in our
659 call. However, the uh, young couple outside were very uh, adamant that this
660 was the man that uh, was trying to gain access to their house. And also, uh...
661
662 Q: Okay.
663
664 A: ...they also seemed to be pretty scared of the fact that this man was trying to
665 gain access to their house.
666
667 Q: Okay. So upon uh, getting the update information, you guys go over to
668 Mulberry Street to see, uh, obviously to see if it was the guy you've been
669 looking for?
670
671 A: Correct.

672
673 Q: Um, parked at north of where the shooting takes place? You're north, more
674 toward - I think that Poplar that's the cross street there?
675
676 A: Yes.
677
678 Q: Is that where you guys stopped?
679
680 A: We parked at the southeast corner of uh, Mulberry and Poplar.
681
682 Q: Okay. Do you recall if uh, Officer Taylor was around or showed up with you
683 guys at the same time or at that time it was just the two of you?
684
685 A: It - yes, to my knowledge, yes.
686
687 Q: Okay.
688
689 A: We - we knew we were the closest units because we had been told to stay in
690 the area.
691
692 Q: Sure.
693
694 A: Uh, we were literally down the street from where this happened.
695
696 Q: Right.
697
698 A: And upon arriving at that uh, at that corner of that intersection, we
699 immediately exited the vehicle and began, not running, but I'd say very
700 briskly walking towards the area that we were uh, that we believed the house
701 to be based on the map in our - in our computer.
702
703 Q: Okay. Uh, and then you see the young Hispanic couple, uh, they confirm that -
704 did they confirm they were from that address, 2841, or just that someone had
705 come into their house and then pointed him out when he shows up?
706
707 A: They - they were able to confirm that there was a - a male who was trying to
708 gain access to their house.
709
710 Q: Okay.
711
712 A: And then upon finishing that sentence, another subject appeared from - from -
713 it almost looked like the side or maybe the backyard area of that home.
714
715 Q: Yeah.
716



717 A: Walked out onto Mulberry and began walking southbound away from us. And
718 as soon as he was on his way up from the back of the house, before he even
719 stepped on the sidewalk, the male - the Hispanic male, who we had contacted
720 in...
721
722 Q: Right.
723
724 A: ...the front of the location identified that male as the...
725
726 Q: Okay.
727
728 A: ...suspect who was trying to gain access to their house.
729
730 Q: Okay. And could you see him clear enough to - to know that, yeah that's the
731 guy that you just had a driver's license from and seen pictures the family told
732 you about?
733
734 A: The only thing different was, uh, he wasn't wearing a - a long sleeve button
735 down blue and black striped shirt.
736
737 Q: Okay.
738
739 A: He was wearing a white t-shirt. But he appeared to be a - a 6' - 6'2" male,
740 somewhere in there.
741
742 Q: Physically matching, but maybe the outer jacket or whatever was missing at
743 the time?
744
745 A: Yeah.
746
747 Q: Okay.
748
749 A: And he was wearing blue jeans and uh, we could - we could see that the
750 hairstyle was approximately the same in - in terms of length and - and
751 bushiness, I'd say. I mean it wasn't a flat top, it wasn't a shaved head.
752
753 Q: Right.
754
755 A: Um, and uh, and that was...
756
757 Q: Okay.
758
759 A: ...that was it.
/60

761 Q: Okay. Uh, did it ever look like he um, when this male comes out from behind
762 this home residence and starts to make his way south, and you are giving
763 commands, um...
764
765 A: Immediately.
766
767 Q: Eh, eh, does he ever acknowledge your presence? Like looks back, makes eye
768 contact with you? And - or is he just off walking on his own?
769
770 A: No, he started walking southbound from that area, uh, as soon as he physically
771 could. As soon as he cleared that gate...
772
773 Q: Right.
774
775 A: ...he was walking southbound on the sidewalk.
776
777 Q: Okay.
778
779 A: Despite our verbal commands, which were at a very loud...
780
781 Q: Sure.
782
783 A: ...uh, volume and - and our flickering of our flashlights and dancing the light
784 around him, trying to make sure that he knew that we knew he was there.
785
786 Q: Right.
787
788 A: Uh, so that we could...
789
790 Q: Did he ever yell or communicate to you guys, or - or wave you off? Or
791 anything at all to say that, "yeah, I know you're there, but I'm not going to
792 talk to you" or?
793
794 A: He made no acknowledgement of the fact that we were trying to contact him
795 or behind him...
796
797 Q: Okay.
798
799 A: ...or anything else like that until he spun around.
800
801 Q: Okay.
802
803 A: And looked at us, with the gun pointed to his head.
804
805 Q: All right.

806
807 A: And at that point he began yelling and screaming.
808
809 Q: Could you see when he came out from behind that house, did he have
810 anything in his hands that you could tell at that point, uh, or was it only uh,
811 once he put the gun to his head, turned towards you guys and put his gun to
812 the head that you noticed now that he had something in his hands?
813
814 A: I - I couldn't tell he - if he had anything in his hands or on his person...
815
816 Q: Sure.
817
818 A: ...when he left the backyard or side yard of this residence.
819
820 Q: Okay.
821
822 A: But a mention was made of a small caliber pistol, which...
823
824 Q: Previously?
825
826 A: ...could be easily concealed either in a pocket or in a, you know, a waistband
827 or anything else like that.
828
829 Q: Okay.
830
831 A: So we knew that if there - we suspected that if a gun were in play that it was
832 going to be small.
833
834 Q: Okay.
835
836 A: Easily conceal the gun.
837
838 Q: Okay. And then he uh, continues uh, southbound on Mulberry, uh, I know
839 Mulberry kind of makes a jog to the right and a jog to the left as it continues
840 down towards First Street, and he continues toward that little S-curve, still
841 ignoring you and so forth. At some point you said he was on the sidewalk. Is
842 he still on the sidewalk prior to that S-curve when he turns around and puts
843 the gun to his head?
844
845 A: Yeah. Uh, as far as I could tell from where we had taken cover, which didn't
846 allow me a full view of the suspect, but I could still see that he was walking
847 southbound with his back turned towards me.
848
849 Q: Okay.
850

851 A: Uh, I - I couldn't tell if he was walking on the sidewalk or maybe just in the
852 dirt, just next to the sidewalk. But he - he maintained a pretty, uh, a pretty
853 direct path southbound towards First Street from - from that S-curve.
854
855 Q: Okay.
856
857 A: At which point, when uh, well when I - when we left that point of cover, so
858 that we could keep eyes on him in the first place, he disappeared from our
859 sight and at that point is when we - we found that he was proned out, facing
860 this...
861
862 Q: Right.
863
864 A: ...this abruptly ending 90 degree wall that we had just...
865
866 Q: Sure.
867
868 A: ...you know, and - and was pointing the gun in the direction of that.
869
870 Q: Okay. And - and forgive me, I - I thought, um, was there a time that he'd
871 pulled the gun out and put it to his head as he walked prior to going prone?
872
873 A: Yes.
874
875 Q: Okay, and was he facing towards you and acknowledging you or back to you
876 and just put the gun to his head as he (unintelligible)?
877
878 A: Within maybe five seconds of us initially contacting him by giving verbal
879 commands and using our flashlights to...
880
881 Q: Sure.
882
883 A: ...try to draw his attention, uh, he spun around, faced us.
884
885 Q: Okay.
886
887 A: Pulled the gun to his head and was pointing it at his own head. And at that
888 point he began verbally challenging us. Uh, I - I can't exactly remember what
889 he was saying, but it was something to the effect of, you know, "You want to
890 do this" or something...
891
892 Q: Okay.
893
894 A: ...like that. At that point, we took cover.
895

896 Q: Sure.
897
898 A: Which bought him a bit of time to turn around and continue walking
899 southbound, which is...
900
901 Q: Okay.
902
903 A: ...what he did.
904
905 Q: Do you remember whether he held the gun right or left handed?
906
907 A: I believe the gun was in his...I believe the gun was in his left hand. I - I'm not
908 sure.
909
910 Q: To the best of your knowledge?
911
912 A: Yes, to the best of my knowledge I think.
913
914 Q: Could you see what kind of a gun it was? Did it look similar to what maybe
915 they had described or do you have any idea?
916
917 A: Uh, I don't know. Um, but I - I do know that I hadn't seen it slung on his body
918 or it wasn't obviously a large rifle or a shotgun, something...
919
920 Q: Sure.
921
922 A: ...that we would be able to see obviously when he's walking from the back of
923 the residence.
924
925 Q: Okay.
926
927 A: So it was a small - I remember seeing a small pistol.
928
929 Q: Okay.
930
931 A: I'm not sure if it was a revolver or an automatic. Uh, or - or anything like that.
932
933 Q: And from your vantage point, you were certain it was a gun?
934
935 A: Positive.
936
937 Q: Okay.
938
939 A: And I put it on the radio as - as just - just like that.
940



941 Q: Okay.

942

943 A: I said that there was a gun involved and that he had a gun to his own head.

944

945 Q: Okay. And then at some point he ends up out of your vision. You guys try and

946 move up to get uh, uh, observation position on him and the next time you see

947 him, he is laying prone in the dirt. Uh, 'cause the area where he ended up at,

948 where he, uh, where he fell after the shooting, is kind of a big dirt area like

949 you described?

950

951 A: Right.

952

953 Q: Um, and this time he's pointing it back towards you and Officer Russell,

954 laying the ground, proned out, and does he have his arms extended out?

955 Handgun in one hand, pointing in your direction?

956

957 A: He has both arms extended out in front of his body, gripping the gun. And as

958 soon as I broke the plane of that 90 degree angle wall...

959

960 Q: Okay.

61

962 A: ...that abruptly ends there with the shrubbery on it, I noticed him lying prone,

963 facing us, pointing this gun in our direction.

964

965 Q: Okay.

966

967 A: I suspected that he was waiting for us to run, continue past that and that the

968 distance that we traveled between breaking the plane of that wall and where

969 we would have been running, that he was aiming to - to let the uh, the

970 difference in reaction time aim the gun for him.

971

972 Q: Okay.

973

974 A: So that we could be at the point where he was going to be able to react fast

975 enough to pull that trigger.

976

977 Q: And you would have been out in the open at that point, so it's...

978

979 A: With no cover.

980

981 Q: ...safe to say there's no cover?

982

983 A: Zero.

984

985 Q: Okay. And basically he had the dropped on you.



986
987 A: Yes.
988
989 Q: Okay. A- as you made that brief break from cover and then you retreated, was
990 Officer Russell with you, or he'd broken off to another location?
991
992 A: He was with me, uh, the entire time.
993
994 Q: Okay. Do you recall prior to um, uh, the one unit showing up that Officer
995 Taylor ends up going to open up the passenger door, do you recall Officer
996 Taylor being there prior to him trying the door?
997
998 A: No.
999
1000 Q: Okay.
1001
1002 A: I - I don't know when Officer Taylor arrived.
1003
1004 Q: Okay.
1005
1006 A: I do know that - that he is a canine officer and that typically he does not have
1007 a second officer riding with him.
1008
1009 Q: Right.
1010
1011 A: And that if he were going to be jumping into the passenger seat of another
1012 patrol car, that that patrol car must then be drive- be driven by another officer.
1013
1014 Q: Right.
1015
1016 A: So I was under the assumption that four officers were present at the time.
1017
1018 Q: Then yourself - uh, the two of you, Taylor and somebody else.
1019
1020 A: And - and an unknown driver at that point.
1021
1022 Q: Okay. And as you drop back behind cover, the last thing you see, of course, is
1023 the guy with the gun pointed at you and then as you are behind cover, that's
1024 when you hear shot number one?
1025
1026 A: Yes.
1027
1028 Q: How soon after you retreated back to cover do you think you heard the first
1029 shot?
1030

1031 A: Maybe a second or two.
1032
1033 Q: Okay.
1034
1035 A: Two seconds.
1036
1037 Q: Could you tell where it came from?
1038
1039 A: I couldn't.
1040
1041 Q: Okay. Um, I know you've fired uh, our handguns several different times, our
1042 Glock 40's, did it sound like that? Or a different type of gun?
1043
1044 A: It was a - it was a - it was just a pop noise. Like a loud bang noise. Uh, I - I
1045 couldn't tell if it were the suspect firing at - at the other two officers, at
1046 Officer Miller and Officer Taylor, who...
1047
1048 Q: Okay.
1049
1050 A: ...who were clearly visible from where he was and taking cover behind a
1051 patrol car.
1052
1053 Q: Uh.
1054
1055 A: Which is why I looked back at them to make sure that they were okay.
1056
1057 Q: Okay.
1058
1059 A: Uh, because I wasn't sure if the suspect had fired a round at them while they
1060 exited the patrol car or if - if maybe one of our officers had fired at the
1061 suspect.
1062
1063 Q: Okay.
1064
1065 A: I wasn't sure. But I check- I looked over there to make sure that they were
1066 okay.
1067
1068 Q: Do you recall what you saw after hearing that first shot, you turned to look at
1069 the officers over there, do you recall what they were doing and what you saw?
1070
1071 A: Uh, I remember Officer Taylor was standing behind the patrol car. Officer
1072 Miller was uh, was on the driver's side, but maybe to like the left rear quarter
1073 panel area. I mean not directly behind the car, as if he - if it were in reverse he
1074 was going to get run over, but...
1075

1076 Q: Okay.
1077
1078 A: ...more to the side by the - by the passenger - or by the driver's side rear
1079 wheel. Almost in that area. Trying to put as much of the car between the
1080 suspect and himself as he possibly could. Um, to be honest with you, I looked
1081 over to make sure that one of the two weren't down.
1082
1083 Q: Sure.
1084
1085 A: At which point I heard the second shot.
1086
1087 Q: Okay. Do you recall where that shot came from?
1088
1089 A: No.
1090
1091 Q: Okay. And did it sound anything like the first shot?
1092
1093 A: It sounded identical to the first shot.
1094
1095 Q: Okay. And were you looking over toward, um, Officer Taylor and Officer
1096 Miller when the shot went off or you - had you been looking back toward the -
1097 so I'm just trying to get an idea if you can recall where it may have come
1098 from?
1099
1100 A: I was scanning the ground like I said. Uh, it was - it was only a matter of - of
1101 maybe a second. I mean it was...
1102
1103 Q: Between the two?
1104
1105 A: Between the two shots that were fired. They were both fired within - within a
1106 very short period of time. And uh, immediately following my whipping my
1107 head and upper body around to take cover behind this block wall as fast as I
1108 possibly could, uh, these two shots were fired. And again, when I looked back
1109 at the patrol car to check on the status of - of the other officers, I was scanning
1110 the ground up - I mean making sure that there wasn't anybody on the ground
1111 and then making sure that the other two officers were standing.
1112
1113 Q: Sure.
1114
1115 A: I saw out of my peripheral vision that both officers were standing and that
1116 through my direct focused vision that there wasn't anybody on the ground.
1117 And at that point, both shots had been fired.
1118
1119 Q: Okay. And uh, after that second shot is fired, um, it - did you guys at some
1120 point decide it was okay to break cover? Like did you get words from Officer

1121 Miller and Officer Taylor, like uh, it was clear to come around that corner or
1122 how did you end up proceeding back to the uh, suspect?
1123
1124 A: I uh, I quickly turned back around facing the suspect, but still maintaining
1125 cover behind this wall.
1126
1127 Q: Sure.
1128
1129 A: And I quickly peeked out from behind this wall.
1130
1131 Q: Okay.
1132
1133 A: So that I could try to get uh, any type of a visual of the suspect to see maybe if
1134 he - if he was running or, you know, I mean the entire time we were in foot
1135 pursuit, which is how I addressed it on the radio...
1136
1137 Q: Mm-hmm.
1138
1139 A: ...of the suspect, uh, we were constantly moving. So I wanted to make sure
1140 that if this - if this suspect had - had stood up and was - was to start running
41 away from his position that I had last seen him in...
1142
1143 Q: Mm-hmm.
1144
1145 A: ...I wanted to make sure I could tell exactly where this man was running.
1146
1147 Q: Okay.
1148
1149 A: So as soon as I looked and it was just a quick - a quick look out there, just to
1150 see who was there or what position they were in, I noticed that the suspect was
1151 in a completely different position than...
1152
1153 Q: Right.
1154
1155 A: ...he had been the first time. And at this time, if he were still trying to act
1156 aggressively towards us, he was in a horrible position to do so.
1157
1158 Q: He wasn't facing toward you guys anymore like before, he was in a - a
1159 position where you said head to the south, feet the north, and on his stomach
1160 at that point?
1161
1162 A: Yes.
63
1164 Q: Okay. Do uh, do you recall um, as you and Officer Miller, or was it Officer
1165 Russell?

1166
1167 A: Officer Russell and I were...
1168
1169 Q: Officer Russell and you - as you guys started heading up to uh, the suspect,
1170 um, did Officer Taylor and Officer Miller follow up with you? Or what?
1171
1172 A: Yes, all four of us approached...
1173
1174 Q: Okay.
1175
1176 A: ...on foot from the north end of - of the location.
1177
1178 Q: Okay.
1179
1180 A: Coming up to the uh, to the point where the suspect's feet were - so we
1181 approached him foot first.
1182
1183 Q: A- any movement on the suspect at all?
1184
1185 A: No movement and continual uh, continuous verbal commands were given at...
86
1187 Q: Right, 'cause you're...
1188
1189 A: ...this point.
1190
1191 Q: ...saying his hands were underneath his stomach?
1192
1193 A: Yeah, we - we could not see his hands or his palms really. We could see from
1194 his elbows up.
1195
1196 Q: Okay.
1197
1198 A: And uh, both - both hands were underneath his - his chest and stomach areas
1199 towards where...
1200
1201 Q: Did he ever respond as you guys were moving up to handcuff him?
1202
1203 A: No.
1204
1205 Q: Okay. Who handcuffed him?
1206
1207 A: Uh, I - I don't remember. I - I had lethal cover on him and I was very focused
08 on...
1209
1210 Q: What were you armed with at the time?

1211
1212 A: My pistol.
1213
1214 Q: Your pistol? Okay. Did you ever fire your pistol at any time during this
1215 incident?
1216
1217 A: No, I didn't.
1218
1219 Q: Okay. Okay, do you recall if uh, Officer Russell ever fired his?
1220
1221 A: Officer Russell, I believe was carrying a shotgun and..
1222
1223 Q: Okay.
1224
1225 A: ...I don't think he did, no.
1226
1227 Q: Okay. And once, um, once you guys got up and handcuffed him and - and
1228 realized uh, for the most part everything was stable, did you locate the gun?
1229
1230 A: We decided not to roll the suspect over onto either side, simply because we
31 knew that uh, medical aid was en route.
1232
1233 Q: Okay.
1234
1235 A: And that we wanted to make sure that uh, a supervisor was on scene and that
1236 the medical uh, professionals were able to do what they needed to do with the
1237 suspect before uh, we - we went ahead and moved him. So..
1238
1239 Q: Okay.
1240
1241 A: ...we did not. Uh, and he continued to uh, lie on his stomach in that position
1242 for uh, the entire time that I was at the scene. Simply because we..
1243
1244 Q: Still not responsive (unintelligible)?
1245
1246 A: Yeah, it was..
1247
1248 Q: Okay.
1249
1250 A: ...so that we could let AMR and RFD do their thing.
1251
1252 Q: Okay, any discussion as to - did anybody say they fired or - or return fire or
53 anything like that? Do you know?
1254
1255 A: No.

1256
1257 Q: No?
1258
1259 A: Not to my knowledge.
1260
1261 Q: Okay. All right. Um...let me make sure [REDACTED]
1262
1263 A: [REDACTED]
1264
1265 Q: [REDACTED] Okay. Do you recall if uh, as you guys were following after this guy, uh,
1266 prior to the uh, to him producing a weapon and putting it to his head, any
1267 civilians follow him out from the rear of that house?
1268
1269 A: No.
1270
1271 Q: That you are aware of anyway?
1272
1273 A: Uh, no. I - none that I saw, and...
1274
1275 Q: Okay. All right. All right, is there anything uh, uh, regarding the incident that
1276 - that we haven't gone over? Anything that you think would be pertinent
1277 questions I haven't asked you that you think would be helpful?
1278
1279 A: No.
1280
1281 Q: Okay. All right, it sounds like uh, supervisor showed up, uh, at some point...
1282
1283 A: Immediately...
1284
1285 Q: ...soon after...
1286
1287 A: ...following.
1288
1289 Q: ...medical aid was there pretty quick?
1290
1291 A: Oh yeah.
1292
1293 Q: Do - do you know if they pronounced him as uh, deceased at the scene there?
1294 Or do you know anything about what his status was?
1295
1296 A: I - I don't. Um, uh, I - I have no idea. Sergeant Corbett arrived on scene
1297 within...if I had to guess, I'd say 30 seconds.
1298
1299 Q: Okay.
1300

1301 A: Of everything that had happened. Everybody that was at the first call knew
1302 that the - that this - it wasn't even a second call per say because it was just an
1303 update on the first one since the - the first call was still active. But um,
1304 medical aid was uh, I - I had - throughout the course of this taken the
1305 responsibility to - to use my radio and - and to be in touch with dispatch and
1306 other responding officers. Um, shortly after uh, I put out the uh, information
1307 that there were shots fired and the suspect was down, was in custody, uh, the
1308 radio traffic resumed to its normal radio traffic and at that point I was able to
1309 direct, uh, RFD and AMR into the scene from First Street. They arrived within
1310 a m- I would say a minute of doing that.

1312 Q: Okay.

1314 A: So, they - they were, uh, they had very fast response time as well as the
1315 supervision on scene.

1317 Q: Okay. All right, Officer Quinn, I think we'll uh, conclude the interview. Uh, it
1318 is 0148 hours.

1321 This transcript has been reviewed with the audio recording submitted and it is an accurate
1322 transcription.

1323 Signed

 #1535

RIVERSIDE POLICE DEPARTMENT
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INTERVIEW WITH OFC. DAVE TAYLOR

Q=Det. Rick Wheeler

Q1=Det. Rick Cobb

A=Ofc. Dave Taylor

A1=(Saku Ether)

A2=(Tara Urban)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15 Q: All right, this is Detective Rick Wheeler with Riverside Police Department.
16 Today's date is January 18, 2009. The time is 0234. And I am here on case
17 P09008550, uh officer involved shooting from the 17th. In the room with me is
18 Officer Dave Taylor, uh Detective Rick Cobb. Uh, from the District
19 Attorney's Office, (Michelle Paradise), uh, (Tara Urban), (Mark McGill), and
20 private attorney, (Saku) Eta- uh...

21
22 A1: (Ether).

23
24 Q: (Ether). I almost said it wrong. Uh, with Officer Taylor. Uh, Dave, I got your
25 ID number, uh, it's 432, is that correct?

26
27 A: Yes.

28
29 Q: Okay. And uh, did I say (Saku) right?

30
31 A1: Yep.

32
33 Q: Great.

34
35 A1: Got it.

36
37 Q: Did you have anything you wanted to add before we got started?

38
39 A1: I do. Um, I just want to make it clear, um, that uh, under Riverside Policies
40 and Procedures Manual, Section 4.8, Officer Taylor has a obligation as we
41 understand it, um, to cooperate with any criminal investigation being
42 conducted and as a result of that requirement under that policy section, he's
43 here today to cooperate with the investigation, provide a statement and answer
44 the questions of the investigators. Um, but he's certainly not waiving any uh,

D.W.T.

45 rights he has under the Constitution. He's cooperating because he's required
46 to do so.

47
48 Q: Great. Okay, I appreciate that. Okay, uh, Dave, I want to kind of go back over
49 some of the things that happened on the 17th earlier in the evening time that
50 uh, kind of led up to the - to the shooting that took place over on Mulberry.
51 Can you kind of start off and let me know, uh, what unit are you assigned to
52 and what was your call sign for that night?

53
54 A: My call sign is Canine Four. That's my permanent call sign.

55
56 Q: Okay.

57
58 A: Canine Unit. And I was driving unit 3332.

59
60 Q: Okay. And uh, you're a single officer, but you have a canine with you at that
61 time?

62
63 A: Correct.

64
65 Q: Okay. Great. Are you assigned to any particular part of the City?

66
67 A: Normally I work north or east end, but uh, but currently there's other canines
68 out so I had the whole city.

69
70 Q: Okay. All right. Uh, if you can, kinda go back to um, the beginning as - as
71 some of the events that took place that kind of led up to the Mulberry incident,
72 can you uh, take me through that?

73
74 A: Yeah, when I was just uh, I think I was patrolling down by the plaza when I
75 heard a call go out of a subject with a gun. Uh, (unintelligible) call and this
76 family is calling in, he's pointing a gun at them and he's uh, threatening
77 suicide, but then yet he's pointing a gun at them. So and this guy is on parole
78 for uh, for attempt murder on police officer. They give a description of a
79 handgun. A semi-auto and that he was uh, still at the residence when we were
80 out. Just took a couple three minutes before we got there they put out that he
81 is on foot in the area.

82
83 Q: Okay.

84
85 A: So I get on scene. There's uh, a couple Sergeants, seven or eight officers, and
86 we're doing a - a search at the parolee house that he was last uh, supposed to
87 been at, down on Spruce.

88
89 Q: Okay.

90

91 A: Uh, the family lives mid-block Spruce between - I think it's between Orange
92 and Mulberry. So we go there. Uh, we search a couple of empty buildings.
93 Uh, search team that's two doors east of there. He's not there. Using the dog.
94 And so then it was determined this guy is hiding out somewhere in the
95 neighborhood. They thought he'd probably come back. So, uh, Sergeant
96 (Corbitt) asked if I'd stay in - in the area. Just stay 10-6 on the call in case he
97 comes back, for give it awhile.

98

99 Q: Okay.

100

101 A: So I drove over to Business Way off of Russell and uh, I got in the complex
102 there for about another half hour or so.

103

104 Q: Okay.

105

106 A: I think it was about 20-30 minutes or so and the call goes out that suspect's
107 uh, returned and while I was en route to the Spruce address, uh, they said he
108 was on Mulberry. It's about a next block up, two blocks away.

109

110 Q: Okay.

111

112 A: So uh, two units had just gone 97 as I turned down Mulberry. I pull up behind
113 them. They're out of their car and they're moving up to it looks like a RP
114 standing uh, on the sidewalk mid-block of Mulberry. Uh, so I - I pull up
115 farther because I can see they're talking. As I get out from my car, I can see a
116 suspect or someone matching the description that's south of their location,
117 about - probably about 40-50 yards.

118

119 Q: Okay.

120

121 A: And about that time, they see that the same time they start yelling at that
122 subject. As I get out of my car on foot, I can see that he - the subject's got -
123 now has a handgun to his head. And uh, and he's walking backwards away
124 from the officers. So they're yelling at him, "Put the gun down. Put the gun
125 down. Put the gun down." I run up to where they are. And about this time he
126 takes off running southbound on Mulberry, uh, towards First Street.

127

128 Q: Okay.

129

130 A: So uh, uh, I think it was Miller pulled up in a car. Uh, tapping on the window.
131 Window wouldn't open up because it was locked. Pops the door. I get in. And
132 we're driving, trying to keep visual on the suspect. As Mulberry gets towards
133 the old off- the old on ramp there where it has the little S-turn, it has a little
134 slope.

135
136 Q: Mm-hmm.
137
138 A: Uh, there is ivy on a chain-link corner of a fence and he disappears behind
139 that. So uh, Miller is driving and he's getting way too close, too fast. I'm
140 yelling at him, "Stop, stop, stop." Finally he stops. But by the time he stops,
141 we're about the middle of the street, but we're almost up to that corner of the
142 ivy where I didn't want to get past.
143
144 Q: Sure.
145
146 A: My thought was if he's probably right close to that little area where the ivy
147 corner was. So I jump out thinking we're too close and I run around to the
148 driver's side door to get some cover until we figure out - gets some eyes on
149 this guy.
150
151 Q: Mm-hmm.
152
153 A: Uh, about that time, I'm looking and as I pieing out towards the front, I see
154 that he's not hugged up next to the corner where the ivy is, but he's out about
155 uh, 20 feet, 30 feet, and he's on this slope and he's in a prone position on his
156 stomach. And like he's laying in wait. He's waiting for whoever's coming
157 around that corner.
158
159 Q: Oh, okay.
160
161 A: And at that time, I look off to the right, and uh, uh, Quinn and uh, Russell are
162 coming up to that corner. Like they're going to run past it. And I'm yelling,
163 "Get back, get back." And I come back around to the trunk to get better cover
164 because now I can see he's - he's pointing the gun at - at myself and Miller in
165 - in our - in our direction.
166
167 Q: Okay.
168
169 A: As I get to the trunk, let me back up. When I got - went to the driver's side,
170 I'm thinking before I got eyes on, that we need a rifle because this guy is, you
171 know, we wanted to keep enough distance where he doesn't shoot one of us
172 by getting too close. I tell that to uh, to Miller. As I move back to the uh, to
173 the trunk area, I - I - I pick him up. He's in a prone and he gets up and - and is
174 facing us and he gets into a - a crouch position with the handgun pointing at
175 us. And from where I was at the trunk, you could clearly see he's like looking
176 for a shot. He's moving his hands around. He's - he started pointing and I'm
177 thinking he's going to skip rounds into this car or he's going to shoot one of
178 us at any moment. I was like, at that point, I tried to get uh, I put uh, two

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179 rounds uh, down to the suspect and - and he goes down. So he - from - from
180 facing us face on, uh, I shot twice and my gun stove piped.

181

182 Q: Mmm.

183

184 A: So, I clear the gun and we - and by this time I refocus and he's down. So I
185 move up to the corner and where we at least have concealment. Where Quinn
186 and uh, Russell were.

187

188 Q: Okay.

189

190 A: At that point, we could only see that his uh, he's facing head southbound. His
191 feet were north and he's on his stomach. And we could - and we did see his
192 hands underneath his waistband area. And at that point I'm still not 100% sure
193 that he's down because I shot him, or he's down playing possum and he's
194 going to roll over when we move up on him.

195

196 Q: Okay.

197

198 A: And so I, uh, I'm - but the other thought is, I'm thinking he's - he's going to
199 need medical aid if he is shot and we can't leave him there, we need to move
200 on this guy. So we - I tell them, you know, "Keep an eye on his hands. We're
201 going to trap his hands on the ground until we can get, you know, secure his
202 hands first thing. I'm going to be hands on." And then he goes, I forget who
203 the other officer was that was going to do the same thing, but we move up on
204 the guy. As we're moving up, I'm - I'm thinking this guy is going to roll over
205 and shoot one of us. But we - so we moved up on him quick. I grabbed his left
206 arm that was pinned up beneath him. I pull it out and I put it behind him. At
207 the same time, I'm not sure who the other officer was, pulls his hand out.

208

209 Q: Okay.

210

211 A: Pull out my cuffs. I cuff him. And uh, you know, the uh, at that point I could
212 see that he had a head wound. And it - it was severe. But I don't see the gun
213 laying there. And so I rock him back and I reached underneath him. I feel the
214 Pacmyer grips of a handgun.

215

216 Q: Mm-hmm.

217

218 A: But with his condition, I was conflicted whether either drag him away from
219 the weapon or leave everything as it is. But being in cuffs and being how he
220 wasn't moving, we'd already called for medical aid, and so let them to make
221 the final determination. At that point we're just going to watch him until they
222 got there.

223

D.W.T.

224 Q: Okay.
225
226 A: They were there within a minute and or two and they uh, had the same opinion
227 we did that he was deceased.
228
229 Q: Okay.
230
231 A: So they uh, made that call. Um, so we left everything as is.
232
233 Q: Okay.
234
235 A: Um, but you know, like I said, the moments before that uh, I - Russell and
236 Quinn were way closer than we were. We were probably 60-70 feet maybe
237 and they're maybe 20 feet from this guy at that corner.
238
239 Q: Mm-hmm.
240
241 A: My thought is - is - is he's pointing the gun at us and I was expecting to see a
242 muzzle flash at any moment. I'm thinking this guy is going to shoot us for
243 sure. And then at the same time, I'm worried that they're going to reach that
44 corner and - and he's going to have a - and he's going to shoot one of them
245 because they're closer.
246
247 Q: Mm-hmm.
248
249 A: So it was uh...yeah, it's - it was uh, definitely surprised that he didn't get a
250 round off.
251
252 Q: Okay. Okay. Well you covered uh, the incident in pretty good detail. I want to
253 go back over just a couple little things to make sure that I'm - I'm clear on it.
254 Um, the uh, incident back over on Spruce where he I guess he was with some
255 family members and had shown up at a house and - and had been armed. That
256 generated the first call?
257
258 A: Yes.
259
260 Q: Did you get a chance to talk to any of the family members or get some real
261 details about that, or - or were you just there kind of supporting the guys
262 handling it?
263
264 A: No I got just uh, some details from some of the guys on scene. I didn't talk to
265 the family.
66
267 Q: Okay.
268

269 A: And they're take on it was that uh, he had had the gun to his head at one point
270 and then was asking for keys or something.
271
272 Q: Mm-hmm.
273
274 A: And he didn't get what he wanted so then he pointed the gun at them.
275
276 Q: Okay.
277
278 A: And they supposedly then run into - lock themselves in and call 911 and - and
279 this guy's in the area on foot.
280
281 Q: Okay.
282
283 A: The car that he wanted was still up front, which made us believe he's still
284 close by.
285
286 Q: Okay. Gotcha. When you um, heard the incident go out on uh, Mulberry, uh, it
287 sounds like you uh, ended up parking maybe a little bit beyond where um, uh,
288 Russell and Quinn had stopped? Did you kind of park beyond them with your
89 vehicle or did you stay in their same area?
290
291 A: They uh, at this point they were already making contact with RP so I - I
292 hugged the uh, west curb line. And I pulled past where their car was because
293 they had to walk a - a - quite a distance.
294
295 Q: Mm-hmm.
296
297 A: So that I would be closer and so I could get out and help sooner.
298
299 Q: Okay. Okay.
300
301 A: So that my car was closer than where they parked farther away.
302
303 Q: Gotcha.
304
305 A: On the opposite side of the street.
306
307 Q: Okay. W- was your dog ever out at any time during the incident?
308
309 A: No, it was - by the time I got up to where they were making contact, we got
310 visual on the suspect so he didn't need to be located. He was already in plain
11 view.
12

DWT

313 Q: Okay. When you first, uh, saw the suspect did you recognize him from
314 anything that you had seen at the Spruce address, or?
315

316 A: When we're at the Spruce address, the - the only contact I had with the family
317 was to see a photograph of him and of the family picture.
318

319 Q: Okay.
320

321 A: And we asked him if he looked the same. She said, "Yeah, pretty much the
322 same." And we did - everybody got a chance to look at that in case he
323 changed clothes or in case we saw him later.
324

325 Q: Okay.
326

327 A: And from the distance, it looked like the same guy. And based that on the fact
328 that he had a gun to his head, I was pretty sure that that was the guy.
329

330 Q: Okay. Do you recall uh, wh- whether he was right or left handed with the gun
331 when it was to his head?
332

333 A: No.
334

335 Q: Okay. Um, do you recall if he, uh, said anything while he had the gun held to
336 his head and while uh, uh, Quinn and Russell were coming up to him, or - or
337 interacting with him?
338

339 A: They were a little closer to him than I was and I couldn't make out if he was
340 saying anything.
341

342 Q: Okay. And then uh, if I understand it right, at some point he turns and starts
343 heading southbound down Mulberry, uh, kind of out of your sight?
344

345 A: That's correct.
346

347 Q: Okay, and that's when Miller comes to pick you up and you guys end up in
348 his vehicle heading down the street?
349

350 A: At - almost at the same time as I'm getting into the car and we start - we - we -
351 he's just making that corner where the ivy is.
352

353 Q: Okay.
354

355 A: So we had visual on him all the way up until just right then. And so it was just
356 moments before. And then so that's what made me think if this - with this
357 guy's behavior, he's probably going to be close at that corner.

D.W.T.

358

359 Q: Okay. Okay. And um...I, you know, it - it sounds like there at this point isn't
360 any question in your mind that after you saw him uh, after he ran off and the
361 next time you saw him he - he's now in a prone position, dropping his profile
362 to where he's hard to be seen, arms are out stretched in your direction and
363 Quinn and Russell's direction, and now he's got a gun - that same gun pointed
364 at your direction as opposed to his head, is that correct?

365

366 A: That's correct. Once he got to that corner and we picked him up again, he's in
367 a prone position, waiting for us, he never had that gun to his head again. It
368 was always pointed in our direction.

369

370 Q: Okay.

371

372 A: From that point forward. So once he was - and there's a little slope as you
373 come around that bend, it makes that little turn and it slopes into a dirt area
374 that kind of has a little bit of a grade to it, so he's kind of pointed upward
375 while he's in that prone position.

376

377 Q: Oh, okay.

378

379 A: It's hard to pick up at first because it's, you know, he's on the ground. And I
380 was expecting to see him standing up and all of a sudden he's down. He's on
381 the ground. And at that point, he - from the prone position he came straight up
382 and then the gun never - only stayed focused in our direction. It never went
383 any other - anywhere else.

384

385 Q: Okay. And you describe that he was um, almost scanning the area in front of
386 him searching with his gun looking for something?

387

388 A: It looked to me like we're - I'm trying to get cover behind the trunk of the car,
389 and to me it looked like he was trying to find a shot.

390

391 Q: Okay.

392

393 A: An open area. Whether it be underneath the car or, you know, above the
394 whatever I had exposed.

395

396 Q: Okay.

397

398 A: To me it looked like he was trying to pick a point to - to put rounds in our
399 direction.

400

401 Q: I see.

402

D.W.T.

403 A: And I'm th- I was expecting to see a muzzle flash at any second. I'm thinking
404 this guy is going to shoot us.
405
406 Q: Right, right.
407
408 A: I was, you know, between that and these guys coming around the corner, it
409 was a lot going on and in a short amount of time.
410
411 Q: Sure.
412
413 A: So.
414
415 Q: Right. Yeah, 'cause it sounds like you're also thinking of Quinn and Russell
416 because they are so much closer?
417
418 A: I figured he's focused on me at this moment and I'm expecting to see a
419 muzzle flash, but for sure if they've reached that corner they're going to be
420 just a third of the distance then...
421
422 Q: Right.
423
424 A: ...what I am.
425
426 Q: Right.
427
428 A: And that he's going - and - and I'm absolutely sure he would shoot them.
429
430 Q: Okay.
431
432 A: I mean I'm just, you know, the way he was acting and the way he's trying to
433 find a - to put a round down, I just uh, I'm surprised we didn't see muzzle
434 flash.
435
436 Q: An- any uh, element of fear running through you about what's - what's
437 happening here?
438
439 A: Extremely. I'm thinking that somebody's getting ready to get shot in a minute.
440 I thought he was - I just was sure that he was going to start shooting at that
441 moment.
442
443 Q: Mm-hmm.
444
445 A: And I was thinking, he's going to kill one of us.
+46
447 Q: Okay. Okay.

A.W.T.

448
449 A: Certainly if they get around that corner, 'cause they're so close and they had
450 no cover.
451
452 Q: Yeah.
453
454 A: At least we had the car. But I, you know, that car looked like it was about this
455 big..
456
457 Q: Sure.
458
459 A: ...when uh, you know, there's no - you know, when you're trying to get
460 behind it when he's getting ready to shoot at us.
461
462 Q: Okay.
463
464 A: So.
465
466 Q: Did - uh, and you said you fired twice. Do you recall uh, there being any other
467 gunshots, uh, either before yours or after yours?
468
469 A: You know, maybe because I was anticipating that he was going to be shooting
470 at us, I - I - when I shot I wasn't sure if it was just my rounds I was hearing or
471 echoes.
472
473 Q: Okay.
474
475 A: And I wasn't a hundred percent sure if he didn't fire on us.
476
477 Q: Okay.
478
479 A: I'm still not 100% sure as I sit here.
480
481 Q: Do you remember if you reloaded afterwards, like uh, put a new mag in or
482 anything?
483
484 A: I never reloaded. I just remember when it - after the second round he's going
485 down and - and I just happened to notice as I'm moving that my gun is locked
486 back.
487
488 Q: Hmm.
489
490 A: So it's stove piped. And I didn't see any rounds sticking out, but I - I just
491 racked it back and it cleared and it was in battery again and - and uh, we
492 moved forward.

D.W.T.

493

494 Q: Okay.

495

496 A: So I don't know if a live round came out or if it just cleared itself with the
497 rack and we moved on.

498

499 Q: Okay. And during this incident, and up to uh, when you have actual contact
500 with the suspect, once he's down, um, are yourself or uh, Quinn or Russell
501 giving commands to this guy uh, to do certain things? Put his hands down,
502 surrender, anything like that?

503

504 A: When we're - to - when I get to them at that corner, we'd kinda seen how he's
505 on his hands, we're yelling, "Show us your hands. Show us your hands."

506

507 Q: Mm-hmm.

508

509 A: And - and there's no movement. But we can't see the injury because of the
510 angle of the slope of the dirt. All you can see is feet and his hands and his
511 back.

512

513 Q: Mm-hmm.

514

515 A: And we're a distance away that, you know, we couldn't tell at that point if he
516 was just - my thought is - is he might be laying there playing possum.

517

518 Q: Sure.

519

520 A: Until we get closer. That was my biggest fear at that moment. I'm like this
521 guy, he's going to wait till we get closer, he's going to shoot us.

522

523 Q: Okay.

524

525 A: But uh...you know, we yelled commands for him to show his hands and he
526 didn't, so we moved on up on him.

527

528 Q: Okay. Did you guys have uh, or do you know if Quinn and Russell were
529 giving commands, even prior to you lock - losing sight of him and him ending
530 up in the prone position? Were they telling him, "Drop the gun" and that kind
531 of stuff, or?

532

533 A: When I first pulled up in my car, and they're just making contact and they -
534 they veer attention to the suspect just about the same time I'm getting out of
535 my car and see him...

536

537 Q: Mm-hmm.

538
539 A: ...they're yelling at him as they're moving towards him, trying to get cover.
540 They're saying, you know, "Put the gun" - they're giving him commands of -
541 of - some type, "Put the gun down" something to that affect. You know, "get
542 on the ground," "put the gun down" those types of things.
543
544 Q: Any response from him at all?
545
546 A: Not - I couldn't hear anything.
547
548 Q: Okay.
549
550 A: And he didn't comply at all. He just moved away. He kept the gun up until he
551 could get it - enough distance. I think he had the gun up to get some distance.
552
553 Q: Okay. Okay. You know, I may have something that will pop up in a minute.
554 Rick, do you have anything?
555
556 Q1: Uh, actually I think you covered quite well.
557
558 Q: Yeah.
559
560 Q1: I don't have any further questions on this.
561
562 Q: Actually I think you did a good job detailing it for me. Is there anything that
563 you want me to ask or you good, (Tara)?
564
565 A2: No, I don't.
566
567 Q: Anything with you (unintelligible)?
568
569 A1: No, I think you covered everything.
570
571 Q: Is there anything that we didn't touch on that you think is important for me to
572 know right now? It sounds like we got most of it, but I don't want to - I don't
573 want to miss anything if there's something you can think of?
574
575 A: No, just that I was - I shouldn't have been surprised because I was looking for
576 him to be waiting around the corner, but for him to be laying in wait like that
577 was just, uh, was pretty frightening situation when - when you think about the
578 mindset that his - at that point. You know, he went totally 180 degrees from
579 that to his head that he's going to shoot one of us.
580
581 Q: Mm-hmm.
582

D.W.T.

583 A: And my thought is that he's going to shoot one of us at any moment. And uh,
584 yeah, and the way we're way too close but at that, we've already committed at
585 that moment.

586
587 Q: Sure.

588
589 A: So.

590
591 Q: Okay. All right, we'll end this interview. Uh, time is 2:54 in the morning on
592 the 18th.

593
594
595 This transcript has been reviewed with the audio recording submitted and it is an accurate
596 transcription.

597 Signed _____

Dave W. Taylor

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