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**INTERVIEW WITH DEP. ULRICH**

**Q=Sgt. Omori**

**A=Dep. Ulrich**

**A1=**

Q: All right. Today's date is September 16, 2016 at 8:01 am. This is Sergeant Brendan Omori with the Santa Clara County Sheriff's Office. Also present in this interview is Sergeant Jason Brown, uh, Sergeant Doug Ulrich and uh, attorney.

A1: Yes, sir.

Q: And this is an interview in, uh, regards to Sheriff's Office - Sheriff's Office incident 162560411S. And Doug, you've had - you've had enough rest, uh, the incident happened on - on Monday, um, today is Friday, do you have enough rest? Are you, uh, feeling good to - to speak with us today?

A: I am.

Q: Okay. And have you had enough time to consult with your attorney,

A: I have.

Q: Okay, perfect. Um, so we get this out of the way, you're not under arrest. You're free to leave at any time. You're free to answer any questions that we ask.

A: Okay.

Q: And you're free to not answer any questions if you choose not to.

A: Okay.

42 Q: Do you understand?

43

44 A: I understand.

45

46 Q: Okay. So, um, let's start off with your - your training experience, how long  
47 have you been employed with the sheriff's office?

48

49 A: I've been with the sheriff's office 15 years. And my training consists of  
50 starting off in courts as a regular deputy. I was a court training officer. From  
51 courts, I went to FTO. From FTO, I stayed out in West Valley Patrol Division.  
52 From the West Valley Patrol Division, um, as I was out there, became an  
53 FTO. Um, was FTO for a year. After that year in 2006 - November 2006, I  
54 went to, uh, Cal-MMET, the Special Ops Division here. I worked Cal-MMET  
55 from November 2006 until February - early February 2008 is when I went to  
56 the DEA task force. And from the DEA task force, I was a TFO. I left there  
57 March of 2010 - mid March of 2010. From March of 2010 to July of 2011, I  
58 was working, uh, the Safe task force, um, out of the Investigations Division as  
59 a detective. From the Safe Task Force, I was, uh, promoted in July of 2011 to  
60 a supervisor. And from there, I worked the, uh, the jails - was the main jail  
61 supervisor. I was there from July 2011 to May of 2013 - early - first week of  
62 May 2013 is where I transferred into the West Valley Patrol Division as a  
63 supervisor for, uh, 12 swings. And that's where...

64

65 Q: And...

66

67 A: Where I'm at.

68

69 Q: ...that's the current shift you're in?

70

71 A: Yes.

72

73 Q: So, uh, for the record, 12 swings is, um, Saturday, Sunday, Monday. And  
74 what - what are your hours typically?

75

76 A: Yeah, Saturday, Sunday, Monday, my hours are 1730 to 06.

77

78 Q: Okay. And - and just, uh, I want to clarify something - just for the record, um,  
79 this - this - this is an interview. I want you to relax. I want you to, um, be very  
80 open with - with what we're, uh, asking you to explain.

81

82 A: Uh-huh.

83

84 Q: Let's just start off using first names. We've worked with each other for a long  
85 time. Just call me Brendan, Jason and, uh, if you don't mind, I'm just gonna  
86 call you Doug.  
87

88 A: Okay.  
89

90 Q: And then if there is anything in the interview that I rehash or Jason rehashes  
91 and it's wrong, just say, Brendan, you're wrong. This is how it is. And - and  
92 set the record...  
93

94 A: Okay.  
95

96 Q: ...straight, okay.  
97

98 A: Not a problem.  
99

100 Q: Cool.  
101

102 A: I'm used to calling you Omori MJ so...  
103

104 Q: Whatever you want to call me, that's fine. Um, so we're gonna talk about, uh,  
105 the incident, uh, event number 411 from Monday - Monday the 12th. Can you  
106 just give us your, uh, recollection of the events from let's just say the time you  
107 - you started shift and then leading up to, um, the event on Titus?  
108

109 A: Yes, um, but before we begin, I'm sorry, I thought the Julian was 255?  
110

111 Q: Um, I'll - I'll do- double check on that. But, uh, event 411 on - on Monday,  
112 correct?  
113

114 A: Yes.  
115

116 Q: Okay.  
117

118 A: Sorry about that.  
119

120 Q: Yeah, no problem.  
121

122 A: I thought it was 255.  
123

124 Q: No problem.  
125

126 A: It's ingrained to my head. Um, okay, so beginning of shift when I started, um,  
127 I came in, got dressed. Let's see I - I walked in to my desk about quarter to  
128 6:00. It was about 5:45. Dennis Owens was there. I was starting my roster.  
129 Uh, I noticed again I was short, um, bodies for the day as far as deputies. Uh, I  
130 had 8 instead of 11. One on FMLA, two out on vacation. So I'm like, okay,  
131 great, I'm short-staffed again. Um, I didn't have any holdovers per se, um, but  
132 I knew that, uh, Leo Gonzalez who is a 12 plan days sergeant, came to me and  
133 said, "Hey, I have, uh, I think it was like two or three deputies holding over to  
134 finish reports." And he told me, "Don't worry about reviewing them. There is  
135 one you do have to look at, but I'll be back in Wednesday." Okay, not a  
136 problem. Uh, so...  
137

138 Q: Okay.  
139

140 A: ...I had asked Dennis if there was anything of importance for the day. And he  
141 said, "No, not really." I said, "Okay." Um, looked up Leo's log, saw that they  
142 had, uh, like a 2736 report, whatnot. Did the typical supervisor stuff...  
143

144 Q: Uh-huh.  
145

146 A: ...uh, to address my troops. So I went in and I had briefing. Um, we had  
147 discussed the events from, uh, day shift. And then since some calls were  
148 pending, uh, I sent them out to go handle right away. So right after that, um,  
149 of course, I'm always hungry. I went to - I went to the fridge and I got my, uh,  
150 my meal. Uh, which consisted of, uh, half cup of barbecue chicken that I cut  
151 up, uh, asparagus and some brown rice. Uh, so I had that. I was talking to  
152 Dennis about, um, about me being short-staffed. And I - I didn't have the  
153 bodies. So I said, "I may have to have you (unintelligible) a couple calls." He's  
154 like, "You do it, okay." So, uh, after that, then I was like, I'm hungry again. So  
155 then I had a quarter cup of, uh, potato salad, it's true, quarter cup of potato  
156 salad. And I was like, okay, that was heavy. I shouldn't have had that. Sat  
157 down, started looking at, uh, my log from the previous night. I didn't - I didn't  
158 finish. So I said, okay, I'm gonna finish my previous log. So I started doing  
159 that. Um, you know, and then calls were coming out. And there was  
160 (unintelligible) this is pending, that's pending, sure. And there were like 22  
161 500s, 911 abandons, no problem. So, um, I was finishing up my log. And, um,  
162 a - I was gonna go get coffee. And I had told Dennis, "Hey, I'll be back. I'm  
163 gonna get my coffee." I went and talked to the deputies from day shift in the  
164 report writing room. I said, "Let me know when you guys are done with your  
165 reports. If you need me, give me a call. I'm just gonna get some coffee and I'm  
166 gonna come right back." And they said, "Okay." So my truck is already  
167 preloaded. So I got in the car. And as I - I headed up towards Cupertino to the

168 crossroads, um, a call came out of a, uh, baby kitty stranded at the, uh, off  
169 ramp of 280 and - and De Anza. So I was like, oh, okay, I said, uh, I'll go help  
170 the deputy out with that because as calls were coming in, uh, I figured since  
171 we were shorthanded, I - I - I'd take something off, as simple as that. I - I don't  
172 need to tie a deputy up when the deputy can go in service and help somebody  
173 in the community versus a kitty. Plus I was gonna take the kitty home anyway.  
174 That was my thought process. So, you know, I get to 280 and I - I can't find  
175 the kitty. There was so much traffic, forget it. I'm like, okay, he's in the  
176 woods. So I had cleared that. Went and got my coffee. Um, and prior to me  
177 getting my coffee, I had heard that call come out of a welfare check on Titus  
178 Avenue. Um, the RP had said that she hadn't talked to her grandfather since  
179 Wednesday. And that she wanted him checked out, see if he was okay. All  
180 right. So I like went into the copy - I copy that, two units. So it was Laguardia  
181 and, uh, Reyes, Laguardia Sam 1, Reyes is Sam 5. So as I'm headed back to,  
182 uh, the substation to review these 1050s, uh, I was just trying to think of  
183 things I got to, uh, finish for the night, logs, um, other reports that I got to  
184 review and the deputies on my shift. So I had all these things on my mind  
185 about reading the paperwork. So I'm at De Anza and Bollinger when, uh,  
186 Reyes calls me. He said, "Hey, you know, we've been at this house. Um,  
187 we've knocked. We've tried to give, uh, the house a 1021, you know, a phone  
188 call. And, uh, no one is picking up the phone 'cause radio tried. And the house  
189 seems to be all locked up. It's somewhat dark." He's like, "Can you, uh, bring  
190 out the bolt cutters - the bolt cutters." He said, "Yeah, we need the bolt  
191 cutters." I'm like, "Well, how about the ram?" And he's like, "No, we don't  
192 need the ram, the bolt cutters." I'm like, "Are you sure, I should get the ram?"  
193 He's like, "No, the bolt cutters would be easier 'cause we're - we're gonna go  
194 through the back - through a window." Um, o- okay, I said, uh, "Yeah, sure,  
195 I'll - I'll - I'll be there." I said, "I'll - I'll come out." I said, "I got the cutters  
196 with me." So, okay, so that's when I had attached myself to the call. I think it  
197 was about 8:21 or so I attached myself to the call. So, um, I - I get to Titus.  
198 Uh, I pull up somewhat, uh, across the street from the, uh, (unintelligible) and  
199 so I get out. And I had asked, uh, Laguardia, I said, "Hey, what do you got, fill  
200 me in." So she pretty much reiterated - reiterated what Reyes had told me. She  
201 was like, "Hey, you know, we tried to call inside the residence. We've  
202 knocked on the door. We've knocked on the windows. We don't see any  
203 movement." I said, "Well, the garbage can is out." I said, "That's kind of odd  
204 don't you think?" She's like, "Well, there is other garbage cans that are out  
205 too." "Oh, yeah, you're right." I said, "Okay." She's like, "RP called." Which  
206 was the granddaughter. She is out of area, I think And said, "Hey, I  
207 talked to - I last talked to my grandfather on Wednesday. And, uh, I gave him  
208 some bad news." I said, "Well, what was that bad news?" I had asked  
209 Laguardia. She's like, "Well, the granddaughter didn't say." She's all, "I asked

210 her. All she started doing was crying." Like, okay. I said, "You know, it kind  
211 of sucks, but I think you should have persisted and asked what that bad news  
212 was. You know, is she terminally ill, I mean, what's the bad news?" And she's  
213 like, "Well, you know, I didn't ask, but, you know, she just kept crying on the  
214 phone." She's all, "The granddaughter did tell me though, uh, that, uh, the  
215 grandfather," uh, she told me his name was (Eugene). That (Eugene) said that,  
216 uh, "You are not welcome," meaning the granddaughter, "You are not  
217 welcome back to the residence and neither is your family." I'm like, oh, okay.  
218 I said, "So obviously that was the bad news." She's like, "Yeah." I said,  
219 "Okay." I said, uh, "Have we checked with the neighbor from the north to see  
220 if" - north of his house, "Have we checked with the neighbor from the north to  
221 see if they've seen him, uh, the husband and wife?" And she's like, "Well,  
222 Reyes is with him right now in the driveway." And I saw Reyes talking to the  
223 neighbor there. "I said, "Have we checked with the neighbor from the south of  
224 him to see if they've seen him at all?" She's like, "No, we haven't done that  
225 yet." I'm like, "Well, that's kind of something we should do first." So Reyes is  
226 like, "Hey, Doug, come here." So I said, uh, "Do you need the bolt cutters?"  
227 He's like, "No, we didn't need them. We were able to get through the back  
228 gate. It was actually open." Uh, he's got like a cyclone fence. So they opened  
229 the back gate. We went around. The neighbor - the north neighbor was with  
230 us. I didn't ask him his name. So we walk through the back of the residence.  
231 We're in the backyard. We were walking around. Prior to me entering the rear  
232 of the residence, I saw that in the middle of the residence was a skylight.  
233 There was a light that was a light that was on inside the residence. I'm all,  
234 "Well, look, there is a light on. Did that just come on, uh, or has that been  
235 on?" Reyes is like, "Oh, that's been on." Okay. So as I came around the back, I  
236 had asked Reyes, I'm all "Well, did you look in the windows? Have you, you  
237 know, the front windows here, are you able to see any movement or  
238 something to indicate that somebody is home?" And he was like, "Well, no."  
239 He's like, uh, "That - Veronica could tell you what, uh, white rocker." Well,  
240 no, I'm like, "What did you - what was that?" And he's like, "Well, Veronica  
241 should tell you." I'm like, "Well, just tell me, somebody please tell me." He's  
242 like, "Well, uh, have Veronica tell you." I'm like, "Come on, Reyes, just tell  
243 me." So while that was transpiring, they were going around knocking on  
244 windows. Calling for (Eugene) as well as the neighbors. We're like, "(Eugene)  
245 - (Eugene)." And, uh, they were yelling, "Hey, police, sheriff's office.  
246 (Eugene), you in there?" Nothing, no movement. So then I took a step back.  
247 And I could see that there was a, uh, that ambient light or that light that was  
248 on for the, um, skylight was on, uh, the curtain. I tried to look see out of the  
249 curtain. I'm like, uh, I don't see any movement. I tried to listen for a television.  
250 I didn't hear any TV. Um, it was a, uh, there is no whiteboard in here, but  
251 there was, uh, while we were standing there, it was like...

252

253 Q: Piece of paper?

254

255 A: Could I, please. It was an L shape rear of the residence thing, um, that we  
256 were standing at. So, um, I'm sorry, I was never an artiste, but, uh, so this is  
257 the, uh, the glass doors. And here was another glass door and...

258

259 Q: And this is the- the rear of the house?

260

261 A: The rear of the residence - this is the rear of the residence. Uh, this is the  
262 garage. And, uh, let's see, here is the garage door. So and here's like a little  
263 pond. So these glass doors - so I guess this would be the, uh, east side of the  
264 residence. This being the north side, sorry, crunched the paper, north side of  
265 the residence, obviously the west side. So we entered through the north side.  
266 This is the gate. We came around past the garage door. There is like a shed  
267 back here too. We came to the glass. This is where - these main glass doors  
268 with the sliders where we could see the light on as well as these glass doors,  
269 we could see the light on. So I stood back here on the, uh, rear patio or cement  
270 whatever it was. And, uh, kind of squatted down a little bit, um, to look to see  
271 what was, uh, see if there is any movement under the curtains. I didn't see  
272 anything. I walked over here to these glass doors. I put my hand on it to feel if  
273 anybody is walking around. Maybe there was some type of vibration. I - I  
274 didn't know if the gentleman was heavy set, thin, what. Um, but I didn't hear  
275 anything. I didn't feel anything. So, okay. We also checked the doors to see if  
276 they were unlocked. They were secure. They were locked. They checked the  
277 windows over here. They didn't see any movement on the, uh, south side of  
278 the residence. Uh, they also said that those windows were locked. The screens  
279 were intact, okay. So I said, "All right." I said, uh, "Nobody is there." So we  
280 came back out. We went back to the driveway. Um, so we're standing out  
281 there. And I said, "Hey, (Don), I said, uh, so when did you end up here?" He  
282 was like, "Well, when I came on scene and I, uh, I was first to knock at the  
283 door." And he's like, "When I knocked at the door," he was like, "I heard a  
284 faint either hello or help." He said he couldn't distinguish what it was. He said,  
285 "I really couldn't hear what it was. And then I heard something like a fall or  
286 drop in the background that was very faint." I'm like, oh, boy, okay. Um, also,  
287 "You're pretty sure that you heard some voice?" He's all, "I did, but I could  
288 not make out what they said whether it was hello or a help." Okay. I'm like,  
289 "You're certain, (Don), that you heard something fall inside?" And he's all,  
290 "Well, that I did." And he's all and started to name like maybe it was a - a cup  
291 or something small, a fall in the background. Okay. So all right. So I said, "So  
292 we're thinking that somebody might be inside?" And he's all, "It could be. We  
293 don't know." All right. So I said, "All right. I said, Reyes, go check with this

294 neighbor next door to the south." So Reyes went to go check with that  
295 neighbor. And as he was talking to that neighbor, Laguardia tells me, she  
296 goes, "Hey." She was like, uh, "The neighbor to the north said that at this  
297 time" - what is it 8:30 or whatever, "The wife usually, um, goes for a walk.  
298 They usually see the wife and she's adamant about, uh, walking out and about.  
299 But he hasn't seen her in a while take her walk. The car is there and they never  
300 go anywhere without their car. So the car is still in the garage." I said, "Okay."  
301 So as Reyes comes back over, I said, "Hey, what do you got?" And he was  
302 like, uh, "Well, I talked to the neighbor. They haven't seen them either. They  
303 haven't talked to them in a while." Okay. I said, "Well, I'm afraid that, uh,  
304 somebody is probably inside in medical distress because the, uh, according to  
305 the notes and according to the RP, uh, the subject (Eugene) has, uh, heart  
306 issues as well as other medical issues." I said, "Okay." Well, Laguardia also  
307 told me that, uh, the RP, the granddaughter has also tried to call the residence.  
308 And no such luck. It just keeps ringing like radio. And then it goes to like a - a  
309 voicemail. I get a beeping sound. Okay. So I said, "All right." I said, uh,  
310 "Well, I said I - I - I truly hope that, uh, no one is inside that is in, uh, medical  
311 distress." I said, "'Cause that would be really bad." And Reyes is like "Hey."  
312 He was like, "I had ran out, uh, the owner of the house for any 1036  
313 information." And radio goes, "Hey, beep 1036, um, subject (Eugene) has like  
314 five, uh, guns registered to him." Okay. And then she had went through them.  
315 I recall that, uh, two were handguns. And another two were rifles. And I said,  
316 okay, well, that's great, I said, uh, thinking to myself. I said, I - I hope it's not  
317 this, uh, murder suicide which we've had before in Saratoga, uh, with an  
318 elderly couple. I said, 'cause that's bad. And I'd - I'd hate to walk into that, uh,  
319 'cause I'd feel bad for them. I said, "All right, guys, we're gonna have to devise  
320 a plan here, um, with this." So as we're all gearing up, we're puttin' on our  
321 helmets, uh, and gearing up to go, uh, to devise a plan, and we're standin' in  
322 the driveway behind Don's, uh, vehicle. And just as that happens, a blue Jeep  
323 Cherokee pulls up. And I turn around and I see a middle-aged couple get out.  
324 And I'm like, "Oh, great, here's our people." This whole time they were  
325 probably out having dinner.

326  
327 Q: Mmm.

328  
329 A: So I'm like, "Isn't that the way it always goes?" So they get out and I said,  
330 "Hey, go talk to them," as I told Laguardia. So she goes over and talks to the  
331 guy. We're just kinda hangin' out now, uh, waiting to see what type of, uh,  
332 info or 952 she's gonna get from them. And she comes back, she goes, "Hey,  
333 they're just here to visit. Uh, they haven't talked to them in a while and they  
334 just came over to see how they're doin'." Okay. She's all, "He did tell me that -  
335 " uh, meanin' this RP that sh- or individual that showed up, she's like, "He did



336 tell me Eugene had told him if he ever did receive bad news, that he would  
337 kill his wife and himself." I'm like, "Oh, dear God." Okay. I'm like, "So  
338 Eugene has actually said that?" She goes yes. Okay. And she's like, "He keeps  
339 all his, uh, guns inside of a safe, uh, in a room." And what room that was, I - I  
340 don't recall what she had told me. I said okay. I said, "So since he received  
341 bad information or probably some awful information from the granddaughter,  
342 this may have very well sent him over the edge." And just because the garbage  
343 can's out doesn't mean he couldn't have put it out earlier in the day. I'm like,  
344 um, okay. That, coupled with the faint noise of a hello or help and Weyhrauch  
345 hearing something, and I said, "All right," I said, "We're - we're gonna have to  
346 do something now." So from that point, I said, hey, "We're gonna, um, we're  
347 gonna stage fire and EMS, uh, just because I'm - I'm worried that if that is the  
348 case, someone's down, and we're gonna have to do, uh, first aid. So I had  
349 requested fire and EMS to stage. So I said, "Okay, we're gonna go up with the  
350 vehicle. One of you is gonna drive it up and we're gonna stand behind the  
351 vehicle. We're gonna take it up to the front door." I said, uh, "I'll do the knock  
352 and notice for you, 'cause I'm probably the loudest." I said, "So, I'll, uh, go  
353 ahead and take care of that." Like, okay. So, uh, we got our helmets on, I go to  
354 the front door. Uh, it has a - the front door has a, uh, yellow, uh, tinted glass to  
355 it, uh, that's got swirlies, 'cause you can't see directly in. Then it has some type  
356 of metal facade over it, some decorative facade. So, I'm shinin' my light in  
357 through there first. And then I, bam, bam, bam; I knock really loud, uh, and I  
358 announce our presence. I'm like, "Hey, police. Eugene, you inside? Police.  
359 Come to the door. Eugene, it's the police. Hello? You inside? You need help?"  
360 Listened for a second. Nothin', no movement, no scuffling, no sounds. Then  
361 there was a window off to the left, and then, uh, I happened to see Reyes, like,  
362 squat down in the corner. I'm like, "What are you doing?" And he's, uh, "Well,  
363 there's a window." I'm like oh. So I went to peer through the window with my  
364 flashlight; I didn't see any movement. I - I just, again, saw the ambient light  
365 from the - from the interior over here. I'm like, "I'm not seein' any movement.  
366 Let me do it again." Bam, bam, bam. So I pounded again. I'm like, "Eugene,  
367 it's the Sheriff's Office. I want you to open the door. Are you guys okay  
368 inside? Open the door." I said, "If you don't open the door," I said, "I'm gonna  
369 have to kick it in. Eugene, you there?" Nothing, no movement. Said okay. So  
370 that's what I had told radio, why I had already put out the Code 22 to restrict  
371 the radio traffic. I said, "Okay, hey, no answer at the door. Uh, I'm gonna kick  
372 it." So I go to kick the door the first time, and then after I kick it, Reyes goes,  
373 "It might be steel-reinforced." I'm like, "Yeah, I just found that out." I'm like,  
374 "Well, I'll give it another try." I'm like, "Okay, well, I'm not doin' that  
375 anymore." So I said, "Okay, we're gonna have to move to a secondary breach  
376 location." He goes okay. So we move - and I put that out on the radio. I said,  
377 "We're gonna move to a secondary breach location." So we move around to

378 the rear of the residence, uh, to the garage, 'cause Reyes goes, "There's a  
379 garage door." I'm like, "There's a garage door? I didn't see one." He's like,  
380 "Yeah, we passed it on the way in." Okay. So we go to the garage door. I  
381 stack right. It's like, uh, Don, uh, Laguardia and Reyes stacked to the left. I  
382 kick the door with ease. Before we go in, I announce the presence. "Sheriff's  
383 Office, police. Eugene, you in here? Police, hello? Anybody inside?" Nothin',  
384 no movement. Didn't hear any sound. All right, so as I move forward, we  
385 have, and again, I'm sorry it's not really drawn to scale, but so we have a car  
386 here in the drivew- ah, well, in the garage. You know, there's various items in  
387 the garage that are stacked against the wall. The width was probably just as  
388 wide as me, just enough for me to fit through, uh, barely, with the car and the  
389 items that he had in the garage. So I move past. Don goes, "I'm right behind  
390 you." Don had the rifle. I said okay. So we get to the, uh, interior door that  
391 leads inside the residence. So as we get to the interior door of the residence, I  
392 see that it's a outward inner - inner door, outward-ending. So I checked the  
393 door first to see if it was unlocked. I said, "Okay, nothin'." And I - I stack to  
394 the right of the door, there was Don, Laguardia and Reyes. And again, we're  
395 cramped inside with the vehicle. And I said, "Okay, Don," I said, uh, "You got  
396 point. We're just gonna hold here." I said, "I'll just kick the door. And we're  
397 gonna hold." Okay. So they pretty much know what that means when I say  
398 that is, we're gonna call out. Uh, we're gonna call names, see if anybody  
399 comes towards us, instead of just rushing in and goin' inside the residence. So  
400 I kick the door, the door flies open. As the door flies open initially, really fast,  
401 I see a, uh, it's a quick shot down, like, a - I'm not gonna call it a hallway, but I  
402 guess a walkway. I see a couch is immediately to the left or some type of  
403 furniture to the left, and it looks like another living room, uh, with furniture  
404 straight ahead, and perhaps a counter to the right. And the door, since I hit it  
405 with force, swung open and came back, so it was closed about, I don't know,  
406 45 degrees. And I had, uh, dipped my gun down, pushed the door open, so that  
407 way, Don can get a good view. So as we're standing there, we're makin' our  
408 announcements. "Hello? Anybody inside? Eugene? Police, Sheriff's Office.  
409 Hello? Anybody inside? Hello? Police." And it was probably about a good,  
410 uh, let's see, it was, like, 1, 2, 3 - maybe a good, I'm - I'm guessing, maybe 5, 6  
411 seconds, uh, before I heard Don say, "Eugene, drop the gun. Eugene, drop the  
412 gun." And as I'm standing there, I lo- it was just hard to comprehend, initially.  
413 I turned to Laguardia and Reyes, I'm all, "He's got a gun?" Like, what the  
414 hell? And Re- and, uh, Weyhrauch's still yelling, "Eugene, drop the gun. He's  
415 got a gun." So prior to us going to - inside the residence, I had moved my  
416 radio from my center chest over to my collar, uh, so that way, at least I could  
417 hear all the radio traffic, 'cause it's a little - I guess I'm gettin' old, I'm gettin'  
418 deaf; it's hard for me to hear when, ah, down here and I wasn't wearin' my  
419 earpiece. So I put my radio here and you know, muscle memory, I'm so used

420 to doing everything from here, talking, when I heard that he had the gun and  
421 he was callin' it out, I took a step back to try to gain some - at least some type  
422 of, uh, um, cover, uh, to the vehicle. And just as I took a step back, I'm like,  
423 "Oh, my mic's not here." I went up to here and I put out, "He's got a gun." And  
424 just as I had put out, "He got a - he has a gun," I saw Don, at least, take a step  
425 back, my movement, that I saw, Don had took a step back, uh, from the door.  
426 And then I was still shuffle-stepping back with my gun up. And this is the  
427 point in time where I saw the, uh, elderly gentleman, uh, Eugene, uh, he was a  
428 white male, looked like he had, like, a plaid - some type of light plaid shirt on  
429 and tucked into his pants, with a belt, as far as I recall. I saw him walking up,  
430 because I'm seein' this big picture, I saw him walking up and the gun - may I  
431 stand and show you?  
432

433 Q: Sure.

434  
435 Q1: Sure.

436  
437 A: So the best way to describe it, so I saw him walking up as he's coming to the  
438 door. The gun really wasn't at a re- low ready. The gun was kinda canted like  
439 this. It was a black revolver that I saw. He comes walkin' up to the door; he  
440 had a very catatonic look to him. Uh, I can almost describe it looking like a  
441 zombie. Uh, I had noticed, when I had kicked the door initially, the smell  
442 inside the house was very, um, it was very stale. It smelled like body odor.  
443 Uh, it, uh, it smelled rancid, uh, if you will, if somebody hadn't showered for  
444 days or bathed or opened the windows. And, uh, as he's walking up, he's not  
445 saying anything, he's non-responsive. We're still givin' him the commands,  
446 "Drop the gun. Police. Drop the gun." I'm even yellin' it, "Drop the gun." So  
447 he comes up like this, brings the gun up. As he's bringing the gun up, I - time  
448 slows down for me. Um, and I was gonna put out, you know, he's still not  
449 droppin' the gun. I'm just tryin' to update radio. And as I briefly took my eyes  
450 off the subject real fast, just to see where my radio is at, 'cause muscle  
451 memory again, I went back here. I switched to the side, slide - set my eyes a  
452 little bit to the side, which I guess kinda helped me, you know, get outta that  
453 tunnel vision, fade to black. I was able to see clearly, and that's when I saw the  
454 gun raising, the finger barreling down on the - on the trigger, coming right up  
455 at me. So just as he was doing that, I saw him pullin' the trigger, and I was  
456 already out with front sight on him. And I saw him squeezin' it and - and I  
457 fired about four times, right at him. Just as I was squeezin' the mic and  
458 yelling, "Shots fired." So Eugene falls down. As he falls down, still yelling,  
459 "Drop the gun - drop the gun," 'cause he has the gun inside his hand still. So  
460 as he's layin' there, I see Weyhrauch, uh, lunge forward and I said, "Stop -  
461 stop. Don't go inside, he's still got the gun." And then Weyhrauch goes,

462 "Yeah, he's still got the gun in his hand." So I initially take a step forward and  
463 kinda hunker behind the, uh, trunk of the vehicle. Got two hands on the gun  
464 now and I'm yelling, "Eugene, drop the gun - drop the gun." So he still has the  
465 handgun in his hand. As he's layin' on the ground, he kinda does a half sit-up  
466 and he looks towards us, and he said somethin' to the effect of, "You shot me  
467 in my house," or, "You shot me." And then he - I see him, cant the gun back  
468 towards us. So he slightly canted it this way. Uh, kinda like a - well, I think he  
469 had a .45. And we were yellin', "Drop the gun. Drop it. Don't do it. Police,  
470 drop the gun." So he ends up putting his hand, the gun slides out. The wife is  
471 standing right behind him. Uh, she's not in hysterics, but she's just like, "Well,  
472 you know, what do you want me to do?" So we're callin' her out towards us.  
473 I'm puttin' out the radio traffic, you know, "Fire and EMS, Code 3." Have, um,  
474 I'll just get out the red book, so I'm makin' the phone calls. Uh, I need units to  
475 start locking down the scene. And the wife is still like, "What do you need me  
476 to do?" We're like, "Come here - come here. Move forward." So the wife  
477 walks up to his gun side. And as she walks up, I could see that the subject's  
478 hand was still mimicking like he had a gun in his hand, 'cause his fingers  
479 were, uh, wrapped around, uh, like, a handle and then his index finger was  
480 still curled, and his thumb was still up. I'm like, "Well, that's pretty  
481 interesting." So then I said, "Eugene, hold in there." I said, uh, "Help is on the  
482 way." You know, "Hold on." And we're still tryin' to get her out. She steps  
483 towards, like I said, his gun hand. She looks at the gun and then we're  
484 thinking, "Oh, no. She's gonna try to pick up the gun. This is gonna get - this  
485 is gonna get bad." "Leave the gun alone. Don't touch it. Come here." Then  
486 she, like, stands over his body. I heard - reach inside, I grab her, I pull her past  
487 me. I don't know which deputy actually took her out, but I said, "Open the  
488 garage." So then they opened the garage. Uh, as they opened the garage, I  
489 took a step inside, uh, the - the residence. Like, I kicked the gun away from  
490 him and I left it at the - at his feet. Don had walked past him. And we were  
491 tryin' to talk to him and ask him if there was anybody else inside, but he was  
492 non-responsive. Um, and then the deputy's like, "Hey, we need to provide, uh,  
493 first aid." "Yes, do that." At that point in time, I removed myself from the  
494 scene, 'cause deputies were comin' in with, uh, bandages and gauze, uh, and  
495 medical persona- personnel were on their way. And, uh, that's when Dennis  
496 Owens had showed up and he was like, "Hey, you need to - you need to leave.  
497 Um, go out to the vehicle." Okay. So at that point in time, that's when I went  
498 out to the vehicle and then I met up with, uh, Deputy (Cuellar). So I stood at,  
499 uh - uh, Dennis Owens's car.

500

501 Q: You doin' all right? You need a break? You need to use the restroom or  
502 anything? Or...

503

504 A: I'm good.

505

506 Q: Good? Um, goin' - goin' back to the beginning of shift, um, can you describe  
507 for us what you were - what you were wearing?

508

509 A: Sure. I was wearin' our Class A uniform, uh, which consisted of - I had the  
510 long-sleeve Class A uniform, no tie. And then I had the Sheriff's Office  
511 patches, uh, and I was wearin' my duty belt. And on my duty belt, uh, from  
512 left to right, I have, uh, my spare magazines, uh, my OC spray. Then I have  
513 my radio, uh, baton ring, asp, department-issued flashlight, and on my back I  
514 have a little, um, holder for latex gloves. And comin' back to the right, I have  
515 a, uh, key ring, my duty weapon and holster. And then I have, uh, another set  
516 of keys in a Velcro holder for - for gates and - and whatnot. I've got too many  
517 keys. I have that, and I have my, uh, cuff case, and then I, uh, typically wear  
518 my, uh, in-car L-3 camera, uh, audio. I didn't have it on 'cause I was, uh,  
519 chargin' it, 'cause it was sayin' it was low, so I was chargin' it at the time. And  
520 that's basically what I had, and my green pants and my boots.

521

522 Q: And you said the - the deputies on scene for this call when you arrived was,  
523 uh, Weyhrauch, Reyes and Laguardia?

524

525 A: Yes.

526

527 Q: And can you describe for me what they were wearing?

528

529 A: They were in their Class A uniforms as well. Um, they had the same thing;  
530 their - their badge, their nameplates, their duty gear, their safety equipment,  
531 uh, their green pants and their boots.

532

533 Q: Was everybody driving marked Sheriff's Office vehicles, or was - was people  
534 wearing - or driving unmarked vehicles? Or...

535

536 A: We were all driving marked SO vehicles.

537

538 Q: What - do you remember what your vehicle number was?

539

540 A: 14404.

541

542 Q: 14404. And, um, do you recall the time that this call came out?

543

544 A: Uh, I believe, and I'm g- I'm gonna guesstimate, but I believe it was around,  
545 like, 7:39 pm.

546

547 Q: Okay. And you were called - you stated you were called by Reyes to come to  
548 the scene and help, uh, help figure it out, and you arrived about 8:21 pm or  
549 so?

550

551 A: Well, Reyes called me about 8:20, and I had attached myself via radio at 8:21.

552

553 Q: Okay.

554

555 A: And I got there, like, 4 minutes later.

556

557 Q: So there was a significant amount of time that had elapsed from when the f-  
558 call first came out and when you actually got on scene?

559

560 A: Yes.

561

562 Q: So there was a ton of work done by your deputies prior to you getting on  
563 scene?

564

565 A: Yes, there was.

566

567 Q: Okay. Um, the RP - the initial RP was the granddaughter, and I believe she  
568 was from out of state?

569

570 A: Yes.

571

572 Q: Um, do you know what she initially told our dispatch, as to what was going  
573 on? Why she was calling for the - the, um, the welfare check?

574

575 A: From what I heard, that was dispatched was, RP lives out of area, she has been  
576 trying to contact her grandfather since Wednesday and he has not picked up or  
577 returned her phone calls.

578

579 Q: Okay.

580

581 A: That's what I recall.

582

583 Q: At that point, do you remember, did she say anything about health issues or  
584 any - any reason, other than she just couldn't get a hold of them?

585

586 A: No, that I don't....

587

588 Q: Okay.  
589  
590 A: ...recall hearing as it was broadcasted.  
591  
592 Q: And that didn't come into play until you m- uh, I'm sorry, not you, but one of  
593 your deputies contacted the neighbor to the north, I believe?  
594  
595 A: With the medical issues?  
596  
597 Q: Yes.  
598  
599 A: That actually came from Laguardia, who actually spoke to the original RP.  
600  
601 Q: Okay. Um, what did she tell you about that conversation? The - the follow-up  
602 conversation with the RP on the phone?  
603  
604 A: She had told me that, and again, that the RP is tryin' to get a hold of  
605 grandfather. Um, he's had some, um, he has heart issues and other medical  
606 issues, and that last Wednesday, when she spoke to him, she gave him bad  
607 news. And that's when I had inquired, "Well, what's the bad news?" And she  
608 was like, "Well, she didn't say; she just started cryin' right away." I'm like,  
609 "Well, I mean, you gotta kinda find out what the bad news is." I mean, is it  
610 because the Giants lost? I mean, what's the bad news? I mean, I wanna know.  
611 And she was like, "Well, you know, I didn't - I didn't push the issue." I'm like,  
612 "Well, Laguardia, sorry to say, you kinda gotta push the issue. We need to  
613 know what the bad news is." I'm like, "Is this guy, like, super distraught over  
614 something? Or is it something simple like again, like, the Giants lost. I mean, I  
615 need to know." And she was like, "Oh, she just kept crying, you know, and I  
616 couldn't get that out of her." Okay.  
617  
618 Q: I'm ju- sorry, I'm just tryin' to piece...  
619  
620 A: Sure.  
621  
622 Q: ...all the information together as to, um, uh, what they gathered and - and  
623 informed you of. What - can you, um, walk us through what the neighbor to  
624 the north said? And I believe his name is eh, the one that actually  
625 went around the back of the house with you? What...  
626  
627 A: Sh-...  
628  
629 Q: What - what did he say?

630  
631 A: Sure. So I really didn't have too much of a conversation with I just  
632 overheard things was saying to Reyes. Because Reyes had asked him,  
633 he's like, "Oh, are these lights always on?" And he goes no. He was like, uh,  
634 "He usually has all his lights on a timer, and I believe this is one light that's on  
635 a timer." And, uh, goes, "He usually comes to the door for me." And  
636 started knockin' on the back window. He was like, "Hey, Eugene.  
637 Hello? Hey." And he was tryin' to pull the back window open. And I had told  
638 I said, "Well, I guess it's no use. If he can't come to the door for you,"  
639 I'm like, "may- maybe nobody's home." And he's, like, no. And he's like,  
640 "They don't go anywhere without the car." He was like, uh, "They usually go  
641 for a walk, but they're - they're pretty good about walkin' and comin' back."  
642 Okay. Then as he went around the south end of the house, he went with  
643 Reyes, and I stood back here and I was lookin' at their little pond and  
644 everything. Um, they didn't have much, as far as a backyard that needed to be  
645 upkept. Um, it was pretty minimal, uh, pretty easy to take care of. I figured  
646 maybe if the grass was overgrown, and, you know, there was weeds, okay,  
647 maybe somebody hadn't been tendin' to the garden in a while. Uh, then that  
648 was pretty much it with and then Reyes came back with from  
649 around the corner, and that's when he said, "Hey, all the doors and windows -  
650 or all the windows were locked." I said, "Okay, well," I said, "Let's go to the  
651 front." I said, "We need to get outta here." Well, I didn't know the  
652 guy's name. I just said we needed to get the neighbor back to his house. He  
653 goes okay. So that was pretty much it there.  
654  
655 Q: And, um, the neighbor was helping to knock on - on the doors and whatnot?  
656  
657 A: Yes.  
658  
659 Q: The windows in the back?  
660  
661 A: Windows.  
662  
663 Q: And, um, I believe you had mentioned you were talkin' to someone back here,  
664 but the - there was deputies and or the neighbor, for...  
665  
666 A: Yeah. It - so it was myself, Reyes, Laguardia and the neighbor,  
667  
668 Q: Okay.  
669  
670 A: And had his little phone out with the light goin'.  
671



672 Q: And - and you had mentioned at one point that you were crouching down  
673 somewhere in the - in the yard, looking to see if you could see movement  
674 under the drapes?  
675

676 A: Correct. So I backed up and I just kinda, like, did, like, a half squat and I was  
677 just kinda looking to see, but...  
678

679 Q: Was there a ga- was there a gap between the...  
680

681 A: Not...  
682

683 Q: ...drapes?  
684

685 A: ...much. Yeah.  
686

687 Q: Not much?  
688

689 A: Maybe, jeez, I'm gonna approximate, maybe, like, two inches, if that, two to  
690 three.  
691

692 Q: Can you...  
693

694 A: I was kinda hoping somebody would come to the window and I would see a  
695 shadow, but no such luck.  
696

697 Q: Nothin'? Can you, um, can you clarify where - where it was that you saw  
698 ambient light comin' through the - the drapes?  
699

700 A: Sure. So it was - the ambient light - so these are the drapes here, along this  
701 long glass window. And the same here, uh, ambient light. So it was, uh, next  
702 to the garage. And then I guess this other living room, I don't know the layout  
703 of the house, but the other living room here. So the skylight was basically in  
704 the middle portion of the residence. Yeah, towards the back. So it'd be  
705 towards the garage, right here, middle. So, uh, not tryin' to, uh, speculate or  
706 assume, but, uh, I had the impression that the light was probably a central  
707 light here, to cover both areas; the living room and this, either bedroom or side  
708 room here.  
709

710 Q: And were all the windows and sliding doors on the backside, were they a-  
711 were they all covered with drapes or...  
712

713 A: Yes.

714  
715 Q: ...curtains or something? Some-...  
716  
717 A: They were.  
718  
719 Q: Okay.  
720  
721 A: They had, uh...  
722  
723 Q: So there was no way to see in...  
724  
725 A: There was...  
726  
727 Q: ...through the back side whatsoever?  
728  
729 A: None.  
730  
731 Q: Um...  
732  
733 A: Even shinin' your light, I - I figure maybe they were thin drapes. No other way  
734 to tell.  
735  
736 Q: Can you, um, can you elaborate and walk us through the conversation - let me  
737 backtrack. So after - after we - we decide to take the neighbor back, we all -  
738 we all come from the back of the house, back to the front. Uh, and that's when  
739 the Jeep Cherokee pulls up, I believe?  
740  
741 A: Correct.  
742  
743 Q: With - I believe the individual's name was (Ron).  
744  
745 A: I guess. I didn't ask.  
746  
747 Q: Okay. Um, you actually di- didn't have any contact with them? That was  
748 Laguardia?  
749  
750 A: Correct. That was correct, that was Laguardia. as we were ready to  
751 move forward in the driveway, after Laguardia had spoken to him, uh, when I  
752 said, "Okay, everybody got their gear on?" And they said yes. As we were  
753 ready to move this vehicle forward in the driveway, uh, that individual from  
754 the Jeep Cherokee came up behind me, and I was like, "Who the hell is comin'  
755 up behind me?" And you said his name's

756

757 Q: Yes.

758

759 A: Okay, so that individual,                    said, "Oh, uh, by the way, I just wanted to  
760 make sure that you know, he keeps his rifles, you know, in a safe. All his guns  
761 are kept there." I don't recall which bedroom he said that he keeps 'em in. I - I  
762 really don't. But then he told me he's all - and he - and he keeps a, uh, revolver  
763 under his pillow, that he sleeps with. And I'm like, um, okay. And then again,  
764 Laguardia had reitta- reiterated to me, she's like, "Yeah, he's the one that said  
765 if he ever - if Eugene were to ever receive bad news, he would kill his wife  
766 and kill himself." I'm like, so - I'm also - this is when we were startin' to form  
767 the plan again, and - and I said, "So," I said, "let me get this straight." Again, I  
768 said, "Just to recap, he gets bad news last Wednesday from the granddaughter,  
769 whatever bad news that is. No one has seen or heard from him in a couple  
770 days." I'm like, "Weyhrauch rocks - walks - Weyhrauch knocks on the door  
771 tonight, hears a faint, 'Hello,' or, 'Help me,' he can't distinguish or say what it  
772 is. And he hears what sounds like something fallin' or some shufflin' inside the  
773 residence. Hm. Well, it sounds to me like maybe somebody's in distress inside  
774 the house, or maybe, uh, Eugene took it too far and did the se- uh, you know,  
775 murder-suicide with him and his wife, since this granddaughter gave him  
776 some bad - bad news." So I said, "We ju- we need to move forward because,  
777 uh, we need to see if anybody's in distress inside this residence, you know,  
778 'cause I would hate to leave them inside."

779

780 Q: Just let me clarify, too, uh, the conversation about the murder-suicide, how -  
781 or that Eugene, if anything happened to the wife, he - he would do himself in,  
782 or somethin' li- to that extent...

783

784 A: Mm-hm.

785

786 Q: ...that happened with - with                    correct? Or was that somebody else?  
787 That...

788

789 A: That...

790

791 Q: ...conversation?

792

793 A: That's what                    had told Laguardia.

794

795 Q: Okay. And this was all prior to you deciding to move up the driveway...

796

797 A: Yes.

798

799 Q: ...correct? Wa- um...

800

801 A: At that point, I had not moved.

802

803 Q: Can you, um, can you recap for us, when - when was it that we learned he had  
804 guns, and - and, that we ran him out?

805

806 A: So just as we were ready to, uh, leave the back side here, after we knocked on  
807 the doors and the windows, Reyes had ran him out, and that's when the  
808 dispatcher said, "Hey, 10-36," you know, he's got this weapon and that  
809 weapon. And I'm like, "Okay, great. He's got a lotta weapons inside the  
810 house." And as a supervisor, I couldn't help, uh, but think to myself, again,  
811 you know, after what Laguardia had told me, "He's received this bad news  
812 from the granddaughter, which, again, I don't know what it is, but if he's got  
813 these weapons, oh, my God. You know, that it'd be awful if he took his life."  
814 Uh, I - I was actually - I was really concerned. And that's when I had came  
815 back out to the front and I said, uh, "Hey," I said, um, "Laguardia," I said,  
816 "Was the news that bad? Did w- did we ever find out what that news she gave  
817 him?" She was like, "No, I didn't." She's like, "I'm tryin' to call back the RP,  
818 but nothing." Okay. N- nothing, meaning no contact.

819

820 Q: Oh, she did try to call her back to clarify?

821

822 A: Mm-hm.

823

824 Q: Okay. That's good to know. Um, so at this point, is it safe to say you felt that  
825 someone might be in danger, or, uh, might be injured inside the house, based  
826 on everything that you gathered to that point? Or...

827

828 A: At - at this point, I felt that somebody may be in, uh, may be in, uh, need of  
829 medical assistance, or, uh, may be incapacitated in some way, shape or form.

830

831 Q: And, uh, nobody in the neighborhood had heard any gunshots or anything like  
832 that coming from the house to indicate he may have shot himself or shot his  
833 wife?

834

835 A: Ne- well, no, not to my knowledge, 'cause we talked to neighbors on the north  
836 and the south.

837

838 Q: Okay. Um, who - do you recall whose - whose rig got driven up in the  
839 driveway, and who drove it?

840

841 A: Weyhrauch.

842

843 Q: Weyhrauch? And he - it's his rig and he drove it?

844

845 A: Yes.

846

847 Q: Okay. Um, so once the vehicle is driven up the driveway, did you, uh, did you  
848 tell anybody to activate, um, the audio or video on the vehicle or anything like  
849 that?

850

851 A: No, I did not.

852

853 Q: Um, do you know if any of the - any of your deputies had that on them?

854

855 A: Uh, they're supposed to wear it at all times.

856

857 Q: Oh, is the, uh, is the audio thing a - a - is that a - a team - team thing? 'Cause I  
858 know...

859

860 A: It's policy.

861

862 Q: Okay.

863

864 A: It's a policy that we're supposed to wear it with the L-3 camera system.  
865 Supposed to have it on you at all times, and if it doesn't work, you're supposed  
866 to tell your supervisor, so that way, I can find you a new one. But I don't know  
867 where the new ones are. But you're supposed to wear it.

868

869 Q: Cool. And then at the f- uh, again, you - you tri- uh, you explained that you  
870 tried to enter the home through the front door again, and that's when Reyes,  
871 after the fact, tells you it's a fortified door?

872

873 A: Yes.

874

875 Q: Um...

876

877 A: A steel frame.

878

879 Q: You call, uh, alternate breach, and then you walk around, again, the north side  
880 of the home to the garage, correct?

881

882 A: Yes.  
883  
884 Q: And, um, you enter through the - the outside door to the garage. Uh, do you  
885 recall if the light was on in the garage, or did anybody turn the light on in the  
886 garage?  
887  
888 A: Let me think about that one. No, no light inside the garage. We were using the  
889 ambient light from our takedown lights from the vehicle, from our patrol  
890 vehicle. Because the top of the garage has windows, so those takedown lights  
891 were shining through the garage.  
892  
893 Q: Okay. Was it pretty dark inside the garage?  
894  
895 A: Um, I mean, it was - I think it was well ha- somewhat well-lit because of the  
896 ambient light from the takedown lights. 'Cause they were pointing straight  
897 into the garage.  
898  
899 Q: Okay. At any point, do you recall if anybody turned on the lights in the  
900 garage? Any of your deputies or were you?  
901  
902 A: No, we did not.  
903  
904 Q: Okay.  
905  
906 A: 'Cause we had our flashlights.  
907  
908 Q: Okay. And then, um, can you tell us a- again, and - and, um, clarify the  
909 stacking order on the interior door and, um, the - what happened during that  
910 time where - up to the point where the door is - was breached?  
911  
912 A: Okay. So I was first in the stack, uh, leading up to the door. And then it was,  
913 uh, Don, who had the rifle. We all had handguns, with the exception of Don  
914 Weyhrauch. Myself, Don, Laguardia, Reyes. So as we approached the door,  
915 that's when I had stopped. I said, "Stand by," because with my experience of  
916 doin' entries with task forces, it's always best to try the front door first, 'cause  
917 sometimes, they're unlocked.  
918  
919 Q: Right.  
920  
921  
922 A: So I tried the door handle; it was locked. I said, "Okay, it's locked." I saw that  
923 it was an opward innig - opward innig - inner door. So I crossed over the

924 door, uh, to the right side, and I said, "Hey, you guys set?" I said, "Don,  
925 obviously, you got point. We're gonna hold here." Okay. I said, "I'll go ahead  
926 and kick it." So I kicked it, uh, with my left foot. Uh, it popped open  
927 immediately. Um, we were all at low ready. Don was actually, uh, at high  
928 ready; he was already on point, uh, down this hallway or kitchen or whatever  
929 it may be here, uh, this walkway. So again, I'm to the right, uh, of the door,  
930 and, uh, I'm to the right, and then Don, Laguardia and Reyes are to the left. So  
931 we're outside the fatal front of the door, standing there. So after I kicked it, the  
932 door, either hit the wall or hit something, and bounced back, that's when I  
933 leaned forward and used my left hand and I pushed it open a little bit more,  
934 givin' us a bigger field of view to see, uh, 'cause I wanted to be able to see  
935 inside, too. That's when, after I kicked it, that smell of that musty, BO, stink,  
936 odor came wafting out, like they haven't had the window open in days or  
937 somebody who hadn't showered in days had been inside the house. It smelled  
938 really bad. And then at that point in time, what ran through my mind was,  
939 "Oh, great. You got people down inside that have probably been here for a  
940 couple days, and they're probably dead. And now we're startin' to get that  
941 smell as, you know, bodies usually do when they decompose." I'm like, "Oh,  
942 boy." So as I stood there, we're still callin' out, "Police. Hey, Eugene, you  
943 inside? Sheriff's Office." We're makin' announcements like crazy. And, um,  
944 obviously when we're yelling, it's - it's nothing quiet; it's very loud. And it was  
945 very loud when I did the announcement, too. So like I said, and then, no  
946 response at that point, 'cause we kinda paused for a second and there was  
947 nothing. So - and you just wanted to know about the stacking order, right?  
948

949 Q: Yeah. And up - up to the point where the door was breached. So when the  
950 door flung open, you s- I believe you said it, uh, closed...  
951  
952

953 A: It swung back.  
954

955 Q: ...partially, and then you had to reopen it, so Don could have a...  
956

957 A: A field...  
958

959 Q: ...a clear view. Um, at - at that point, did you see anybody inside the house, or  
960 - or did it appear empty?  
961

962 A: It appeared empty.  
963

964 Q: Okay. Uh, and then at what point, um, at what point was, uh, Eugene first  
965 noticed?  
966

967 A: Um, well, let me ask you this, uh, to clarify. At what point to who? To me or  
968 to Don?  
969

970 Q: Okay, it - and, ah, yeah, I was - I was a little vague. M- my apologies. Uh, I  
971 believe you said that at first, you didn't see anybody, but you s- you heard Don  
972 say, "Eugene, drop the gun. Eugene, drop the gun."  
973

974 A: Correct.  
975

976 Q: So you, uh, so Don woulda been the first person to see him.  
977

978 A: Yes.  
979

980 Q: Do you know, did - did Don or anybody s- say where he was at, to notify  
981 everybody where he was at in the house?  
982

983 A: Na- oh, well...  
984

985 Q: Or was he just addressing the threat?  
986

987 A: Don was addressing the threat. And then Don quickly said, "He's comin' our  
988 way."  
989

990 Q: "He's comin' our way." Uh, at - at what point, and maybe it's best to draw, at  
991 what point did you first see Eugene? When - when did he first come into your  
992 - your field of vision?  
993

994 A: Could I flip this over?  
995

996 Q: Sure.  
997

998 A: And I'm just gonna do the doorway with me standing there. So, um...  
999

1000 Q1: Real quick, while you're doin' that, and I think, a couple times, you've tried to  
1001 say it, you're - you're tryin' to say "inward opening," right? The door?  
1002

1003 A: Yes, inward opening.  
1004



1005 Q1: O- inward opening, okay.  
1006  
1007 A: Did I say outward opening?  
1008  
1009 Q1: Uh, it was kind of a mishmash of a couple of words put together.  
1010  
1011 A: Oh, I - I apologize.  
1012  
1013 Q1: I just wanted to make sure that I had it clear. Inward...  
1014  
1015 Q: I knew what you were sayin'.  
1016  
1017 Q1: Yeah.  
1018  
1019 A: No, you just stated it, which that was it was an inward opening door.  
1020  
1021 Q1: Okay. All right.  
1022  
1023 A: And so was the garage door, inward opening. I'm sorry if I got...  
1024  
1025 Q: No - no, it's...  
1026  
1027 A: ...confused. Just wanna clarify that.  
1028  
1029 Q1: It's a - it's a tough statement.  
1030  
1031 A: Tongue-tied.  
1032  
1033 Q: So let's do that, the room in which the, uh, Eugene was first observed, the  
1034 door, and then the car, and then kind of your location wi- w- in relation to the  
1035 door and the car.  
1036  
1037 Q1: Can we just use a separate piece? How 'bout that?  
1038  
1039 A: The only thing I can give you is when he came into my field of view.  
1040  
1041 Q: That's all - that's all I wanted. I'm sorry if I didn't make that clear.  
1042  
1043 A: I - 'cause I don't know - I mean, and it would be me assuming where he came  
1044 from, from around the corner, and I mean, it's...  
1045

1046 Q: Just - just where - just where you saw him. I'm sorry. We're movin' on from  
1047 where Don saw...

1048

1049 A: Okay. So inward opening door. Sorry about that. Okay. So - and I'm just  
1050 gonna use their initials. So we have Don, Laguardia and Reyes here, okay?  
1051 And then, I'll make it a little bit bigger. Now we've got the wall, and then, um,  
1052 here's the door that's open, 'cause - 'cause that's literally how far open it was.

1053

1054 Q: Mm-hm.

1055

1056 A: And, uh, and since it bounced back on me, I'm under the impression there was  
1057 a wall there. Uh, I was here, okay? Now, the car was right against us, and I  
1058 believe it was a gray Nissan; I think it was an Altima. Okay. So as I kicked  
1059 that open, Don moved forward with just his rifle; he just took a step forward.  
1060 So my initial field of view was here, where I saw the furniture, and I saw, uh,  
1061 like, this corridor-walkway, I don't remember if it was linoleum or what, with  
1062 some more furniture here. So after I did that, I said, "Okay, Don, you got  
1063 point." And so we started callin' out to him. I initially started to take one step  
1064 back, because I said, "Okay, this is for the deputies, not for me." Uh, so just as  
1065 I initially took that step back to the corner of the, uh, rear of the vehicle...

1066

1067 Q: Mm-hm.

1068

1069 A: ...um, that's when Don said, "He's got a gun. Drop the gun, Eugene. Drop the  
1070 gun." I turned to Laguardia and Reyes, I'm like, "He's got a gun?" And they're  
1071 like, "He's got a gun." I'm like, "Okay, he's got a gun." So I drop back even  
1072 further right here. That's when I put out the radio traffic, "He's - he has a gun."  
1073 Okay. They're like, "He's got a gun." This whole time, Don's yelling, "Drop  
1074 the gun - drop the gun. Police. Drop the gun." Well, actually, we're all yelling  
1075 it. I know I was yellin' it. And right here, as the door is open, so I guess it  
1076 would be right at the edge of the door, as it's open, is where he stood, right  
1077 here. And I saw a little glimpse to the side of him, uh, his wife. I saw a smaller  
1078 stature, uh - uh, Asian gal standing right here. As he came walking forward  
1079 from the edge of the door towards the, um, threshold of the door, that's when I  
1080 was backing up. I was on point. That's when I saw the - the gun, uh, being  
1081 raised and the trigger being pulled. As I had looked away to put out that traffic  
1082 again, the gun was coming up and all's I recall is that barrel was pointing right  
1083 at me.

1084

1085 Q: So he's fixated on you?

1086

1087 A: Yes.

1088

1089 Q: Okay.

1090

1091 A: Because - and I would have to say, in my mind, number one, he was fixated  
1092 on me, because I'm - let's face it, I'm the big moving target that's out there. I'm  
1093 the one that's moving back. My thought process and my ultimate goal was to  
1094 get behind this vehicle and hunker down. At least to the backside pillar. Uh,  
1095 granted, there's glass, you know, and everything in the car, but I wanted to get  
1096 the hell out of the way. But I couldn't move. I was somewhat trapped between  
1097 the car and the garage, 'cause my gun belt, we'll just say. So, I was there,  
1098 and...

1099

1100 Q: Kind of in the middle of the back of the car?

1101

1102 A: ...I was.

1103

1104 Q: Okay.

1105

1106 A: I was in the middle of the back of the car. I was like, right at the trunk.

1107

1108 Q: Were you standing or kneeling?

1109

1110 A: Of course, well, I was in a - if I could show you?

1111

1112 Q: Sure.

1113

1114 A: It was a semi squat. So as I was backing up here, I saw a full plain view of  
1115 him coming at us, and the gun raising, and I was like, oh shit. So I went like  
1116 that, I pointed out, and I was putting out the radio traffic as I was shooting.

1117

1118 A1: And, um, I believe simultaneously you were putting, uh, out radio traffic when  
1119 you felt the - the need to shoot?

1120

1121 A: Yes, as I had recalled, now that, um, my memory is a little bit more fresh. As I  
1122 recall, I had keyed the mic just as I had, uh, cranked off my last shot.

1123

1124 A1: And, um, you said four shots approximately?

1125

1126 A: Approximately.

1127

1128 A1: Okay do you know, um, do you know if any of your shots hit Eugene at - at  
1129 that time, did you know he was hit?  
1130  
1131 A: Initially?  
1132  
1133 A1: Yes.  
1134  
1135 A: No, um, I just saw him fall down. And after I - I'll tell you this. After I had  
1136 fired my weapon, there was maybe a half a second or maybe a second where  
1137 he just kind of just stood there. So I reassessed the threat and then that's when  
1138 he fell. 'Cause I - that's when I came back with two hands back up instead of  
1139 versus the one. And I was still yelling, "Drop the weapon, drop the gun." And  
1140 then that's when he had fell down.  
1141  
1142 Q: And, um, the wife - the wife was slightly offset to - to Eugene's left.  
1143  
1144 A: I would say he was - she was off to his left.  
1145  
1146 Q: Behi-, uh, behind him or almost to his side or?  
1147  
1148 A: Uh, so that door kind of provided that initial cover for her. I would say she  
1149 was off to his left shoulder here.  
1150  
1151 Q: And when Eugene first came into view, um, who was giving him commands?  
1152  
1153 A: We all were.  
1154  
1155 Q: Okay.  
1156  
1157 A: At least Don and I were, because I'm pretty sure Laguardia and Reyes couldn't  
1158 see anything 'cause they were behind, um, Don. And again it was a tight fit.  
1159  
1160 Q: And after Eugene fell, can you walk us through what happened after that?  
1161  
1162 A: Sure, so after Eugene fell to the ground, that's when he had muttered the  
1163 words, either you shot me at my house or you - I know I heard, "You shot  
1164 me." But I couldn't tell if it was in my house or you just shot me. Still had the  
1165 gun in his hand. We were still yelling for him to drop the gun. And I had put  
1166 out the radio traffic after I said, "Shots fired." I said, "Hey, uh - uh, suspect  
1167 down, uh, he still has the gun." And we're still yelling for him to, "Drop it,  
1168 drop it." The revolver's still in his hand. Uh, we're still, "Hey Eugene, drop the  
1169 gun. It's the police. Eugene, drop the gun." And he kind of opens his hand, the

1170 gun kind of slides out. Uh, well, sorry, let me back up. Before Eugene  
1171 dropped the gun, as he fell to the ground, as we were yelling him commands  
1172 to drop it, that's when he had canted it back towards the doorway. And, uh,  
1173 that when - as he canted it back, that's when I see Don kind of move forward.  
1174 And I told Don, "Stay back and he's still got the gun." That's when Don  
1175 reiterated what I said, he's all, "Get back. He's still got the gun in his hand."  
1176 Well, yeah, I just told you that so, uh, we're yelling for him to drop it. And he  
1177 finally does. It slides out of his hand. That's when his hand goes back to, uh,  
1178 the grippy motion like he still had a weapon in his hand. But the finger kind of  
1179 canted a little bit on a trigger and his thumb up. So it was curled just like that  
1180 with the three index fingers folded over and the, uh, pointer finger, uh, kind of  
1181 - kind of cocked a little bit and the thumb up.  
1182  
1183 Q: And you guys had not entered the house at that point though...  
1184  
1185 A: No.  
1186  
1187 Q: ...you were still staying behind cover and the garage?  
1188  
1189 A: We're s-, we're still to the - to the sides of the door.  
1190  
1191 Q: Okay.  
1192  
1193 A: And that's when we began to call for the wife to come out.  
1194  
1195 Q: And that's when the garage door opened, et cetera?  
1196  
1197 A: Garage door opened as soon as we grabbed her.  
1198  
1199 Q: Uh-huh, and then shortly thereafter that's when, uh, Dennis Owens got on  
1200 scene and then - and then he took over?  
1201  
1202 A: (Unintelligible).  
1203  
1204 Q: Controlled the scene?  
1205  
1206 A: Yes.  
1207  
1208 Q: Okay.  
1209  
1210 A: We provided medical, uh, aid right away to, uh, Eugene.  
1211

1212 Q: Um, I just want to clarify one more thing and then, uh, I'll see if Jason has  
1213 anything to - to ask. But, um, when you initially got to the interior garage  
1214 door, uh, before - before the breach occurred, was there knock notice at that  
1215 door?  
1216

1217 A: The outside garage door?  
1218

1219 Q: Uh, the interior one to the - the - to the hallway to - into the house, um, did  
1220 anybody knock or identify that you guys were Sheriff's Office in the garage?  
1221

1222 A: No, not there.  
1223

1224 Q: Okay.  
1225

1226 A: It was...  
1227

1228 Q: Just on the exterior door?  
1229

1230 A: ...the exterior. And as I was moving forward to this inner door to the  
1231 residence, I was yelling since I was first in the stack, "Hello, anybody inside?  
1232 Police." And I know I'm not quiet, so I think I yelled pretty loudly. And, um, I  
1233 d- I don't know if anybody had asked any of the neighbors or people outside if  
1234 they had heard that, but I'm pretty sure I was really - really loud.  
1235

1236 Q: Very good. Jason?  
1237

1238 Q1: Same thing before you reached the first outside door, yelling pretty loud?  
1239

1240 A: Yes.  
1241

1242 Q1: Okay, uh, since we have this here, I - I just want to ask, you mentioned, um,  
1243 not being able to move much past this center portion of the car. Why was that?  
1244

1245 A: Um, I - I had felt my gear hit the garage...  
1246

1247 A1: Door?  
1248

1249 Q1: The garage door?  
1250

1251 A: The door.  
1252

1253 Q1: So that was still down?  
1254  
1255 A: That was still down.  
1256  
1257 Q1: Okay, all right.  
1258  
1259 A: Not only that - that threat was addressing me.  
1260  
1261 Q1: Uh-huh.  
1262  
1263 A: He was coming up on point. And at that point in time, as I saw that, I feared  
1264 for my safety. And I also knew that, uh, you know it - it - it kind of sucks, so,  
1265 um, give me a second, but I knew damn well looking at it that Don was  
1266 standing right there. If he did focus in on me, all's he had to do was turn and  
1267 fire a shot and he would have shot Don in the face.  
1268  
1269 Q1: Uh, which, uh, it was a question I had how far - 'cause, um, in - in looking at  
1270 this here, how far would you say Eugene was, 'cause he's focused on you. Um,  
1271 but how far would you say he had come forward and was the distance between  
1272 he and Don?  
1273  
1274 A: Can I use that door as an example?  
1275  
1276 Q1: Sh-...  
1277  
1278 Q: Yeah.  
1279  
1280 A: Obviously us being outside that door.  
1281  
1282 Q1: Uh, okay, yeah.  
1283  
1284 A: And me being inside.  
1285  
1286 Q1: So, you acting as Eugene then?  
1287  
1288 A: Me acting as Eugene.  
1289  
1290 Q1: Okay.  
1291  
1292 A: Yeah, so - so...  
1293  
1294 A1: (Unintelligible).

1295

1296 Q: And we're opening so...

1297

1298 A: Yeah, we're opening the door here. So, the door came to about right here.

1299

1300 Q1: Okay.

1301

1302 A: Okay, I saw Eugene emerge right here, the edge of the door. Eugene was  
1303 coming up. We're still yelling. We're still yelling. That's when it comes up  
1304 because he sees me, 'cause his head was right here. I don't want to say as-  
1305 assumed he was focusing on Don, but I'm gonna say that's what he was doing  
1306 'cause that's what it looked like 'cause he was walking straight ahead. I moved  
1307 'cause I was still trying to step back. That's when he had raised the gun right at  
1308 me. Don was - and this is where Eugene stopped.

1309

1310 Q1: Okay.

1311

1312 A: Yeah, this is where Eugene stopped. Don was - let's switch it now. So this is  
1313 Don now.

1314

1315 Q1: Okay.

1316

1317 A: So, we can - Don was right here.

1318

1319 Q1: Okay.

1320

1321 A: So I don't - sorry (unintelligible).

1322

1323 Q1: That's okay.

1324

1325 A: Don - I guess, didn't have that field of view, I'm guessing where he was at. I  
1326 thought he did. I know I saw Don take a step back, but I thought Don was  
1327 taking a step back to pie the door with Eugene.

1328

1329 Q: Uh-huh, was Don standing or - or...

1330

1331 A: Don was standing in a crouch - a semi-crouch position with the rifle.

1332

1333 Q: So, you're - you put yourself at about 2-1/2 feet from the door...

1334

1335 A: Yeah, I'd say it was....

1336



1337 Q: ...when Eugene was...  
1338  
1339 Q1: Was - was gonna do, right?  
1340  
1341 A: ...yes, it was about two steps from the threshold of the door.  
1342  
1343 Q1: So, if you're where Eugene is now, we're gonna say and - and let's all come to  
1344 maybe a - a conclusion here that maybe a step or two away from the threshold  
1345 of the door maybe estimating 3 to 4 feet, maybe...  
1346  
1347 A: About that.  
1348  
1349 Q1: ...about 3 feet, okay? Away from the threshold of the door. Uh, and then  
1350 where Don was - if we can go back to your estimation of Don's position, um,  
1351 you had actually had your hand out and he was right about an arm's length for  
1352 you. We're gonna say maybe 2 feet?  
1353  
1354 A: Sure.  
1355  
1356 Q1: Okay. So maybe in total...  
1357  
1358 A: 5 feet.  
1359  
1360 Q1: ...4 to 5 feet. Maybe 5 feet, 6 at the most between Don and Eugene?  
1361  
1362 A: I - I would go 5 feet.  
1363  
1364 Q1: Okay - okay.  
1365  
1366 A: Knowing when was Don standing there, I'd go 5 feet, 'cause if Eugene were to  
1367 extend his arm, that's right there.  
1368  
1369 Q1: Right, pr- pretty close to the threshold.  
1370  
1371 A: Yes.  
1372  
1373 Q1: And, uh, Don, having his rifle, um, his rifle was probably - the tip of his rifle  
1374 estimated maybe pretty close to the threshold of the door as well?  
1375  
1376 A: Yes, it was not reaching the threshold of the door.  
1377

1378 Q1: Okay.  
1379  
1380 A: Don's rifle - I saw was about right here.  
1381  
1382 Q1: Right up in there. Okay.  
1383  
1384 A: So, going back to that, I - I feared for my safety and I feared for the safety of  
1385 Don and the other deputies because he was in such close proximity to them.  
1386  
1387 Q: W- would it be fair to say Eugene was closer to Don than he was to you?  
1388  
1389 A: Yes.  
1390  
1391 Q: All right how far would you estimate you were away from Eugene? I know  
1392 that's tough, especially in a dark circumstance.  
1393  
1394 A: Um, I have to use something to gauge, uh, 'cause usually when I walk through  
1395 things I remember.  
1396  
1397 Q: Sure.  
1398  
1399 A: 'Cause I get bored (unintelligible).  
1400  
1401 Q: Please.  
1402  
1403 A: Getting old, okay, so this is the door - the door, the car, I was here,  
1404 (unintelligible) the threshold of the door.  
1405  
1406 Q1: The threshold of the door?  
1407  
1408 A: Yes.  
1409  
1410 Q1: With Eugene 2 to 3 feet inside?  
1411  
1412 A: Yes.  
1413  
1414 Q1: Um, let's call it...  
1415  
1416 Q: 8 or 9 feet...  
1417  
1418 Q1: ...8 - 8 or 9 feet, for you to the door.  
1419

1420 Q: ...from the threshold.  
1421  
1422 Q1: And another 2 or 3 feet for - for Eugene.  
1423  
1424 A: About that.  
1425  
1426 Q1: Okay.  
1427  
1428 A: That's my approximate.  
1429  
1430 Q1: So, we'll say maybe 10 to 11 feet.  
1431  
1432 A: Yeah, give or take about that.  
1433  
1434 Q1: Give or take, okay.  
1435  
1436 A: 'Cause I was at the middle of the trunk (unintelligible).  
1437  
1438 Q1: Right - right, okay.  
1439  
1440 A: Uh, because I remember after I shot and then he had went down, I quickly  
1441 braced against the vehicle and that's when I had put my two, uh, hands  
1442 together and I'm like, uh, I don't really have a place to go. And I had seen that  
1443 there's the rear, right rear lights of the vehicle.  
1444  
1445 Q1: So, you could see that in front of you?  
1446  
1447 A: Yes.  
1448  
1449 Q1: Okay. Um, and you had mentioned too that you had reached up for your radio,  
1450 your Pac-Set radio, and the - the microphone?  
1451  
1452 A: Yes.  
1453  
1454 Q1: Um, and you reached up with your left hand?  
1455  
1456 A: Yes.  
1457  
1458 Q1: Um, which means you still had your right hand on your weapon?  
1459  
1460 A: Yes.  
1461

1462 Q1: And when you fired your rounds, d- were they all one-handed?  
1463  
1464 A: Yes.  
1465  
1466 Q1: And are you right-handed?  
1467  
1468 A: I am dominant right-handed. .  
1469  
1470 Q1: Okay - okay all right.  
1471  
1472 A: Whoa.  
1473  
1474 Q1: Be careful. Um, you had kind of touched on this, and I want to maybe see if  
1475 we can you know, focus on it a little more. Um, as - as Eugene's - y-, you're  
1476 seeing Eugene and he's now starting to focus on you, um, and he's starting to  
1477 raise his arm with his - his handgun in his hand. How are you feeling now?  
1478  
1479 A: Scared as shit. No other way to put it. I was fearful. It was, um, definitely a -  
1480 a, um, a scary moment in my life, at that time to see a handgun coming up at  
1481 you with the trigger being squeezed.  
1482  
1483 Q1: With the trigger being squeezed, do you know if Eugene actually fired off a  
1484 round?  
1485  
1486 A: Uh, you know what, I know that my training and experience kicked in, um,  
1487 that's why we do our training, and I knew that I wasn't gonna try to find out if  
1488 a round was gonna go off, because again, I feared for my safety and the safety  
1489 of the other deputies there. I knew that I had to act first. And then that's why I  
1490 shot right away. Because just as the barrel came up, that's when I squeezed.  
1491  
1492 Q1: So would it be safe to say though then that Eugene did not get a round off?  
1493  
1494 A: Yes, he didn't get a round off..  
1495  
1496 Q1: Okay.  
1497  
1498 A: ...that I saw at that time 'cause I didn't see any flashes towards me.  
1499  
1500 Q1: Um, also safe to say that because of your feelings then that's why you shot?  
1501  
1502 A: Yes.  
1503

1504 Q1: Um, interesting you know kind of follow-up to that. Uh, why did - why did  
1505 you stop firing after four - four or five shots?  
1506

1507 A: Because at that time it was time for me to reassess, bam - bam - bam. And  
1508 then that's when I saw the gun kind of come down and then he fell.  
1509

1510 Q1: Uh-huh, and you mentioned there was like a half second to a second...  
1511

1512 A: About that.  
1513

1514 Q1: ...time before he actually fell?  
1515

1516 A: Yes.  
1517

1518 Q1: During that half second to a second, did his gun kind of s- started to go down  
1519 a little bit?  
1520

1521 A: Yes, it came down. So after I had fired my shots, the gun and the hand both  
1522 came down and that's when I took another second to reassess, uh, the threat  
1523 and he was falling.  
1524

1525 Q1: Okay, um, Eu- Eugene fell, um, would it be safe to say then that the threat  
1526 maybe wasn't gone because he still had his gun in his hand, but maybe that it  
1527 had subsided a little bit? Or do you think that's not fair?  
1528

1529 A: I didn't feel that the threat was over at all at any point in time. And the reason  
1530 why I say that is because he still had the gun in his hand, and the gun was still  
1531 being gripped in his hand.  
1532

1533 Q1: And even canted a little bit at one point, right?  
1534

1535 A: Yes, as - again as he laid on the ground, as we were giving him verbal  
1536 commands to, "Drop the weapon, drop the gun." We were going back and  
1537 forth with those. That's when he had twisted his wrist and canted the gun back  
1538 towards us. Well, I should say it was back towards the, uh, opening of the  
1539 doorway.  
1540

1541 Q1: Right.  
1542

1543 A: And then I said, "Hey, he's still got the gun in his hand. He's still got the gun,  
1544 drop the gun." And Weyhrauch goes, "Yeah, he's still got the gun, drop it."  
1545

1546 Q1: St- still a threat?  
1547

1548 A: Yes, he was a threat to us. In my mind, he was still a threat.  
1549

1550 Q1: Um, and you mentioned that - that eventually the - the gun slid out of his  
1551 hand, but his hand went back to almost like a gun gripping form or a gun  
1552 gripping manner?  
1553

1554 A: Yes, so, as we were giving all these, uh, commands for him to drop it, his  
1555 right hand twists back around to the ground, he opens his hand, the gun  
1556 literally slides out right next to his fingertips. His hand goes back into the  
1557 gripping motion where his three fingers fold over and the right index finger  
1558 kind of cants in a little bit.  
1559

1560 Q1: Without the gun though?  
1561

1562 A: Without the gun.  
1563

1564 Q1: And then you went forward and kicked the gun aside?  
1565

1566 A: Not right away.  
1567

1568 Q1: But you are the one that did that?  
1569

1570 A: I did that.  
1571

1572 Q1: Okay did you do that, um, prior to or after this shorter in stature Asian lady  
1573 went around - somehow she went around him, right? 'Cause you mentioned he  
1574 was on his gun side.  
1575

1576 A: Yes.  
1577

1578 Q1: His right-hand side, okay.  
1579

1580 A: So, it was actually, uh...  
1581

1582 Q1: Kind of fluid?  
1583

1584 A: ... yeah, well, to some degree, it was actually strange, I guess would be the  
1585 appropriate word to use with her, because she wasn't, um, yelling, she wasn't  
1586 screaming, she wasn't freaking out. We were giving her commands to come to  
1587 us. We're like, "Hey, the police, come here, come here." And then she was

1588 like, "Well, what's - what - what's going on? What do you want me to do?" Oh  
1589 that's - that's kind of odd.

1590  
1591 Q1: Uh-huh.

1592  
1593 A: Uh, your - you know your husband's in front of you with a gun here and we  
1594 got guns drawn at you. "Come here. Come here." So that's when she had  
1595 walked and stood over Eugene, I would say that her left foot was between his  
1596 legs, and her right foot was over his right hand. And she was like, she put her  
1597 hands up in the air, almost asking like, what - what do you want? Then at that  
1598 point in time is when she looked down at the gun and she was in a half squat  
1599 position and - and I could see next to me the deputies and, including myself,  
1600 we're kind of like raised up again. Oh now we're too close 'cause we had went  
1601 to the threshold of the door.

1602  
1603 Q1: Oh.

1604  
1605 A: 'Cause we had moved forward once the gun was out of his hand.

1606  
1607 Q:1 Uh-huh.

1608  
1609 A: And I said, "I'll watch the gun you guys watch him." But we're still giving her  
1610 commands. And like I said, she looked down at it, we puckered, got all tense  
1611 and we're like "Don't touch the gun, don't touch the gun." I remember hearing  
1612 Laguardia yell at her, "Don't touch the gun, get out here." And then she kind  
1613 of straddled him, moved forward by his feet, standing next to the weapon. I  
1614 reached in with my left hand and I grabbed her by her left arm and I pulled her  
1615 past me. I said, "Take her." Don then moved in forward, uh, and I believe, uh,  
1616 and this - and this is what I don't recall, either Laguardia or Reyes had moved  
1617 in with Don, 'cause Don's like, "Hey Eugene, anybody else inside the house?"  
1618 We tried to ask her, but I - I - I don't know if she was non-responsive or not. I  
1619 stopped at the threshold of the door. Uh, as (Don) just kinda moved past  
1620 Eugene on the ground. So when I was talkin' to Eugene, I said, "Hey Eugene,  
1621 what's your last name? Is there anybody else inside the house? You hang in  
1622 there buddy. We're gonna get your medical attention, AMR's on the way."  
1623 And that's when I hurried up and reached in and I kicked the gun towards his  
1624 feet.

1625  
1626 Q: Mm-hm.

1627  
1628 A: And then I stood right next to the - to the weapon. And that's when, uh,  
1629 (Dennis) had showed up. And I said, "Okay, who's got the medical kits?" And

1630 they're like, "Hey (Doug), you got one in your car?" I'm like, "Yeah, here's the  
1631 keys." So different deputies show- were showing up bringing gauze and  
1632 whatnot. 'Cause I think by the time they got to my car, which I have a, um, a,  
1633 uh, first aid kit for, uh, gunshot wounds, uh, that I store. Uh, it's a big nice kit.  
1634 Uh, by the time they got to my car, it woulda been no use because everybody  
1635 else that responded had their gauze out and was already attending medical aid.  
1636 I mean, within a minute. So we started rendering medical aid and that's when I  
1637 had walked out.

1638  
1639 Q1: Do you know if anybody cleared the rest of the residence?  
1640

1641 A: I believe they did 'cause it was, uh, Dennis got inside and I saw day shift  
1642 deputies responding...

1643  
1644 Q1: Mm-hm.

1645  
1646 A: ...then I know they were walkin' inside.

1647  
1648 Q1: When you say you believe they did, are you talking about the responding  
1649 deputies?

1650  
1651 A: Responding deputies.

1652  
1653 Q1: Oh, okay, all right. Okay. But, you know, by that time you were already  
1654 outside of the res-, uh, outside - outside?

1655  
1656 A: I was outside.

1657  
1658 Q1: Um, interesting. Did - did anybody ever handcuff anybody?

1659  
1660 A: No, we didn't handcuff him.

1661  
1662 Q1: Uh, was there a - a thought process to or not to in any way?

1663  
1664 A: I was gonna handcuff him. And just as I said, "Okay, someone needs to  
1665 handcuff him," Dennis comes in and goes "No, we're not handcuffin' him.  
1666 "Uh, oh, okay. I - I'm just gonna go outside.

1667  
1668 Q1: Um, you didn't a- actually see Eugene then actually physically w- walk much  
1669 of a distance then, it sounds like?

1670



1671 A: No, I did not, a couple of steps, not until he, I guess, crested that inner  
1672 opening door.  
1673

1674 Q1: Okay. Um, how - how would you describe his few steps you saw him  
1675 walking? I mean you mentioned almost like a zombie look on his face.  
1676

1677 A: Yes, again, he was, uh, very catatonic, very non-responsive. He looked very  
1678 pale. Um, and I saw his steps to be very slow and methodical. I can almost  
1679 describe it as a - a - a slow, thoughtful, cautious walk.  
1680

1681 Q1: So not quick like he was comin' at, you know, w- whatever was happening to  
1682 his door, uh, not rushing towards the door then?  
1683

1684 A: No.  
1685

1686 Q1: Okay. Um, almost like a slow, um, elderly type walk or more of like a slow,  
1687 catatonic, you mentioned catatonic, I'm gonna use that word then, uh, type  
1688 walk?  
1689

1690 A: It was a slow catatonic walk almost like he was in a trance.  
1691

1692 Q1: Did the lady ever say anything?  
1693

1694 A: Not to us.  
1695

1696 Q1: Okay.  
1697

1698 A: No, not at all. Other than when we were trying to communicate with her to  
1699 come out of the house, I know she said, "What?" "Uh, what do you mean  
1700 what? Come out."  
1701

1702 Q: Have you ever been - ever been to their house before?  
1703

1704 A: No.  
1705

1706 Q: Have you ever had any contact with either (Gene) or the wife...  
1707

1708 A: No.  
1709

1710 Q: ...at all, good, bad or indifferent?  
1711

1712 A: No.

1713  
1714 Q1: Do you know...  
1715  
1716 A: Yeah.  
1717  
1718 Q1: ...who, uh, opened the garage door?  
1719  
1720 A: No.  
1721  
1722 Q1: Uh, I have a - a couple of housekeeping issues I wanna - I just wanna ask a  
1723 couple of questions. Um, you described your - your duty belt, um, uh, n- near  
1724 the beginning. Um, what - what type of firearm, sidearm do you carry?  
1725  
1726 A: A Glock 17.  
1727  
1728 Q1: And how many magazines do you carry on your person?  
1729  
1730 A: On my person I carry two and then inside the actual duty weapon there is one  
1731 magazine.  
1732  
1733 Q1: Uh, is there also, while you're carrying your duty weapon on your belt, one  
1734 round chambered and ready to go?  
1735  
1736 A: Yes.  
1737  
1738 Q1: Uh, do you know how many rounds are in each magazine?  
1739  
1740 A: Seventeen.  
1741  
1742 Q1: And you fully load them with, uh, to the capacity?  
1743  
1744 A: Yes, I do.  
1745  
1746 Q1: Okay. Um, when - do you happen to know about, a- approximately when your  
1747 last qualification was?  
1748  
1749 A: Actually it was just recent. What, uh, we're in, what?  
1750  
1751 Q1: September.  
1752  
1753 A: In September. So, let's go, our last, not this past training 12 day, but, a  
1754 previous, uh, 12 training day, I wanna say July.

1755  
1756 Q1: Sometime in July?  
1757  
1758 A: I wanna say...  
1759  
1760 Q1: Not the last one, the one before that?  
1761  
1762 A: Yes, we had just qualified.  
1763  
1764 Q1: Um, by chance are you CIT trained?  
1765  
1766 A: Um, so, I - I guess I am. I took it at the jail, but it was a four-hour block when  
1767 I was there. That was like, uh, fall of 2011. It was like an introduction to CIT  
1768 learning how to talk to people with mental health issues. Uh, I guess I'm not  
1769 fully blown 40 hours CIT trained.  
1770  
1771 Q1: So partially?  
1772  
1773 A: Yes.  
1774  
1775 Q1: Um, in - in - in, after you guys were in the backyard with the neighbor, or  
1776 while how about while you were in the backyard trying to, uh, make contact  
1777 with the neighbor, um, you can see the ambule- am- ambient...  
1778  
1779 A: Ambient.  
1780  
1781 Q1: ...ambient lighting coming through the - the blinds there, um, was it - was it  
1782 light out in the backyard at all, was it dark in the backyard, uh, where you  
1783 guys were standing?  
1784  
1785 A: It was dark in the backyard.  
1786  
1787 Q1: Did you guys have to use your flashlights then?  
1788  
1789 A: Yes.  
1790  
1791 Q1: Okay. Um, did anybody try to shine a flashlight like inside the window to help  
1792 see inside?  
1793  
1794 A: Yes.  
1795

1796 Q1: Okay. Did...  
1797  
1798 A: I did. Uh, all it did was just blind me with the light off the window.  
1799  
1800 Q1: The window?  
1801  
1802 A: Reyes tried to do that same thing. And then the neighbor had his little phone  
1803 with the light on it. That wasn't doin' any help. So I said, "Get him outta here."  
1804  
1805 Q1: Um, when you guys left and you came out, the - the people in the Jeep showed  
1806 up, um, somebody talked to them. Uh, and with all the information, um, you  
1807 guys developed a - a plan to go up and - and, uh, make this final contact at the  
1808 house. Um, you guys, uh, talked about, um, I'm - I'm assuming the weapons  
1809 that Mr., uh, that, uh, Eugene had.  
1810  
1811 A: Yes.  
1812  
1813 Q1: Um, the potential, you know, uh, of having these weapons in the house, what  
1814 could happen with that. And did anybody don any extra equipment at that  
1815 point for protection?  
1816  
1817 A: Yes, we put our helmets on.  
1818  
1819 Q1: Uh, everybody?  
1820  
1821 A: Our ballistic helmets, yes.  
1822  
1823 Q1: Um, and what was the - the thought process behind that? Just for extra  
1824 protection or how?  
1825  
1826 A: Well, it was mainly just for our safety. So, so the plan of attack was, let me,  
1827 um, let me rephrase my verbiage. So the plan was, uh, goin' inside the  
1828 residence was, since he has multiple weapons registered to him which I told  
1829 everybody, "Okay, hey everybody, since he's got a lotta guns registered to  
1830 him," I said, um, "We're gonna plan for the worst but hope for the best. And  
1831 maybe plan for the worst that it's a possibly a murder-suicide inside and  
1832 they're down or someone's in, uh, medical distress really bad. We need to put  
1833 our safety equipment on, uh, so that way we have it as we should always.  
1834 And, uh, when we move up to the residence, we're gonna use the, uh, vehicle  
1835 as cover. And don't forget when we go inside the house, it's always two to a  
1836 room. Um, like, so make sure that we communicate with each other." I said,  
1837 "But you guys are gonna go in, I'll be your tail." But at first I said, "We're

1838 gonna try the front door and we'll go from there as far as a knock and notice."  
1839 They're like, "Okay, you're the loudest, Serge." "Okay, not a problem." So  
1840 that's when we had moved the vehicle in the driveway up to the front door  
1841 with the take down lights on so we would use that for cover at first.  
1842  
1843 Q1: Uh, did the subject of, uh, less lethal type, uh, munitions come up, uh, during  
1844 the conversation?  
1845  
1846 A: No, it did not.  
1847  
1848 Q1: Um, are you less lethal qualified?  
1849  
1850 A: I am.  
1851  
1852 Q1: Uh, anybody else on the team less lethal qualified?  
1853  
1854 A: Yes, they are.  
1855  
1856 Q1: Um, was one available?  
1857  
1858 A: Yes.  
1859  
1860 Q1: Um, okay. Um, do you know, um, at some point either prior to or after, um,  
1861 the main incident if anybody, um, while all this was happening, um, took off  
1862 their ballistic helmet and left it, you know, somewhere other than say their  
1863 patrol vehicles?  
1864  
1865 A: Uh, I did. After, uh, I tried to kick the door, uh, as I said, they were gonna  
1866 move to the secondary breaching location. There was something in my helmet  
1867 that was poking me at the top and it - it kind of felt like a pin or something.  
1868 When I take it off I tried to swipe my hand, uh, when I was by the door before  
1869 we had moved to the secondary breaching location. I - I couldn't feel anything  
1870 pokin' me. And then I had put it back on again, and I felt somethin' s- again  
1871 stabbin' me in the back of the head and I said "I can't wear this. It's hurting."  
1872  
1873 Q1: Mm-hm.  
1874  
1875 A: It's whatever it may be. I - so I left mine by the front door.  
1876  
1877 Q1: Okay. You - you mentioned a couple times too that, um, uh, at the front door,  
1878 um, you're trying to make contact, um, at the - the - the secondary breaching  
1879 point. You've - you're giving I guess verbal, um, uh, notice. And you've

1880 mentioned a couple times the word police. Um, is it safe to say you guys used  
1881 the word police or did you use sheriff's office or do you remember what word  
1882 - what verbiage you - you were using?  
1883  
1884 A: We used both, um, because I find it in my experience, uh, out in the public,  
1885 when - when either you say sheriff or police obviously they're synonymous.  
1886  
1887 Q1: Mm-hm.  
1888  
1889 A: But people tend to respond better when you say police. I think that's universal.  
1890 And I think it's better for people to understand that because most of my  
1891 interactions with people in the community of Saratoga or Cupertino or Los  
1892 Altos Hills, always refer to us as like the Saratoga Police or the Cupertino  
1893 Police even though we are the sheriff's office so I just say police. I mean  
1894 people understand that.  
1895  
1896 Q1: I agree. Um, a- and after the incident, did you, um, have an opportunity to  
1897 provide anybody with some kind of, uh, quick safety statement as to what  
1898 happened, um, shots, direction and potential...  
1899  
1900 A: Dennis Owens, uh, did.  
1901  
1902 Q1: Um, and what did that consist of?  
1903  
1904 A: So after we made sure that we took care of Eugene first medically, um, I was  
1905 still standing in the driveway. Uh, I remember I was kinda just pacing, like,  
1906 okay, are they gonna come out to me? Uh, Dennis finally comes out to me.  
1907 He's like, "Okay, I'm takin' over as the scene supervisor. I need to ask you a  
1908 few questions." I said, "Okay." He's like, "So shot?" I said, "I shot." I said  
1909 "Approximately four shots." I said, uh, "I don't - do not believe the suspect got  
1910 off any rounds." And I said, "There's nobody outstanding." That's what I gave.  
1911 "Okay." So I just stand over by my car. And he's like, "Actually, I want you to  
1912 sit in my car." And I'm like, "I don't think I'm gonna fit in your car. So how  
1913 about if I just stand outside your car?" So I stood outside the car.  
1914  
1915 Q1 Do you know if any other deputies shot their - fired their weapons?  
1916  
1917 A: Uh, not to my knowledge, no.  
1918  
1919 Q1: Um, i- in your observations while you were there prior to - to, um, makin' the  
1920 tactical approach, um, did you notice, um, excess mail or newspapers stacked

1921 up at all?  
1922  
1923 A: I didn't.  
1924  
1925 Q1: Okay. Um, and did - I understand that - that somebody passed along  
1926 information about, uh, you know, potentially Eugene's train of thought as far  
1927 as bad news, um, you know, uh, his wife and then himself, what he would do,  
1928 um, to them?  
1929  
1930 A: Mm-hm.  
1931  
1932 Q1: Um, did anybody happen to mention an incident, uh, in the previous week at -  
1933 at a dinner party or anything like that?  
1934  
1935 A: No.  
1936  
1937 Q1: Or any comments Eugene may have made concerning his wife, um, of being  
1938 angry or upset with her?  
1939  
1940 A: Uh, as far as comments, uh, Eugene made about being upset with him and his  
1941 wife, uh, and I - and I - I don't recall who actually told me. It was mentioned  
1942 but I don't know recall the conversation of who it was with. I wanna say it was  
1943 Laguardia. Um, so I guess she'd be the best person to ask. But I knew that  
1944 there was some type of comment where Eugene, I guess, was very, um, hostile  
1945 towards his wife or verbally aggressive. Um, but I think it was Laguardia that  
1946 had that information. I remember hearin' it somewhere and again I don't recall  
1947 if it was like, Laguardia or Reyes or maybe one of the friends had said that  
1948 and again I don't recall.  
1949  
1950 Q1: But it did - did come from somewhere?  
1951  
1952 A: It did come from somewhere.  
1953  
1954 Q1: Um, the - the deputies also related to you that they, and maybe you heard this  
1955 over the - the radio prior to your response, um, they had attempted to have  
1956 County Com call in and make the contact with the residents.  
1957  
1958 A: Yes.  
1959  
1960 Q1: Do you know how many times that maybe they had tried to do that? Not how  
1961 many times County Com had called, but maybe how many times a deputy

1962 requested a call.  
1963  
1964 A: Um, so I know Laguardia said she had asked Com to do that so Com did that.  
1965  
1966 Q1: Mm-hm.  
1967  
1968 A: And, uh, prior to goin' over to, uh, this call, I know I hadn't checked Caps.  
1969 And when I looked at it, I just saw that County Com had made a 10-21, no  
1970 answer, like voicemail or somethin' like that. So then I could look back outta  
1971 Caps just to go to the main Caps. Uh, Laguardia had told me on scene that  
1972 she's also tried to call into the residence.  
1973  
1974 Q1: Oh, okay.  
1975  
1976 A: And she's like, "No answer."  
1977  
1978 Q1: Uh, other than what you had said, um, Eugene, when he was layin' down he  
1979 kind of, he, uh, kind of almost sat up, uh, somewhat a little bit. And  
1980 mentioned, um, you know, you - you shot me in my house or you shot me.  
1981 Other than - than that phrase, did you hear him ever say anything else?  
1982  
1983 A: After that, no.  
1984  
1985 Q1: How about prior to that when he was maybe approaching or, you know,  
1986 walking towards the door?  
1987  
1988 A: No.  
1989  
1990 Q1: That was the only thing he - he ever said?  
1991  
1992 A: Yes.  
1993  
1994 Q: So this incident was on - on Monday and, uh, it's Friday now. And you've had  
1995 some time to go home and rest. Did you - have you watched the news or...  
1996  
1997 A: No.  
1998  
1999 Q: ...anything related to this at all? Tried to stay away from it?  
2000  
2001 A: I stay away from it.  
2002



2003 Q: Uh, have you talked to anybody about the incident?  
2004  
2005 A: No.  
2006  
2007 Q: Okay.  
2008  
2009 A: My wife - my wife really wants to know what happened but I haven't talked to  
2010 anybody.  
2011  
2012 Q: Oh, you haven't even told your wife?  
2013  
2014 A: No.  
2015  
2016 Q: Oh. Um...  
2017  
2018 A: (Unintelligible).  
2019  
2020 Q: ...it's been like, uh, uh, about, a little over an hour and a half. Well, I know  
2021 you said you're fine but let's take a break. Uh, I - I need to use the restroom  
2022 and...  
2023  
2024 A: Okay.  
2025  
2026 Q: ...and you might by now you've drinkin' almost a gallon of water.  
2027  
2028 A1: May I ask a couple questions?  
2029  
2030 A1: (Doug), were you anticipating, uh, encountering a violent threat from inside of  
2031 the house when you went in?  
2032  
2033 A: No, I was not.  
2034  
2035 A1: Uh, what did you believe if, uh, uh, you were likely to en- encounter there  
2036 from those scenarios that you were planning through your head?  
2037  
2038 A: I truly believe that I was going to encounter, uh, basically a - a murder-  
2039 suicide. I was expecting to find two dead bodies inside the house. That was  
2040 my worst case scenario in my head. And the second scenario in - in my head  
2041 was that, uh, they both possibly were deceased inside the residence due to a  
2042 criminal (unintelligible).  
2043  
2044 A1: What was your thought process then with regard to, uh, (unintelligible)?

2045  
2046 A: Uh, I didn't feel that I needed it 'cause I didn't have an expectation that I was  
2047 gonna encounter a lethal subject.  
2048  
2049 A1: If that's the case, why - why did you have your weapons drawn when you  
2050 went in...  
2051  
2052 A: Uh...  
2053  
2054 A1: ...and a rifle as well?  
2055  
2056 A: There's a lotta unknowns, uh, in this job and this job is inherently dangerous.  
2057 Uh, since, uh, we were gonna go into the house, it was, uh, our thought  
2058 process and my thought process to have our - our weapons out. Again,  
2059 because of the unknown, I didn't know...  
2060  
2061 A1: What's your training dictate...  
2062  
2063 A: That I would pull out my weapon and...  
2064  
2065 A1: ...in a situation like this?  
2066  
2067 A: ...when I go inside a residence, especially...  
2068  
2069 A1: So...  
2070  
2071 A: ...if it's a unknown or...  
2072  
2073 A1: Okay, just to be clear. Your - your training you received at the Sheriff's  
2074 Department is that if you go into a residence where there's, you know, an  
2075 unknown, um, uh, you know, scenario that you may encounter, don't know  
2076 what it is, you are to go in with your weapon drawn?  
2077  
2078 A: Yes.  
2079  
2080 A1: Okay. And so you were following your training?  
2081  
2082 A: Yes.  
2083  
2084 A1: Okay. Just want to clarify that. That's all I have.  
2085  
2086 Q1: Um, thank you,

2087  
2088 Q: Take a break and use the restroom real quick?  
2089  
2090 Q1: Uh, real quick...  
2091  
2092 Q: Yeah.  
2093  
2094 Q1: ...before I forget. Um, in - in the days, um, l- leading up to that shift...  
2095  
2096 A: Mm-hm.  
2097  
2098 Q1: ...um, were you, um, in - in good health, feeling under the weather at all, um,  
2099 any medications that you had taken leading up to this?  
2100  
2101 A: No meds, um, was in good health except for a little overweight and, uh, I got  
2102 perfect sleep. I shouldn't say perfect. I got good sleep.  
2103  
2104 Q1: N- Normal sleep?  
2105  
2106 A: Normal sleep for me.  
2107  
2108 Q1: Um, did you have any prior law enforcement experience before  
2109 (unintelligible) Sheriff's Office?  
2110  
2111 A: No.  
2112  
2113 Q1: All right. I wanted to make sure I got that before I forget. If we take a break,  
2114 I'll forget, so.  
2115  
2116 A: Okay.  
2117  
2118 Q1: Restroom, water, coffee?  
2119  
2120 Q: Yeah, let's go use the restroom.  
2121  
2122 Q1: I'm gonna leave these here. Before we leave, I'm just gonna have you sign and  
2123 date them that's all.  
2124  
2125 A: Okay.  
2126  
2127 Q: Looks like you got some rest, too.  
2128

2129 A1: A little bit.  
2130  
2131 Q: Um, (Doug) so, um, I'm gonna ask you some questions. They may seem  
2132 ridiculous to us based on our line of work...  
2133  
2134 A: Okay.  
2135  
2136 Q: ...but it's for the people that don't do our job and don't understand what we go  
2137 through .Uh, when you confronted Eugene in the house he had a gun. You  
2138 perceived, uh, by your statement that it was a threat to your life and you made  
2139 the decision to shoot. What did you shoot for?  
2140  
2141 A: So...  
2142  
2143 Q: Let me clarify. I'm sorry. It's a bad question. What - what are you shooting at  
2144 when you perceive there's a threat? Are you shooting at, uh, his gun in his  
2145 hand? 'Cause some people think well why don't - why don't you just shoot the  
2146 hand out, uh, the gun out of the hand? Um, or are you trained in some other  
2147 fashion? What - what were you shooting at?  
2148  
2149 A: So good question. So as I had begun lock down and I saw the gun raised at me  
2150 I looked at my front sight. Based upon my training, uh, we do it at the range  
2151 twice a year. Sometimes we get a little extra training at the range. I just looked  
2152 at my front sight and shot center mass.  
2153  
2154 Q: Center of mass being the center of...  
2155  
2156 A: Of the...  
2157  
2158 Q: ...a person's torso?  
2159  
2160 A: ...chest.  
2161  
2162 Q: Um, and why is it that you wouldn't try to be the hero and shoot a gun out of  
2163 someone's hand?  
2164  
2165 A: 'Cause that's what my training teaches us when we go to the range to shoot  
2166 center mass to stop a threat.  
2167  
2168 Q: Um, and did you shoot to kill Eugene or did you shoot to eliminate a threat?  
2169

2170 A: I shot to stop a threat. It was an immediate threat to my safety and the safety  
2171 of the deputies.  
2172

2173 Q: And are you trained to also, um, re-evaluate constantly if there's still a threat  
2174 remaining?  
2175

2176 A: Yes. Again training at the range so we practice as deputies at the Sheriff's  
2177 Office. Once you engage the threat you fire off some rounds. You reassess the  
2178 threat moving laterally. In my case I was moving I guess forward and back.  
2179

2180 Q: 'Cause you're stuck...  
2181

2182 A: 'Cause I'm stuck...  
2183

2184 Q: ...against the garage?  
2185

2186 A: ...against the garage door.  
2187

2188 Q: 'Kay.  
2189

2190 Q1: We talked, um, myself and - and We - we asked a couple of  
2191 questions about the - the less lethal, um, aspect, uh, of our - our training. Um,  
2192 prior to, um, the final decision to - to make the - the last contact or attempt the  
2193 last contact, um, at the - at the hou- at the residence, um, you mentioned, uh,  
2194 that less lethal, uh, wasn't part of - of the conversation or it didn't come up  
2195 during the - the plan that was devised to, uh, attempt this contact. Correct?  
2196

2197 A: Correct.  
2198

2199 Q1: Um, were any other resources, uh, brought up where it's resources that were  
2200 present there at the scene, uh, calling in other resources, uh, anything at all,  
2201 uh, that was discussed as, you know, part of what was happening?  
2202

2203 A: Um, other than checking with the neighbors and then calling the RP no other  
2204 items were discussed.  
2205

2206 Q1: Um, we - we also talked in - in regards to - to the less lethal. Um, you - you  
2207 talked about, uh, that you thought that maybe this was, uh, somebody in  
2208 medical distress. Um, perhaps or a suicide type situation. Maybe there's, uh,  
2209 people down inside the house. Um, it - this all kinda led to the decision I guess  
2210 to have less lethal not be part of the - the conversation, correct?  
2211

2212 A: Um, that wasn't a part of our conversation based upon the facts that I knew at  
2213 the time, 86, 89-year-old male I forget his age, uh, with another elderly female  
2214 inside. Um, although we had got the information that he had weapons inside...  
2215

2216 Q1: Mm-hm.  
2217

2218 A: Um, less lethal wasn't an option because I was of the mindset we weren't  
2219 going to encounter anything hostile, uh, per se at that time.  
2220

2221 Q1: Would it be safe to say then with that being said, uh, that the - the decision  
2222 maybe to - to use the car as cover, um, the helmets, uh, and whatev- whatever  
2223 else because the information on firearms that - that Eugene might have had?  
2224

2225 A: Just because there were firearms in the house, yes. We - each call we go to  
2226 that there are firearms we just make it a standard practice just to put our safety  
2227 gear on and then use the car.  
2228

2229 Q1: Especially if firearms aren't potentially involved on the part of the person  
2230 you're trying to contact?  
2231

2232 A: Yes, that are in the house, period.  
2233

2234 Q1: Um, a - as the s- I'm gonna lead up to this question. Um, as the supervisor on a  
2235 patrol shift on a normal patrol shift where you're not understaffed what's the  
2236 role of a supervisor for a normal patrol shift?  
2237

2238 A: So I, um, I typically provide, uh, resources to the deputies. Um, you know, I  
2239 evaluate the decisions made by the deputies. Um, you know, training. Uh, I'm  
2240 there as more support and as leadership.  
2241

2242 Q1: Is it customary, uh, in a supervisory role, um, on a normal shift, uh, to become  
2243 engaged in calls for service?  
2244

2245 A: Yes.  
2246

2247 Q1: Um, as a lead, as support, as a resource like you mentioned or in what - what  
2248 role on call for service?  
2249

2250 A: So typically, um, nowadays supervisors -- not all -- uh, just speaking from my  
2251 experience and what I have seen, what I've been through is, um, supervisors --  
2252 and again not all -- some supervisors will go to every call and want to be a  
2253 part of that. I only go to some calls where I'm either requested and or I kind of

2254 want to know the 952 on what's happening because you guys have been on the  
2255 scene and I haven't heard any radio traffic and nobody's called me. So I'm  
2256 kind of interested in what type of call you have. So I will go and, uh, go to the  
2257 scene and find out what's going on and maybe provide some insight because  
2258 my patrol team with the exception of two individuals have very little patrol  
2259 experience.

2260

2261 Q1: How does that role change if it does, um, in a situation like you described for  
2262 this past Monday where you're short three people? Does any of that change?  
2263 Does the supervisor become more engaged, you know, in calls for service or  
2264 does it pretty much remain the same?

2265

2266 A: Um, I say to some degree it changes, um, since we're short and I don't have  
2267 extra bodies to help out. And I typically would because I usually ask for  
2268 assistance from the headquarter sergeant. But he was dealing with a whole  
2269 different entire event at the time. I saw that on the board. And it's not common  
2270 for me to ask for assistance from the South County unit 'cause that's a heck of  
2271 a hike. So therefore, uh, I take it upon myself. Like I said I will handle certain  
2272 calls. We'll call it, uh, your - your normal typical calls 911s and alarms.

2273

2274 Q1: Kittens in the roadway?

2275

2276 A: Kittens in the roadway. I'll handle those calls so I can free up the deputy to,  
2277 you know, handle that, uh, Colt 44 report, that vandalism. So they could  
2278 actually make contact with these people. Or maybe there's a phone call  
2279 pending. So I will put forth a good effort to try to help out. So we don't have  
2280 all these calls pending for the deputy so they can get their reports done. They  
2281 can get their logs done.

2282

2283 Q1: Having that being said, um, if you can just walk me through, um, then and you  
2284 might - you might have - you might have talked about this. Uh, I just I wanna  
2285 make sure that - that it's clear, um, the thought process of having you being  
2286 the lead of this stack to make - make contact with these doors, uh, on this  
2287 particular call.

2288

2289 A: Well, I - I didn't hear your question. I'm sorry.

2290

2291 Q1: The thought process be- behind having you being the lead in the stack to go  
2292 make contact with the doors.

2293

2294 A: Okay. So me being the lead mainly because I guess I'm the - we'll call it the,  
2295 uh, we'll call it the larger individual, uh, probably the - the strongest out of the

2296 three. Uh, and - and I told him I said, "Hey I'll just boot the doors for you  
2297 guys. It's easier but you guys handle everything else." And they knew that. We  
2298 had that understanding. Um, which is why I had went to the first door and  
2299 kicked it in and didn't do the second. That's why I had told (Don), "Okay.  
2300 Hold. This is yours." And that's why I was standing off inside the garage.  
2301 That's why I was standing way off to the side.  
2302

2303 Q1: So after the role of being the larger individual the louder individual having to,  
2304 uh, force open a door it was the intention then to - once that role was done to  
2305 step back and let them...  
2306

2307 A: Yes.  
2308

2309 Q1: ...take the lead then at that point? Okay. Um, and then as the supervisor, um,  
2310 who ultimately made the decision okay with the facts that were given and the -  
2311 the circumstances that are known to who - who made the ultimate decision  
2312 okay we're - we're going to force entry into this house?  
2313

2314 A: I did.  
2315

2316 Q1: Um, was it discussed amongst the team, pros and cons or was it just somethin'  
2317 okay this is our next step?  
2318

2319 A: So prior to making that decision again I had asked, um, Laguardia what she  
2320 had - had basically to recap everything to me and everything again was  
2321 reiterated. Granddaughter gave bad news Wednesday. She made multiple calls  
2322 to him at the residence during the week. Nobody's picked up. Checked with  
2323 both neighbors. Nobody has seen him or heard from him. Wife usually walks  
2324 out around 8:30 at night. They haven't seen her walking. She's usually pretty  
2325 active. Car's in the garage. If they go anywhere they usually take their vehicle.  
2326 Coupled with (Don) hearing the faint noise of either a hello or a help and then  
2327 something falling, uh, quite possibly somebody might be inside. And then  
2328 with the other individual in the blue Jeep coming up and saying, "Yes. In the  
2329 past I have heard him say that if he has ever received bad news he would kill  
2330 his wife and kill himself." And when Laguardia told me that I said, "That's  
2331 what he said?" She said, "Yes. He just confirmed that" meaning the guy in the  
2332 Jeep whatever his name was (Ron) I think you said his name was. I'm, like,  
2333 oh, shit. Okay. I'm like, "But we still don't know what this bad news is?" She's  
2334 like, "No. Granddaughter's still not elaborating." Okay. So that's when I had  
2335 made the decision. Okay. So we're probably gonna have to force entry now.  
2336 So it's coupled with those facts and (Dawn) possibly hearing somethin' inside



2337 which he knows he's pretty certain that he did we're gonna have to go to the  
2338 door.  
2339

2340 Q1: And this might sound like a ridiculous question but did it ever come up to  
2341 maybe clear and come back at a different time to maybe see if we could make  
2342 contact then?  
2343

2344 A: No.  
2345

2346 Q1: Um, when this - this meeting and this decision, um, it has - is made to okay  
2347 we're - we're probably gonna have to force entry into this house what was the  
2348 timing between that and when (Ron) the Jeep pulled up?  
2349

2350 A: So I know my guys have already been on scene an extensive amount of time.  
2351

2352 Q1: Prior to you arriving?  
2353

2354 A: Prior to me arriving. I must have been on scene probably 15, 16 minutes, uh,  
2355 formulating this. I - I was just formulating the plan when, uh, (Ron) had  
2356 arrived.  
2357

2358 Q1: What plan?  
2359

2360 A: Uh, the plan to, uh, do the knock and notice at first at the front door to try to  
2361 make entry.  
2362

2363 Q1: So you guys were in the backyard with the - the neighbor?  
2364

2365 A: At first.  
2366

2367 Q1: At first. Everybody had walked back out to the front. Um, did (Ron) arrive as  
2368 you guys were walking out or as you guys were having a - a - a meeting? Um.  
2369

2370 A: As we were discussing what to do.  
2371

2372 Q1: What to do? Um, and the information that (Ron) provided to Deputy  
2373 Laguardia kind of further assisted in making this decision okay we're gonna  
2374 have to force entry or had that decision already been made?  
2375

2376 A: I had not made that decision yet 'cause we were still in the process of  
2377 discussing it. I said, "Let's wait. See what Laguardia has to say with this guy."

2378 So as she came back she was like, "Yeah. He just said that, you know, I think  
2379 Eugene killed his wife and killed himself." (Unintelligible).  
2380  
2381 Q1: That kind of elevated the...  
2382  
2383 A: It did. I'm like, "That doesn't make anything better, right?"  
2384  
2385 Q1: Didn't help at all?  
2386  
2387 A: No. It did not help the situation.  
2388  
2389 Q1: Um, and a car was brought into the driveway.  
2390  
2391 A: Yes.  
2392  
2393 Q1: Um, I - I don't - I'll - I'll let you know. Uh, there was a - a camera, dash  
2394 camera inside the car?  
2395  
2396 A: Yes.  
2397  
2398 Q1: Um, as is standard with most patrol cars, correct? Um, do you know if that  
2399 camera was on?  
2400  
2401 A: I do not believe it was on.  
2402  
2403 Q1: Do you know if the front of the car was pointed towards the front door?  
2404  
2405 A: The f- I believe the front of the vehicle was facing the garage itself.  
2406  
2407 Q1: And were the headlights on?  
2408  
2409 A: Yes.  
2410  
2411 Q1: Were the spotlights on?  
2412  
2413 A: Yes.  
2414  
2415 Q1: Wha- the spotlights are movable. Where were they pointing?  
2416  
2417 A: Weyhrauch had one into - looked like a side window, side bedroom window  
2418 here off to the front door.  
2419

2420 Q1: Towards the front door? Okay.  
2421  
2422 A: That was probably - that room was probably more towards the sidewalk.  
2423  
2424 Q1: Okay.  
2425  
2426 A: Take down lights forward.  
2427  
2428 Q1: What do you mean by take down lights?  
2429  
2430 A: The, uh, above take down lights on the vehicle. There's four LED lights...  
2431  
2432 Q1: Okay.  
2433  
2434 A: ...that shine forward.  
2435  
2436 Q1: And they were on?  
2437  
2438 A: They were on.  
2439  
2440 Q1: Okay.  
2441  
2442 Q: Whi- white lights, right?  
2443  
2444 A: White lights.  
2445  
2446 Q: Okay.  
2447  
2448 A: Forward facing white lights.  
2449  
2450 Q1: And then there's one more spotlight.  
2451  
2452 A: And then this - so that the right spotlight to the passenger side again was on  
2453 the window. I guess bedroom. The left driver's side spotlight I believe was  
2454 shining towards the front door.  
2455  
2456 Q1: Okay.  
2457  
2458 A: And turned to shine towards the front door.  
2459  
2460 Q1: Okay. So we have headlights and take down lights pointed the direction of  
2461 you said the car's facing the garage?

2462

2463 A: Yes.

2464

2465 Q1: And the spotlights pointing towards the front door?

2466

2467 A: The left one.

2468

2469 Q1: Well, the area of the front door. Um, and one towards a window.

2470

2471 A: Yes.

2472

2473 Q1: Okay. Um, the dash camera points typically towards the front of the car?

2474

2475 A: Yes.

2476

2477 Q1: Do you know if anybody moved or manipulated the dash camera to point a different direction?

2478

2479

2480 A: That I don't know.

2481

2482 Q1: Don't know? Um, did anybody - this might have been tough given handguns  
2483 or - or rifles out there. Did anybody get any other protection, a shield, you  
2484 know, uh, shields, um, breaching tool anything like that?

2485

2486 A: Um, (Don) typically carries a shield but since he had the rifle he did not bring  
2487 the shield.

2488

2489 Q1: Do you know if anybody had the shield out?

2490

2491 A: Nobody had the shield out.

2492

2493 Q1: Um, no breaching tools?

2494

2495 A: No breaching tools.

2496

2497 Q1: Um, other than somebody had previously requested bolt cutters but they were  
2498 never used?

2499

2500 A: They never bought them.

2501

2502 Q1: Um, when the car's moved up into the driveway towards the garage first you  
2503 attempt contact at the front door?

2504  
2505 A: Yes.  
2506  
2507 Q1: The timing from the car moving up to the - up - up the driveway from the  
2508 beginning of that towards - to when you started make - trying to make contact  
2509 with the front door was roughly how long?  
2510  
2511 A: So the time that we moved the truck up to the front to the time I made contact  
2512 maybe a minute.  
2513  
2514 Q1: And how long did you attempt contact at the front door before learning that -  
2515 that's a reinforced door? Probably just for probably, like, I need to...  
2516  
2517 A: (Unintelligible).  
2518  
2519 Q1: (Unintelligible) something else.  
2520  
2521 A: Uh, probably a good 2 minutes.  
2522  
2523 Q1: Um, and how long did it take to move from the front door area around back  
2524 towards the first breaching point?  
2525  
2526 A: Not very long at all. Just standard walking distance.  
2527  
2528 Q1: Travel time. How long would you say you stood toward at the - at the outside  
2529 of that first door announcing before forcing entry into that door?  
2530  
2531 A: Uh, a second or two.  
2532  
2533 Q1: And then how long once that door was breached -- now walking down the side  
2534 of the car, it's kind of a tight space -- um, to where you guys made it to the  
2535 second door?  
2536  
2537 A: So after the first door was breached on the outside again we stood to either  
2538 side of the, uh, door (unintelligible).  
2539  
2540 Q1: Okay.  
2541  
2542 A: (Unintelligible) our presence. Uh, and I believe it was (Don) standing to my  
2543 left said, "Hey, you know, right side's clear." And I said, "Yeah, left side's  
2544 clear. It's just a shelf on the wall." He's like, "Go ahead sarge." Okay. So I - I  
2545 walked in. As I'm walking into the garage I'm the one shouting, "Police. Hello

2546 Eugene. Anybody home? Police. Sheriff's Office. Anybody here?" Really  
2547 loud.  
2548  
2549 Q1: Mm-hm.  
2550  
2551 A: And as I saw the door I stopped. So I waited to hear if I could hear footsteps  
2552 or anybody yelling asking who it was. Nothing. So your question was how  
2553 long did it take...  
2554  
2555 Q1: How long?  
2556  
2557 A: (Unintelligible). Travel time from that door to there so after the yelling at the  
2558 door, like, probably - probably a good 7, 10 seconds at best.  
2559  
2560 Q1: And how long do you - do you think you guys waited at the door, um,  
2561 assessing what you guys saw, calling out - this is the first door?  
2562  
2563 A: Yes.  
2564  
2565 Q1: Assessing I see a shelf on a wall, garage. How long would you say you waited  
2566 before you started to go in?  
2567  
2568 A: Probably about 5 seconds.  
2569  
2570 Q1: Um, the 7 or so seconds that it takes to move down the side of the car and  
2571 make it to the second door...  
2572  
2573 A: Mm-hm.  
2574  
2575 Q1: ...um, then how long before breaching the second door? Or what did - what -  
2576 what were the actions?  
2577  
2578 A: Well, that - that took a while because again I tried the door. It was locked. I  
2579 shifted over to the side. Uh, I know that after I had kicked that first door there  
2580 was debris on the ground. There's a chair and some other stuff fell. I knew  
2581 that, uh, Laguardia and (Reyes) had to make their way in over that stuff. They  
2582 were still doing that. Once I saw that they were stacked up I said, "Okay. You  
2583 guys ready?" They're, like, yes. So probably a good, you know, 15 seconds or  
2584 so I would estimate.  
2585  
2586 Q1: During that time you made sure that the entire team was all stacked up and  
2587 ready to go?

2588

2589 A: Yes.

2590

2591 Q1: (Reyes) was last, correct?

2592

2593 A: I believe so.

2594

2595 Q1: In- including (Reyes) standing there okay...

2596

2597 A: Yes.

2598

2599 Q1: ...we're ready? Okay. And during that time could you hear anything coming  
2600 from inside television, voices, vibrations, anything?

2601

2602 A: No. Because that's what I was also listening for as I stood there and I said,  
2603 "Okay. You guys ready?" They're, like, yeah. And then I kicked the door. So  
2604 there was probably a 3 second pause, 3 to 5 second pause.

2605

2606 Q1: And then how long would you say and - you waited there or stood there after  
2607 that door was breached until Weyhrauch started yelling, "Drop the gun?"

2608

2609 A: Okay. So I kicked the door, I opened it, stood off to the side. I, uh, I would  
2610 have to estimate maybe another, um, 5 to 7 seconds after that door was  
2611 breached.

2612

2613 Q1: And - and during that time you - you - you gave a real good description of  
2614 what you saw inside the house. I believe you mentioned some furniture.

2615

2616 A: Yes.

2617

2618 Q1: Um, there was also furniture further into the house, maybe looked like another  
2619 living room. Uh, I believe you mentioned some type of counter maybe even.  
2620 Um, did you notice anything on the floor?

2621

2622 A: I did not see anything on the floor, no.

2623

2624 Q1: Um, the incident happens. Uh, we talked about handcuffing. Did anybody, uh,  
2625 conduct, I - I - I know he's got the weapon that was in his hand and - and you  
2626 kick it aside. Did anybody, uh, pass search, see if he had anything else on his  
2627 person?

2628

2629 A: I walked out.

2630

2631 Q1: Okay.

2632

2633 A: I...

2634

2635 Q1: And you don't know if anybody did after that?

2636

2637 A: No.

2638

2639 Q1: And nobody did prior to that?

2640

2641 A: No, because that's when Dennis Owens showed up after I kicked it out of his hand.

2642

2643

2644 Q1: And you eventually, you grabbed the lady by the arm and you pulled her out and somebody took her, correct?

2645

2646 A: Yes.

2647

2648 Q1: Did you, uh, by chance, pat search her ?

2649

2650 A: No.

2651

2652 Q1: Do you know if anybody did?

2653

2654 A: I don't know.

2655

2656 Q1: Okay. Um, subsequent to this, uh, you were standing outside. Did you happen to notice anybody or do you know if anybody made any, I'm gonna call 'em changes, maybe additions or takeaways or an- did anything to that patrol car that was ju- sittin' out front?

2657

2658 A: I can't say that I recall that at all. I - I was kind of like in my own world and focused on my breathing.

2659

2660 Q1: Um, I - I had - I had skipped a question and I'll - I'll ask it now. Um, when the patrol car was moved up into the driveway, uh, and while you guys were at the front door, did anybody use any type of amplification or P.A. to try and make an announcement at the house?

2661

2662

2663

2664

2665

2666

2667

2668

2669



2670 A: No, I didn't use the P.A. 'cause they said, uh, as they pulled the car forward, I  
2671 said, "Instead of usin' the P.A.," I said, "I think I'm pretty loud enough here  
2672 where I can make the announcement."  
2673

2674 Q1: And did you have information prior to actually, somebody making visual  
2675 contact with Eugene on - on what he looked like, who he was? How - how -  
2676 how did you know for sure that that was Eugene or that it was his wife? Did  
2677 you have any information on what he might have looked like?  
2678

2679 A: No, I do not, uh, other than what was in Caps.  
2680

2681 Q1: By chance, 'cause I know we've done this sometimes, um, was maybe a Cal  
2682 photo attached, um, to the Caps or - or email around as what maybe the  
2683 residents might have looked like?  
2684

2685 A: No.  
2686

2687 Q1: Um, so, safe to say then that the people that you encountered in the house, my  
2688 assumption, were Eugene and his wife?  
2689

2690 A: Yes.  
2691

2692 Q1: Oh. Um, I - I- I'm not sure if you're aware, we - we - there was a pair of  
2693 handcuffs that we found, um, in - in the garage and sitting on top of that - that  
2694 Nissan. Do you know where those came from?  
2695

2696 A: No.  
2697

2698 Q1: And to the best of your knowledge, did anybody, uh, on your team, um, use  
2699 any type of recording devices during this incident?  
2700

2701 A: Not that I'm aware of.  
2702

2703 Q: Yep. Uh, goin' back to prior before the shift, um, did you have a normal  
2704 night's sleep?  
2705

2706 A: I did.  
2707

2708 Q: And, um, and did you have any alcohol before work?  
2709

2710 A: No.  
2711

2712 Q: And, uh, what was your - what was kind of your activities prior to - prior to  
2713 comin' to work? I guess maybe starting from when you woke up.  
2714

2715 A: Okay. So, um, I woke up, uh, put away the dishes. Uh, I did some laundry, not  
2716 that I had a choice. Uh, did some laundry, uh, pet the cat a little bit. Then, uh,  
2717 fed the pets, um, you know, took my shower, got, uh, my t-shirt and clothes,  
2718 uh, ready to go in. I was actually, um, leavin' 'early, uh, that day because it was  
2719 a nighter game and I knew traffic was gonna be hectic. So I packed my  
2720 workout gear in my bag 'cause I figured I'd get to the sub a little early. But,  
2721 uh, that didn't transpire so I mean I - I got to the sub like at 5:20 so I just drove  
2722 in right away. And it took me, let's see, I left at, um, it looked like at 3:20  
2723 from my house, yeah. So I got here like at 5:20 at the sub station so it took me  
2724 about 2 hours.  
2725

2726 Q: It's a pretty standard day for you though as far as your activities on a  
2727 workday?  
2728

2729 A: Yes.  
2730

2731 Q: After gettin' to sleep and wakin' up and headin' into work?  
2732

2733 A: Yes.  
2734

2735 Q: Um, I understand you have a shoulder injury?  
2736

2737 A: Yes.  
2738

2739 Q: And did that occur, uh, at - on this call or?  
2740

2741 A: It did. So, some time, uh, after, um, I shot my weapon to pulling out, uh, that  
2742 little lady, I either struck something, whether it was a, and I don't recall that he  
2743 had like a shelf here or gardening tools. I don't know if it was that or the frame  
2744 of the door, I had slammed into somethin'. I remember slammin' into it and  
2745 since the adrenaline was goin', I didn't feel anything. Uh, about 5, 6 hours later  
2746 after the fact, I was like, ooh, kinda hurts. Um, so I've had some, uh, some  
2747 muscle spasms, some, uh, some pain right here at the elbow and the forearm,  
2748 and it goes up into the shoulder. But I went to my doctor yesterday so I  
2749 actually got cleared.  
2750

2751 Q1: Okay. And until you left the scene?  
2752

2753 A: Yes.

2754  
2755 Q1: Did somebody go with you?  
2756  
2757 A: Yes.  
2758  
2759 Q1: Who - who?  
2760  
2761 A: (Randall).  
2762  
2763 Q1: So (Randall) went with you and where did you go from there?  
2764  
2765 A: To the sub.  
2766  
2767 Q1: Okay. And, uh, you remained at the sub for a period of time. I don't - I don't  
2768 know...  
2769  
2770 A: A long time.  
2771  
2772 Q1: A long time, and then what?  
2773  
2774 A: So I was at the sub, uh, then from there, uh, I was at my desk. And then from  
2775 there, uh, I came here to headquarters.  
2776  
2777 Q1: During that time after you left the scene and come to headquarters, did you  
2778 discuss what happened with anybody?  
2779  
2780 A: Other than my attorney?  
2781  
2782 Q1: Yeah.  
2783  
2784 A: No.  
2785  
2786 Q1: Okay. Um, and then eventually you left headquarters, correct?  
2787  
2788 A: Yes, then went to the hospital.  
2789  
2790 Q1: Okay.  
2791  
2792 A: I went to O'Connor. Which I want to add, I was in and out in 45 minutes. Uh,  
2793 it's a fantastic (unintelligible). And then nothing's wrong with me. So, they  
2794 gave me some Motrin which I coulda took myself and I came back here with a  
2795 friend.

2796  
2797 Q1: Um, describe for me if you can, um, some of the training. I - I wa- I wanna go  
2798 back to this. Uh, some of the training where, um, maybe, uh, a - a typical  
2799 situation where, uh, perhaps a - a less lethal type - type of weapon or - or - or  
2800 tool would be used, um, um, ty- typically.  
2801  
2802 A: Um...  
2803  
2804 Q1: ...or what the training, you mentioned your training, what the training dictates  
2805 maybe that would be. Is there a typical situation where making you answer to  
2806 that question, or maybe you should go over training? Uh, probably go over  
2807 your training.  
2808  
2809 A: I think rather than saying t- think of a difficult situation. But I'll just go over  
2810 my training.  
2811  
2812 Q1: Sure.  
2813  
2814 A: And specifically you're asking with the less lethal?  
2815  
2816 Q1: Yeah.  
2817  
2818 A: So, um, just overall, uh, le- usin' the less lethal, um, I know the qualifications  
2819 once a year, which I've done. And, um, there's certain (unintelligible) that you  
2820 use the less lethal weapon on.  
2821  
2822 Q1: Mm-hm.  
2823  
2824 A: But maybe I don't quite understand your question. What'd that mean...  
2825  
2826 Q1: Yeah, a- and - and I'm - I'm glad you clar- clarified that up 'cause that's kind of  
2827 what - what I was tryin' to get at is - is, uh, what the training, you know,  
2828 dictates, um, as, you know, so, um, um, well, how - how about this? Um, uh,  
2829 does the training, um, describe, um, circumstances, um, where less lethal  
2830 would be appropriate, um, option? Or do they even narrow it down that much?  
2831  
2832 A: To my knowledge, like this past year taking the course, it wasn't given to us a  
2833 specific time to use the less lethal. It's always told to us if you're gonna use the  
2834 less lethal, you know, it's always a good idea to take it out on calls.  
2835  
2836 Q1: Uh-huh.  
2837

2838 A: It doesn't mean you have to...  
2839  
2840 ((Crosstalk))  
2841  
2842 Q1: Because, yeah. And - and correct me if I'm wrong. I mean, you know, every -  
2843 every call for service is different. Um...  
2844  
2845 A: Yes.  
2846  
2847 Q1: And, you know, some situation, uh, may be appropriate and some may not.  
2848 Um, but it just kind of depends on the situation that - that you're going,  
2849 correct?  
2850  
2851 A: Yes.  
2852  
2853 Q1: Um, okay. Is the - the training for less lethal geared more towards the  
2854 operation of - of the - the tool as opposed to the situation where it would be  
2855 used?  
2856  
2857 A: Yes, it's more towards operation of the actual weapon.  
2858  
2859 Q1: Similar to like a firearms qualification. Aim for this area, um, reassess type  
2860 thing?  
2861  
2862 A: Yes.  
2863  
2864 Q1: Okay. I, uh, I know he - he stepped out. I just wanna make sure that he...  
2865  
2866 A1: Can I ask a couple?  
2867  
2868 Q: Sure, sure, please.  
2869  
2870 A1: Uh, what's a surrounding call-out?  
2871  
2872 A: A surrounding call out is basically I had units around the perimeter of a  
2873 residence building. And then, uh, typically somebody will get on the P.A.  
2874 system and call over the subject's name inside the residence or - or...  
2875  
2876 A1: Under what circumstances, uh, is that something that would, uh, be  
2877 appropriate?  
2878

2879 A: When some - when somebody is, uh, threatening bodily harm or they're a  
2880 barricaded subject.  
2881  
2882 A1: And did you have those circumstances present in this case that you know?  
2883  
2884 A: Um...  
2885  
2886 A1: Did you believe you were dealing with an exigent medical situation here  
2887 perhaps? And you've already said this, but or perhaps, you know, a murder-  
2888 suicide?  
2889  
2890 A: I did.  
2891  
2892 A1: And so why didn't you just clear and come back and try to make contact later?  
2893  
2894 A: Because if somebody needed medical help, I needed to provide that medical  
2895 attention.  
2896  
2897 A1: Okay. That's - that's all I have.  
2898  
2899 Q: Um, just one last thing and I promise this is the last thing, uh, and I think  
2900 we're gonna wrap it up, yeah.  
2901  
2902 Q1: Yeah.  
2903  
2904 Q: Um, can we just have you demonstrate your - your, I know you - I've known  
2905 you for a number of years ago, how loud you are, uh, as far as when you're  
2906 yelling, knock notice, announcing yourself, Sheriff's Office, just so we on  
2907 recording can - can understand...  
2908  
2909 A: Okay.  
2910  
2911 Q: ...how loud you get.  
2912  
2913 A: He's holdin' his ears. Okay. Are you...  
2914  
2915 Q: Yeah.  
2916  
2917 A: ...ready? Okay, so when I came to the front door originally, can I also do the  
2918 knock, too?  
2919

2920 Q: Yeah, absolutely...

2921

2922 ((Crosstalk))

2923

2924 Q: ...yeah, please demonstrate that.

2925

2926 A: So it doesn't (unintelligible). So when I came to the door, like that, and I need  
2927 to initial those, too.

2928

2929 Q: Yes.

2930

2931 A: So when I came to the door, I was like this, "Sheriff's Office, Eugene, you  
2932 inside? Like that. That was the first one. "Sheriff's Office, Police, Eugene,  
2933 come to the door." It was that loud. That way and nothing. Then that's when  
2934 Reyes goes, uh, "So you gonna kick the door?" I said, "Yeah, I'll kick the  
2935 door." Like, "But hold on." So that's when I looked in the window. I didn't see  
2936 any movement. One more time. "Eugene, come out or I'm gonna kick the door  
2937 down." Nothing. I kicked the door. Oh God, that hurt. And that's when Reyes  
2938 was like, "You sure?" Like, "I'll - I'll try one more time." Kicked the door. I'm  
2939 like, not gonna happen. Okay. So we go to the back side. Now I'm at the rear  
2940 of the garage. So just as I do the garage, "Police, anybody inside? A thousand  
2941 one, thousand two." Bam, kicked the door. So, that's when Weyhrauch say,  
2942 "Hey, clear right." And I say, "It's left." I said, "It's clear." I said, "It's just, uh,  
2943 shelving." I say, "Go ahead, Sarge." Just as I move in, "Police, anybody  
2944 inside? Sheriff's Office, Eugene, you in there, answer me?" Nothing. So as I'm  
2945 walkin' forward I see the door and "Police, hello, anybody inside?" Nothing. I  
2946 tried the door. Okay. That's when I walk across the door and I sit and wait. I'm  
2947 not hearing anything inside. I see Laguardia is now approaching, uh,  
2948 Weyhrauch and then Reyes is walkin' over the stuff. He's comin' inside. I said,  
2949 "Okay, are we ready?" And Weyhrauch's like, "Yeah." Bam, boot the door.  
2950 "Police, anybody inside? Police, hello, Eugene. Anybody inside?" A thousand  
2951 one, thousand two. Weyhrauch's like, "He's got a gun." They we're yellin',  
2952 "Drop the gun, drop the gun, drop your weapon." That's when I get on the  
2953 radio and yell, you know, "William 10, he's got a gun." Subject's got a gun."  
2954 So she's putting on her radio traffic, and we're yellin', "Drop the gun, drop the  
2955 weapon, drop your weapon." Nothing. That's when I see him come up to the  
2956 door. That's when I see the gun bein' raised. "Drop the gun, drop the gun." I  
2957 key the mic. "Drop the weapon," and that's when I fired my shots. That's when  
2958 I had put out shots fired, shots fired, I shot it. "Shots fired, shots fired." So, uh,  
2959 he dropped to the ground. And just as Eugene had dropped to the ground,  
2960 we're still yellin', "Drop the gun, drop the gun, Eugene, drop the gun." And he  
2961 looks up. That's when I hear him say, uh, something to the effect, "You shot

2962 me in the house." Uh, he caps the gun and I'm yellin', "Drop the gun, drop the  
2963 gun, do as you're told. Drop the weapon." And then that's when his hand turns  
2964 back around. He drops it. That's when we had walked up, uh, since he had  
2965 dropped the weapon, we had now moved forward. We called the wife. "Get  
2966 outta there. Come here, let's go. Police, let's go." And that's when she was like,  
2967 "What do I do?" Like, "Come on, get the hell out of the house. Let's go,  
2968 move." She said, "I don't know what to do." She walks, like I said, straddles,  
2969 uh, the subject laying on the ground, uh, right by the gun. "Don't touch the  
2970 gun, (Reon). Don't touch the gun. Don't touch the weapon." And she's still got  
2971 her hands up in the air. She's like, "Oh, what do you want?" And then  
2972 Weyhrauch, goes, "Just grab her." So I reached in. I grabbed her. That's when  
2973 I pulled her out. I'm like, "Let's go." Pull her away. And I said, "Hang in there,  
2974 Eugene." I said, "Help is on the way." I'm like, "Anybody else inside your  
2975 house?" Not responsive. Weyhrauch had just walked in. That's when I had  
2976 kicked the gun out. And that's when everyone came screamin' and the garage  
2977 door was already open. And other responding deputies were gettin' to the  
2978 scene. So that's - that's how loud it was.

2979

2980 Q1: One more.

2981

2982 A: Yes.

2983

2984 Q1: When you guys were standing in the garage and Eugene's approaching, do you  
2985 think that it was light enough in the garage for him to see you guys and - and  
2986 that maybe - that you had, I mean, how about this? Let me ask it this way.  
2987 When you were standing on this side of the door waiting for your team to - to  
2988 stack up, could you make out their - their - their uniforms, their faces, and see  
2989 who - who they were? Was it light enough to see that or was it...

2990

2991 A: Yes.

2992

2993 Q1: Okay.

2994

2995 A: From the take- down lights...

2996

2997 Q1: Okay.

2998

2999 A: ...from the, uh, vehicle.

3000

3001 Q1: Okay, all right. Oh, yeah. Anymore, anymore? What's today?

3002

3003 Q: Uh...



3004

3005 Q1: The 15th?

3006

3007 Q: 16th.

3008

3009 Q1: 16th, yeah.

3010

3011 A: That 2-17? I wanna put myself ahead of you. Uh, oh, just put it in there.

3012

3013 Q1: I'm gonna (unintelligible).

3014

3015 Q: I think that's

3016

3017 A1: Thank you.

3018

3019 Q: (Unintelligible).

3020

3021

3022 This transcript has been reviewed with the audio recording submitted and it is an accurate  
3023 transcription.

3024 Signed \_\_\_\_\_