

SUPPLEMENTAL REPORT

Date Prepared: 11-03-08

1. Original File No. P08-157587	2. [Redacted]	3. Off. ID 605	4. NPC W	5. Crime-Ct.	6. Crime-Ct.	7. Crime-Ct.	8. Date / Time Occurred 10-31-08 / 2144	9. Day
10. [Redacted] / Time Assigned	11. Date / Time Inv. Start	12. Date / Time Inv. Term.		13. Type Clr. EXC	14. Type Cont. REC	15. Additional Adults Arr.	16. Additional Juv. Arr.	

17. Address of Occurrence (Street No. - Name - City - Zip)
7850 Cypress Ave Riverside, CA

18. Type of Place
Street

For ID USE: V = Victim, I = Informant, W = Witness, O = Other

19. ID: **V** 20. Last Name - First - Middle (Firm Name if Business)
Officer Daniel Koehler

21. Race - Sex
W - M 22. DOB

23. Residence Address

24. Business or School Address
Riverside PD

25. Home Phone

26. Bus. Phone
(951) 787-7911

27. ID: **V** 28. Last Name - First - Middle (Firm Name if Business)
Officer Jeffrey Ratkovich

29. Race - Sex
W - M 30. DOB

31. Residence Address

32. Business or School Address
Riverside PD

33. Home Phone

34. Bus. Phone
(951) 787-7911

S U S P E C T 35. Last Name - First - Middle
Acevedo, Marlon

36. Race - Sex
H - M 37. Age
35 38. Ht.
5-07 39. Wt.
230 40. Hr.
BLK 41. Eyes
BRO 42. DOB or ID

43. Arrested
Yes No

44. Address - Clothing - Other Marks or Identifying Characteristics
7857 Cypress Ave. Riverside, CA

45. Juv. Other Disp: Juris. () 2 Juv. Ct. Prob. () 5 Within Dept. () 6 Detained () 1 Not Detained () 2

S U S P E C T 46. Last Name - First - Middle

47. Race - Sex 48. Age 49. Ht. 50. Wt. 51. Hr. 52. Eyes 53. DOB or ID 54. Arrested
Yes No

55. Address - Clothing - Other Marks or Identifying Characteristics

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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) Officer Involved Fatal Incident

61. Original Offenses Changed to (Code - Crime)
(1)

58. Stolen Auto Value ASP

59. Recovered Auto Value A2

62. Narrative of Supplemental Report
W/ Justin Rescorl interview. See narrative.

62a. Audio Recording Available? **No** 62b. Incident Number:

Reporting Officer
Rowe

Reviewed By
M. Rossi 603

COPIES TO

VCLÓ ()

ACTIONS

APB Sent

APB Cancl.

APR Sent

APR Cancl.

DOJ - NCIC Entered Cancl.

ENTERED

STATS ARBK ANI

AUG 31 2009

**SIDE POLICE DEPT.
INITIAL REPORT
M.O. SHEET**

PAGE NO: 2

FILE NO. P08-157587

DATE 03-31-08	TYPE OF REPORT Officer Involved Fatal Incident	REPORTING OFFICER Rowe
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-ADDITIONAL CONTACTS-

FOR CODE USE V- Victim W- Witness DC- Discovered Crime RP- Reporting Party P- Parent O- Other

Code W	63. Name Rescorl, Justin Scott	64. Residence Address 7850 Cypress Ave. #9301	65. Res. Phone [REDACTED]
66. Sex/Race M / W	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]
	Eyes [REDACTED]	67. D.O.B. [REDACTED]	68. Business Address [REDACTED]
Code W	70. Name Rescorl, Sarah Daniel	71. Residence Address 7850 Cypress Ave. #9301	72. Res. Phone [REDACTED]
73. Sex/Race F / W	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]
	Eyes [REDACTED]	74. D.O.B. [REDACTED]	75. Business Address [REDACTED]
			76. Bus. Phone [REDACTED]

PREMISES (BUSINESS) <input type="checkbox"/> 1. Bank/Sav. Loan Finance/Credit Union <input type="checkbox"/> 2. Bar <input type="checkbox"/> 3. Cleaners/Laundry <input type="checkbox"/> 4. Construction Site <input type="checkbox"/> 5. Theater <input type="checkbox"/> 6. Fast Foods <input type="checkbox"/> 7. Gas Station <input type="checkbox"/> 8. Hotel/Motel <input type="checkbox"/> 9. Dept./Disc. Store <input type="checkbox"/> 10. Drug/Pharm. Store <input type="checkbox"/> 11. Gun/Sport Store <input type="checkbox"/> 12. Jewelry Store <input type="checkbox"/> 13. Liquor Store <input type="checkbox"/> 14. Photo Stand <input type="checkbox"/> 15. Convenience Store <input type="checkbox"/> 16. Tire Store <input type="checkbox"/> 17. Restaurant <input type="checkbox"/> 18. Supermarket <input type="checkbox"/> 19. Video/TV/Radio <input type="checkbox"/> 20. Auto Parts <input type="checkbox"/> 21. Bicycle Store <input type="checkbox"/> 22. Clothing Store <input type="checkbox"/> 23. Hardware <input type="checkbox"/> 24. Medical <input type="checkbox"/> 25. Office Building <input type="checkbox"/> 26. Shoe Store <input type="checkbox"/> 27. Warehouse <input type="checkbox"/> 28. Entertainment <input type="checkbox"/> 29. Storage Facility <input type="checkbox"/> 30. Other: (RESIDENCE) <input type="checkbox"/> 31. Apartment <input type="checkbox"/> 32. Condo/Townhouse <input type="checkbox"/> 33. Duplex/Fourplex <input type="checkbox"/> 34. Garage Attached <input type="checkbox"/> 35. Garage Detached <input type="checkbox"/> 36. House <input type="checkbox"/> 37. Mobile Home <input type="checkbox"/> 38. Retirement Home <input type="checkbox"/> 39. Other: (PUBLIC) <input type="checkbox"/> 40. Church <input type="checkbox"/> 41. Hospital <input type="checkbox"/> 42. Park/Playground <input type="checkbox"/> 43. Public Building <input type="checkbox"/> 44. School <input type="checkbox"/> 45. Shopping Center <input type="checkbox"/> 46. Street/Hwy/Fwy <input type="checkbox"/> 47. Pkg Lt/Garage <input type="checkbox"/> 48. Other:	POINT OF ENTRY <input type="checkbox"/> 1. Front <input type="checkbox"/> 2. Rear <input type="checkbox"/> 3. Side <input type="checkbox"/> 4. North <input type="checkbox"/> 5. South <input type="checkbox"/> 6. East <input type="checkbox"/> 7. West <input type="checkbox"/> 8. Window <input type="checkbox"/> 9. Door <input type="checkbox"/> 10. Sliding Glass Door <input type="checkbox"/> 11. Basement <input type="checkbox"/> 12. Roof <input type="checkbox"/> 13. Floor <input type="checkbox"/> 14. Wall <input type="checkbox"/> 15. Duct/Vent <input type="checkbox"/> 16. Garage <input type="checkbox"/> 17. Adj. Building <input type="checkbox"/> 18. Ground Level <input type="checkbox"/> 19. Upper Level <input type="checkbox"/> 20. Other: METHOD OF ENTRY <input type="checkbox"/> 1. No Force Used <input type="checkbox"/> 2. Attempt Only <input type="checkbox"/> 3. Bodily Force <input type="checkbox"/> 4. Bolt Cut/Pliers <input type="checkbox"/> 5. Channel Lock/Pliers Wrench/Vice Grips <input type="checkbox"/> 6. Saw/Drill/Burn <input type="checkbox"/> 7. Screwdriver <input type="checkbox"/> 8. Tire Iron <input type="checkbox"/> 9. Unk Pry Tool <input type="checkbox"/> 10. Coat Hanger/Wire Slim Jim <input type="checkbox"/> 11. Key Slip/Shim <input type="checkbox"/> 12. Punch <input type="checkbox"/> 13. Remove Louvers <input type="checkbox"/> 14. Window Smashed <input type="checkbox"/> 15. Brick/Rock <input type="checkbox"/> 16. Hid in Building <input type="checkbox"/> 17. Lock Box <input type="checkbox"/> 18. Unlocked Door/Window <input type="checkbox"/> 19. Other:	PROPERTY TAKEN (See \$ Amount Below) <input type="checkbox"/> 1. Cash/Notes <input type="checkbox"/> 2. Jewelry/Metals <input type="checkbox"/> 3. Clothing/Furs <input type="checkbox"/> 4. Office Equipment <input type="checkbox"/> 5. TV/Cam/Stereo <input type="checkbox"/> 6. 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Other: BURGLARY ONLY Is Victim Member of Neighborhood Watch? <input type="checkbox"/> Yes <input type="checkbox"/> No Interested in Neighborhood Watch? <input type="checkbox"/> Yes <input type="checkbox"/> No	APPROACH <input type="checkbox"/> 1. Taking a Survey <input type="checkbox"/> 2. Customer/Client Delivery <input type="checkbox"/> 3. Person <input type="checkbox"/> 4. Stranded Motorist <input type="checkbox"/> 5. Drunk Employee <input type="checkbox"/> 6. Drunk Employer <input type="checkbox"/> 7. Friend/Relative <input type="checkbox"/> 8. Ill/Injured <input type="checkbox"/> 9. Needed Telephone <input type="checkbox"/> 10. Police/Law Official <input type="checkbox"/> 11. Renter <input type="checkbox"/> 12. Repair Man <input type="checkbox"/> 13. Sales-Lawful Goods <input type="checkbox"/> 14. Sales-Unlawful Goods <input type="checkbox"/> 15. Seeking Assistance <input type="checkbox"/> 16. Seeking Directions <input type="checkbox"/> 17. 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TOTAL AMOUNT STOLEN

TOTAL AMOUNT RECOVERED

**RIVERSIDE POLICE DEPT.
INITIAL REPORT
M.O. SHEET**

PAGE NO: 3

FILE NO. P08-157587

DATE 0-31-08	TYPE OF REPORT Officer Involved Fatal Incident	REPORTING OFFICER Rowe
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-ADDITIONAL CONTACTS-

FOR CODE USE V- Victim W- Witness DC- Discovered Crime RP- Reporting Party P- Parent O- Other

Code W	63. Name Gabaldon, Germain	64. Residence Address 7850 Cypress Ave. #1103	65. Res. Phone [REDACTED]
66. Sex/Race M/H	Height	Weight	Hair
Code	70. Name		67. D.O.B. [REDACTED]
68. Business Address	71. Residence Address		69. Bus. Phone
73. Sex/Race /	Height	Weight	Hair
75. Business Address	74. D.O.B.		72. Res. Phone
			76. Bus. Phone

<p>PREMISES (BUSINESS)</p> <p><input type="checkbox"/> 1. Bank/Sav. Loan Finance/Credit Union</p> <p><input type="checkbox"/> 2. Bar</p> <p><input type="checkbox"/> 3. Cleaners/Laundry</p> <p><input type="checkbox"/> 4. Construction Site</p> <p><input type="checkbox"/> 5. Theater</p> <p><input type="checkbox"/> 6. Fast Foods</p> <p><input type="checkbox"/> 7. Gas Station</p> <p><input type="checkbox"/> 8. Hotel/Motel</p> <p><input type="checkbox"/> 9. Dept./Disc. Store</p> <p><input type="checkbox"/> 10. Drug/Pharm. Store</p> <p><input type="checkbox"/> 11. Gun/Sport Store</p> <p><input type="checkbox"/> 12. Jewelry Store</p> <p><input type="checkbox"/> 13. Liquor Store</p> <p><input type="checkbox"/> 14. Photo Stand</p> <p><input type="checkbox"/> 15. Convenience Store</p> <p><input type="checkbox"/> 16. Tire Store</p> <p><input type="checkbox"/> 17. Restaurant</p> <p><input type="checkbox"/> 18. Supermarket</p> <p><input type="checkbox"/> 19. 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TOTAL AMOUNT STOLEN

TOTAL AMOUNT RECOVERED

**RIVERSIDE POLICE DEPT.
CONTINUATION PAGES**

PAGE NO: 4

FILE NO: P08157587

DATE

11/3/2008

TYPE OF REPORT

Officer Involved Fatal Incident

INVESTIGATING OFFICER

Rowe #605

Assisting personnel:

Detective James Brandt

Narrative:

On 10-31-08 at approximately 2300 hours I responded to 7850 Cypress Ave for an in custody death investigation. Upon arrival I was assigned to interview witnesses with Detective Brandt. The following is a summary of the recorded interview with W/ Justin Rescorl. The interview was downloaded to the RPD server.

Detective Brandt and I interviewed W/ Justin inside his apartment complex. W/ Justin stated he was with his wife, W/ Sarah Rescorl, and his two young children. W/ Justin stated his neighbor (W/ Germain Gabaldon) was also in front of their complex watching. W/ Justin stated they had just finished trick-or-treating in the neighborhood. W/ Justin stated they arrived to the front of their apartment complex, when he heard a Hispanic male, bald, 6-00, 220 lbs. yelling in the middle of the street. W/ Justin stated they were approximately 100' away and could see the whole incident clearly. W/ Justin stated the Hispanic male, later identified as S/ Marlón Acevedo, was blocking traffic and yelling at the cars as they passed. W/ Justin stated he heard S/ Acevedo yelling, "Kill me" as well as other things that he couldn't understand. W/ Justin stated he saw S/ Acevedo throw a black box type object at a blue car that was parked across the street. W/ Justin stated a Hispanic female came from somewhere west of his apartment complex. She was trying to get S/ Acevedo to calm down, but he started fighting with her so she left. W/ Justin thought S/ Acevedo was going to get hit by a car, so he called 911 at 2144 hours.

W/ Justin stated the police arrived a short time later. W/ Justin stated the red and blue lights on top of their unit were on and he thinks they might have used their spotlight. W/ Justin stated the helicopter was also above with its spotlight on. W/ Justin stated when the officers arrived there was no doubt they were officers in their uniforms. W/ Justin stated two officers arrived in one unit. W/ Justin stated S/ Acevedo was standing near the middle of the road just east of their complex. The officers approached S/ Acevedo and identified themselves as police officers. W/ Justin stated S/ Acevedo tensed up at that point. S/ Acevedo clenched his fists and he could see his body tense up. W/ Justin stated the officers removed their batons. W/ Justin stated S/ Acevedo started swinging at the officers, but he could not tell if S/ Acevedo actually hit the officers. W/ Justin saw the two officers hit S/ Acevedo three to four times with their batons in the legs and lower torso. W/ Justin could hear S/ Acevedo saying, "Get the fuck off of me." W/ Justin stated they all went to the ground and appeared to be struggling to get S/ Acevedo in custody. W/ Justin saw one officer get off S/ Acevedo and say, "Stand back." W/ Justin stated S/ Acevedo was not cooperating with the officers. W/ Justin heard the officer use his taser on S/ Acevedo. W/ Justin stated after that S/ Acevedo seemed to calm down. W/ Justin stated it looked like they handcuffed S/ Acevedo. W/ Justin did not see the officers tie (Hobble) S/ Acevedo's legs together. He saw that the officers were trying to restrain S/ Acevedo's legs and when the ambulance arrived they restrained him on the board. S/ Acevedo stated the ambulance arrived quickly, approximately 2-3 minutes after S/ Acevedo was tased.

W/ Justin stated he did not see anyone else on the street watching the incident. W/ Justin stated he did not see the girl that tried to help S/ Acevedo earlier on the street when the police arrived. W/ Justin did not see anyone across the street from his apartment complex watching the incident.

INTERVIEW WITH JUSTIN SCOTT RESCORL

Q=Det. Greg Rowe

Q1=Det. Jim Brandt

A=Justin Scott Rescorl

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Q: All right this is uh Detective Rowe, I'm here with Detective Brandt. It's uh 11-1-08 at 113 hours. How do you spell your uh first name?

A: J-U-S-T-I-N.

Q: And middle name?

A: Scott.

Q: Two Ts.

A: Yeah?

Q: And the last name?

A: Rescorl.

Q: Can you spell that for me?

A: R-E-S-C-O-R-L.

Q: And what's your birth date, Justin?

A: [REDACTED]

Q: And your address?

A: 7850 (Cypress) Avenue, Apartment 9301, Riverside, California.

Q: 9301?

A: Yeah.

Q: Do you know what the zip code is around here?

46
47 A: 92503.
48
49 Q: And how about some phone numbers?
50
51 A: Uh cell phone is [REDACTED]
52
53 Q: Okay.
54
55 A: And I have a house number too.
56
57 Q: All right.
58
59 A: Let me look that up. It's uh [REDACTED]
60
61 Q: You have - you work?
62
63 A: I'm a full time student.
64
65 Q: Okay. Where do you go to school?
66
67 A: RCC.
68
69 Q: All right. Um, obviously you know why we want to talk to you about what
70 happened out there in the street. Um if you could just start, go through who
71 you were with and what - what it was that you saw out there and then we'll
72 probably have a few questions after we uh - after you go through it.
73
74 A: Okay um, I was with my wife and two children. We were coming home from
75 trick-or-treating. And there was this guy standing out in the street screaming. I
76 just he thought he was either somebody who was drunk or some crazy - you
77 know. He started yelling and I was just watching. You know, we were
78 watching, thought it was kind of funny. And then he started throwing stuff and
79 he walked out in the middle of the street, almost got hit by a car. And then he
80 started - stopping traffic and things like that. And so I got - I was worried was
81 going to get hit. People won't slow down for you around here. And uh so I
82 called the cops and said, "Hey (unintelligible) in the street. You might want to
83 get him out of the street." And then uh things escalated from there when -
84 when they came out. He looked really tense and uh kind of moved to the side
85 real fast like he was gonna swing. And before he got a chance to take a swing
86 the uh - one of the police officers hit him in the leg. And then he did take a
87 swing and that's when the uh - the other police officer came from the side
88 when they uh took him down and hit him a few times. And then I heard a taser
89 go off. And he was still bucking after that. And there was a helicopter. And uh

90 they - well after a few minutes of struggling they got him down and the
91 ambulance came and stuff.
92
93 Q: Okay. All right. Um so you - you said you were out trick-or-treating tonight.
94
95 A: Yes.
96
97 Q: And about do you know - do you know what time it was?
98
99 A: Um, when we got back, it was probably around 9:40. My phone says I dialed
100 911 at 9:44.
101
102 Q: Okay.
103
104 A: So, and I had been watching for a couple of minutes before that, so.
105
106 Q: Okay. And where were you guys at when you first saw him?
107
108 A: Right outside this front gate here. We were about to come in the gate and we
109 heard him yelling so we just started kind of watching and checking it out you
110 know.
111
112 Q: Okay. And where was he at?
113
114 A: He was uh basically right where I was standing, he was like in front of that
115 little blue car there.
116
117 Q: Okay, so kind of across the street from your apartment complex?
118
119 A: Yeah.
120
121 Q: Was he in the middle of the road or?
122
123 A: Um he was out in the shoulder at first. And he was yelling the same word over
124 and over, but I didn't catch what it was. Then he nailed a car with a black
125 square something, I don't know.
126
127 Q: He threw something at a car?
128
129 A: Yeah. It wasn't moving. It was a parked car.
130
131 Q: Oh.
132
133 A: A parked car right out there where I was standing. He hit that car with
134 something.

135
136 Q: Do you know which car it was?
137
138 A: Um it was that little blue, it's the only civilian car that's in the crime scene,
139 like right in front of the house.
140
141 Q: Oh okay.
142
143 A: And then, anyway, and then he walks out in the street and stop - starts
144 stopping traffic and yelling, "Kill me." Just going crazy in general in the
145 street, flailing - flailing around a bunch. And then uh somebody started yelling
146 at him from their car, told him to get out of the road. He started yelling back
147 and then about that time the helicopter shone the light on him.
148
149 Q: Okay. What - you said that when he went out into the middle of the street, he
150 was - he was yelling, "Kill me."
151
152 A: Yeah he was yelling "kill me" and throwing his arms around all crazy.
153
154 Q: Was he yelling anything else?
155
156 A: Um, he was but I couldn't really understand some of the things that were
157 coming out of his mouth.
158
159 Q: Okay did uh - did it seem like he wanted to get run over by a car or?
160
161 A: Um...
162
163 Q: I mean when he was saying, "kill me," what - he...
164
165 A: I think he was just freaking out in the street. I - I don't, I think that if he
166 wanted to get hit by a car, he could have done so.
167
168 Q: Okay.
169
170 A: If he would have just jumped out there kind of. But he's kind of, during the
171 course of him freaking out, he just ended up in the street, you know.
172
173 Q: All right. Um, and this is all before you called 911.
174
175 A: Oh no as soon as he started - as soon as he went out in the street and the first
176 car almost clipped him, I called.
177
178 Q: Okay.
179

180 A: My neighbor had come out and he wanted to uh - he was like, "Yeah you
181 should probably call the police on this guy. You know, he's gonna get hurt and
182 so I did."
183
184 Q: Okay. Do you know who your neighbor was?
185
186 A: Oh, I don't know him by name. He was just some guy I see in the hallways all
187 the time.
188
189 Q: Okay. Um and did uh um - was there anybody else out there with you?
190 Besides your wife and your children?
191
192 A: There was kids like trick-or-treaters and stuff like that.
193
194 Q: Okay. Any uh - any adults.
195
196 A: Not that I noticed.
197
198 Q: Okay.
199
200 A: Just us and then the neighbor guy.
201
202 Q: Then your neighbor, okay. Um once you called 911, um, did they - they
203 obviously arrived?
204
205 A: Uh, yeah, within two or three minutes. I stayed on the phone with the 911
206 lady.
207
208 Q: Okay.
209
210 A: And uh I had it on speaker phone on accident and she heard him screaming
211 and stuff.
212
213 Q: Okay. Did he act-did he - did this guy ever leave while you were on the phone
214 with 911?
215
216 A: No.
217
218 Q: Or was he out there?
219
220 A: He - he went a little farther down the street and that's about it. But he was out
221 there acting crazy, you know.
222
223 Q: All right. When the police arrived how many uh officers arrived?
224

225 A: Um two officers showed up at first?
226
227 Q: Okay. In the same car or two different units.
228
229 A: Same car. Same car.
230
231 Q: Okay.
232
233 A: And uh there was some lady out in the street too, I forgot. She ran up and was
234 trying to get him out of the street and they struggled for a minute and then she
235 ran off.
236
237 Q: Do you know where she came from or where?
238
239 A: She came from this side of the street, from that direction. Not - I didn't see
240 exactly where she ran out from.
241
242 Q: Like west? Down...
243
244 A: Yeah, she came from this direction on our side of the street and just kind of
245 booked it across and tried to get him out of the road. And it didn't work out.
246
247 Q: Do you - do you know what she looked like or what she was wearing or
248 anything?
249
250 A: Um, she was kind of fat, short, but that was kind of all them around here. But
251 that's - that's about it. Fat and short.
252
253 Q: Okay. Hispanic? White?
254
255 A: Maybe reddish hair. She was Hispanic. She was Hispanic.
256
257 Q: Okay um. All right. Um, so the police arrive and what do they say to him
258 when they - they get out of the car?
259
260 A: Um, they didn't really say much to him, you know. They just started walking
261 up to him and doing regular cop stuff and then he tensed up. And I saw them
262 put their hands back by their sticks or their flashlights, something. They just
263 put their hands back.
264
265 Q: Yeah.
266
267 A: And that's when the guy kind of - that's when it all started, as soon as they put
268 their hands on their belts he tensed up and he made his move.
269

270 Q1: When you say he tensed up, had they already put hands on the guy or?
271
272 A: No.
273
274 Q1: They didn't. What do you mean by tensed up?
275
276 A: Like you could see his whole body tense and his fists clenched and his arms
277 kind of came out, you know, almost getting ready to fight.
278
279 Q: Okay.
280
281 Q1: Like he was taking a fighting stance?
282
283 A: Uh it would be a really crappy fighting stance but you know. He - he was
284 getting ready to do something.
285
286 Q: Okay.
287
288 A: You could just tell. You could see it coming. And when it started to swing
289 that's when the, you know...
290
291 Q: Okay.
292
293 Q1: Did he...
294
295 A: (Unintelligible).
296
297 Q1: Did he - you said - so he swung at the officers?
298
299 A: Yeah.
300
301 Q1: Did he swing at the officers before they pulled out their sticks or before they
302 hit him with the sticks?
303
304 A: Um the sticks were already out, but then when he started moving it looked
305 like he was going to hit them. But he could also have been turning to try to
306 run, too.
307
308 Q1: Uh-huh.
309
310 A: But after they cracked him in the leg he definitely started swinging, punching
311 at them.
312
313 Q: Did both of the officers hit him in the - in the leg or?
314

315 A: Uh one officer hit him in the leg and then the other one hit him, like in his ribs
316 and just kind of gave him a couple of good licks. And he was still bucking
317 after that and so uh heard the taser come out. Saw the sparks, all that good
318 stuff.
319
320 Q: Could you hear them saying anything to - to him while they...
321
322 A: Stop struggling.
323
324 Q: Okay.
325
326 A: You know, that's really about it. Stay down.
327
328 Q: Was he saying anything back to them?
329
330 A: A bunch of angry gibberish, I didn't - "Get the fuck off of me." Stuff like that.
331
332 Q: Okay. So he wasn't complying with what they were saying?
333
334 A: No he wasn't complying at all with them. I - I figured that they were going to
335 come tell him get off the road. Maybe give him a freaking drunk in public or
336 something.
337
338 Q: Hm where - and where were you standing watching all of this. Where were
339 you at?
340
341 A: Right here by the gate, like as it went down, he started going down the street
342 this way.
343
344 Q: Mm-hm.
345
346 A: So we kind of followed him a bit to - to the planter where the apartment sign
347 is we followed him about that far.
348
349 Q: How far would you say you were away from him?
350
351 A: Um, probably in the neighborhood of like 100 feet.
352
353 Q: All right.
354
355 A: You know not - not far at all.
356
357 Q: Okay. So you - so you could see this all happening pretty - pretty well.
358
359 A: Yeah, so you know, I had a really clear view.

360 Q: Okay.
361
362 Q1: Okay and you said at one point that one of the officers took out a taser?
363
364 A: Yeah. Yeah you could hear them.
365
366 Q: Were they after the first officer hit - hits him in the leg and you said the other
367 officer hit him - hit him in the side?
368
369 A: Yeah.
370
371 Q: Um, are they still standing up or did they ever go down to the ground?
372
373 A: Um they took it - they went down with him. They were still hitting him, they
374 were kind of piled him. He's a - he's a pretty big guy.
375
376 Q: Okay.
377
378 A: You know and uh...
379
380 Q: How would you describe him?
381
382 A: How would I describe him?
383
384 Q: Yeah. I mean Hispanic, white?
385
386 A: Uh yeah he was Hispanic, maybe six foot tall, kind of large build, shaved
387 head.
388
389 Q: And how much would you say he weighed?
390
391 A: Oh at least 220 at least.
392
393 Q: All right. Um and so you said at one point when they - hit him he went down
394 to the ground?
395
396 A: Oh yeah.
397
398 Q: Okay um at what - where - how did the - when did the taser happen?
399
400 A: Um he had been on the ground for a few seconds. Uh, when they first took
401 him down they hit him three or four times with their sticks. And they're trying
402 to shuffle him around a little bit. And you hear a loud like smack noise, if
403 somebody cracked, I don't know what that was all about. You know, either
404 they're hitting him or he hit them. And then uh, stupid neighbor, uh and then

405 uh you just - you hear stand back and the cops got a taser out, kind of circling
406 the dude. Pointing it at him, you can hear click, click, click, click, you know.
407 I've been - I know what tasers sound like, and that was - that's what it
408 sounded like to me.

409
410 Q: So they backed - they backed away from him? Both of the officers got off of
411 him?

412
413 A: Um, I just saw the one get off of him. But I'm assuming that the other one
414 wouldn't want to be holding on to somebody getting, you know...

415
416 Q: Okay.

417
418 A: ...electrocuted. So it might have been both.

419
420 Q: All right and did they say anything to him before he?

421
422 A: Basically just trying to get him to calm the hell down, you know. And I don't
423 know what the hell that guy's problem was but he just didn't seem like he was
424 listening to reason.

425
426 Q: Once they, once they activated did the taser did - did he comply after that or
427 what?

428
429 A: Yeah he was pretty still after that. And that's about when the ambulance and
430 stuff showed up.

431
432 Q: Okay. Okay. Did you ever see them handcuff him?

433
434 A: Um, we saw him with his hands behind his back, but I didn't see - I didn't
435 personally see the cuffs go on him. God damn.

436
437 Q: Okay. Um how long, say from the - from the time that you saw the taser until
438 the ambulance showed up. How - how long would you estimate the time
439 frame on that one.

440
441 A: Uh probably like two - three minutes, if that.

442
443 Q: So it was pretty quick?

444
445 A: Oh yeah everything went down...

446
447 Q: From the taser to the ambulance.

448
449 A: Real fast.

450
451 Q: How long do you think that they were fighting with him?
452
453 A: Oh, maybe a minute. I mean not long at all. They had him down on the ground
454 pretty quick.
455
456 Q: Pretty quick. All right, um, did you see them using any other weapons.
457
458 A: Um, they were just hitting him with a stick and then a taser and that's it.
459
460 Q: The taser. Did any other officers show up?
461
462 A: Um, yeah a whole bunch of cops showed up a little afterwards. But it was just
463 the two guys for a little while.
464
465 Q1: Okay, now the other guys that showed up, was that prior to him getting put in
466 the ambulance. Or did they show up after he got in the ambulance?
467
468 A: Um I want to say I saw - I saw a car right before the fire truck showed up.
469 And then right after the fire truck showed up about three more cop cars came
470 and then the ambulance came.
471
472 Q1: Okay. So the fire department was there first?
473
474 A: Yeah. Yeah they got there before the ambulance.
475
476 Q: Did you ever see them um - um like secure his hands and - and feet together?
477
478 A: Um - um I saw them strap him to a - a board and put him on a gurney.
479
480 Q: When the ambulance got there?
481
482 A: Yeah.
483
484 Q: Prior to the ambulance getting there, did you ever see them tie...
485
486 A: He was restrained. I mean they're - they're kind of holding him. I didn't see
487 them - I didn't see them uh tie his legs or anything like that.
488
489 Q: Okay. And when you say restrained?
490
491 A: Like they were just kind of holding him. Hold...
492
493 Q: Holding him down.
494

495 A: You know they weren't sitting on him or nothing but they weren't going away
496 from him either. You know.
497
498 Q: Just keeping him down on the ground so he couldn't move around.
499
500 A: Yeah. Yeah.
501
502 Q: Get away. All right. Um, when they - when the police officers arrived, did
503 they identify themselves as police officers?
504
505 A: They turned on the their lights and uh I do believe they said it's the police.
506
507 Q: Okay. And when you say turned on their lights, are you talking about the red
508 and blue lights on the top or are you talking about the white spotlights?
509
510 A: Red and blue - well a - a spotlight, they had a spotlight on him. And the
511 helicopter had a spotlight on him.
512
513 Q: Okay.
514
515 A: And they had the - the cherry tops on.
516
517 Q: So when - when they pulled up they were in a black and white police unit?
518
519 A: Mm-hm.
520
521 Q: Okay. And was - and was there any doubt in your mind that they were police
522 officers when they got in - in contact with him?
523
524 A: Oh no. No.
525
526 Q: Okay.
527
528 A: No. There is no way...
529
530 Q: Do you remember what they were wearing?
531
532 A: The police officers?
533
534 Q: Yeah.
535
536 A: They were wearing police uniforms.
537
538 Q: In their - in their uniforms. Okay.
539

540 A: Yeah.
541
542 Q: Um. Anything?
543
544 Q1: I had something and it's gone. It might have been the uniform thing. I'm trying
545 to think though. Have you reco-did you recognize that guy from - from around
546 him before, at some point.
547
548 A: You know I didn't really get detail on his face. You know and uh the neighbor
549 commented that he'd seen him before, but I've never - you know I keep to
550 myself mainly. I don't really pay attention to people out here but...
551
552 Q1: You don't know if his behavior is always the way it was tonight, or anything
553 like that? You don't know anything at all.
554
555 A: I - yeah - I don't - I don't know at all.
556
557 Q: Did - did you hear that he lived across the street or did you know that he lived
558 across the street?
559
560 A: Um no I didn't, actually the neighbor guy I was - who said that he knew him
561 said he stayed in some freaking mental - I guess it was a group home or
562 something. I'm not sure.
563
564 Q: Oh.
565
566 A: For nut jobs. I guess he - I was told he stayed there but - when that chick who
567 lives across the street was going all crazy. So I'm assuming he was with her. I
568 don't know.
569
570 Q1: Okay. Okay. During this fight did you ever see that chick that was going crazy
571 - did you ever see her out there while this was all going on?
572
573 A: The - she had - I had assumed that she was the one who tried to get him out of
574 the street.
575
576 Q1: Okay but you don't know.
577
578 A: But I wouldn't be able to tell you for sure.
579
580 Q1: Did you - so you didn't see her standing out in the driveway or watching what
581 was going on?
582
583 A: No, well while it was going down I was watching him. Uh I think that he was
584 actually yelling at people on - in that house but no one was coming out. You

585 know I - I thought maybe they kicked him out because he was being a - a
586 dumb ass or something. You know but.

587
588 Q: Mm-hm. So you didn't see anybody out there watching.

589
590 A: No I - I looked and I didn't see anybody out there.

591
592 Q: And the only ones you saw was yourself and - and your wife and kids...

593
594 A: And the neighbor guy.

595
596 Q: And your neighbor guy.

597
598 A: Yeah.

599
600 Q: All right. Do you...

601
602 Q1: No.

603
604 Q: Um, that will conclude the interview at 0130 hours.

605
606
607 This transcript has been reviewed with the audio recording submitted and it is an accurate
608 transcription.

609 Signed _____

