

**SUPPLEMENTAL REPORT**

Date Prepared: 11-20-14

1. Original File No. P14175586	2.	3. Off ID 0444	4. Dist.	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) 10479 Keller, Riverside CA							18. Type of Place Residence backyard				
For ID USE: V = Victim, I = Informant, W = Witness, O = Other											
19. ID: V1	20. Last Name - First - Middle (Firm Name if Business) Officer Jeffery Adcox #1463 AKA: Brian Adcox					21. Race - Sex	22. DOB				
23. Residence Address			24. Business or School Address Riverside Police Department			25. Home Phone	26. Bus. Phone				
27. V2	28. Last Name - First - Middle (Firm Name if Business) Officer Marco Ortiz #1352					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 I V E	35. LAST Name - First - Middle Martinez, Vicente Robert AKA: Vince			36. Race - Sex H-M	37. Age 34	38. Ht 509	39. Wt 193	40. Hr BRO	41. Eyes BRO	42. DOB or ID 03-26-80	43. Arrested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	44. Address - Clothing - Other Marks or Identifying Characteristics 5433 Bushnell, 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 I V E	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										
45. Juv. Other Disp: Juris. <input type="checkbox"/> 2		Juv. Ct. Prob. <input type="checkbox"/> 5		Within Dept. <input type="checkbox"/> 6		Detained <input type="checkbox"/> 1		Not Detained <input type="checkbox"/> 2			

**ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW**

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

60. Originally Reported Offenses (Code - Crime) (1) 245(d)(1) PC (2) OIS	61. Original Offenses Changed to (Code - Crime) (1) (2)	58. Stolen Auto Value ASP: \$ _____
62. Narrative of Supplemental Report		59. Recovered Auto Value A2 \$ _____

Interview of Officer Marco Ortiz

Reporting Officer  
Det David Smith  
Reviewed By  
*T. Banks*  
**COPIES TO**

VCLO ( )

**ACTIONS**

APR Sent  
APR Cncld.  
APB Sent  
APB Cncld  
DOJ-NCIC  
Entered \_\_\_\_\_  
Cncld. \_\_\_\_\_

**ENTERED**

Stats ARBK ANK

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**Witness Officers**

**W1**

Officer Christina Arangure # 1564  
Riverside Police Department  
Post-Release Accountability and Compliance Team (P.A.C.T)

**W2**

Officer Daniel Mercadefe # 1408  
Riverside Police Department  
Post-Release Accountability and Compliance Team (P.A.C.T)

**W3**

Detective Trinidad Lomeli #1236  
Riverside Police Department  
Special Investigations Bureau (SIB) – Narcotics Unit

**Assisting Investigators**

**Special Investigations Bureau (SIB)  
Narcotics Unit**

Detective Eric Detmer

Sergeant David Ruddy

**Robbery / Homicide Unit**

Sergeant Troy Banks – Supervision

Sergeant Dave Amador – Supervision

Detective Greg Rowe – Co case agent

Detective Jim Brandt – Scene

Detective Mike Medici – Scene

Detective Jim Simons – Interview

Detective Rick Wheeler – Interview

Detective Rick Cobb- Interview

Detective Adrian Tillet – Autopsy

**RPD Evidence Unit**

Evidence Tech Selena McKay-Davis – Scene

Evidence Tech Lian Velin – Scene

Evidence Tech Tim Ellis – Scene

Evidence Tech Susan Lane – Weapons charting and officer photographs at Magnolia Station

**Others**

**O1**

Luna, Tamra Marie [REDACTED] – Wife of S-Martinez  
[REDACTED]

**O2**

**RPOA Attorney**

Ethir, Saku E.  
Law Office of Saku Ethir  
11801 Pierce Street, Riverside CA 92505  
[REDACTED]

**Suspect Vehicle**

Gray 2014 Nissan Frontier – 4dr pickup  
CA “70580R1”  
R.O: Vicente Martinez, 5433 Bushnell Ave, Riverside CA 92505

**Narrative**

On 11-18-14 I responded to 10479 Keller in the City of Riverside for an officer involved shooting (OIS). While on scene I was assigned as the case agent, with Detective Greg Rowe as my co-case. I attended a briefing on-scene given by Detective Detmer of the Riverside Police Department’s Narcotics Unit and Detective Chris Williams, who was the acting supervisor for the Post-Release Accountability and Compliance Team (P.A.C.T) during this incident.

During the briefing I learned that while assisting Detective Eric Detmer in a narcotics investigation P.A.C.T Officers Marco Ortiz and Jeffrey Adcox attempted to stop S-Martinez in his gray 2014 Nissan Frontier in the area of Keller and Jones and S-Martinez failed to yield. The

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pursuit was joined by P.A.C.T Officers Christina Arangure and Daniel Mercadefe, who were riding as partners. The pursuit ended at S-Martinez's address of 5433 Bushnell Avenue where S-Martinez stopped his vehicle and fled on foot. During the foot pursuit of S-Martinez an OIS occurred in the rear yard of 10479 Keller Avenue, which is a neighboring address. I learned that Officer Marco Ortiz was the only officer that fired his weapon during the incident and the shooting was witnessed by his partner, Officer Jeffrey Adcox. Officers Christina Arangure and Daniel Mercadefe were in the immediate area when the shooting occurred but it was unknown if they witnessed it.

All four officers had been transported to the Magnolia Police Station. I also learned that S-Martinez's wife, O1 Tamra Luna, had contacted officers on the perimeter and had agreed to go to the station for an interview. Apparently she was not home at the time the incident occurred.

After the briefing Detective Rowe and I took part in a brief walk through of the crime scene and then we responded to the Magnolia Police Station for interviews and follow-up.

All four officers were given the opportunity to speak with a Riverside Police Officer's Association (RPOA) Attorney, Saku Ethir, prior to any interviews. All four officers were photographed by Evidence Tech Susan Lane in the uniforms they were dressed in during the incident and their weapons were charted.

Detective Wheeler interviewed Officer Daniel Mercadefe, Detective Rick Cobb interviewed Officer Christina Arangure. Detective Jim Simons and Detective Adrian Tillet interviewed Officer Adcox. All of these officer's guns were charted and found to be loaded to capacity. It appears that none of them fired their weapons during the incident.

Detective Rowe and I first interviewed S-Martinez's wife, O1 Luna. See Detective Rowe's supplemental report for details of that interview.

Detective Rowe and I then interviewed Officer Marco Ortiz. Also present was his RPOA Attorney, Saku Ethir. Deputy District Attorney Chris Cook and DA Investigator A. Caballero were present in the room to observe. The interview was recorded. The following is a summary of his statement:

**Officer Marco Ortiz's Statement**

Before Officer Ortiz made a statement his Attorney Saku Ethir told us that Officer Ortiz was cooperating with our criminal investigation in compliance with Riverside Police Department policy 4.8.

Officer Ortiz told us that he has been a police officer for 11 years and for the last two and a half years he has been assigned to the P.A.C.Team, which is a multi-agency team of officers and investigators assigned to monitor persons released into the community on Post Release Community Supervision (PRCS).

On today's date Officer Ortiz was riding with partner Officer Jeffrey Adcox and they were in police unit # 3404. Their call sign was PAC-15. Unit #3404 is not equipped with COBAN or any other video or audio recording devices. Officer Ortiz was carrying a Riverside Police Department issued PUMA digital recorder but it was not activated during the incident.

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During this incident Officer Ortiz was armed with a Department issued Glock, .40 caliber, semi-automatic handgun and he had a Smith and Wesson .38 revolver as a back-up weapon. Both Officer Ortiz and Officer Adcox had AR-15 rifles in their police vehicle, and a unit shotgun, but these guns were never deployed.

Officer Ortiz was in full Riverside Police Department uniform including Riverside Police patches on his shoulders, cloth police badge, bullet proof vest and web gear. His .40 caliber Glock was in his holster on his right side and his back-up weapon was secreted in his vest.

Officer Ortiz and Officer Adcox were in a black, unmarked, Ford Explorer. The vehicle is equipped with a large push bumper, two spot lights mounted on each side of the front windshield, a forward facing red light, rear flashers and an audible siren.

Officer Ortiz told us that he was in the P.A.C.T office today at the Magnolia Police Station and overheard RPD Narcotics Detective Eric Detmer speaking with acting supervisor Detective Chris Williams. Detective Detmer said he had information from an informant that a subject was going to be leaving a house in the City of Riverside with a gun and some drugs and he wanted to know if they could assist him with a traffic stop. Detective Williams agreed to help and decided to have the whole team go out to assist. Prior to leaving the station the team had a briefing. During that briefing Detective Williams identified S-Martinez, showed them a photo of him and gave them his home address on Bushnell Avenue. Detective Williams also described the vehicle he would probably be driving as a gray, 2014, Nissan Frontier and provided them with the license plate number. Detective Williams informed them that S-Martinez "had a violent history" (according to his arrest records). A plan was developed for the plain-clothed narcotics investigators to conduct surveillance of S-Martinez's residence. The members of the P.A.C Team were to be in the area to conduct a traffic stop if they observed S-Martinez in his vehicle and had "PC" (Probable Cause) to stop him. Officer Ortiz and Officer Adcox, who were riding partners, were designated as the primary unit for that stop.

Officer Ortiz told us that when Officer Adcox and he got into the area Detective Detmer advised them that the subject vehicle wasn't at the location. Officer Ortiz and Officer Adcox parked their unit in a parking lot on Keller Avenue, east of Jones Avenue, while the Narcotics detectives watched the residence. Officer Ortiz said he was driving and Officer Adcox was the front passenger.

Officer Ortiz said that as they were sitting there they saw a gray Frontier northbound on Jones. Officer Ortiz pulled out onto Keller and as they approached the intersection of Keller and Jones they saw the Frontier go through the stop sign, northbound Jones at Keller, without coming to a complete stop. Officer Ortiz said he observed this as they drove up to the intersection from westbound Keller and approached the 4-way stop at about the same time as the Frontier. He also recognized the driver and lone occupant of the Frontier as S-Martinez.

Officer Ortiz said they pulled in behind the Frontier northbound Jones and confirmed that the license plate on the truck was the same as the plate given in the briefing. After a couple blocks Officer Ortiz said they activated their forward facing red light and rear flashers to stop S-Martinez for the stop sign violation. Officer Ortiz noted that the driver's side window was down on the Frontier and he could see S-Martinez looking back at them in his side view mirror. S-Martinez then stuck his right arm out the window with his index finger up in the air. Officer Ortiz

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said he believed that S-Martinez was indicating to them he would stop in a minute. Officer Ortiz said they waited a little bit but S-Martinez made no attempt to slow down or pull over, so they activated their siren. S-Martinez stuck his arm and one finger out of his window again, but continued driving. When they reached Campbell Avenue S-Martinez made a quick left on Campbell and continued to drive. Officer Ortiz said they were probably traveling the speed limit, but S-Martinez wasn't stopping. S-Martinez continued on Campbell and made a left turn onto Bushnell. At this point Officer Ortiz said he noticed Officers Arangure and Mercadefe pull in behind them in an identically equipped black Ford Explorer with lights and siren. Now both police cars were behind S-Martinez with lights and siren activated in what Officer Ortiz described as a "slow speed pursuit."

Officer Ortiz said they followed S-Martinez to 5433 Bushnell. There are two houses on the property and 5433 is to the rear, at the end of a long driveway. S-Martinez turned into the driveway and rapidly accelerated. The officers followed as S-Martinez drove to the end of the driveway and stopped. Officer Ortiz said that Officer Adcox and he stopped behind S-Martinez's vehicle, exited their police car and drew their handguns. S-Martinez exited the driver's door at about the same time and stood outside of his door, facing the officers, with his hands up in the air. Officer Ortiz said he yelled at S-Martinez to "Get on the ground" several times. Instead of getting on the ground, S-Martinez began walking backwards, away from the officers, towards the house. When S-Martinez had cleared the front of his truck he started sidestepping to the left and then suddenly ran southbound through his yard.

Officer Ortiz said he ran after S-Martinez carefully since he believed he may be armed. Officer Adcox and he followed S-Martinez and saw him "dive" over a flimsy chain link fence into the neighbor's yard (at 10479 Keller). The fence had no top cross bar and S-Martinez fell on the ground on the other side. Officer Ortiz said he was about five feet behind him, on the other side of the fence, and was yelling at S-Martinez to get on the ground, but S-Martinez got up and ran southbound through the backyard.

Officer Ortiz said he holstered his weapon so he could climb over the fence. Officer Adcox went over the fence first and stayed to the right, near a garage wall. Officer Ortiz made it over the fence shortly after Officer Adcox and he began to go more to the left in the yard, around some small fruit trees. Officer Ortiz said he noticed Officer Adcox off to his right as he made his way through the yard and he was "kind of losing sight" of S-Martinez because of the trees. Officer Ortiz said he then saw S-Martinez accidentally run into a tree and begin to lose his balance. S-Martinez spun around, facing the officers, and began to stumble backwards. As he did Officer Ortiz saw S-Martinez's right hand come up with a black handgun in it, and S-Martinez was pointing it in their direction. Officer Ortiz estimated S-Martinez was about 20 feet away from them at this point.

Officer Ortiz said it occurred to him that S-Martinez had numerous opportunities to rid himself of the handgun during the slow speed pursuit, and he hadn't, and he now believed that S-Martinez was going to shoot at them. Officer Ortiz said he wasn't sure if he drew his gun at this point, or if he already had it out, but he fired at S-Martinez. As Officer Ortiz fired S-Martinez continued to stumble and fall backwards with the gun in his hand, spinning towards his right. Officer Ortiz moved away from the small trees to get a clearer view and saw S-Martinez lying on his stomach on the ground, with his left hand underneath him and his right hand straight out from his side. The gun was no longer in his right hand. Officer Ortiz said he didn't know where the gun was at this point. Officer Adcox was yelling for S-Martinez to show his left hand but S-Martinez was not

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moving. Officer Ortiz said he then noticed the handgun about 20 to 30 feet away to S-Martinez's right, lying in the driveway. They then approached S-Martinez. Officer Ortiz provided cover while Officer Adcox handcuffed him.

After S-Martinez was handcuffed Officer Adcox began ascertaining S-Martinez's condition. Officer Ortiz said he approached the back of the house in the yard they were in and contacted a woman at a rear window. She indicated that she was in the house with her kids. She told Officer Ortiz that they heard shots, but did not see anything, and no one in the house was injured. Officer Ortiz said he obtained her address from her and immediately requested medical aid on the radio for S-Martinez.

I asked Officer Ortiz if he had any idea who S-Martinez was targeting with the gun. He said it was his thought that S-Martinez may have been initially confused at having two separate targets presented to him when he suddenly turned around with the gun, and before he could zero in on one of them Officer Ortiz was firing at him. Officer Ortiz thought he fired anywhere from five to nine rounds.

Officer Ortiz said that he was not sure if S-Martinez had fired any rounds at them. Neither he nor Office Adcox touched S-Martinez's gun at any time and it was left where it lay, at least while he was there. The gun was later examined. The magazine was fully loaded with (11) live .40 caliber rounds and the chamber was empty. If S-Martinez had been pulling the trigger the gun would not have fired. The gun would have had to be 'racked' and a round chambered first.

I asked Officer Ortiz if he was injured. He showed us some minor scratches on his hands and arms that he said were from climbing over the chain link fence, but he was otherwise uninjured.

Officer Ortiz's .40 caliber Glock was taken as evidence at the station. Sergeant Troy Banks provided him with a replacement weapon.

**Disposition**

Officer Ortiz's gun was sent to DOJ along with the expended casings from the scene and any expended projectiles recovered at the scene or autopsy, along with the gun and ammunition that was possessed by S-Martinez.

This investigation is continuing.

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45

**INTERVIEW WITH OFC. MARCO ORTIZ**

**Q=Det. David Smith**

**Q1=Det. Greg Rowe**

**A=Ofc. Marco Ortiz**

**A1=Saku Ether**

Q: Okay, it is November 18th, and it's a Tuesday, 2014. It is 7:51 pm, we're at the Magnolia Police Station, in the, uh, conference room. I'm with my partner, Detective Greg Rowe, um, we're here to interview Officer Marco Ortiz, and he's here with his, uh, attorney.

A1: (Saku Ether).

Q: That's the person, and, uh, also present in the room is, um, um, Deputy District Attorney (Chris Cook) and his investigator, um, Investigator (Caballero). And we're going to talk about an incident today, um, an officer involved shooting at - the address we're using is 10479 Keller, in the City of Riverside. Before we get started, uh, Miss (Saku Thayer), um, say it one more time.

A1: (Saku).

Q: (Saku).

A1: (Ether).

Q: (Ether). Okay.

A1: All right.

Q: Um, is there anything you'd like to say before we begin?

A1: Yeah, um, Officer Ortiz, uh, under, uh, RPD Policy Section 4.8 is required to cooperate with any criminal investigation, and as a result, he's here to, um, provide a statement to you regarding the events that transpired this evening, pursuant to that policy.

Q: Okay, and you agree to give a statement at this time?




46  
47 A: Yes, sir.  
48  
49 Q: Okay. Um, we're gonna start out with, um, what, uh, unit do you work in?  
50 What is your assignment?  
51  
52 A: I work with the Post Release Accountability and Compliance Team.  
53  
54 Q: What are the initials for that now?  
55  
56 A: PACT. P-A-C-T.  
57  
58 Q: So, it's still PACT, but it actually means, Post-release...  
59  
60 A: Accountability and Compliance Team.  
61  
62 Q: Okay. And that is comprised of Riverside Police officers and who else?  
63  
64 A: Uh, we have a Moreno Valley deputy, uh, D.A. Investigator, probation officer,  
65 two Corona, uh, police officers, and, uh, that's it. Riverside Police.  
66  
67 Q: Okay. And, uh, who was your, uh, the supervising, your supervisor this  
68 evening, dur- for this incident?  
69  
70 A: Sergeant (Denny Corbett).  
71  
72 Q: Was he there, or was somebody else, uh, supervising in his stead?  
73  
74 A: Uh, Detective (Chris Williams).  
75  
76 Q: Okay. And, um, how long have you been a police officer?  
77  
78 A: 11 years.  
79  
80 Q: And all here or anyplace else?  
81  
82 A: All here.  
83  
84 Q: Okay. Were you ever in the military?  
85  
86 A: No.  
87  
88 Q: Okay. Um, how long you been on the PACT team?  
89  
90 A: It'll be two and a half years in January.

91  
92 Q: Okay. Um, were you working with a partner tonight, in a - in a riding in your  
93 vehicle with you or were you solo?  
94  
95 A: No, I was with Officer (Brian Adcox).  
96  
97 Q: Um, and were you in a specific police unit number, I mean, how do you guys  
98 dir- identify those units?  
99  
100 A: They're unmarked, but the police, uh the unit number for that car is 3404.  
101  
102 Q: Is that, uh, stenciled on the vehicle anywhere, or is that just a number that's on  
103 the key, or in the door, or gas cap, or...?  
104  
105 A: Where it has the oil change thing, right next to the, on the dash, next to the  
106 steering wheel.  
107  
108 Q: Oh, okay, so it's a sticker on the...?  
109  
110 A: C- correct.  
1  
112 Q: Okay. And are those equipped with COBAN or any sort of audio or video  
113 recording devices?  
114  
115 A: No.  
116  
117 Q: Okay. Do you have any video or audi- audio recording devices on your  
118 person?  
119  
120 A: Yes.  
121  
122 Q: What do you have?  
123  
124 A: I have the department issued (PUMA), audio recorder.  
125  
126 Q: Okay, was that activated at any time during this incident?  
127  
128 A: No.  
129  
130 Q: Okay. Um, do you, uh, what sidearm do you carry? A .40, or .45 or...?  
131  
132 A: A .40.  
3  
134 Q: A .40?  
135

136 A: Yes.  
137  
138 Q: Is it the department issued Glock?  
139  
140 A: Yes.  
141  
142 Q: Okay. And do you carry a back-up weapon?  
143  
144 A: Yes.  
145  
146 Q: And what is that?  
147  
148 A: It's a Smith and Wesson .38.  
149  
150 Q: Okay. Revolver?  
151  
152 A: Yes.  
153  
154 Q: Where do you hold - where do you hold that on your person?  
155  
156 A: Uh, in my pocket on my vest.  
157  
158 Q: In your front pocket, inside pocket - is it ins- outside the vest in a pocket, or  
159 underneath?  
160  
161 A: Front pocket.  
162  
163 Q: Okay. And, at any time during this incident, did you have any sort of long  
164 gun in your hands?  
165  
166 A: No, I did not.  
167  
168 Q: Okay. Is there any in the vehicle?  
169  
170 A: Yes.  
171  
172 Q: What is in there?  
173  
174 A: There's a AR, which belongs to me, there's a shotgun and there's another AR,  
175 which belongs to my partner in the back.  
176  
177 Q: Okay. And none of those were deployed during this incident?  
178  
179 A: No, they were not.  
180

181 Q: How are they, um, stored in the vehicle?  
182  
183 A: Uh, a shotgun and my rifle are stored in the front rack in the driver's  
184 compartment. And my partner's rifle was in a rifle bag in the back of the unit.  
185  
186 Q: Okay, and those racks were never, um, unracked or - at any point?  
187  
188 A: No, they were not.  
189  
190 Q: Okay. Um, I see you're in police uniform, you have a, um, tactical vest on, I  
191 see the word "police" in large yellow letters, your name just above that,  
192 "Ortiz." I see a cloth Riverside Police patch, um, I see a, uh, (HT), your, uh,  
193 digital recorder, and I don't know what else is on there? Do you have any,  
194 um, less lethal...?  
195  
196 A: An ASP.  
197  
198 Q: An ASP? Okay.  
199  
200 A: And I have pepper spray on my belt.  
201  
202 Q: Okay.  
203  
204 A: Handcuffs. Knife, handgun.  
205  
206 Q: Okay. Were any - any of those other less lethal, um, things deployed, or did  
207 you have any of them out...  
208  
209 A: No.  
210  
211 Q: Okay, this evening. Um, and magazines. How many spare magazines do you  
212 carry for your, um, .40?  
213  
214 A: Two.  
215  
216 Q: Okay. Um, do you carry spare ammunition for your back-up, or is that just  
217 fully loaded the way it sits.  
218  
219 A: Just the way it sits, no spare ammo.  
220  
221 Q: Okay. Um, now, getting to the incident today, um, was there a briefing, and if  
222 so, who was there if you recall, who gave the briefing, and then, I'm gonna  
223 wanna know, uh, what information you had about what you were doing and  
224 who you were going to be dealing with. So, we'll start with, was there a  
225 briefing today?

226  
227 A: Yes, there was.  
228  
229 Q: Okay. Where was that?  
230  
231 A: Uh, I overheard the initial brief from Detective, uh, (Detmer) to, uh, Detective  
232 (Chris Williams) when we were in our office. He said he needed uh, a unit for  
233 a stop regarding some information from, uh, CI. Uh, the information was that  
234 he had a guy who was about to leave his house who was in possession of a  
235 handgun and some dope. So, uh, Detective (Williams) said, you know, for me  
236 and (Adcox) to go get ready in the unit and he said, "Well, we should  
237 probably send two," then they said, "Well, let's just send everybody just - just  
238 in case. That way we can cover all areas around - around the house." This  
239 guy was supposed to be leaving. So, from that point, we go downstairs, we  
240 get our cars ready, and before we actually head out, uh, Detective (Williams)  
241 gives us a brief on the suspect's name, location and our plan on what we were  
242 gonna do.  
243  
244 Q: Who was at that - this briefing - the official briefing?  
245  
246 A: It was our team, everybody that was working today. It's Detective (Chris  
247 Williams), uh, Corporal (Marquez) from Corona P.D., Officer (Mercadefe),  
248 Officer Arangure uh, D.A. Investigator (Petty) and Officer (Adcox) and  
249 I.  
250  
251 Q: Okay. And what was the information - and who gave this? (Detmer) or was it  
252 (Chris Williams)?  
253  
254 A: (Detmer) gave the info to Detective (Chris Williams), who was in our office,  
255 which we could all hear.  
256  
257 Q: That was earlier?  
258  
259 A: Yes.  
260  
261 Q: Okay.  
262  
263 A: But now, this is our brief for our team on what we're actually gonna do.  
264  
265 Q: Okay, so who gave the team brief?  
266  
267 A: Uh, Detective (Williams).  
268  
269 Q: Okay, and what - what was the information that he gave you - that - that you  
270 remember?

271  
272 A: The information was that - a CI stated that there was a subject who was going  
273 to leave his house who was in possession of a handgun as well as, um, dope.  
274  
275 Q: What - did they say what kinda dope we're talkin' about?  
276  
277 A: No, he did not. The information was that the suspect's name was (Victor  
278 Martinez), he was a Hispanic male, um, I don't remember his birthday, it was  
279 - I think it was in the 80s - it was 1980. He lived in the area - the address on  
280 Bushnell, gave the address and he had a violent criminal history. He was a  
281 convicted felon. So...  
282  
283 Q: Did - did, I'm sorry. Did you - did he give any specifics about, um, his RAP  
284 sheet as far as what kind of violence and arrests, or did he just basically make  
285 you gen- aware generally that there was violence and - and such in his, uh,  
286 past?  
287  
288 A:   
289  
290  
291  
292 Q: Okay. And was there a specific address of - that you were supposed to be  
293 watching.  
294  
295 A: Uh, we were not watching the address, we were supposed to be in the area.  
296 Detective (Detmer) and, uh, a couple of the other, uh, narc guys were  
297 watching the actual address itself. Uh, Detective (Williams) also showed us a  
298 picture of the suspect prior to, uh, us leaving Magnolia. The plan - the plan  
299 for us were, uh, Officer (Adcox) and I were gonna be primary, stop the car.  
300 The detectives were gonna go out there, gonna sit on the house there, were  
301 gonna wait for him to leave. We were going to then find the car, get our PC,  
302 make our stop and, uh, deal with the investigation from there. The other units  
303 were deployed in the immediate area to assist us in our traffic stop.  
304  
305 Q: What, uh, what kind of car were you lookin' for?  
306  
307 A: We were lookin' for a gray Nissan Frontier, it was a 2014, um, I don't  
308 remember all the plate. I remember it ended in, uh, R1.  
309  
310 Q: But they gave you a plate at the time.  
311  
312 A: They gave us a plate. That was in the brief as well.  
3  
314 Q: Um, did they give you any kind of a, uh, tactical plan or an ops plan or  
315 anything like that they - that - that you had with you?

316  
317 A: No, we did not.  
318  
319 Q: Okay. So, what happens? You - that - the plan is, uh, you guys are gonna set  
320 up in the area, the narcs are gonna watch for this car and, um, you get out  
321 there, and where did you set up and then, what happens?  
322  
323 A: When we got in the area, uh, Detective (Detmer) was already on scene. He  
324 stated that the truck wasn't there, however it was possibly in the area because  
325 he had got word that, uh, the suspect had left the house. So, we were rolling  
326 around the area and then, um, he got, uh, more information saying that the guy  
327 would be returning home. So, Officer (Adcox) and I were set up on Keller,  
328 just, uh, east of Jones, in the north parking lot of, uh, I can't remember the  
329 name of the school, but we were in the school district. We were in that  
330 parking lot, sitting there. As we're sitting there, um, we see a gray Frontier  
331 coming northbound on Jones. And, uh, you know, believing it was possibly  
332 the car, we pulled out onto Keller, caught up with it at Jones and that's when  
333 we noticed he ran the stop sign, going northbound on Jones past Keller and  
334 continued, uh, northbound on Jones.  
335  
336 Q: How, um, how fast was he - did he go through the stop sign? Was it, like, a  
337 California stop or did he just blow it, or...  
338  
339 A: No, it was - he slowed down, but it was - he slowed down to about 5 miles an  
340 hour.  
341  
342 Q: Okay, so sort of a California stop?  
343  
344 A: Yeah.  
345  
346 Q: I mean, he rolled through it? Did he continue, I'm sorry, which direction was  
347 he going? Northbound Jones?  
348  
349 A: Northbound Jones.  
350  
351 Q: At Keller? And, um, he continued through that intersection northbound?  
352  
353 A: Correct.  
354  
355 Q: Okay. And, how far behind him were you when you saw this?  
356  
357 A: We were approaching the intersection almost the same time as he was.  
358  
359 Q: Were you going the opposite direction, or were you right behind?  
360

361 A: No, we were coming up - we were coming westbound on Keller. He was  
362 going northbound Jones, so he crossed right in front of us.  
363  
364 Q: Okay, so, y- your cars - describe what your cars look like.  
365  
366 A: It's a all-black Ford Explorer. It's unmarked, it has, uh, lights and sirens,  
367 spotlights.  
368  
369 Q: Are the lights and sirens out on top, or are they, um, sorta concealed, or how  
370 does that work?  
371  
372 A: They're inside the vehicle on the upper portion of the windshield.  
373  
374 Q: Okay, so, so, if you approach an intersection, and he came to the intersection,  
375 would he readily know that you're police officers? With no lights and siren  
376 activated, or...?  
377  
378 A: Uh, we have the push bumpers in the spotlights, so, I don't know.  
379  
380 Q: Okay. So, but there's no obvious police markings, uh, Riverside Police  
31 Department on the outside, or, um, lights - lights and stuff on the top and, I  
382 guess my point is, do you think he knew you guys were the police when he  
383 ran the stop sign?  
384  
385 A: I don't know.  
386  
387 Q: I mean, I know you can't get into his head, but, um, your cars don't look like  
388 police cars right off the bat?  
389  
390 A: From what I hear is, we're able to sneak up on a lot of people, just 'cause they  
391 don't see the black and white and the lights. So...  
392  
393 Q: Okay.  
394  
395 A: It might be - he just didn't know.  
396  
397 Q: I'm just wondering why somebody would run a stop sign right in front of  
398 police officers, so, I know your cars aren't marked, I'm just, uh, for anybody  
399 down the road that might be reading, um, reports or something, we just need  
400 to talk about what your cars look like and why somebody may run a stop sign  
401 right in front of you and it's possible that he might not know you're a  
402 policeman?  
403  
404 A: I'm guessing that was the case.  
405



406 Q: By the car. Okay. We talked about your uniform earlier. I just wanna get  
407 back to that, I forgot. Um, can you stand up for me? I see you're wearing, uh,  
408 uniform pants, cargo type pants, I guess, with a, um, web gear and your  
409 sidearm. Uh, what's that kinda holster called?  
410  
411 A: Thigh - thigh rig.  
412  
413 Q: A thigh rig, okay. And this is how you were dressed during this incident?  
414  
415 A: Yes.  
416  
417 Q: You haven't changed your clothes, added anything or taken anything away?  
418  
419 A: No.  
420  
421 Q: Okay, thank you. So, um, can you see the occupant or just see the car at this -  
422 point, when - when the stop sign gets run?  
423  
424 A: I could see the occupant.  
425  
426 Q: Okay, and were you driving or passenger?  
427  
428 A: I was driving.  
429  
430 Q: Okay, and what did you see? Who did you see inside?  
431  
432 A: I saw the subject. I recognized him from the picture I seen as the suspect we  
433 were looking for.  
434  
435 Q: Can you describe, um, the - the picture that you saw, and, uh, what the guy  
436 looked like - if you remember.  
437  
438 A: He was a Hispanic male, shaved head, he had - he wasn't really dark  
439 complected, he was kinda in between. Wasn't really dark, wasn't really light.  
440 He was more of, like, an olive complexion. Um, light mustache type look,  
441 and he had, uh, he wasn't too skinny, a little stocky build.  
442  
443 Q: Did you see anybody else in the car?  
444  
445 A: No.  
446  
447 Q: Okay, were the windows tinted on it, or could you see right through, or were  
448 they up or down, or do you remember?  
449

450 A: Um, I can't - I don't know if the passenger side was up or down. I know his  
451 window was down, which was able to put enough light to see through. I was  
452 able to clearly see through the car.  
453  
454 Q: Okay. So you guys were west on what street?  
455  
456 A: Keller.  
457  
458 Q: West on Keller, and he's north on Jones.  
459  
460 A: Correct.  
461  
462 Q: So you're kinda, and then, do you guys turn in behind him?  
463  
464 A: Yes, he was already through the intersection as we were comin' up.  
465  
466 Q: Okay.  
467  
468 A: And then, I turn in northbound Jones right behind him.  
469  
470 Q: Okay. And did you light him up right then, or how'd that work?  
471  
472 A: No, I looked at the license plate, said that's the plate. My partner read the  
473 plate off to the detective, they're, like, "Yeah, that's the plate." So, once he  
474 started going northbound Jones, uh, couple blocks, that's when we lit him up.  
475  
476 Q: Okay. And then was anyone behind you, or do you know? Other officers, I  
477 mean.  
478  
479 A: Nobody was behind us at that point, I don't think.  
480  
481 Q: Okay. And so, you light him up, which means what? Is it just lights?  
482 Forward facing red, or what is it?  
483  
484 A: It was just lights at that point, which is our forward facing reds and our  
485 flashers.  
486  
487 Q: Okay. And, what happens?  
488  
489 A: His window's down, his arm's outside the window, and he's looking at me  
490 through the side mirror, and, uh, he puts his hand up, with one finger up,  
491 almost like, you know, wait a second. You know, he keeps drivin'. So, I'm  
492 waiting, and he's kind of - he's not slowing down - he's not making any effort  
493 to pull over. So, at that point, I activate the siren. Once the siren starts goin',  
494 he puts his hand back out the window, you know, puts one finger up again, uh,

495 but continues to drive. He's - he's duckin' down, he's lookin' through his  
496 rearview, he's lookin' at me, I know he sees me. I know he hears us, I know  
497 he sees our lights. He's not yielding. We get to, um, I believe it's Campbell  
498 and he makes a quick left on Campbell. He's not driving at a high rate of  
499 speed or anything, he just keeps driving. He's still watching me in the side  
500 mirror, and then as soon as he goes westbound on Campbell, he makes  
501 another left, which is I believe is south- southbound Bushnell. It's right there  
502 at (mini-five points). Um, as he makes a left on Bushnell, we're still behind  
503 him, I see another PACT car, uh, coming up from, I believe it was eastbound  
504 Campbell, and they turn in behind us. At this point, we're lights and sirens,  
505 my partner's putting, um, this slow speed pursuit on channel one, and, uh,  
506 knowing from the address on the license plate, we assumed he was probably  
507 gonna go back to his house. So, we're following him down Bushnell and  
508 that's when he turns. He makes a left into a driveway, which I just assumed it  
509 was his driveway, and then once he hits it - it's kinda long. There's a house  
510 here on the right side, and there's another house deep down the driveway.  
511 And, once he hits the driveway, he accelerates, now. I don't know if he was  
512 trying to gain ground, or what, but he accelerates, pretty quickly. I accelerate  
513 too, and get on him, and then he stops right at the front of, uh, that rear house.  
514 And that's where - we stopped in right behind him. My partner and I are - are  
515 outta the car, guns pointed at him. He jumps outta the car with his hands up.  
516 So, he's facing me, he's got his hands up, I'm yelling at him to get on the  
517 ground. He starts walking backwards, he's walking backwards away from me  
518 towards the house. And as he's walking backwards, he's not listening to my  
519 commands. I'm telling him to get on the ground, get on the ground. He's still  
520 walking backwards and now he starts - once he clears the front portion of his  
521 truck, he starts kinda side stepping to his left. I realize, okay, this guy's gonna  
522 run. Sure enough, he takes off. He takes off and runs, uh, southbound through  
523 the front yard of that, um, back house. Uh, my partner and I start chasin' him,  
524 uh, believin' this guy's still armed. I'm not in a dead sprint behind him. I'm  
525 still kinda gun pointin' him and yelling at him to, you know, get on the  
526 ground, get on the ground. We get to chain link fence with, uh, like, no cross  
527 bars or anything. It's kind of a flimsy type fence. He jumps up, tries to go  
528 over it, and, well, he does, and he falls on the other side of the fence. So, I get  
529 to the fence, I hold it, still gun pointing him, still yelling at him. He jumps up  
530 now and starts to run. He jumps up, starts to run, I holster back up, jump over  
531 the fence, and now we're running through the back yard of a residence south  
532 of that, which I believe is a Keller address. So, as we're running southbound  
533 through that yard, there's a bunch of, like, little trees, little fruit trees or  
534 somethin'. Kinda losing sight of him, kinda see him again, um, last I checked,  
535 my partner was off to my right. We're running through, once I - I see him hit  
536 a tree, the tree kinda moves, and he's falling now, like backwards. And as I  
537 see him falling backwards, I see his hand come up, and he has - a - looked like  
538 a giant black handgun in his right hand, and he's - he's falling backwards, the  
539 gun's pointed at - in my direction and my partner's direction, 'cause he was

540 pretty close to me. He's falling backwards with this gun in his hand. At that  
541 point, I'm thinkin' okay, well, this guy had several opportunities to get rid of  
542 this gun during this little slow speed pursuit, you know, he didn't get rid of it,  
543 and it's just - I'm thinkin' he's obviously, his intention is to fire this handgun  
544 at us, 'cause he had several opportunities to get rid of this thing. He's falling  
545 back, all of this is going through my mind. I unholster, I start putting rounds  
546 on him. He's falling back. As he's falling back, now, he's turning - he's  
547 turning away, he's falling this way, gun still in his hand. That tree that he had  
548 gone through, now, is kinda floatin' back in front of my face. So now I - I  
549 kinda lose sight of him. I still fired a couple rounds through the tree. I come  
550 on the other side of the tree, he had gone from this position all the way over,  
551 and now he's laying on his stomach with his right hand out and his left hand  
552 underneath him. So, I come around, I see his hand out, his left hand's  
553 underneath him, and now he's on his stomach. He had fallen over to his left  
554 side, gun's no longer in his hand. I didn't know if he fell on the gun, so I'm  
555 comin' around, I'm lookin' at him, I'm yelling at him to see his hands, see his  
556 hands. He's not movin'. My partner and I advance up on him, I kick on him  
557 to see if, you know, he's just playing possum or something. I look off to my  
558 right and I see the handgun, which I saw in his hand was, you know, about 20,  
559 30 feet off into the driveway of - of that residence. So, I - I'm assuming that  
560 when he fell, that gun went flying out of his hand, or as he was turning, fell,  
561 the gun went flying out of his hand. Um, I saw the gun, told my partner  
562 handcuff him. He went in, he handcuffed him and from there he starts, you  
563 know, rolling him to the side, trying to see his status, trying to check, you  
564 know, um, monitor him. I go to the area, I kind of fired my rounds. I know  
565 that there was a house there. So, I go towards the house, mainly to see if, you  
566 know, everybody's okay or even find out the address of where we're actually  
567 at. A lady comes to the window, there's an open window with no screen, she  
568 sticks her head out, I said, "Hey, what's the address here?" She tells me, um,  
569 the address, I don't remember the numbers, but she gives me the - it's a Keller  
570 address.

571  
572 Q: OK.

573  
574 A: Um, I ask her if she's okay, if there's anybody else in her house. She said,  
575 "I'm okay, it's just me and my two kids." I said, "Are your kids okay?" and  
576 she says, "Yes, they're all fine. They're scared. What's goin' on?" I said,  
577 "Well, we'll get back to you in a second." I hear, uh, uh, I believe it was  
578 Officer (Arangure) putting stuff out on the radio, shots fired. You know, and I  
579 say, "Hey, AMR," I get on the radio and say, "AMR needs to come to this  
580 address." I put out the Keller address, and that was, I walked back, made sure  
581 my partner was okay. He was still monitoring, um, the suspect and rendering,  
582 trying to render any kind of medical aid. Um, then I had gone back to check,  
583 basically do a quick walk-through of the area he had ran just to see if there  
584 were any other things he discarded.

585  
586 Q: Coming back up a little bit, when he got out and stood with his hands up, do  
587 you recall what he was wearing?  
588  
589 A: I wanna say just white T-shirt - white - I think he had, like, either beige pants  
590 on or beige pants on - it was - it was light.  
591  
592 Q: Okay.  
593  
594 A: Light color.  
595  
596 Q: Okay, did you see a gun on him?  
597  
598 A: No.  
599  
600 Q: Okay.  
601  
602 A: Not when he got out of the truck.  
603  
604 Q: At - at any point prior to him getting over the fence and having a gun, did you  
605 notice a gun on him? Uh, could you see a gun on him?  
606  
607 A: No. I was looking. When - the whole time he was running, because of that  
608 prior information we had, I was assuming the guy had a gun on him. He was  
609 running, and he wasn't overtly fast, but it was just, the way he was going, I  
610 just felt like he was waiting for an opportunity and I didn't want to close that  
611 distance, you know, and try to take him into custody w- knowing that this guy  
612 had a gun on him. But, I didn't see any gun prior to that, until he had started  
613 falling through the trees.  
614  
615 Q: Okay, so, I just wanna make sure I'm clear, um, he runs to the fence, and - and  
616 when he hits the fence and rolls over it, where are you at?  
617  
618 A: We are maybe five feet away from the fence.  
619  
620 Q: So, you're right up pretty close.  
621  
622 A: He kinda - he kinda just dove. He kinda just dove over it, and it was real  
623 flimsy. He just - he hit it and fell on the other side of it.  
624  
625 Q: Okay. And then, did he get up and start to move again?  
626  
627 A: He jumped up and ran.  
628  
629 Q: And then, who went over first, you or (Adcox)?

630  
631 A: (Adcox) went over first, but he was to my right, and then the fence - 'cause  
632 the fence kinda flung back up, (Adcox) pushed it down, started going back  
633 over, and I took that opportunity as well to get over the fence.  
634  
635 Q: So you went over at roughly the same time.  
636  
637 A: I don't know exactly. When - I know he started to over at the same time, I  
638 don't know who got over first.  
639  
640 Q: Okay. And, so you're - he was on the right and you were on the left going  
641 over the fence?  
642  
643 A: Yes.  
644  
645 Q: More or less? And, um, could you see where (Adcox) went?  
646  
647 A: No, not really. I just assumed he was still on my right and when we were  
648 running up, I coulda swore I saw him outta the corner of my eye, off to my  
649 right.  
650  
651 Q: Okay. And you went more out to the left, away from that little garage or  
652 whatever it was.  
653  
654 A: Yes.  
655  
656 Q: Okay.  
657  
658 A: Ultimately I did, but then I think I ended up back kinda towards the garage.  
659  
660 Q: And - and you - you were out behind these, uh, there're some trees between  
661 you and him, or no?  
662  
663 A: Between who?  
664  
665 Q: You and - you and the - the suspect.  
666  
667 A: There was, yeah, there was some - I remember there being a couple trees here  
668 and there. And the - but the last one, 'cause I would see him and then I'd lose  
669 sight of him. See him, lost sight of him again.  
670  
671 Q: Is that because of the - these trees?  
672  
673 A: Because of the trees.  
674

675 Q: Okay.  
676  
677 A: So, the next time I saw him, was when he was stumbling, like backwards,  
678 falling down and he was - this time he was facing, um, me and Officer  
679 (Adcox) and he's holding a gun in his hand.  
680  
681 Q: So, at some point, he spun around to face you and was still moving backwards  
682 but - but stumbling at the time?  
683  
684 A: Yes.  
685  
686 Q: And that's when you first noticed the gun was out?  
687  
688 A: Yes.  
689  
690 Q: And you didn't see where he pulled it from? It was just one minute he's  
691 running and you're losing sight of him and the next thing you know, he's  
692 backwards, stumbling backwards and he's got this gun out and pointing with  
693 his right hand, straight out in front of him?  
694  
695 A: With his right hand. I would assume it had to be on his right side, 'cause the  
696 way he was coming up, it was coming as if he was coming from his right side.  
697 The way the gun was traveling, it came over towards, basically in our  
698 direction.  
699  
700 Q: Okay.  
701  
702 A: And then his - as I started shooting, he started falling, and then he - he was  
703 falling and he ended up turning all the way to his stomach.  
704  
705 Q: And you said, you said you drew - so, did you draw after you saw the gun or  
706 had you redrawn your firearm after you got over the fence? Do you  
707 remember?  
708  
709 A: I don't remember. I typically don't run with my gun out, so I - I really can't  
710 say.  
711  
712 Q: How far do you think you were from him when you saw him - when you fir-  
713 when you noticed he had a gun in his hand? If you had to guess, I know it's  
714 not gonna be exact.  
715  
716 A: Um, maybe about 20 feet?  
717  
718 Q: 20 feet. Okay. And, um, the gun was pointing in the general direction of you  
719 and (Adcox)?

720  
721 A: Yes.  
722  
723 Q: Or, in your direction?  
724  
725 A: Yes.  
726  
727 Q: Okay, and, um, you never saw him spin around? He was just running away  
728 from you and then...  
729  
730 A: The next time I saw him, he was stumbling backwards and he was - he was  
731 facing us.  
732  
733 Q: Do you have an opinion into whether he was trying to track you, see where  
734 you were, or, um, I mean, did you get a feeling that - that he had you both,  
735 um, in, basically he saw you both and knew where you were and was pointing  
736 the gun at you, or that he was still, at that minute, tracking you, trying to see  
737 where you were, and then he had the gun out? Or, I mean, do you have a feel  
738 for that?  
739  
740 A1: You just wanna know his thoughts?  
741  
742 Q: Well, I don't know the guy's thoughts, but in your mind...  
743  
744 A1: No, I mean, his. You wanna know.  
745  
746 Q: Did he see you guys and know where you were when he was pointin' the gun.  
747  
748 A: He knew. When he fell over the fence, he knew we were comin' over that  
749 fence.  
750  
751 Q: Okay.  
752  
753 A: It was obvious, he ran, he looked back. He made that hard right and kept  
754 runnin'. So, do I think he was turnin' around and trying to track us? Yes.  
755 Maybe, I don't know if he got any rounds off. I didn't hear anything, but the  
756 way he looked when he was comin' around, it looked like almost the whole  
757 split and engage theory, he was confused, he didn't know which one, and  
758 ended up kinda just, goin, you know, and then I had already starting putting  
759 rounds on him at that point. And, his momentum and everything just kind of  
760 flung him over to his stomach.  
761  
762 Q: And was - was he spinning to his left?  
763  
764 A: Yes.



765  
766 Q: Okay. And was the gun out in front of him the whole time as he's spinning  
767 like that?  
768  
769 A: Yes.  
770  
771 Q: Um, and do you know about how many times you fired?  
772  
773 A: Five to nine rounds.  
774  
775 Q: Okay. And could you see him being hit, or could you tell if he was being hit  
776 by your rounds?  
777  
778 A: No, I could not tell.  
779  
780 Q: Okay. And was he saying anything?  
781  
782 A: No, he didn't say anything. I fired the rounds, I couldn't tell if he was getting  
783 hit. He was still moving, and that's when the tree came back in front of me, a  
784 branch or something on the tree, and I kinda lost sight of him as he was  
785 falling. So, it - you know, I thought initially that he fell back on the gun, but  
786 what makes sense to me is the gun flew out of his hand as he hit the ground  
787 and went flyin' across the driveway.  
788  
789 Q: Okay, and while in the backyard, did you say any- give him any commands in  
790 the backyard? Not to his house, but after he jumped the fence and was  
791 running, did you personally give him any commands that you remember?  
792  
793 A: Not in that backyard. I don't think I yelled at him anymore.  
794  
795 Q: Do you remember hearing if (Adcox) gave him any commands in that  
796 particular backyard?  
797  
798 A: I don't remember hearing that.  
799  
800 Q: Okay, but prior to that, at the - at the - where he stopped his car, you guys had  
801 given commands.  
802  
803 A: We gave him several commands.  
804  
805 Q: Okay. Loudly and there's no doubt he heard you guys.  
806  
807 A: Yes. He was looking - he got outta the car. He got outta the car quick, put his  
808 hands up, and he - that point was pretty slow. He's walking backwards really  
809 slow, we're lookin' at him, he's not far from us. Tellin' him, get on the

810 ground, get on the ground. He knows it's us. You know, we know it's him.  
811 And he's, you know, just kinda walkin' away.  
812  
813 Q: Okay. Um, and then, um, were you injured?  
814  
815 A: No. I got scratches on my hand from the fence.  
816  
817 Q: Is that - oh, that's from climbing the fence?  
818  
819 A: Yes.  
820  
821 Q: Okay. And, um, could you see, I mean, if - did you notice if he was working  
822 the trigger on the gun at all, or, um, is that just something that is probably  
823 gonna be a little too, um, specific as far as this situation goes to have noticed?  
824  
825 A: I didn't notice that, I just saw big black handgun.  
826  
827 Q: Okay. Um, and then you said that when you went to the house to look for  
828 strikes, that a lady came out, and you spoke to her briefly, uh, did you notice  
829 anybody else standing around that might've seen what happened, that weren't  
830 officers.  
831  
832 A: Um, after the fact, when I got to, I don't know at what point it was, but it was  
833 after the fact, I did see a guy on the - the west side of that Keller address. He  
834 was standing up because it was kinda like a - like a elevated front yard, it  
835 looked like he was up. Um, I just saw a Hispanic male. Looked like he was  
836 on a phone, he had glasses on, but this was already after the - the shooting.  
837  
838 Q: Okay. And that was at - be a house west of? Or, is that right?  
839  
840 A: Yes.  
841  
842 Man: Do you remember what he was wearing?  
843  
844 A: Um, I don't know if he was tall, or if he just looked tall, 'cause he was sittin'  
845 up, he was slender build, looked like he had a goatee, sunglasses, dark hair,  
846 white - look like he was wearing a light color shirt, white shirt maybe.  
847  
848 Q1: Older or younger?  
849  
850 A: No, younger.  
851  
852 Q1: Younger?  
853  
854 Q: To your knowledge do you know if anybody ever spoke to that person?

855  
856 A: I don't know.  
857  
858 Q: Um, uh, when you attended this briefing and you were given the name of this  
859 person and the address, were the name or the address familiar to you for any  
860 reason?  
861  
862 A: No.  
863  
864 Q: Had you - had you had contact with this person before that you can recall?  
865  
866 A: No.  
867  
868 Q: Okay. Um, and, uh, the weapon that you fired, is that your department issued  
869 .40 caliber Glock?  
870  
871 A: Yes.  
872  
873 Q: And did you fire your back-up weapon at all during this thing?  
874  
875 A: No.  
876  
877 Q: Okay. Um, right after you fired, um, did you no- and, um Officer (Adcox and  
878 you approached this guy, did Officer (Adcox) have his gun out, that you  
879 remember?  
880  
881 A: I don't remember if he did or not.  
882  
883 Q: Did you hear any rounds, or any sounds like Officer (Adcox) had fired as  
884 well?  
885  
886 A: No.  
887  
888 Q: Okay. After the guy, uh, went down, and you approached, did you or Officer  
889 (Adcox), did you try to speak with him, and, or did he say anything to you  
890 guys?  
891  
892 A: Yeah, we were both trying to speak to him. You know, well, we're yelling at  
893 him to s- to put his other hand out. That didn't go, uh, he wasn't moving.  
894 (Adcox) went in, handcuffed him, rolled him to his side. Um, he was talkin'  
895 to him, tellin' him to breath, you know, relax, just saying, you know,  
896 encouraging things to him. So, that was it. He wasn't talking, he didn't say  
897 anything.  
898  
899 Q: Did you guys ever search the vehicle?

900  
901 A: No.  
902  
903 Q Did you ever search his person?  
904  
905 A: No.  
906  
907 Q: Okay. Did you guys ever move or inspect, uh, the firearm that you believe he  
908 - he had that was tossed on the driveway.  
909  
910 A: No, I did not.  
911  
912 Q: Do you know if anybody did?  
913  
914 A: No, not when I was there.  
915  
916 Q: Okay. Um, did you reload any ammunition into your backup or your - or the  
917 weapon that you fired?  
918  
919 A: No.  
920  
921 Q: Did you change magazines in that weapon?  
922  
923 A: No.  
924  
925 Q: Okay. So when you got it charted, that weapon was just as it was right after  
926 the shooting?  
927  
928 A: Yes.  
929  
930 Q: Okay. It wasn't altered in any way or - is what I'm getting at.  
931  
932 A: No.  
933  
934 Q: Okay. Uh, go ahead - (Greg) you have anything?  
935  
936 Q1: Uh, what was his - do you have a call sign for your - your PACT, uh, unit?  
937  
938 A: My partner and I are, uh, PACT 15.  
939  
940 Q1: PACT 15? Um, and you said (Adcox) was the one who put the pursuit out  
941 over the radio?  
942  
943 A: Yes.  
944

945 Q1: So, that's uh, you would've been usin' PACT 15, uh, puttin' it out over  
946 channel 1?  
947  
948 A: Yes.  
949  
950 Q1: All right. Um, when you guys got to the, uh, to the residence, you said that he  
951 got outta the car immediately, um, as you guys were pullin' up to the - to the,  
952 uh, behind him?  
953  
954 A: We probably got outta the car at the same time.  
955  
956 Q1: Okay, and you said that he was walking backwards, was he facing you...  
957  
958 A: Yes.  
959  
960 Q1: ...with his hands up, or was, um, or, um, was he facing towards that - that  
961 residence?  
962  
963 A: He was facing us with his hands up.  
964  
965 Q1: And at that point, you didn't see anything in his pockets or his waistband or -  
966 or anything that you could tell?  
967  
968 A: No.  
969  
970 Q1: Okay. Um, in - going back, during - during the brief, where was it that you  
971 had learned about, um, him, as far as any guns, dope, or - or his - I'm not sure  
972 what - Dave touched on this or not, but.  
973  
974 A: Uh, the only thing, as far as his criminal history goes, the only thing we were  
975 told was, um, well, besides the CI information that he was armed with a  
976 handgun and possibly had some dope, he had a violent, uh, criminal history  
977 and he also had a, you know, [REDACTED]  
978  
979 Q1: So, the information that you had was that he either carried a gun, or he had a  
980 gun on him.  
981  
982 A: The information that we got was he was supposed to be in possession of a  
983 handgun.  
984  
985 Q1: Okay. Um, and then once you guys - when - when - when you started firing,  
986 what direction, um, were you firing?  
987  
988 A: South.  
989

990 Q1: Directly south?  
991  
992 A: Yes.  
993  
994 Q1: Um, was he - I mean, was he basically directly south, obviously, he was  
995 directly south of you? Um, I'm - I'm just trying to get your positions. There  
996 was a detached garage, um, over the fence that you guys went over.  
997  
998 A: Yes.  
999  
1000 Q1: And there was a detached garage, uh, um, in front of that fence. You guys  
1001 were to the...  
1002  
1003 A: We were to the left of that detached garage. The detached garage was to my  
1004 right, I was to the left of that. And, I was shooting that direction, which  
1005 would've been south, I believe.  
1006  
1007 Q1: Okay.  
1008  
1009 A: Towards Keller.  
1010  
1011 Q1: And (Adcox) was between you and the detached garage?  
1012  
1013 A: Initially, that's where I - initially that's where he was. But, at that point, when  
1014 I moved up and moved around the tree, he came around the other side. So, I  
1015 don't know at what point he started coming over, but he ended up on the other  
1016 side of me, and then, he moved in and handcuffed the guy.  
1017  
1018 Q1: Okay.  
1019  
1020 A: I don't know if I kinda cut him off, closed him off as I was comin' around the  
1021 tree, or what - how that happened.  
1022  
1023 Q1: Were you pretty much out in the open, or was it - did you have a - a tree in - in  
1024 front of you?  
1025  
1026 A: Uh, I remember being kinda crouched down because there was foliage and  
1027 trees and stuff. I mean, I don't know, I can't remember exactly what it looked  
1028 like, but I just remember there was a bunch of stuff in the way.  
1029  
1030 Q1: Okay. Um, and were you basically in the same position when you fired all of  
1031 - all the rounds, or did you, at - were you moving in towards him or away  
1032 from him as you fired the rounds?  
1033  
1034 A: I think I was pretty much in the same - the same spot.

1035  
1036 Q1: Okay.  
1037  
1038 Q: Um, was he - you said he was moving backwards when he had the gun, was  
1039 he, how far do you think he moved, um, from the time you saw the gun to the  
1040 time he went down? Was he still in the same basic spot, or had he been  
1041 moving? I know you said he was spinning.  
1042  
1043 A: No, he was moving, 'cause he was stumbling backwards. When I first saw  
1044 him, I don't know what he did, I don't know if he started, if he tripped as he  
1045 was turning around, but when I saw him, he's stumbling backwards. He's got  
1046 a low center of gravity, almost like he's - he's already falling. And he has the  
1047 handgun in his hand. So, he - I started shooting at him, he was still fallin', he  
1048 starts twistin', and he's, you know, it - it was all, you know, in a - in a split  
1049 second, just a dynamic movement of him falling back, pointing the gun,  
1050 getting shot at, and then rolling over to his stomach.  
1051  
1052 Q1: How far...  
1053  
1054 A: So, he moved. He moved. He moved some distance. You know, it wasn't -  
1055 he was - he was running. So, at that point, he was turning around, I don't  
1056 think he ever really slowed down.  
1057  
1058 Q: So, there's still momentum.  
1059  
1060 A: Yes.  
1061  
1062 Q: He still had momentum going south.  
1063  
1064 A: Yes.  
1065  
1066 Q: Even though he had turned around.  
1067  
1068 A: Correct.  
1069  
1070 Q1: How far did you close the distance when - when you, um, saw him with the  
1071 gun?  
1072  
1073 A: Um, probably as far as it was when I started shooting at him, was, I don't  
1074 know maybe from here to that corner, about - what is that, about 20 feet  
1075 maybe?  
1076  
1077 Q1: 20? Okay.  
1078  
1079 Q: I only have two - two final questions. Why did you shoot?

1080  
1081 A: I believe this guy was gonna shoot at either me or my partner, and I was doin'  
1082 it to protect my life and his.  
1083  
1084 Q: Why did you stop shooting?  
1085  
1086 A: Because it appeared the threat had stopped. I turned, I looked, I didn't see the  
1087 gun in his hand anymore. Might he have been on top of it? Maybe, but at that  
1088 point, I felt we were - we moved to a better position. We both had, I'm  
1089 assuming my partner had his gun on him. I had my gun on him. If he did  
1090 anything else, we coulda put more rounds on him. But, at that point, that  
1091 threat had stopped and that's why I stopped shooting.  
1092  
1093 Q: Do either you have questions or is there anything that, um, about this that, uh,  
1094 we have not talked about that you think is important? Or do you think we've  
1095 pretty much covered the incident from everything you knew about it right on  
1096 through to the end of it?  
1097  
1098 A1: I mean, I think everything was covered, and - and I think you made it clear  
1099 that when you were asking him about distances, you know, where the gun  
1100 ended up, distance between him and the suspect, I think clearly you guys are  
1101 asking for his best estimate, just so it's clear that's what he's giving you, um,  
1102 is his best estimate. Um, other than that, I think there was a question you had  
1103 asked about commands being given in that backyard or whatever, the yard  
1104 was. And I think you were asking as they were running, um, I know that he,  
1105 you know, uh, Officer Ortiz had already said that when the guy falls and is on  
1106 his hand, both of - he and his partner were yelling, show us your hands. Show  
1107 us your hands. So that's a command that was given in that backyard, but I  
1108 think your question was more as they were in pursuit, foot pursuit of him,  
1109 were they giving commands. And I think the answer was he didn't believe  
1110 that he did.  
1111  
1112 Q: Right. And that's, uh...  
1113  
1114 A1: So, just that clarification.  
1115  
1116 Q: That's correct. The point I'm talking about is once he jumps the fence, and  
1117 gets up and runs, prior to him being shot, was there any commands given and  
1118 you said you didn't give any and you didn't hear (Adcox) giving any, so that  
1119 cleared that up for me.  
1120  
1121 A1: Yeah.  
1122  
1123 Q: I understand that you both gave - gave commands once he was down and then  
1124 you also gave commands in the other yard, right after the traffic stop and



1125 while he's running through that yard, so, that's my understanding. Is that  
1126 correct?

1127  
1128 A: Yes.

1129  
1130 Q: Okay. Okay, with that, that'll conclude this interview. Uh, like we talked  
1131 about, uh, earlier, if there's something you - that comes up later, that you  
1132 remember, that you think we might wanna know, or that you just wanna tell  
1133 us, um, you can get ahold of me through her, or you guys decide and contact  
1134 me and we'll go ahead and take that statement from you, okay?

1135  
1136 A: Okay.

1137  
1138 Q: You guys have any questions?

1139  
1140 A1: No. I think you guys covered everything.

1141  
1142 Q: Okay, it is 8:34 pm.

1143  
1144  
5 This transcript has been reviewed with the audio recording submitted and it is an accurate  
1146 transcription.

1147 Signed  #1352

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