

SUPPLEMENTAL REPORT

1. Original File No. P15-028755		2. [Redacted]		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 Clr. Exc		14. Type Cont. Rec		15. Additional Adults Arr.		16. Additional Juv. Arr.					
17. Address of Occurrence (Street No. - Name - City) 2865 Prospect Ave. Riverside, CA													18. Type of Place Residence										
For ID USE: V = Victim, I = Informant, W = Witness, O = Other																							
19. ID: V-1		20. Last Name - First - Middle (Firm Name if Business) Officer Spencer Weddle										21. Race - Sex		22. DOB									
23. Residence Address								24. Business or School Address Riverside Police Department						25. Home Phone		26. Bus. Phone							
27. V-2		28. Last Name - First - Middle (Firm Name if Business) Office Daniel Macias										29. Race - Sex		30. DOB									
31. Residence Address								32. Business or School Address Riverside Police Department						33. Home Phone		34. Bus. Phone							
S U S P E C T	35. LAST Name - First - Middle Lewis, Steven Robert (Deceased)						36. Race - Sex W / M		37. Age 51		38. Ht. 510		39. Wt. 180		40. Hr. Bro		41. Eyes Grn		42. DOB or ID 2/12/64		43. Arrested <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
	44. Address - Clothing - Other Marks or Identifying Characteristics 2865 Prospect Ave. Riverside, CA																						
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 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 <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																							
57. PS		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.			
57. PR		\$		\$		\$		\$		\$		\$		\$		\$		\$		\$			
60. Originally Reported Offenses (Code - Crime) (1) 664/187 PC - Attempt Murder on P.O. (2)										61. Original Offenses Changed to (Code - Crime) (1) (2)										58. Stolen Auto Value ASP: \$		59. Recovered Auto Value A2 \$	
62. Narrative of Supplemental Report Interview of Officer Macias																		Reporting Officer Det Rick Cobb					
																		Reviewed By <i>McLoy 177</i>					
																		COPIES TO					
																		VCLO ()					
																		ACTIONS					
																		APR Sent					
																		APR Cncl.					
																		APB Sent					
																		APB Cncl.					
																		DOJ-NCIC					
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Det Rick Cobb #260

V-3 Officer Edwin Romero Riverside Police Department

Interview of Officer D. Macias (Victim #2)

Officer Macias was interviewed at the Magnolia Station. The interview took place on 2/24/15 at approximately 0254 hours. Detective Wheeler and I conducted the interview. Officer Macias' attorney, Saku Ethir, was also present. Deputy District Attorney John Brandon was also present along with his investigator, Scott Michaels.

The interview was audio taped with my department issued recorder. The recording was later downloaded to the department server.

Prior to the interview, Ms. Ethir asked to make a statement. She stated that Officer Macias was providing this interview while complying with Riverside Police Department policy 4.8.

Officer Macias said that when this shooting occurred, his call sign was "Charlie 236". He was partners with Officer Weddle and they were riding in Unit 3506. Officer Weddle was the passenger and he was driving. Officer Macias was dressed in full RPD uniform at the time of the interview. He said he was dressed the same when the shooting occurred.

Officer Macias said they were dispatched to a call at 2865 Prospect Avenue. The call was regarding a "22" gunshot heard at the residence, followed by silence. He remembered the address from a call he and Officer Weddle responded to yesterday. The previous call was regarding loud music. He said they spoke to a man and a woman named Steven and Isabel Lewis.

Officer Macias said that when they arrived at the call tonight, Officer Weddle went to the front door and he covered the west side of the house. He said he had a visual to the backyard, along the west side of the yard. He heard Officer Weddle knock at the door and then talk to a man inside. He said he believed it was Steven Lewis because he recognized his voice. He heard Lewis ask Officer Weddle what he wanted and then heard footsteps to the rear. He believed Lewis was leaving out the back of the residence.

Officer Macias said that when he heard Lewis going towards the back, he hurried down the west side of the house to the chain link gate. He then saw a subject duck into the metal shed. He said he believed it was Lewis. He then heard the sound of metal hitting metal, as if something metal was being placed against the metal shed.

Officer Macias said he was still on the front yard side of the gate, watching the shed. He then saw Lewis exit the shed. He said pointed his duty weapon at Lewis and told him not to move. Lewis then immediately went back into the shed. He said he kicked open the gate and took a position at the southeast corner of the shed. He was covering the opening on the shed which facing east.

Officer Macias said he "pied" the opening of the shed to try and see inside. He then saw Lewis exit the shed holding a shotgun at his waist and pointing it directly at him. He did not remember if Lewis was holding the shotgun on his left or right side. He said Lewis fired the shotgun at him, missing him. He said he felt the heat from the shotgun blast, but did not feel any fragments. He said Lewis was about 10 to 12 feet from him when he fired the shotgun. He said he then fired 2

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to 3 shots at Lewis. He said Lewis then quickly ducked behind the rear of the shed that faced north. He said he took cover on the south side of the shed. He said Officer Weddle was with him and he told Weddle to get on the radio and tell them "shots fired."

Officer Macias said he again "pied" the east side of the shed. He then saw Lewis come out from the rear of the shed with the shotgun at his waist and shoot at him. He said half of Lewis' body was exposed from the rear of the shed and the other half was behind the metal of the shed. He said Lewis missed him again so he shot 2 to 3 rounds at Lewis. He did not know if he hit Lewis. He said he fired at the shed, in the approximate location where half of Lewis' body would be.

Officer Macias said that he and Officer Weddle then "pied" the east side of the shed again to attempt to see Lewis. He then heard 3 to 4 shotgun blasts coming from the rear of the backyard. He said they could not see Lewis, but believed he was shooting at them from behind the black netting. He said he and Weddle were parallel with the shed and the house when they were shot at. He said he and Weddle were within arms distance of each other and Weddle was to his right. After they were shot at, he and Weddle then ran to the front of the house.

Officer Macias said that He told Officer Weddle to cover the front of the house while he ran after Lewis. He said he ran west bound on Prospect and then north bound on Park. He said he saw Officer Romero on foot so he covered the alley behind Prospect and awaited back-up.

Officer Macias said he did not have his recorder on during the incident.

No further.

RIVERSIDE POLICE DEPARTMENT
Public Record Request
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INTERVIEW WITH OFC. (DANIEL) MACIAS

Q=Det. (Rick) Cobb

Q1=(Saku Ether)

Q2=(John Brandon)

Q3=Det. (Rick) Wheeler

A=Ofc. (Daniel) Macias

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10
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13
14
15 Q: All right. Okay. This is Detective Rick Cobb. It is, uh, February 24, 2015,
16 approximately, uh, 2:54 am. This is an interview with Officer Daniel Macias
17 regarding Riverside Police Department Case Number P as in Paul, 15028755.
18 Um, if we can go around the room and just have everybody that's here
19 introduce themselves please.
20

21 Q1: Saku Ether, um, RPOA attorney representing Officer Macias.
22

23 Q2: Uh, (John Brandon), Riverside DA's Office.
24

25 Q3: Uh, Detective Rick Wheeler, Riverside PD.
26

27 Q: Okay. And before we get started, uh, Saku, you wanted to say somethin'?

28
29 Q1: I do. Um, pursuant to, uh, policy section 4.8, Officer Macias is here to comply
30 with the requirements that he has under that, uh, policy and provide you the
31 statement, and respond to any questions that you have.
32

33 Q: All right. Thank you very much. Okay. Uh, kinda before we get started. What
34 was your assignment tonight, your call sign?
35

36 A: I was, uh, (Charlie) 236, uh, partner in car with Officer Weddle.
37

38 Q: Okay. Do you happen to remember what unit you were drivin'?

39
40 A: 3506 sir.
41

42 Q: Okay. And were you a driver or passenger tonight?

43
44 A: Driver.
45

46 Q: Okay. And just for the record, you're currently dressed in Riverside Police
47 Department uniform. You have your Sam - Sam Browne gun belt and the
48 whole works. Uh, is that how you were dressed earlier tonight when this
49 incident occurred?

50
51 A: Yes sir.

52
53 Q: Okay. Very good. Um, if you would - kinda like we talked about before, if
54 you'd just take us from the beginning of when you got the call and where you
55 responded, and just take it from there.

56
57 A: Okay. Uh, Officer Weddle and I were dispatched to a 4-15, uh, verbal. Um,
58 dispatch advised that the RP, um, possibly heard a gunshot and thought it was
59 a 22, uh, caliber, um, gunshot that had went off, followed by a silence at the
60 residence. Um, Officer Weddle and I responded. We parked, um, a house east
61 from the residence and walked to the, uh, to the residence. Uh, we
62 immediately noticed that the residence was, uh - uh, from a prior call the night
63 before. Uh, we responded to that residence on a, uh, loud music complaint.
64 Uh, so I - I was familiar with the husband and wife that were livin' there. I
65 obtained their - their name that night as, uh, (Steven Lewis) and I believe it
66 was (Isabelle Lewis). Uh, also during the previous call the night before
67 dispatch advised that there was a 4-15, uh, verbal, um, during b watch that day
68 and they advised us of that. Um, we approached the house. Officer Weddle
69 made beeline to the front door. I covered the - the west side of the house, uh,
70 with visual to the rear yard. Um, Officer Weddle knocked on the door. He
71 made verbal contact with a male inside the house who I believe was, uh, Mr.
72 (Lewis) based off of the sound of his voice which I remembered from the
73 night before. Uh, Mr. (Lewis) responded something to the affect of, "Yeah.
74 What do you want?" And then I heard footsteps goin' to the rear of the house
75 which I assume Mr. (Lewis) was attempting to leave out the back door of the
76 house. Um, I went down the west side of the house towards the backyard
77 where there is a four foot chain link fence and a gate, which was secured by a
78 - a wire. Um, once I made it to that point, I seen a s- a subject quickly duck
79 into a, uh, metal shed. I believe that subject was Mr. (Stevens), uh, even
80 though I - I did not get a good, uh, visual on his face. Uh, once he entered into
81 the, uh, metal shed I heard, uh, the sound of two metal items hitting. Uh, I
82 assume that, uh, Mr. (Stevens) was attempting to hide something - a metal
83 object. Uh, Mr. (Stevens) then exited the shed. At that point, I did get a visual
84 of his face and I did recognize him as Mr. (Stevens). I mean, uh, correction,
85 Mr. (Lewis). Um, he was unarmed at that time. I pointed my pistol at him,
86 advised him to show me his hands and not to move. Uh, at that time, Mr.
87 (Lewis) ducked back into the shed. I lost visual of him momentarily. I kicked
88 open the gate. Um, as I pried the shed, um, Mr. (Lewis) exited with a shotgun
89 in hand about waist level, fired one round. Uh, I was able to respond with two
90 to three rounds of fire, uh, towards him as he ducked behind the shed. Um, I

91 then ducked behind the shed to - to take cover. Uh, at this point, Officer
92 Weddle was with me. I advised him to, uh, get on the radio with dispatch for
93 shots fired. I pried the shed again. At that point, um, Mr. (Lewis) again came
94 out from behind the shed with the shotgun in hand. Uh, I returned fire
95 immediately and he fired another round. Uh, Officer Weddle and I ducked
96 back behind the shed to take cover. Came back out a third time, pried the shed.
97 And we noticed approximately three or four rounds being fired in our
98 direction but this time the sound was from a distance into the backyard. Uh,
99 because of where the shots were coming from, I suspected that, uh, that the
100 suspect was attempting to flee down the alley. We - we did not return fire
101 because we did not have visual on him. Uh, we were unable to illuminate the
102 backyard with our flashlights because the, uh, there was a baseball cage filled
103 with netting and when we did so, the only thing that lit up with the, uh, the
104 batting cage. And we couldn't see any further beyond that. Um, I told Officer
105 Weddle to, uh, standby to the front of the house and secure the house. At that
106 point, I ran westbound on (Prospect) and then northbound on (Park) until I
107 came to the alley. At that point, I saw Officer Romero on foot heading, uh,
108 eastbound on (Pleasant) and I held that position in the alley, uh, to start the
109 perimeter.
110

111 Q: Okay. All right. Very good. Um, what I wanna do is kinda just take you back
112 right to the beginning. Um, when you arrived you said you were kinda
113 covering - was that the left side of the house?
114

115 A: Yes.
116

117 Q: Where the - we - we were both at the house and there's a small walkway on
118 the left side which goes back towards, uh, the backyard and there's a small
119 gate and then a little metal shed...
120

121 A: Yes.
122

123 Q: ...right there. Um, right at first were you still at the front of the house when
124 you thought you heard somebody goin' towards the rear?
125

126 A: Uh...
127

128 Q: When you heard the footsteps?
129

130 A: Yes. I - I heard the, uh, I was on the - the one two corner to have visual both
131 on Officer Weddle as he approached the house and to have visual down to the
132 backyard.
133

134 Q: Okay. And then when you heard the footsteps and it sounded like - did you
135 actually hear, like, a door open or somethin' when it sounded like someone

136 was goin' out the back?
137
138 A: Uh, once I heard the footsteps goin' to the back I started makin' my way to
139 the back and yes. I heard the back door open and close.
140
141 Q: Okay. And you got - you got to the gate but at this time you were still on the -
142 I guess the front...
143
144 A: Front yard portion.
145
146 Q: ...side of the gate?
147
148 A: Yes sir.
149
150 Q: And you saw a subject go into the shed...
151
152 A: Yes sir.
153
154 Q: ...at that point?
155
156 A: Yes sir.
157
158 Q: Okay. And you assumed it was Mr. (Lewis) but you couldn't quite identify
159 him at that point, correct?
160
161 A: Correct.
162
163 Q: Okay. Were you yelling at anything? Were you yellin' at him to come out or
164 anything like that?
165
166 A: Not at that point sir because I wanted to keep my location unknown.
167
168 Q: Okay. So you're just holdin' and then he - then he comes out?
169
170 A: Yes sir.
171
172 Q: And at that point he was unarmed?
173
174 A: Yes sir.
175
176 Q: Okay. You pointed your gun at him, is that correct?
177
178 A: Yes sir.
179
180 Q: Okay. And then he immediately went back into the - did he - went back into

181 the shed, right?

182

183 A: Yes sir.

184

185 Q: Did he say anything at all?

186

187 A: No sir.

188

189 Q: No. And let me - I'm sorry. I kinda jumped at - you said you heard some
190 metal on metal. Was that before he came out?

191

192 A: Yes. Once he went into the shed I heard the metal on metal. Sounded like he
193 had set something down up against the shed that was also metal.

194

195 Q: Okay.

196

197 A: Um, and then he exited, uh, just a few seconds after he made that point inside
198 the shed.

199

200 Q: Okay. And then - so now he goes back into the shed?

201

202 A: Yes sir.

203

204 Q: And then it's at that point he comes out with a shotgun?

205

206 A: When he dives back into the shed and that's after I already gave my orders for
207 him not to move. Um, that's when I kicked the gate open and entered into the
208 backyard.

209

210 Q: Mm-hm.

211

212 A: And then I pried the shed. And when I pried the shed he - he had come out. And I
213 don't remember if he came out of the door of the shed or from behind the shed
214 but I - I thought it was from - from inside the shed. And he w-I remember he
215 was holdin' the shotgun at his waist.

216

217 Q: So you actually physically saw him, not just the shotgun or the barrel. You
218 actually saw him holding the shotgun?

219

220 A: Yes. He was facing directly towards me.

221

222 Q: Okay. Did he actually step out or was, like, half of his body coming out of the
223 door?

224

225 A: Uh, he - he, uh, stepped out. He was - his whole body was, uh, was not being

226 covered by a shed.
227
228 Q: Okay. And he's holding - kinda describe it. I'll - I'll explain it (unintelligible).
229 Describe how he's holdin' the shotgun.
230
231 A: So he's kinda down here, like, this with the shotgun at his hip.
232
233 Q: So he's actually holding it on - on his left side?
234
235 A: Uh, I believe so. I - I don't remember exactly. I just remembered that the
236 barrel was down here at his hip.
237
238 Q: Okay. It's down at his waist line?
239
240 A: And I'm a left hand shooter so that's probably why I'm doin' this but he had it
241 - his - I saw the barrel down here at his - at his waist...
242
243 Q: At his waist?
244
245 A: ...as opposed to up at his shoulder.
246
247 Q: But first it was down here and then he actually raised it up?
248
249 A: No. It - I'm sayin' I saw the barrel down here at his waist as...
250
251 Q: 'Kay.
252
253 A: ...opposed to up...
254
255 Q: Oh. As opposed to. I'm sorry. I didn't hear that.
256
257 A: (Unintelligible).
258
259 Q: Okay. All right. So I'm- so he comes and he actually fired a round at you?
260
261 A: Yes.
262
263 Q: Okay. You saw the blast and you heard it and everything else?
264
265 A: Yeah.
266
267 Q: Okay. Did it - could you tell - could - did you feel any...
268
269 A: I felt the...
270

271 Q: ...debris comin' from...

272

273 A: I felt the...

274

275 Q: ...(unintelligible)?

276

277 A: ...the heat, uh, from the - the burst come out. Um, I didn't feel any fragments
278 or anything like that hit me.

279

280 Q: Okay. And you immediately returned fire at him?

281

282 A: Yes sir.

283

284 Q: Do you remember how many rounds you fired at that point?

285

286 A: Approximately two to three rounds.

287

288 Q: Okay. Could you tell if you actually hit him or not?

289

290 A: No I could not.

291

292 Q: Okay. You couldn't tell?

293

294 A: No.

295

296 Q: Okay. Now what - so when you fired back at him he jumped back into the
297 shed?

298

299 A: He jumped back behind the shed.

300

301 Q: Now it's behind the shed?

302

303 A: Correct.

304

305 Q: Okay. And then what happens right after that, he comes out again?

306

307 A: Uh, so he dives back behind the shed. I dive back behind the shed. And then I
308 start to pie the shed again to go forward. And when I do that he pops out, um,
309 kinda half his body comes out from behind the shed again with the shotgun
310 down at his waist line, and fire again in my direction. And, uh, at that point, I
311 fire another two to three times towards - towards him.

312

313 Q: And when you fired that second time the gun was pointed right at you?

314

315 A: Yes sir.

316
317 Q: Okay. Um, and you were - fired two to three times. Did you actually - do you
318 know if you hit the shed at all or did you...
319
320 A: I believe I did hit the shed because once he dived back behind the shed, um, I
321 was hoping because the metal on those sheds are pretty thin.
322
323 Q: Mm-hm.
324
325 A: And I was hoping that some of my rounds would go through and strike him
326 and to disable him.
327
328 Q: Okay. So now he's dived back in. Tell me again what happens right after that
329 part after the seize. He's now fired at you twice.
330
331 A: Uh, at that point, I believe Officer Weddle had also - was involved in that
332 second part and also fired rounds. And so after he shoots the second time, we
333 both duck behind the shed. I tell him to get on dispatch - get on the radio with
334 dispatch. We pie a third time and that's when we're fired at three to four times
335 but that's from the distance. And that's when we believed he - he moved from
336 the back of the shed to the, uh, rear yard back towards the alley.
337
338 Q: And when you s- when you begin to hear these next three shots, where exactly
339 were you?
340
341 A: Uh, we were, um, parallel with the shed and the house. So we had, uh,
342 basically just came out from under our cover from the shed and started to pie
343 again when he fired on us three or four times.
344
345 Q: Were you actually toward more closer to the house or you're more into the,
346 uh, kinda the yard - the backyard?
347
348 A: Um, more closer to the house.
349
350 Q: Okay. Were you in be- I - I - I remember bein' there. There's the shed and
351 then there's kinda, like, a - a barn type shed or somethin' on the other side.
352 And that's probably par- actually part of the house.
353
354 A: Right.
355
356 Q: And there's a side door.
357
358 A: And...
359
360 Q: Were you guys in between there or were you kinda...

361
362 A: Right.
363
364 Q: ...further in the backyard?
365
366 A: Where - where that side door was, um, during the shooting - I'm assuming it
367 was the suspects children - grown children. Uh, they had came out that door
368 during the shooting and we advised them to go back inside and close the door.
369 But they would not do it. Um, and they stayed there which was a distraction to
370 us.
371
372 Q: Okay.
373
374 A: Um, but the, uh, so the house - the house is kinda, like, an L. Um, at least
375 that's what I perceived. That - it looked like more of a addition to the house.
376 Uh, the shed would be here so we're - we were in that L area and, uh, kinda
377 parallel with the shed. 'Cause here - if this is a shed, we walked out to pie this
378 way and that's when we were fired on.
379
380 Q: How close were you to Officer Weddle when you were shot at...
381
382 A: Uh...
383
384 Q: ...the last time when the three rounds came?
385
386 A: Arms distance.
387
388 Q: So you were right next to each other pretty much?
389
390 A: Yeah.
391
392 Q: Okay.
393
394 A: Yeah. 'Cause once we - once those three or four shots came back, we - we
395 ducked back behind the shed again.
396
397 Q: Was Officer Weddle kind of, um, in front of you so to speak where he would
398 be more into the backyard?
399
400 A: No. Well what had happened was after the three to four shots we ducked back
401 in. And then we went forward to see if we can visually see him. And that's
402 when we tried to illuminate the backyard but we couldn't because the, uh, the
403 batting cage nets...
404
405 Q: Mm-hm.

406
407 A: ...were there. And so when we shined our lights, the only thing that we could
408 see is a reflection off the nets. So we couldn't see through the nets. So at that
409 point, that's when I t- we came - we retreated back and I told him to hold in
410 front of the house and that I would circle around to the back alley. Because we
411 knew he was goin' towards the back alley based off of where the last shots
412 were comin' from.
413
414 Q: Mmm. Okay. So I - I just wanna make sure I'm clear. When you - you start to
415 pie out - this is before the last three shots that you hear, was - which side was
416 Officer Weddle to you?
417
418 A: My right.
419
420 Q: Your right. Was he more directly to your right or was he a little more in front
421 of you?
422
423 A: Uh, he coulda been, uh, a f- maybe a few feet in front because as I was the
424 first one to pie out and then he pied out on my right side.
425
426 Q: Okay. While you guys were out there and you were piein', did any of you
427 return fire at that point with the three shotgun blasts?
428
429 A: I did not. I don't be- I did not hear him return a fire at that point.
430
431 Q: Okay. You do not though?
432
433 A: No.
434
435 Q: Okay. Um, you got anything while I'm thinkin' real quick?
436
437 Q3: Yeah. Um, just so I make sure I've got the, uh, order of events right. Um, once
438 Officer Weddle, uh, is at the front door and you hear the steps goin' to the
439 back, back doors open up, you're still on the south side of that gate that
440 seriates the backyard from the front yard...
441
442 A: Yes.
443
444 Q3: ...yard, am I right?
445
446 A: Yes.
447
448 Q3: Is it from the south side of that gate that you see, uh, Mr. (Lewis) come out the
449 back door and then go toward the shed?
450

451 A: I saw a - at that point, I saw a person...

452

453 Q3: A subject I should say.

454

455 A: Right. Who - I - I didn't see his face because he was facin' away from me...

456

457 Q3: Sure.

458

459 A: ...w- goin' away from me and into the shed. So I saw a person, um...

460

461 Q3: Clothing, stature, so forth - did it remind you of anybody that you'd seen

462 before?

463

464 A: Um, it - it was a similar - the body frame to when I met, um - um, (Steven) the

465 night before.

466

467 Q3: Okay - okay. And this person goes straight in- into the shed. And you said at

468 that point, you didn't say anything 'cause you didn't want to give up your

469 position.

470

471 A: Correct.

472

473 Q3: And then you hear the metal inside the shed. And if I remember right you said

474 that it sounded like something being leaned against the shed, is that what I'm

475 understanding?

476

477 A: Yes.

478

479 Q3: Okay. And how soon after you hear that noise do you then see (Steven) come

480 out of the shed?

481

482 A: Uh, just a couple seconds.

483

484 Q3: F- fairly quick...

485

486 A: Um...

487

488 Q3: ...then?

489

490 A: And he comes out the shed with the intention of going back into the house. So

491 he came...

492

493 Q3: Okay.

494

495 A: ...out the shed and went straight back to the house which 10 - the shed is

496 might - might be 10 - approximately 10, 12 feet away from...
497
498 Q3: Okay.
499
500 A: ...the actual house. Um...
501
502 Q3: So a few steps from the shed to that back door he had just come out?
503
504 A: Correct.
505
506 Q3: And you - having seen that backyard - are - when he exits the shed and comes
507 out, are you still on the south side of that gate...
508
509 A: Yes.
510
511 Q3: ...just observing him?
512
513 A: Yeah. And that's when I made my presence known.
514
515 Q3: Okay.
516
517 A: Um...
518
519 Q3: And was that because when he exited the shed, he's now armed?
520
521 A: Uh, he is unarmed at that time.
522
523 Q3: At that time. Okay.
524
525 A: Um, so my train of thought going back to when Officer Weddle made contact
526 at the front door. Okay. So now he made contact with Officer Weddle. He
527 responded to Officer Weddle. He knew Officer Weddle was there.
528
529 Q3: Right.
530
531 A: But yet he did not - instead - instead of going to Officer Weddle, he went out
532 the back door which is suspicious behavior to me.
533
534 Q3: Sure - sure.
535
536 A: Especially when you're dealing with a 415 family.
537
538 Q3: Okay.
539
540 A: Okay. So that's immediate suspicion.

541
542 Q3: Sure.
543
544 A: And so I - I followed the - the noise of him walking out to - towards the rear
545 of the yard.
546
547 Q3: Right.
548
549 A: Um, so...
550
551 Q3: Now you've got the metal inside the, uh, the shed that's being made. And then
552 he exits the shed, nothing in his hands at this point. Heading toward...
553
554 A: Correct.
555
556 Q3: ...the door. And you said you identified yourself?
557
558 A: Yes. I - I - I s- I just pointed my gun at him.
559
560 Q3: 'Kay.
561
562 A: I told him, "Freeze. Show me your hands. Don't move."
563
564 Q3: Did he say anything to you when you made that announcement?
565
566 A: He did not say anything.
567
568 Q3: And his initial reaction is to turn and go back to the shed?
569
570 A: Instantly. He - he...
571
572 Q3: Okay.
573
574 A: He stopped for a moment, like, he was shocked.
575
576 Q3: Okay.
577
578 A: And then he just went right back into the shed.
579
580 Q3: Is that at the point where you, uh, kick op- open the gate...
581
582 A: Yes.
583
584 Q3: ...and go inside?
585

586 A: Yes.

587

588 Q3: Are you communicating with Officer Weddle or where is Officer Weddle at
589 that moment?

590

591 A: Officer Weddle's still at the front.

592

593 Q3: Okay.

594

595 A: Um, I didn't have time to specifically, um, communicate with him.

596

597 Q3: 'Kay.

598

599 A: Uh, but I did yell it loud enough to where I knew that he would hear me.

600

601 Q3: Okay.

602

603 A: And that - I believe that's - shortly after, that's when he came around the
604 backside.

605

606 Q3: Okay.

607

608 A: So...

609

610 Q3: Was he there when you kicked the gate in?

611

612 A: No.

613

614 Q3: Do you remember? Okay. So you were making entry into the backyard on
615 your own initially?

616

617 A: Yes.

618

619 Q3: Okay. Uh, once you make entry, how far do you make it into the backyard
620 before, uh, do you see (Steven) exiting the shed the second time?

621

622 A: Well it's, um, I probably went three feet - three to six feet inside the fence and
623 then I had to go maybe eight to 10 feet, um, away from the probably line.

624

625 Q3: 'Kay.

626

627 A: Basically to where I could get a view of the opening of the shed. 'Cause the
628 opening of the shed is facing east.

629

630 Q3: Right.

631
632 A: So I came in north and the shed is kinda canted this way.
633
634 Q3: Okay.
635
636 A: So I hadda come in and then go this way...
637
638 Q3: (Unintelligible).
639
640 A: ...so I can get a view of inside the shed. And at that time, when I - when I got
641 that view, that's when he pops out with the shotgun and pops off a round.
642
643 Q3: Okay. And when he comes out, uh, I know you said he had the gun orientated
644 down toward his waist.
645
646 A: Yes.
647
648 Q3: It - the barrel though, is it pointed in your direction?
649
650 A: Yes.
651
652 Q3: Okay.
653
654 A: Towards me.
655
656 Q3: Do you - do you think he can see you at this point?
657
658 A: Yes. The porch light was on.
659
660 Q3: And you're in uniform so he knows you're a police officer at this point?
661
662 A: Yes sir.
663
664 Q3: And when he fires that - that first round at you, um, what distance would you
665 say the two of you were at?
666
667 A: I'd say approximately, you know, the width of the shed. 10 to 12 feet.
668
669 Q3: Okay. And he's coming from inside the shed, am I correct?
670
671 A: Um...
672
673 Q3: Or outside of it?
674
675 A: It's uncertain. I - I believed he was coming from inside the shed but it's

676 possible that he could've just popped out from, uh, behind the shed. It's only a
677 - a one or two foot difference on...
678
679 Q3: Sure.
680
681 A: ...on that. So, uh, I'm unsure about that but, uh, I know he just kinda popped -
682 kinda popped out from - from cover. So whether it was from inside the shed or
683 from the backside of the shed, I don't remember exactly.
684
685 Q3: And if I remember right do you actually see the muzzle flash from the
686 shotgun?
687
688 A: Yes.
689
690 Q3: Okay. And it - that's pointed your direction essentially?
691
692 A: Yes.
693
694 Q3: Um, and at that point, is that when you respond and - and fire two to three
695 rounds roughly at his direction?
696
697 A: Yes.
698
699 Q3: Do you know - I'm not sure. I think Detective Cobb asked but, uh, do you
700 remember if any of those struck him at all or do you remember him
701 responding to your shots being fired?
702
703 A: He - he did not, uh, make any noises, um, that I can remember. And, um,
704 when - again when - I don't - I'm not sure if I hit him or not. But on that - the
705 second pie, you know, he was able to stand and, uh, and fire - fire again at us.
706
707 Q3: Okay.
708
709 A: Um...
710
711 Q3: And was the gun held, uh, when he fires - and you're saying at us, is Officer
712 Weddle with you at this point?
713
714 A: On that - correct.
715
716 Q3: Okay.
717
718 A: He was.
719
720 Q3: So now is the gun leveled in the same manner of fashion toward you and

721 Officer Weddle when he fires a second shot?
722
723 A: Yes.
724
725 Q3: Okay. Um, and this time if I remember right you said he's actually on the
726 backside of the, uh, shed that - during that second shot?
727
728 A: Yes.
729
730 Q3: And only part of his body's exposed at this point?
731
732 A: Correct.
733
734 Q3: Okay. And you said you respond with two to three rounds of fire or one or
735 two or?
736
737 A: Yeah. Um, I mean it may have been a little bit more. I know I put - I did put -
738 remember putting probably two rounds into the corner of the shed where he
739 would initially duck behind.
740
741 Q3: Okay.
742
743 A: Um, like I said hopefully because of the fact that I know those sheds aren't
744 very much cover.
745
746 Q3: Right.
747
748 A: And we didn't - we were using it more as, you know, um, camouflage more
749 than cover because we were concealment. They weren't...
750
751 Q3: Right.
752
753 A: If he decided to shoot us through the shed he easily could have.
754
755 Q3: Bullets will go through it essentially?
756
757 A: Correct.
758
759 Q3: Um, and then is it - how much time do you anticipate after he fires that second
760 shot at you and Officer Weddle and you guys return, how much time is there
761 before you realize there's something deeper down in the, uh, back part of the
762 backyard?
763
764 A: From the - from the time he fired the second shot to the third round of shots?
765

766 Q3: Yes - yes.
767
768 A: Um, I would say, uh, maybe five seconds. Uh, not very...
769
770 Q3: Fairly quick then?
771
772 A: Yeah. Um, the - beca- there was a little bit of delay like I said 'cause when we
773 came back a second time, that's when I had told Officer Weddle to advise
774 dispatch there was shots fired. Um, so we had to kinda communicate a little
775 bit so there was a little bit of time there. And then that's when we pried the
776 third time.
777
778 Q3: Okay.
779
780 A: And when the - the third round was shots were fired, it was from the - more of
781 a distant. And we didn't see, uh, where he was.
782
783 Q3: Okay.
784
785 A: And that's why I didn't re- return fire at that point. Because I did not know
786 where he was. And the whole backyard was completely dark.
787
788 Q3: Okay.
789
790 A: So I didn't know where he was.
791
792 Q3: Right. No target to acquire.
793
794 A: And the only thing I knew is that he was trying to escape at that point.
795
796 Q3: Okay. Did - did you ever get a chance to see him after - after he fires at you
797 the second time? Um, did you see him when he fired in the - the third shots or
798 after the third shots, see him running off or leaving the area?
799
800 A: No - no. Like I said we - we tried to illuminate the backyard and - and tried to
801 - tried to get that but the, uh, the netting just we couldn't see through that
802 netting.
803
804 Q3: Right.
805
806 A: Because the reflection of the light just came back off the netting so, um, rather
807 than give up our location with our lights...
808
809 Q3: Right.
810

811 A: ...you know, we stopped that immediately. Then that's when I resorted to
812 more containment.
813
814 Q3: Okay. Do you recall officer - do you recall what, uh, (Steven) was wearing?
815 Uh, do you remember what he was wearing tonight?
816
817 A: I just know that he - that at the time it was a dark shirt and dark pants.
818
819 Q3: Okay.
820
821 Q: And when the, uh, back to the time where the suspect comes out for the first
822 time and fires the first shot at you. Do you know where - where was Officer
823 Weddle, do you know?
824
825 A: I believe he was probably making his way from the front towards my
826 direction.
827
828 Q: But so he hasn't e- he hadn't even reached you at that point?
829
830 A: After - after...
831
832 Q: But when he - when he came - when the suspect came out and fired the first
833 round at you.
834
835 A: All right. After I fired - returned fire.
836
837 Q: Mm-hm.
838
839 A: Um, I - I went to step back behind the shed and I told - that's when - I don't
840 know if - if he had tapped me on the back or if I had seen him outta the corner
841 of my eye. But I told him he's armed with a rifle or a shotgun.
842
843 Q3: Okay.
844
845 A: And that's when I had told Officer Weddle that.
846
847 Q3: Okay.
848
849 Q: Okay. So that's when you let him know 'cause up to that point, you don't
850 even know - Weddle wasn't even next to you or with you at that point, right?
851
852 A: Correct.
853
854 Q1: Well you're - you're asking him to his knowledge, right?
855

856 Q: To him - to his knowledge.
857
858 Q1: 'Cause I'm - I'm...
859
860 A: Right. To my knowledge.
861
862 Q1: ...guessing his focus was on the suspect.
863
864 Q: Exactly. Thank...
865
866 Q3: Based on what you can recall.
867
868 Q: ...thank you for clarifying that.
869
870 Q1: Right.
871
872 Q3: Yeah.
873
874 Q: And then the second time when the second - when the second suspect comes
875 out for the second time, could you - did you see Officer Weddle next to you or
876 do you...
877
878 A: Yes - yes.
879
880 Q: He's actually...
881
882 A: The second time, that's when we pie it together and he was on my right side
883 and slightly to the front.
884
885 Q: The s- when this guy came out and fired at you the second time?
886
887 A: Right.
888
889 Q: Or the second shot, you're pieing, if you're pieing near the - the open door or
890 to the rear, Officer Weddle is to your right?
891
892 A: Right.
893
894 Q: Okay. So when this guy comes out he's pointing a shotgun right at the both of
895 you?
896
897 A: Correct.
898
899 Q: Okay. And that's when he fires a round right at the both of you?
900

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901 A: Yes.

902

903 Q: How f- are you, like, arms length from Officer Weddle or how close?

904

905 A: Yeah. I'd say approximately a arms length to the right and then slightly to the

906 front.

907

908 Q: Okay. Uh, prior to the first shot or even between the first and second did you

909 ever hear him rackin' the shotgun - the suspect?

910

911 A: No.

912

913 Q: Okay.

914

915 Q3: Did you guys have, um, either your, uh, (COBAN) or your, uh, (Puma)

916 recorders going at any time?

917

918 A: No sir.

919

920 Q3: Okay.

921

922 Q: And all this times he's never sayin' anything? He's not yellin' at you? He's

923 not doin' anything?

924

925 A: No. We had, uh, um, after the - the first shooting, we had the wife inside the

926 house yelling. So we had the background noise. And then we had the children

927 come out that side door and we're yelling at them to get back inside. And

928 they're not following our instructions and they - they stay there and we're - so

929 we're constantly yelling at them. So there's a lot of noise at the time goin' on.

930

931 Q: Do you feel comfortable estimating between how long it took between the

932 first time he fired at you to the second time he fired at you?

933

934 A: Um, fired the (unintelligible). I would say - just guessing I - I would probably

935 have to put it somewhere between, uh, 10 and 15 seconds.

936

937 Q: Okay.

938

939 A: It was pretty quick.

940

941 Q: I can't think of anything offhand.

942

943 Q3: When you, uh, made your way down (Prospect), (Park) and then found

944 Officer Romero kind of west of you, was there any discussion about what had

945 happened? Did Officer Romero offer anything about what had happened

946 with...

947

948 A: No. Um, as I turned the corner onto (Park), uh, I saw Officer Romero start
949 walking over towards, um, uh, (Pleasant).

950

951 Q3: Okay.

952

953 A: And what I had assumed was he had parked his vehicle in the alley and did a
954 light curtain down the alley. And then he was gonna make his way over to
955 (Pleasant) in order to, uh, you know, affect a very good perimeter.

956

957 Q3: Okay.

958

959 A: You know? And, uh, and that - that is what my believe was at that time. And
960 so when I saw him move to (Pleasant) I held at the alley.

961

962 Q3: Okay.

963

964 A: So I can keep visual down the alley.

965

966 Q3: Okay.

967

968 Q: And I don't think I asked. You - after the first shot or excuse me. When he
969 fired at you the first time you said you were approximately 10 to 12 feet. How
970 about the second time? How close were you to the suspect at that point?

971

972 A: It would've been pr- about the same.

973

974 Q: About the same.

975

976 A: Because he had come - come back out, um, right behind the - the shed.

977

978 Q: Okay.

979

980 Q3: Did you guys have, uh, time to move to cover or yourself either during that
981 first shot or the second shot once you see his - his shotgun is leveled at you,
982 do you have a chance to move to cover to try and get out of the way of that?

983

984 A: Uh, when I saw - the first time I saw the - the barrel and, uh, it was pretty
985 simultaneously. I don't know who - who fired first but I know - I know that
986 the round - the barrel - I saw the - the light flash and then the heat. And then I
987 fired back, um, and we took cover from behind the shed, uh, which wasn't
988 very good cover. And within just a couple seconds, you know, we - we tried to
989 pie again, um, thinking that he was probably going to - to flee as opposed to
990 continue to fight. So at - you know, we went ahead and pied again and he

991 popped out from behind the shed again and fired another round so.

992

993 Q3: Okay.

994

995 Q: All right. I can't think of anything offhand. I'm gonna go ahead and, uh,

996 conclude the interview. It is approximately, uh, 3:27 am

997

998

999 The transcript has been reviewed with the audio recording submitted and it is an accurate

1000 transcription.

1001 Signed OFFICER MACIAS DECLINED TO REVIEW TRANSCRIPT

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