

SUPPLEMENTAL REPORT

1. Original File No. P09-008550	2.	3. Off ID 260	4. Dist. E	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date/Time Occurred	9. Day			
10. Date/Time Assigned	11. Date/Time Inv. Start		12. Date/Time Inv. Term.		13. Type Cir. Opn	14. Type Cont. R.H.	15. Additional Adults Arr.	16. Additional Juv. Arr.			
17. Address of Occurrence (Street No. - Name - City) Mulberry St. South of 2855							18. Type of Place				
For ID USE: V = Victim, I = Informant, W = Witness, O = Other											
19. ID: V	20. Last Name - First - Middle (Firm Name if Business) Officer Dave Taylor					21. Race - Sex		22. DOB			
23. Residence Address			24. Business or School Address Riverside PD			25. Home Phone		26. Bus. Phone			
27. W	28. Last Name - First - Middle (Firm Name if Business) Officer Jeremy Russell					29. Race - Sex		30. DOB			
31. Residence Address			32. Business or School Address Riverside PD			33. Home Phone		34. Bus. Phone			
S U B J E C T	35. LAST Name - First - Middle Hyatt, Russell			36. Race - Sex W / M	37. Age 48	38. Ht. 600	39. Wt. 170	40. Hr.	41. Eyes	42. DOB or ID [REDACTED]	43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	44. Address - Clothing - Other Marks or Identifying Characteristics										
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			
S U B J 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 <input type="checkbox"/> Yes <input type="checkbox"/> No
	45. Address - Clothing - Other Marks or Identifying Characteristics Clothing, other marks or identifying characteristics										
56. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			

ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

	A Currency Notes	B Jewelry Prec. Met.	C Clothing Furs	E Office Equip.	F T.V.-Radio Cameras	G Firearms	H Household Goods	I Consum. Goods	J Livestock	K Misc.
PS	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
57	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
PR	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

60. Originally Reported Offenses (Code - Crime)					61. Original Offenses Changed to (Code - Crime)					58. Stolen Auto Value ASP: \$ _____	
(1) 664/187 PC - Attempt Murder of a P.O.					(1)					59. Recovered Auto Value A2 \$ _____	
(2)					(2)						
62. Narrative of Supplemental Report Interview with Officer Russell											
Reporting Officer Det Rick Cobb											
Reviewed By <i>M. Rossi 603</i>											
COPIES TO											
VCLO ()											
ACTIONS											
APR Sent											
APR Cncl.											
APB Sent											
APB Cncl											
DOJ-NCIC											
Entered _____											
Cncl. _____											
ENTERED											
Stats ARBK ANK											

Riverside Police Department
Continuation Sheet

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01-28-09

664/187 PC

File #P09-008550
Det Rick Cobb #260

On 01-18-09, at 0047 hours, I interviewed Officer Russell at the Magnolia Station. The interview was digitally recorded and later downloaded into the department server. Officer Russell was interviewed without a lawyer or union representative present, at his request.

Interview

Officer Russell stated he was working uniformed patrol, assigned as "Charles 130". He was working with partner officer Quinn. He was wearing a Riverside Police uniform.

Officer Russell said that he and Officer Quinn received a radio call of a subject with a gun on Spruce Street. Dispatch advised that the suspect was on parole for assault with a deadly weapon on a police officer. Dispatch also advised that the suspect was in the front yard of the address. He said that when they arrived, the suspect was gone. The suspect was later identified as S-Hyatt.

Officer Russell said that he and other officers conducted an area check for the suspect. The suspect was not located. Sergeant Corbett assigned he and Officer Quinn to stay in the area in case the suspect returned. They stayed in an alley off Russell and Spruce.

Officer Russell said that when they first contacted Hyatt's wife, she told officers that Hyatt had pointed a handgun at her and the family. He heard Hyatt's wife tell officers to shoot him, but not to kill him.

Officer Russell said that as they were waiting for Hyatt to return, an update came over their mobile computer, stating that Hyatt was currently on Mulberry Street. They were two blocks away, and responded to the area.

Officer Russell said they pulled up to the east curb on Mulberry, about ten houses from the primary residence. He saw two people pointing down the street, telling him the suspect was in the house in question. He said he did not remember the exact address given by dispatch.

Officer Russell said that as they approached the house, they saw Hyatt on the west sidewalk of Mulberry Street, walking away from them.

Officer Russell said he was carrying a shotgun. He said they approached Hyatt and told him to show them his hands. He said they gave the command three times. He said they were approximately 30 yards apart.

Officer Russell said that Hyatt turned towards them with a handgun in his right hand. He said Hyatt immediately pointed the gun at his head and said, "You wanna see my fucking hands! Do it!"

Officer Russell said that Hyatt then started walking backwards away from them, with the gun still to his head. He twice told Hyatt to drop the gun. Hyatt then turned and ran away from them. He said they chased Hyatt until they lost site of him when he ran around a fence with shrubs on it. He said they ran about 30 yards.

Officer Russell said he and Officer Quinn got to the corner of the fence, and stopped. He said they did not want to round the corner, because they knew Hyatt was armed with a handgun.

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01-28-09

664/187 PC

File #P09-008550
Det Rick Cobb #260

Officer Russell said that when he got to the corner of the fence, his H.T. radio fell out of its holster. He said he reached down to pick it up, and then noticed a police car to his left. He said he saw an officer taking cover behind the trunk, facing where Hyatt would be. At this time, he did not know what officer it was.

Officer Russell said he then heard someone yell, "He's prone out". He then looked around the corner of the fence and saw Hyatt lying on his stomach, facing him. Hyatt had the gun in both hands and was pointing it at him. He said he immediately ducked back around the corner so he would not be shot.

Officer Russell said he then heard one gun shot. He looked towards the police unit, and saw Officer Taylor lying on the trunk, pointing his gun at Hyatt. He then saw Officer Taylor fire one shot towards Hyatt.

Officer Russell said he then looked around the corner towards Hyatt, and saw him lying on the ground with his feet facing him. He said it appeared Hyatt had been shot.

Officer Russell said he and other officers approached Hyatt. He said Hyatt was lying on his hands and was bleeding from a head wound. He said it appeared Hyatt was dead. He said he believes Officer Taylor handcuffed Hyatt. He said he immediately called for an ambulance.

Officer Russell said he did not fire any shots during the incident, and only saw Officer Taylor fire a shot. He said he did not see Hyatt fire a shot.

Officer Russell said there were street lights in the area which helped visibility.

Officer Russell had no further information.

The interview was concluded.

RIVERSIDE POLICE DEPARTMENT - Restricted Information
CPRC Public Release PROHIBITED
CPRCEVE 10/1/2010 11:57:56 AM

INTERVIEW WITH OFC. JEREMY RUSSELL

Q=Det. Rick Cobb

A=Ofc. Jeremy Russell

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Q: Okay, it's Detective Rick Cobb. It is uh, approximately 12:47 am on January 18th. It's interview with uh, Officer Jeremy Russell. Uh, basically, Jeremy, uh, make sure I - spell your first and last name for me, just so I got it?

A: Jeremy, J-E-R-E-M-Y.

Q: Mm-hmm.

A: Russell, R-U-S-S-E-L-L.

Q: All right. Okay, uh, what uh, what were you working tonight? What call sign?

A: Uh, Charles 130.

Q: You single ride or jump partner?

A: Two man.

Q: With who?

A: Uh, Quinn.

Q: What's Quinn's first name?

A: Steven.

Q: Steven.

A: Yeah.

Q: Okay. Uh, throughout your shift and when this - when this incident all started, you're wearing your Riverside Police uniform...

A: Yes, sir.

46
47 Q: ...what - exactly what you have on now? And uh, uh, with gun belt. You carry
48 the Glock .22?
49
50 A: Yes, sir.
51
52 Q: Forty caliber, correct?
53
54 A: Yes, sir.
55
56 Q: Okay. All right, um, kind of what we talked about before, what I want you to
57 do is just kind of take me from the beginning of the first initial call you guys
58 received, where you responded, and basically take it from there if you would?
59
60 A: Okay. Um, like I said before, we just sat down, ordered food at Farmer Boys.
61 Received a call of a subject with a gun at a residence on Spruce. Um, dispatch
62 immediately informed us that the suspect was on parole for either 245 on a
63 police officer or attempted murder on a police officer. Um, we jumped up, ran
64 out. As we were cruising down Spruce Street, uh, I was driving. Steve was
65 reading the CAD as it updated. Uh, an update came across that he repeated uh,
66 the suspect was GOA westbound Spruce. I grabbed a hand mic, immediately
67 confirmed with dispatch, "Hey, this suspect is GOA?" They say, "No, he's
68 still in the front yard." So we park probably ten houses east of Spruce. Or I'm
69 sorry, east of the residence on Spruce. Uh, it was the other side of the alley
70 that connects Russell and Spruce. We make our way down there. We finally
71 get down there. Sure enough he is gone. Um, Steve goes and makes contact
72 with the family. I provide a little, some sort of, you know over watch, security
73 for the scene, because we don't know where he is. Um, other units start
74 arriving. Other units are - you can see them doing an area check. Uh, the wife
75 is there. Says that - I overhear that when they gave dispatch the direction of,
76 "He's westbound Spruce" they were basing that determination on he had
77 walked ten steps from the front step to the driveway, stood in the driveway,
78 whirled around and pointed the gun back at them and everybody ran back in
79 the house. So they had no idea basically where he was. They saw him walk
80 westbound through the yard and stop. So from that point, we put that out and
81 we're basically at square one. We have no idea where he is. Um, the wife then
82 sees all of us. At this point there are several officers there. A lot of us have
83 shotguns or a long gun of some kind. And she starts saying, "Please don't kill
84 him. Shoot him in the leg. Shoot him in the arm." She's saying shoot him but
85 don't kill him. Which I thought was kind of strange.
86
87 Q: Mm-hmm.
88
89 A: Um, so we're like, okay, okay, whatever. "Do you have any idea where he
90 could have gone to?" She says, "Well the only place I could think of that he

91 could be is..." is she gave us another add- address on Spruce. Uh, it's the
92 house that we own. It turns out it was a Sober Living facility. Um, at this
93 point, Sergeant (Witt), myself, Miller, uh, Barretta, and Disla all respond
94 down to that location to see if he's there. We clear that residence. He's not
95 there. We make our way back to the scene. Uh, we clear a couple vacant
96 houses with the canine unit. He's - we can't find him. (Corbitt) instructs -
97 Sergeant (Corbitt) instructs Quinn and I to remain on the call. He put ev- the
98 other units 10-8 and told us to code 5 the house from that alley that connects
99 Russell and Spruce and it's I think two houses uh, east of the - the front row of
100 the residence. If that makes sense?
101
102 Q: Just - just real quick, off hand, which address do you - if you recall the address
103 off hand?
104
105 A: I - I don't - I don't remember the address off hand.
106
107 Q: Okay. Continue.
108
109 A: Um, I do know it - her residence faces north. So it's on the south curb of
110 Spruce. We were sitting on the north side of Spruce in the alley, two houses
111 east of her residence. Um, we sat there for probably 20 minutes and uh, we
112 actually finished our Farmer Boy's food that Miller went and got us.
113
114 Q: Okay.
115
116 A: Because we were hungry.
117
118 Q: Okay.
119
120 A: Um, we're still on the call so we're still getting the updates. And all of a
121 sudden the computer makes the update noise. And I - I kind of thought that
122 was weird. And I flipped it open, 'cause I was like wait a minute, and I read it.
123 It says, um, somebody's calling in from such and such Mulberry. His dad or
124 his stepdad is here saying the police were looking for him earlier. So I
125 snatched the hand mic up again, I'm like, "Charles 130, when did this last
126 update come in?" Hello, there's an update to this guy with a gun. Uh, just
127 now. So Steve and I burn out of there and it's like a block and a half, two
128 blocks away. We're right there. We back out. Pull over on the east curb of
129 Mulberry. I - I again jump out with a shotgun. Steve gets out. We start making
130 our way towards this house. That we probably parked probably ten houses
131 away again. Uh, almost right away we saw two people in the street. Motioning
132 for us - or motioning, like pointing like real emphatically. So we start making
133 our way towards them. We're still in the street. One of us asked or probably
134 both of us asked, "Where is he? Where is he?" "He's in the house. He's in the
135 - he's - he was in the house. Or he's trying to get in that house." So we start

136 focusing on the house and one of them goes, "Oh, he's right there." So we
137 look and here's a white male walking up an alley and he turns - immediately
138 turns away from us and walking down the sidewalk. Um, I...
139
140 Q: On Mulberry?
141
142 A: Yeah, he's walking uh, which - southbound Mulberry on the west sidewalk.
143 Um, we immediately get out of the street and get over onto the grass and - and
144 the sidewalk. And I immediately, you know, I've got - I've got a site picture
145 on him. And I'm yelling at him, "Let me see your hands. Let me see your
146 hands." He doesn't respond to me probably the first two or three times I - I
147 yell that and then he all of sudden spins around and he's - he's uh, got the gun
148 to his - he's holding it in his right hand and he has it to his right temple and he
149 says, "You want to see my fucking hands?" or something - something to that
150 effect. "It's right here. They're right here. Do it, just do it." Um, the whole
151 time I'm thinking - or do you want my mindset, or what (unintelligible)?
152
153 Q: Yeah, absolutely.
154
155 A: Um, I'm right away thinking, I don't have a good site picture, because at that
156 point of - of Mulberry it kind of dips down there. There's that elevation
157 change. I don't know what's behind him. I know I've got slug loaded. I - you
158 know, I don't know where it's going to go if I miss. He's also standing just at
159 the right spot where - at the bottom of that slight elevation change, that next
160 street light is set right behind him. So I can see him good, but at the same
161 time, it's real bright behind him. So I'm still yelling at him. He's not pointing
162 at me. He's only pointing at his - at his head and he's retreating the whole
163 time. Um, I hear Steve putting - putting it all out on the radio. I'm still yelling
164 at him. Um, t- at this point, now I see the gun, "Drop the gun. Drop the gun."
165 We - for some re- like, I realize that we're - we're facing each other with
166 absolutely nothing in between us. So I step to the side. There's a little garden
167 wall. I step to the side so I have a - we have a little bit of cover. Steve comes
168 with me. I think the whole time he's on my left hip. At - as we make that
169 lateral movement, he turns and now is running away from us, southbound
170 Mulberry. Um, we take off after him. Steve's putting out on the radio, now
171 that he's running. We lose sight of him as he rounds that little fence where
172 that - where he was laying, yo- y- there was the chain link fence. They had
173 like a shrub, the vines all growing over it. We lose him as he rounds that
174 corner. At some point my HT falls out of my hol- out of my holster so I bend
175 down real quick and stop and pick it up and as I pick it up, I see now there is
176 another police unit in the street, and another officer using that vehicle as
177 cover. So I know we've got an angle coming around this corner, so I had
178 Steve and I hug that fence so we'd have some sort of cover. We get to the
179 corner of the fence. I'm like, "Hey, slow down. Um, we've got to clear this
180 corner real fast." I get down on my knee and as I'm getting down on my knee

181 to peek around the corner, I hear - I think it was Miller yelling, "He's proned
182 out. Watch it, he's proned out." So as I - as I peek around the corner, it takes
183 me a second to find him. Sure enough I see him, and he's laying like - it
184 looked like he was laying in a ditch. But he's laying in the ditch and he's
185 pointing right at us. So I immediately start pulling my head back because it
186 looked like he was aiming right at where Steve and I were. As I'm pulling my
187 head back, it started to slow down and I hear the first pop. And so my
188 immediate reaction - I'm still as I'm pulling my head back, I'm looking to see
189 if he - 'cause I'm thinking he's shooting at the police car.
190

191 Q: Mm-hmm.

192
193 A: As I look back around, I see Dave laying across the back of the trunk and I see
194 him fire a round, which I - I assume is his second round. 'Cause I - he said at
195 the scene he fired twice. Um, so as I see his second round fire, I immediately
196 turn back, because I now know the suspect is focusing on where he's getting
197 shot from. Maybe I can, you know, get some sort of - I couldn't shoot from
198 where I was because I was pressed up against that fence. I couldn't transition
199 my left shoulder and get a clean shot out. Um, but now I'm thinking, okay
200 he's distracted if he's not hit. Maybe I can move and do something. Um, but
201 as soon as I - I - it was literally one motion, I looked back, and he had been
202 laying facing me, aiming at us, and when I saw him again his feet were facing
203 me. He was laying face downhill. We real quick, somebody puts out, "Shots
204 fired." Between the four of us, we're real quick, "You okay? You okay? Yeah.
205 Okay, let's - let's move up on the guy." Um, I held long gun on him. 'Cause
206 we thought he might be playing possum. The plan was for two guys to step on
207 his arms because he was laying on his hands. Um, as soon as we get up there
208 though, I could see - I think I could see where the round had actually went
209 through his entire head. And I could see the look on his face and all the blood.
210 And I - I knew right away he was code eight. So I think Dave handcuffed him
211 and I put out on the radio, "It's a code eight. We need AMR here now." And
212 that's about where it ended.
213

214 Q: Dave uh, Dave, uh, put the cuffs on him?

215
216 A: I - I - Dave was kneeled over him. I think Dave cuffed him. Dave or Miller.

217
218 Q: Okay. Okay, now I want to take you by just a couple of things and clear up a
219 few things.

220
221 A: Okay.

222
223 Q: Um, uh, first time you, uh, when y- when you saw the guy, you came back
224 and uh, you originally saw him on uh, Spruce I believe, uh, Mulberry?
225

226 A: Yeah, we didn't see him until Mulberry.
227
228 Q: Yeah, you saw him on Mulberry.
229
230 A: Right.
231
232 Q: When you first saw him and he puts the gun to his head...
233
234 A: Right.
235
236 Q: ...you guys are pointing your guns at him.
237
238 A: Yes.
239
240 Q: You've got a shotgun?
241
242 A: Yes.
243
244 Q: Uh, when he - he's putting the gun to his head, about what distance are you
245 guys?
46
247 A: I would say 30 yards.
248
249 Q: Okay. About 30 yards between you and he? He's got the gun - he's got the
250 gun to his head.
251
252 A: Right.
253
254 Q: And at this point he never points it at you guys...
255
256 A: He - he...
257
258 Q: ...he's always got it at his.
259
260 A: Right.
261
262 Q: Um, you said about two - at least two or three times you said, "Let me see
263 your hands." This was prior to...
264
265 A: When he was walking away from me...
266
267 Q: ...when he was walking away, that's when you said, "Let me see your
68 hands."?
269
270 A: Right.

271
272 Q: Um, he puts the gun to his head and he starts saying, "Do it."? Something to
273 that effect, "Do it"?
274
275 A: Right. Right.
276
277 Q: Okay.
278
279 A: He's - he said - the first thing he said was, "You want to see my hands?" And
280 then he's like this. And then he's yelling, "Do it" or "Just shoot me" or
281 something. And I couldn't really hear the statements he was making after
282 (unintelligible) "Let me see your hands." "Here's my hands." After that I'm
283 yelling, the whole time I'm yelling, "Put the gun down. Just put the gun
284 down." So I'm not really hearing what he's saying because I'm yelling at him
285 the whole time.
286
287 Q: And he's retreat- you said he was retreating? He was walking backwards?
288
289 A: He was walking backwards slowly and...
290
291 Q: Walking backwards?
292
293 A: ...then he suddenly turns and starts running away from us.
294
295 Q: Okay. How far does he run?
296
297 A: Uhhhh.
298
299 Q: Let me - let me - let me rephrase that. When he's sitting there - and correct me
300 if I've got the picture wrong here, but he's got the gun to his head. Then he
301 takes off running...
302
303 A: Right.
304
305 Q: He's running down Mulberry?
306
307 A: Right.
308
309 Q: Uh, south. And then he makes that kind of turn like you said at the fence with
310 the shrubs on it?
311
312 A: Right.
313
314 Q: Whereabouts do you remember that you guys were on the street when he did
315 this?

316
317 A: Where did he start running from?
318
319 Q: When he - when he put the gun to his head...
320
321 A: Right.
322
323 Q: ...where - what - there's a two story house there originally?
324
325 A: Yeah, I think...
326
327 Q: Or...
328
329 A: ...I think that first - where that little guard wall I'm talking about, it's like a
330 little cinderblock wall. And it's like wrought iron, I think, with vines? He was
331 past that when I still had him facing me and I'm yelling at him. And then he
332 turns and runs. So probably...
333
334 Q: How far do you think he ran?
335
336 A: Probably at least that same distance that we were apart. He probably doubled
337 that to where he eventually ended up, if that makes sense?
338
339 Q: So you're saying, uh, he was - are you saying he ran about another 30 yards?
340
341 A: Yeah, I - I didn't...
342
343 Q: Give or take?
344
345 A: I didn't go back and - and - and look at it enough to have a real good picture.
346 He was proba- like there's - the fence goes and it has that little - that little
347 bend?
348
349 Q: Mm-hmm.
350
351 A: 'Cause Quinn and I are behind the angle.
352
353 Q: Okay.
354
355 A: And I'm calling that the corner. I would say he's - he's in the middle part of
356 the first part of the fence before the bend. Then he turns and runs around the
357 corner and then down to where he ended up.
358
359 Q: Okay.
360

361 A: So that's the dist- I don't know if that helps?
362
363 Q: Oh no, it does. So there really wasn't a - a big gap in time when he takes off
364 running and...
365
366 A: No.
367
368 Q: ...then he stops?
369
370 A: He...
371
372 Q: And that's when the...
373
374 A: ...walks...
375
376 Q: ...other unit is there?
377
378 A: Yeah, they were - they were literally - they must have been there the whole
379 time because as he starts to run, I start to run. HT drops. Stop, grabbed it.
380 They're right there.
81
382 Q: Okay.
383
384 A: Parallel with us.
385
386 Q: You know whose unit that was?
387
388 A: Uh, I know Miller was driving it.
389
390 Q: Okay. So Miller's unit pulls up.
391
392 A: Right.
393
394 Q: And then now you're concentrating on the bad guy?
395
396 A: Right. I mean it was literally - and I - the military term for it would be
397 "movement to contact" that's what it became at that point.
398
399 Q: All right. So now, so you look at - now you're - now you're on him. You're
400 looking at him around the corner.
401
402 A: Right.
03
404 Q: And he - when you say he's prone, is he actually on his belly, or is he almost...
405

406 A: He's...
407
408 Q: ...in a...
409
410 A: He is on his stomach.
411
412 Q: He's on full...
413
414 A: Flat on his stomach.
415
416 Q: ...full prone position on his...
417
418 A: It...
419
420 Q: ...stomach?
421
422 A: It looked like he was in a ditch. It looked like he had got some sort of cover
423 and was - he had like had a little improvised fighting position, if you will.
424
425 Q: Two hands on again for him?
26
427 A: Yeah.
428
429 Q: In prone?
430
431 A: Mm-hmm.
432
433 Q: And he's pointed directly at you guys?
434
435 A: He is pointed - I thought he was pointed it where he thought Quinn and I were
436 going to come around the corner. He might have been pointing at the car.
437
438 Q: It looked like - looked like to you he was pointing at you, correct?
439
440 A: Yeah, oh yeah.
441
442 Q: Okay. And then at that - at that point, is when you heard a shot?
443
444 A: A- at that point, I'm like, "Hey stupid, get your head out of his line of sight."
445 Because now I know where he is.
446
447 Q: Mm-hmm.
48
+49 A: And as I - literally as I'm making that movement to get out of the way, I hear
450 the first pop. And I thought he's shooting at the police car. Or he's shooting at

451 me. And so I keep looking back. I keep moving back to check on the other
452 guys and that's when I see Dave fire.
453
454 Q: So you see him. You see gun pointing at me?
455
456 A: Right.
457
458 Q: You ba- you - I don't want to say backed up, but you - you...
459
460 A: I was...
461
462 ((Crosstalk))
463
464 Q: ...turned the other way?
465
466 A: It was I turned my shoulder basically.
467
468 Q: Turned your shoulder so you're thinking...
469
470 A: Yeah.
471
472 Q: ...you're going to get shot?
473
474 A: Right.
475
476 Q: And then all of a sudden that's when you - you hear a gunshot?
477
478 A: Yes.
479
480 Q: Look over and then there's Dave - and we're talking about Dave Taylor?
481
482 A: Yes.
483
484 Q: And he's on the - is he on the rear? He's on the trunk of that car, correct?
485
486 A: He is - he is laying across from like the middle of the trunk, diagonally over
487 the back right, uh, corner of the trunk.
488
489 Q: Okay. So, sorry, he's on the Taylor on the trunk.
490
491 A: I mean his feet are on the ground, but he's laying...
492
493 Q: Yeah.
494
495 A: ...over it. That probably is a better...

496
497 ((Crosstalk))

498
499 Q: I understand what you mean. Okay. And then you actually see Dave take
500 another shot?

501
502 A: I - I saw the - the muzzle - it wasn't a flash, but I saw the gas come out. I saw
503 everything on the second shot.

504
505 Q: And then instantly you looked back over?

506
507 A: Yeah.

508
509 Q: And now - now all of a sudden this guy is not...

510
511 A: He's not...

512
513 Q: ...facing you in a prone position, he's the other way with - now his feet are
514 basically facing you so to speak?

515
516 A: Right.

517
518 Q: Okay. And no movement, no nothing obviously?

519
520 A: He never moved again.

521
522 Q: Okay. And then you guys formulated a tactical plan?

523
524 A: Mm-hmm.

525
526 Q: To approach? You guys approach. Uh, you - you had still had long cover?

527
528 A: Yes.

529
530 Q: Long rifle cover?

531
532 A: Yeah.

533
534 Q: And uh, as you approach him and you get to him, either Taylor or Miller -
535 you're not for sure which one - cuffs him?

536
537 A: I am 99.9% sure it was Dave. Because Dave actually - I don't want to say he
538 mounted, but he had his - he had a knee on his back and he had his han- I'm
539 sure it was Dave.

540

541 Q: Okay. And uh, once he's handcuffed, you're the one that called out for the uh,
542 ambulance?
543
544 A: Yeah, I - I think I - my literal words were, "Suspect is code eight. We need
545 AMR here now." And they said they're en route or something.
546
547 Q: You know if they were staging?
548
549 A: I - I don't think there was time for them to stage.
550
551 Q: How long do you think before the ambulance got there? Give or take?
552
553 A: Minute and a half, two minutes.
554
555 Q: Okay. Um, did you ever see uh, the suspect's gun at all?
556
557 A: I had - that's what I told the attorney, I don't think - I was never close enough
558 to it where I could pick it out in a line-up and he was laying on it when we got
559 to him, so I never saw it like close up to identify it.
560
561 Q: But no doubt you - you saw a gun though?
562
563 A: Yes.
564
565 Q: Okay, to the best of your recollections, let's start from the beginning where he
566 put the gun to his head.
567
568 A: Right.
569
570 Q: Could you tell what kind of weapon it was? A semi-automatic, revolver?
571 Could you even tell that much?
572
573 A: I remember...
574
575 Q: It's okay if you can't, but...
576
577 A: I remember I thought it was shiny. And that could of just been the - the street
578 light behind it.
579
580 Q: But you couldn't tell if it was a semi or a revolver?
581
582 A: No.
583
584 Q: Okay.
585

586 A: Un-uh.
587
588 Q: At any point throughout the whole thing when he was pointing it at you when
589 he was in the prone position, do you remember seeing it at all?
590
591 A: All I could see again was what I thought it - I thought it was maybe chromed
592 or - or it (unintelligible)...
593
594 Q: Possibly chromed?
595
596 A: I'm sure it probably wasn't chrome, but it wasn't - I don't remember it being
597 real dark black because I could see light reflect off of it. And when it was this
598 way all I'm seeing is like, you know, a little piece of it.
599
600 Q: Okay.
601
602 A: But so.
603
604 Q: Obviously it's a gun?
605
606 A: Oh yeah.
607
608 Q: There's no doubt about it? Okay. Um, at any time did you fire your weapon at
609 all?
610
611 A: No.
612
613 Q: Did you fire - you didn't fire the shotgun?
614
615 A: Mm-mm.
616
617 Q: You didn't fire your handgun? Any time did you take your handgun out?
618
619 A: It never left the holster.
620
621 Q: Okay. All shotgun the whole time. Do you recall anybody else firing at any
622 time?
623
624 A: Y- I thought he...
625
626 Q: Or what you saw?
627
628 A: I - like I said, I thought he might of fired first.
629
630 Q: You're talking about the suspect?

3

631
632 A: Right. So it's - that's the only - I don't know of any other officer that fired.
633
634 Q: Let me clarify that. Did you see any other officer fire a round?
635
636 A: No, no.
637
638 Q: Okay. All right. And did you - did you actually see the suspect fire a round at
639 all?
640
641 A: No.
642
643 Q: Okay. All right. Let me just look at my notes here and make sure I got
644 everything?
645
646 A: Yeah.
647
648 Q: Did you guys actually interview his wife at all or d- was it - a brief statement
649 or?
650
651 A: I believe (Bolerice) handled the initial part.
652
653 Q: Okay.
654
655 A: That - that first part. And I know Steve talked to her in depth. Uh, in depth
656 before (Bolerice) said, "Hey, this is my beat. I'll handle it."
657
658 Q: Okay. And when this all originally started, dispatch is the one that put out, uh,
659 "He's on parole for assault with a deadly weapon on a PO."?
660
661 A: Something to that effect. I...
662
663 Q: Okay.
664
665 A: I don't know if she said 245 - it was he. I don't know if he said 245 or - it was
666 something, attempt murder, 245 on a PO, something like that.
667
668 Q: Okay. See any other officers near or at the same car where Officer Taylor
669 was?
670
671 A: Uh, Miller was...
672
673 Q: (Unintelligible).
674

675 A: Uh, Miller was driving and I don't remember that I looked over when I saw
676 the shots, 'cause that was the only other time I looked over at the car. Um, I
677 don't remember if Miller was in the driver's seat or if he was taking cover on
678 that - on the back side of the car. 'Cause I immediately focused on Dave.
679

680 Q: Did you even see Miller there?
681

682 A: Uh, I don't think I did.
683

684 Q: Okay.
685

686 A: I know he was there, but I didn't see him there.
687

688 Q: That's all right. No, I just wanted to know if you actually saw him.
689

690 A: Right, right.
691

692 Q: Uh, and Officer Taylor he's the canine unit, he didn't have his canine with
693 him, did he?
694

695 A: No.
696

697 Q: Okay.
698

699 A: It was - it was happening so fast that - that I was getting bits and pieces of the
700 radio traffic. Units were responding. We were making contact initially with
701 the RP who was directing us to where this guy was. And I heard Dave go 97
702 and - and I didn't hear any cars coming up behind us. So I knew he was
703 probably getting out and coming up to us. 'Cause then right away it just
704 started happening real fast.
705

706 Q: Okay. Um, you remember, how was the lighting around? Street lights or
707 what?
708

709 A: Uh, it was - yeah, street lights were on.
710

711 Q: Mm-hmm.
712

713 A: Um, I don't remember a whole lot of outside lights on houses. Um, because
714 almost right away it went from he came away from houses and we moved so
715 that we were in line with him down the sidewalk. So like I said with that one
716 street light he was - he was backlit real bad with one of the street lights. And
717 that's all I remember is orange lights on him the whole way.
/18

719 Q: Okay. But as far as um, was - with street lights its light enough to see? You
720 were able to see with no problems seeing him?
721
722 A: No, yeah.
723
724 Q: See him proned out?
725
726 A: Yeah.
727
728 Q: See him laying there pointing a gun at you? You could see that - that there
729 was enough lighting from the street lights to see all (unintelligible)?
730
731 A: At that point Miller had a spotlight on his car on too.
732
733 Q: Okay. So there was a spotlight on him also?
734
735 A: Mm-hmm.
736
737 Q: While he was proned out?
738
739 A: I believe so.
740
741 Q: Okay.
742
743 A: And actually, I think I remember as we were walking up that corner, I think I
744 remember seeing a spotlight sweep - like across the street. Like someone was
745 turning it to angle in the direction he was. I think I remember it moving across
746 the street in front of us.
747
748 Q: Okay. All right, I don't think there's anything else. Can you think of anything
749 that uh, I might not of asked you, you think might be important that you'd like
750 to add to this?
751
752 A: I don't think so.
753
754 Q: Okay. I'm going to conclude the interview. It is approximately 1:13 am.

755

756

757

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

760

Signed  #1459