

**SUPPLEMENTAL REPORT**

Date Prepared: 05-12-11

1. Original File No. <b>P11068393</b>	2. [Redacted]	3. Off. ID <b>303</b>	4. NPC <b>W</b>	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date / Time Occurred <b>05-10-11 / 1757</b>	9. Day	
10. Date / Time Assigned / /	11. Date / Time Inv. Start / /	12. Date / Time Inv. Term. / /	13. Type Clr. <b>EXC</b>	14. Type Cont. <b>REC</b>	15. Additional Adults Arr.	16. Additional Juv. Arr.			

17. Address of Occurrence (Street No. - Name - City - Zip) <b>11532 Tarilway Dr. Riverside, CA</b>	18. Type of Place <b>Single Family Residence</b>
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For ID USE: V = Victim, I = Informant, W = Witness, O = Other

19. ID: <b>V</b>	20. Last Name - First - Middle (Firm Name if Business) <b>Bradford, Arabella L.</b>	21. Race - Sex	22. DOB [Redacted]
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23. Residence Address	24. Business or School Address	25. Home Phone	26. Bus. Phone
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27. ID: <b>V</b>	28. Last Name - First - Middle (Firm Name if Business) <b>Conley, Malvin Harold Jr.</b>	29. Race - Sex	30. DOB [Redacted]
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31. Residence Address	32. Business or School Address	33. Home Phone	34. Bus. Phone
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S U S P E C T	35. Last Name - First - Middle <b>Millon, Virgil Anthony</b>	36. Race - Sex	37. Age	38. Ht.	39. Wt.	40. Hr.	41. Eyes	42. DOB or ID [Redacted]	43. Arrested Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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44. Address - Clothing - Other Marks or Identifying Characteristics
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45. Juv. Other ( ) 2	Juv. Ct. Prob. ( ) 5	Within Dept. ( ) 6	Detained ( ) 1	Not Detained ( ) 2
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S U S P E C T	46. Last Name - First - Middle	47. Race - Sex	48. Age	49. Ht.	50. Wt.	51. Hr.	52. Eyes	53. DOB or ID	54. Arrested Yes <input type="checkbox"/> No <input type="checkbox"/>
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55. Address - Clothing - Other Marks or Identifying Characteristics
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56. Juv. Other ( ) 2	Juv. Ct. Prob. ( ) 5	Within Dept. ( ) 6	Detained ( ) 1	Not Detained ( ) 2
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ORIGINALLY REPORTED DOLLAR VALUES ARE CHANGED AS SHOWN BELOW

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

60. Originally Reported Offenses (Code - Crime) (1) 187 PC - Double Murder (2)	61. Original Offenses Changed to (Code - Crime) (1) (2)	58. Stolen Auto Value ASP	59. Recovered Auto Value A2
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62. Narrative of Supplemental Report	62a. Audio Recording Available? <b>Yes</b>	62b. Incident Number:	Reporting Officer <b>Det. Rick Wheeler</b>
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**Interview:**

Ofc. Z. Fishell #1425

COPIES TO
VCLO ( )
ACTIONS
APB Sent
APB Cancl.
APR Sent
APR Cancl.
DOJ - NCIC
Entered Cancl.
ENTERED
STATS ARBK ANI

**RIVERSIDE POLICE DEPT.  
CONTINUATION PAGE**

FILE # P11068393

DATE 05/11/11	TYPE OF REPORT 187 PC	REPORTING OFFICER Det. R. Wheeler #303
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1 **Assignment:**

2 On May 10, 2011 I conducted an interview with Officer Zach Fishell regarding this incident involving a  
3 double murder and an officer involved shooting. Also present for this interview were; Det. Cobb, DDA  
4 Shouka, DA Inv. Fuentes and private attorney Kasey Castillo (representing Ofc. Fishell). The interview  
5 began at 2355 hrs and ended at 0016 hrs. This interview was audio recorded. What follows is a  
6 synopsis of the interview.

7  
8 W/Officer Zach Fishell #1425:

9 Ofc. Fishell has been with Riverside Police Department for five years. He is assigned to uniformed  
10 patrol and was working in a one man marked police unit tonight. His designator was C410 and he was  
11 assigned to the west area of Riverside. Ofc. Fishell drove marked RPD unit #3767.

12  
13 Ofc. Fishell was parked in the parking lot of a church at the corner of La Sierra & Collette just prior to  
14 this incident. His windows were down and he heard gunshots in the distance as he was being dispatched  
15 to a "shots fired" call on Trailway Dr. RPD dispatched assigned him to the call and asked for any other  
16 unit to assist him. Ofc. Fishell drove west on Collette to the Paradise Estates community which is a  
17 gated community located at Collette and Creekrun. Once there, he used his Knox Box key to open the  
18 community gate and left it open for arriving officers. Dispatch gave him an update stating the suspect  
19 responsible for the shooting was a black male, in his forties with a bald head. Ofc. Fishell drove to the  
20 first fork in the road, Trailway Dr. & Countrydale Dr. where he stopped. He parked his car on Trailway  
21 Dr., right at the fork, and began walking west along the south side of the street.

22  
23 Ofc. Fishell walked down Trailway Dr. and saw a male on a cell phone looking west, hiding around the  
24 corner of a house. He continued to walk down the street but had difficulty seeing due to trees along the  
25 sides of the street. Ofc. Fishell reached the front of a residence where he could squat down behind a  
26 cement/ rock structure about 3 feet high and a few feet wide. From there, Ofc. Fishell could see under  
27 the trees.

28  
29 Ofc. Fishell saw a black male adult, with a bald head, standing on the sidewalk (south side of the street)  
30 approximately 30 yards from his position. The male was holding a black handgun and had his back to  
31 Ofc. Fishell. The suspect was standing over the body of a female who was "slumped" over partially in  
32 the street and partially on the sidewalk near a blue truck. The suspect was looking down at the female.  
33 Ofc. Fishell thought the female might be dead due to blood spots he could see on her clothing. The  
34 suspect had the gun down near his side, as if in a "low ready" type position. The suspect then fired 2-3  
35 shots at the female. Ofc. Fishell got on his police radio and advised dispatch of shots being fired.  
36 Feeling he had a good back-drop, he aimed his issued handgun at the suspect and fired a single round in  
37 an effort to stop the threat. He was not sure if this round struck the suspect or not.

38  
39 Once Ofc. Fishell shot, the suspect turned toward Ofc. Fishell and began to walk his direction. After a  
40 few steps, the suspect walked between two parked cars and into the street. The suspect walked behind a  
41 commercial box truck and to the driver's side. Ofc. Fishell could see the suspect through the windshield  
42 and driver's door window. It appeared the suspect was looking for Ofc. Fishell.

**RIVERSIDE POLICE DEPT.  
CONTINUATION PAGE**

FILE # P11068393

DATE 05/11/11	TYPE OF REPORT 187 PC	REPORTING OFFICER Det. R. Wheeler #303
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1 The suspect paused and then started walking across the street with the gun still in his hand. Fearing the  
2 suspect was going to flank him, Ofc. Fishell fired a second shot at the suspect. This shot appeared to  
3 strike the suspect, possibly in the lower part of his body. The suspect made a "jumping" like step but  
4 continued to move in a direction to flank Ofc. Fishell. The suspect did not drop his gun. Ofc. Fishell  
5 took a third shot at the suspect and this one struck the suspect, causing him to fall to the ground. Ofc.  
6 Fishell could see blood coming from the suspect's head. Ofc. Mercadefe arrived at this time and the two  
7 officers moved up the street. Ofc. Fishell checked the female victim and found her unresponsive. Ofc.  
8 Fishell called for medical aid while Ofc. Mercadefe covered the downed suspect. Ofc. Fishell found that  
9 there was a second victim lying in the front yard of a residence. He had not seen this victim before.  
10 Ofc. Fishell remained with the victims until medical aid and other officers arrived to assist.

11  
12 As soon as Ofc. Fishell first saw the suspect, the suspect fired the 2-3 shots at the female on the ground.  
13 Ofc. Fishell did not have time to announce his presence. Ofc. Fishell then chose not to announce his  
14 presence prior to shooting at the suspect because, even though he had the position of advantage, he had  
15 very limited cover. He did not want the suspect to know where he was for fear the suspect would turn  
16 and fire at him. Ofc. Fishell thought the suspect may have been talking to himself at the time he shot the  
17 female. He could not hear what the suspect was saying.

18  
19 Ofc. Fishell had been to this neighborhood on a past incident. He recalled it being a domestic violence  
20 type call where the male half had a gun. Ofc. Fishell was an assisting officer on that case. He recalled  
21 the suspect had been a correction officer of some sort and RPD officers had removed several guns from  
22 the residence after arresting the suspect.

23  
24  
25 NFI

1  
2  
3  
4  
5  
6  
7 **INTERVIEW WITH OFC. ZACH FISHELL**

8 **Q=Det. (Rick) Wheeler**

9 **Q1=(Casey Castillo)**

10 **Q2=Det. (Rick) Cobb**

11 **A=Ofc. Zach Fishell**

12  
13  
14 Q: Okay. This is Detective, uh, (Rick) Wheeler with Riverside Police  
15 Department. Uh, I am present in the conference room here at (Mag) regarding  
16 RPD case P11068393, uh, which is a, uh, murder case with an officer-  
17 involved shooting. Uh, present with me is Detective Cobb and, uh, I'm sorry.  
18 Your name again?

19  
20 Q1: (Kasey Castillo) from Lackie, Dammeier, McGill.

21  
22 Q: Okay. Officer Zach Fishell, uh, investigator for the DA's office (Rick Fuentes)  
23 and, uh, Deputy District Attorney (Sam Shouka). Uh, today's date is May, uh,  
24 uh, 10 at, uh, 2355 hours. Um, would you like to go ahead and, uh, provide  
25 your information first before we get started?

26  
27 Q1: Yeah. Um, Officer Fishell, you are familiar with your department's Policy  
28 4.8?

29  
30 A: Yes.

31  
32 Q1: Would you - did you review this today?

33  
34 A: Yes.

35  
36 Q1: Okay. And have you reviewed this previously?

37  
38 A: Yes.

39  
40 Q1: And you're aware of the content?

41  
42 A: Yes.

43  
44 Q1: Okay. And you're aware that this, um, interview with your detective is being,  
45 um, provided in compliance with 4.8?



46  
47 A: Yes.  
48  
49 Q1: And what is your understanding of that?  
50  
51 A: That, uh, basically I am ordered to do it. If I do not do it, then I am, uh, out of  
52 policy for this and can be, uh, disciplined.  
53  
54 Q1: Okay. So you are, um, providing this interview under compulsion and in  
55 compliance with this, uh, policy and that's your understanding?  
56  
57 A: Correct.  
58  
59 Q: Okay, great. Uh, Zach, I got your name spelled as Z-A-C-H, F-I-S-H-E-L-L,  
60 is that correct?  
61  
62 A: Correct.  
63  
64 Q: Okay. And your ID number is 1425?  
65  
66 A: Yes.  
67  
68 Q: Great. How long have you been with RPD?  
69  
70 A: Five years.  
71  
72 Q: Five years, great. And your current assignment is...  
73  
74 A: Patrol  
75  
76 Q: Patrol. And tonight, uh, what designator were you assigned as?  
77  
78 A: Charles 410.  
79  
80 Q: Okay. And were you in a single or two-man unit?  
81  
82 A: Single.  
83  
84 Q: Single. And what unit were you in?  
85  
86 A: 3767.  
87  
88 Q: Okay. What - what part of the city were you responsible for tonight?  
89  
90 A: The west area.

91  
92 Q: West area. All right. All right. Uh, what I'd like to do is, um, I'm gonna let you  
93 kind of take it from here. I understand you were, uh, sent to a call at some  
94 point over in the west end of the city. Um, I'm gonna let you kinda go from  
95 the beginning through as far as you can recall and then we'll go back over and  
96 kinda fill in any gaps that I might have questions about and see where we go  
97 from there. Okay?  
98  
99 A: Okay.  
100  
101 Q: So I'll let you go ahead and start.  
102  
103 A: Um, I believe I got the initial call. Um, I don't recall the time. Um, I think it  
104 was a shots fired type call.  
105  
106 Q: Okay.  
107  
108 A: Um, I think they only dispatched me and said, "Any unit to assist." So from -  
109 from what I remember I think it was just me dedicated to the call at that time.  
110  
111 Q: Okay.  
112  
113 A: Um, I was parked at, uh, the corner of car, uh, Collett and La Sierra, uh,  
114 behind one of the churches there and had my window down and as the call  
115 came out I heard what sounded like gunshots but they were faint. So I took it  
116 as fireworks.  
117  
118 Q: Okay.  
119  
120 A: And then call came out. Um, so now the call came out and I looked at the map  
121 and saw that it - it was in the direction of where the - I heard those what I  
122 thought were shots.  
123  
124 Q: Okay.  
125  
126 A: So I started driving towards it. I was probably a block and a half, two blocks  
127 away. Um, got to the front gate. It's a gated community. I had to open the gate.  
128 I didn't have the, uh, pass code, um, but it did have a Knox Box and, uh, so I  
129 got out of the car. Opened the, uh, Knox Box with my key, left it open  
130 thinking that this appears a serious call. Um, I have been to this area, uh, I  
131 know once before and pretty much for only one reason before. Um, but with  
132 the shots fired call and the, uh, me hearing it I was thinking that this is  
133 probably righteous and then as I was getting there dispatch updated the call  
134 saying, "We have multiple neighbors calling in saying that they're hearing  
135 shots." Um, and I believe the RP said that, uh, they were in a - locked in the

136 bathroom with a 6-year-old kid and shots were happening inside the house. So  
137 a 246. They, uh, gave a description of the man. Uh, I remember, uh, black  
138 male in his 40s with a - a bald head. So, I was able to get to the scene. I  
139 opened the door. I left it open thinking that this is gonna be righteous, you  
140 know, if - this is probably gonna need multiple units coming in here so I left  
141 the Knox Box to the opened position, uh, so it stays open instead of if you  
142 open it and close it, it'll just close right back up. Um, pulled in and just as it  
143 forks, uh, you round the corner and it forks then I parked thinking that, you  
144 know, I don't want to go too deep into it. It sounds like it's a man with a gun  
145 probably, uh, an active shooter. Um, I get out of the car, start walking up on  
146 the south side of the - the houses, um, walking down Trail- Trailway I think.  
147

148 Q: Okay.

149  
150 A: As I'm walking down the, uh, south side pretty much in the - the grass area,  
151 um, I see a - what I think that was a neighbor or a witness. He was looking  
152 down the street, um, to the west holding a phone up to his ears talking, um,  
153 hiding around the corner of his house. Um, so it looked like something was  
154 going on pretty serious that he could see. Um, I walked up a little bit further. I  
155 couldn't see anything. Um, no people - no other people outside yet. There was,  
156 uh, trees lining down the street. Um, got to one of the houses where I could  
157 see from my vantage point an open garage door. Um, I thought I saw  
158 something move in the garage door and I really didn't know which - if that  
159 was the house in question or not. So I took a position of cover there and  
160 squatted down so I could see underneath the - the trees. Um, when I squatted  
161 down I could see further down on the south end of the - the street where I was  
162 and saw a black male, bald, um, standing on the sidewalk next to a blue truck,  
163 uh, holding a black pistol in his hand and he was standing over the body of a  
164 female. Um, and she was slumped in - in the, uh, on the sidewalk kind of  
165 hanging off the sidewalk into the street almost splitting that car where it was  
166 parked. And he was - had his back to me looking down at her, had a gun in his  
167 hand. I want to say it was the right hand but I'm not sure. Um, and so at this  
168 point I think he's killed her, shot her. Um, she - there were blood spots that  
169 you could see on her. Um, he was probably about 30 yards away maybe. Um,  
170 so from my position I see him. He has the gun down to his side. Um, at that  
171 point I - he didn't raise it up but he - I guess low ready or low lowered and  
172 then he fired I - I think two to three rounds. Um, and I want to say at that point  
173 I think I got on the radio and said, "Shots fired." And thinking that he's killed  
174 her or is killing her and she's - her - I shot, uh, a single shot at him...  
175

176 Q: Mm-hm.

177  
178 A: ...um, trying to stop the threat. It didn't appear that, uh, that shot hit him. Uh, I  
179 didn't see anyone down range behind him, no other people out in the streets.  
180 Um, the angle that I - I was - it almost - the backdrop was almost the - that

181 truck. Um, it was a slight angle but I think enough to where that was probably  
182 the - where it hit, maybe further down the street. Um, so when I did the shot I  
183 don't think it hit. He turned around, started walking, uh, a couple of steps  
184 towards me on the sidewalk, then walked in between two parked cars. They  
185 were probably a dri- driveway's width apart. Um, he still had the gun. The, uh,  
186 female wasn't moving. Um, he walked behind a parked - what I - I call a  
187 commercial box truck, like a large U-Haul.

188  
189 Q: Okay.

190  
191 A: Um, he walked behind that and then I could see him pop out on the driver side  
192 door. I could see through the windshield through the driver's window and then  
193 see his head on the other side. It looked like he was looking for me...

194  
195 Q: Mm-hm.

196  
197 A: ...where I had shot from because I don't think he knew at that point. Um, so  
198 he's looking around. He was probably there a few seconds. Um, now I'm  
199 thinking he's looking to shoot me. Um, he's searching for me. Um, at that  
200 point I think he walked, um, across the street towards the house with the open  
201 garage. Uh, started walking. I could see the gun still in his hand. Um, I think  
202 he's gonna take like a - a flanking position I guess it would be called. I - I'm  
203 hiding behind a little brick post to a front entrance of a house, uh, on the porch  
204 area so it's, you know, 4 feet tall and 3 feet wide and I'm trying to hide behind  
205 it and it's rock so I know it's some cover but probably not the best and it - it -  
206 the way he was going, I had nothing covering me. So now I think he's coming  
207 around to get me. So I take another shot and it looked this shot hit him. He  
208 made a - a weird movement like he had gotten stung or something. Um, but it  
209 hit a lower part I guess and he took a - a weird jumping step, didn't drop the  
210 gun, kept going, still kinda walking around. Um, took another shot and this  
211 one I think hit him in the head because as soon as I shot he fell down. Um, I  
212 saw blood kinda squirting from his head so I assumed it was a headshot and it  
213 appeared that he wasn't moving any more. Um, looked down at the victim and  
214 I could see her kinda twitching every so often a little twitch.

215  
216 Q: Mm-hm.

217  
218 A: So I think she's still alive. Um, I remember Officer (Mercadefe) coming up at  
219 that point sometime. Um, he had covered down on the suspect. I informed him  
220 of the, uh, the victim. I said I thought that, uh, the suspect was down. I think at  
221 that point I got on the air saying, uh, "The suspect's down. We have a female  
222 victim." Uh, and I think, uh, "Bring your medical aid." Um, seeing that she  
223 was possibly still alive, uh, (Mercadefe) came to where I was and we walked  
224 down to her location and someone else came up and covered the suspect. I'm  
225 not sure who it was. Um, and we basically waited there until everyone else

226 came. Um, I saw her - I went to her. (Merc) looked like he saw another victim  
227 that I had not originally seen.

228  
229 Q: Okay.

230  
231 A: Um, I saw there was a black male. Um, he was tucked more up underneath the  
232 trees in the grass area probably 10 to 15 feet away from her. And I basically  
233 stayed with her, checking her pulse, trying to see any signs of life in her. She  
234 would twitch every once in awhile. I'm trying to get medical aid in. Um, and  
235 at that point I think the calvary kinda came and people started doing jobs and I  
236 got - kind of walked away.

237  
238 Q: Okay. All right. Let me go over just a couple of things here. I think I forgot to  
239 ask, uh, you were - were you in uniform on patrol?

240  
241 A: Yes.

242  
243 Q: Okay. Kinda what you're wearing right now?

244  
245 A: Yes.

246  
247 Q: Okay. Um, uh, you said at one point that you thought - or you had a prior call  
248 in that area before. Um, was it in that exact area where the shooting took  
249 place?

250  
251 A: Yes.

252  
253 Q: What did - what was that call about? Is it anything that you think is connected  
254 to this or...

255  
256 A: From what I remember it was one of the houses where these people were in  
257 front of...

258  
259 Q: Okay.

260  
261 A: ...the two victims.

262  
263 Q: Mm-hm.

264  
265 A: Um, I remember going there for a domestic violence-type call with the male  
266 half having a gun.

267  
268 Q: Mm-hm.

270 A: Um, I remember Officer (Hoyos) was the first one there doing it and I had  
271 arrived and - and I was assisting. I think at some point we got several guns out  
272 of the house. I remember him being, uh, uh, like a correctional officer or a  
273 parole officer or something in the law enforcement. Um, so I - I know that's  
274 the only time I've - I believe that's the only time I've ever been to that street  
275 before was that one time.  
276  
277 Q: Okay.  
278  
279 A: And that was several years ago.  
280  
281 Q: All right. Um, and - and I remember looking at the scene there where that fork  
282 is in the road. As you come from the fork kinda where your car was parked, it  
283 looks like the street kinda sweeps or has a general turn to it in a way.  
284  
285 A: Mm-hm.  
286  
287 Q: Um, is it - do - you didn't get a chance to see down the street until after you  
288 kinda got around that curve a little bit and could have a better view of the  
289 straight away of that street?  
290  
291 A: I don't think I parked even on the straight away part.  
292  
293 Q: Okay.  
294  
295 A: It was still a curve.  
296  
297 Q: Mm-hm.  
298  
299 A: Um, so I still couldn't see all the way down the street.  
300  
301 Q: Okay.  
302  
303 A: Um, I didn't walk on the north side of the street. Just from when I got there it  
304 looked like it was more exposed.  
305  
306 Q: Okay.  
307  
308 A: I didn't even really know which side of that street the house in question that  
309 we were getting dispatched to was. Um, but for - I guess a tactical point, it  
310 seemed safer to walk down on the south end.  
311  
312 Q: Okay.  
313  
314 A: Just more cover, concealment.

315  
316 Q: Do you remember the address that you were being dispatched to?  
317  
318 A: I - I don't.  
319  
320 Q: Okay. Would that have been in your CAD call though?  
321  
322 A: Yes.  
323  
324 Q: Okay. Um, as - as you, uh, you come to one of - you're in view and you go  
325 down, uh, behind the bit of cover that you had and you can see underneath the  
326 trees. Um, as I recall the first thing that you notice is this, uh, male who  
327 sounds like he might have matched the description, black male, bald, uh, has  
328 his back to you, gun in his hand and then there's a female victim at his feet.  
329 Um, was it at that time that he fired two more rounds or were there more  
330 rounds than that, uh, towards this female?  
331  
332 A: Uh, when I came up and - and saw him...  
333  
334 Q: Mm-hm.  
335  
336 A: ...um, he fired at least two to three rounds from what I remember at the  
337 female.  
338  
339 Q: Okay. All right. And as I recall you - you didn't actually see the - the, uh, the  
340 other black male that was under the tree until after things had settled down  
341 and you guys were assessing the scene and...  
342  
343 A: Correct.  
344  
345 Q: ...kinda figuring it out. Okay. Do you recall him ever firing where you found  
346 this black male? Do you recall him ever pointing and firing in that direction at  
347 all or was it just to the female?  
348  
349 A: Uh, I didn't see him raise his gun so it looked like he was pointing it at her.  
350  
351 Q: Okay. Could you tell what kind of a gun it looked like he had or was just too  
352 far?  
353  
354 A: It looked like a - I know it was a black pistol probably a semi-auto.  
355  
356 Q: Okay.  
357  
358 A: Um, but that was all I could tell.  
359



360 Q: All right. And were those the only three shots or two shots that you saw him  
361 fire were the ones toward the female?  
362  
363 A: Right.  
364  
365 Q: Okay. Um, the first round that you fired gets his - his attention. He turns and  
366 actually starts to walk toward you?  
367  
368 A: Right.  
369  
370 Q: So he's closing the distance with you at this point?  
371  
372 A: Yes.  
373  
374 Q: Do you think he saw you - or - or could you tell if he did or not or he's just  
375 searching for you?  
376  
377 A: I think he was searching for me. I don't know if he did see me. I was tucked  
378 behind that little pillar.  
379  
380 Q: Okay.  
381  
382 A: Um, so it looked like he was trying to find me.  
383  
384 Q: Is the gun being raised while he's searching or is it down by his side?  
385  
386 A: I - I don't remember.  
387  
388 Q: Okay. And that's when you fire round number two I believe you said. Or - or  
389 was that - he went around the truck first.  
390  
391 A: From what I remember it was one when he was headed back to me...  
392  
393 Q: Okay.  
394  
395 A: ...walked around the truck. When he popped out of the truck with the gun, I  
396 shot one - or a second time and a third time.  
397  
398 Q: Okay. And that second one is where it appeared to have hit him, made him  
399 move kinda odd or something of that nature?  
400  
401 A: Yes.  
402  
403 Q: Okay. In your opinion it looked like he was trying to gain some advantage on  
404 you?

405  
406 A: Yes.  
407  
408 Q: Cover and looking for you at this point.  
409  
410 A: Right.  
411  
412 Q: Okay. Do you recall if he ever actually pointed the gun at you or is he still  
413 searching for you? He may not have seen (unintelligible)?  
414  
415 A: It looks like he was still searching for me. I didn't see the gun raise in my  
416 direction.  
417  
418 Q: Okay.  
419  
420 A: Um, but he did still have it.  
421  
422 Q: Okay.  
423  
424 A: Um, when he had gotten hit the - when I thought he got hit the first time...  
425  
426 Q: Mm-hm.  
427  
428 A: ...it looked like he was trying to maybe walk back up that driveway where the  
429 open garage is.  
430  
431 Q: Okay.  
432  
433 A: And I didn't know if that was the house in question where the RP was calling  
434 with the, uh, the woman and the 6-year-old locked in the - the bedroom.  
435  
436 Q: Right.  
437  
438 A: Um, I thought he was either gonna flank me this way or walk inside and - and  
439 possibly shoot them too.  
440  
441 Q: Okay. And then he - after that second shot just he turns and starts heading  
442 toward that - that house you were just wondering about?  
443  
444 A: He - I don't know if he turned. He kept walking towards the driveway.  
445  
446 Q: Mm-hm.  
447  
448 A: I don't know if he was turning to flank me or to turn to go into him but it was  
449 towards the driveway.

450  
451 Q: Okay. All right. And it's at that time that you took, uh, shot number 3?  
452  
453 A: Yes.  
454  
455 Q: Okay. Do you recall was he facing toward you or was he, uh, how he was  
456 positioned when you fired number 3?  
457  
458 A: Uh, he was facing more towards me.  
459  
460 Q: Okay. And at that point, uh, you see some - some blood and he actually goes  
461 to the ground as he pretty much dropped where he's at?  
462  
463 A: Yes.  
464  
465 Q: Okay. Um, there was a question I was gonna ask and it just escaped me.  
466 (Rick), go ahead if you got something ready.  
467  
468 Q2: Yeah while you're thinking... Just real quick when, uh, when you saw him and  
469 he was standing over the female and he fired the shots at the female, did you  
470 have any opportunity at all to announce yourself?  
471  
472 A: Uh...  
473  
474 Q2: And - or did you even say anything?  
475  
476 A: Uh, I didn't say anything. He had the gun. I had concealment and cover and -  
477 and an advantage I thought. He didn't know where I was. He didn't know I  
478 was here so I didn't say anything and didn't make any announcement.  
479  
480 Q2: And - and he - you're - you're basically -- correct me if I'm wrong -- you - you  
481 were shooting because he's shooting at her.  
482  
483 A: Yes.  
484  
485 Q2: Yes. So you didn't have an opportunity to say anything?  
486  
487 A: Right.  
488  
489 Q2: Okay. Um...  
490  
491 Q: That was my question by the way. Thank you.  
492  
493 Q2: You're welcome. Um, was he - did he - did he ever see you do you think?  
494

495 A: You, you know, I don't know.  
496  
497 Q2: But you knew where he...  
498  
499 A: I don't think so.  
500  
501 Q2: Do you feel he knew where you were though?  
502  
503 A: From the shots yes.  
504  
505 Q2: Right. He knew - he knew where your area was?  
506  
507 A: Right.  
508  
509 Q2: Okay. Uh, now that's it.  
510  
511 Q: Yeah. I think that's, uh...  
512  
513 Q2: Let me just go over my notes real fast but...  
514  
515 Q: I think that covers most of it.  
516  
517 Q2: Um, was he saying anything, yelling at all? Did he say - did he say anything?  
518  
519 A: You know, he wasn't yelling. Um, but I do think he was talking. I don't know  
520 if he was talking to himself or talking to whoever but I could hear a soft  
521 (unintelligible).  
522  
523 Q2: How - how was his demeanor? Was he excited, relatively calm? Was he...  
524  
525 A: You know, he was - he looked like he was standing over her and just standing  
526 there. He wasn't walking back and forth at that point. He - I think he was  
527 talking to her or talking to himself because I could hear him, the low  
528 mumbling.  
529  
530 Q2: Mm-hm.  
531  
532 A: Um, and then the shots. And then when I fired - 'cause I fired right next to the  
533 pillar, the - the percussion or whatever...  
534  
535 Q2: Yeah.  
536  
537 A: ...from that thing hit me amount ear and I remember that, a ringing. And I  
538 didn't hear him say anything else. Um, I know he walked to the van. Uh, I

539 think he was still talking but, you know, I don't know if he seemed like he was  
540 out of it or...

541  
542 Q2: Okay. That's all I have.

543  
544 Q: Yeah, that's, uh, do - do you recall if he reloaded at any time? Did you ever  
545 see him reload?

546  
547 A: You know, I never saw him reload. You know, I don't know if he had the time  
548 to really, um, at the point I confronted him.

549  
550 Q: Okay. Um, you know, I don't have any other questions. Uh, we'll end the  
551 interview at 0016 hours.

552  
553  
554 The transcript has been reviewed with the audio recording submitted and it is an accurate  
555 transcription.

556 Signed \_\_\_\_\_



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