

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

INTERVIEW WITH DONALD WEYHRAUCH

Q=Sgt. Josh Singleton

Q1=Sgt. Jim Cardenas

A=Donald Weyhrauch

A1=

Q: All right, today is Tuesday, September 13, 2016 at 8:47 am. This is Sergeant Josh Singleton, also present is Sergeant Jim Cardenas, um, Deputy Weyhrauch.

A: Yeah.

Q: And counsel.

A1:

Q:

A1: (Unintelligible).

Q: Okay, cool.

A1: Thank you.

Q: So we'll dr- we can drop...

A: Thank you.

Q: ...the formalities right now just call me Josh. I want you to be relaxed. Um, if at any point you need a break today for anything, you want to take a phone call, you want to take a stretch break, you want to just say, hey, I'm done talking about this stuff totally on you. Okay?

A: Okay.

43 Q: Um, so I want to just reduce - reduce anxiety because I know you went
44 through a traumatic incident. And I - I want you to know I - I - I understand
45 that coming into this.

46

47 A: Okay.

48

49 Q: Okay. Um, so maybe I can start with, tell me a little bit about, um, about your
50 career here at the sheriff's office. When you started, what your assignments
51 have been like, um, during your career here.

52

53 A: Um, been in the sheriff's office five years, West Valley last four. Assigned to
54 Patrol the whole time. Um, nothing too exciting, I guess. Uh, did a little stint
55 on the Burglary Suppression Team, which was fun, but other than that, just
56 straight patrol and, uh, sporadic stays here and there in court.

57

58 Q: Okay, so, uh, last four years in West Valley Patrol?

59

60 A: Yeah.

61

62 Q: Um, your first year with the sheriff's office, was that in the Court Security
63 Division?

64

65 A: Yeah, about half a year in the Court Security Division.

66

67 Q: Half a year, okay. And then after that you went to a field training, um,
68 program where you spent probably four months with different deputies, uh,
69 doing on-the-job training.

70

71 A: That's right. Yeah, I should have mentioned that I - I suppose.

72

73 Q: No. Don't - don't worry about it. And if there's things you mentioned, this is
74 totally informal. We can come back to it. We'll just let this be like a natural,
75 organic conversation...

76

77 A: Okay.

78

79 Q: ...on how that occurred. Um, I should have laid down some ground rules. If -
80 if I say - at - sometimes today I'm going to paraphrase things back to you. And
81 if I say something back to you, and it doesn't make sense, or I get it wrong.

82

83 A: Mm-hm.

84

85 Q: Just say - there's no offense, just say, Josh, you got it wrong. Let me explain it
86 in greater detail because I want to make sure we get - we get things right. So
87 don't let me put anything in your mouth that isn't the case.
88

89 A: Sure.
90

91 Q: Does that make sense?
92

93 A: Yes.
94

95 Q: Okay, cool. And if you don't understand my questions, just say, Josh, that
96 doesn't make sense, uh, can you ask me in another way or something like that?
97

98 A: Okay.
99

100 Q: Okay. Um, all right where did you, uh, where did you attend the police
101 academy at?
102

103 A: It was our academy in Morgan Hill.
104

105 Q: Okay, so you went to the sheriff's office academy. What - what academy
106 number?
107

108 A: It was, uh, 11.
109

110 Q: 11 and that academy is roughly six months?
111

112 A: Yes.
113

114 Q: And in the academy you learned basically the - the academic side of how to be
115 a cop?
116

117 A: Yes.
118

119 Q: Not in the field, but in the academy. All right, um, prior to becoming a cop,
120 did you - do you have any other law enforcement experience?
121

122 A: No.
123

124 Q: Unpaid, uh, volunteer, intern anywhere?
125

126 A: No.

127
128 Q: Okay. How about any college classes related to law enforcement?
129
130 A: No.
131
132 Q: Okay. Uh, no degree in law enforcement and criminal justice?
133
134 A: No.
135
136 Q: Nothing like that. Okay. Um, all right. Uh, tell me about, um, tell me about
137 your current assignment in West Valley Patrol what - what shift do you work?
138
139 A: Um, 12 plan - 12 plan swings, early car, so I normally work 183- or 1800 at
140 0630, and I'm currently assigned to, uh, Henry 1 car, the unincorporated area
141 of West Valley.
142
143 Q: Okay, so you work Saturday, Sunday, Monday, uh, 6:00 - 6:00 pm at night to
144 about 6:30 in the morning?
145
146 A: Mm-hm.
147
148 Q: And you're in the unincorporated area up on the - the hill, the Santa Cruz
149 Mountains?
150
151 A: Right.
152
153 Q: All right. Um, how long have you been working that particular beat?
154
155 A: Um, since the beginning of the year, so eight or nine months.
156
157 Q: Okay, are you a field training officer? Have you ever been an FTO?
158
159 A: No.
160
161 Q: Okay, um, besides going to the police academy, um, are there any other
162 specialized courses that you've - or classes you've gone to that are related to
163 the job?
164
165 A: Um, uh, yeah, several. You want me just to list them all off or...
166

167 Q: Yeah, I mean, yeah, and if you forget one - I'm just curious - I'm just curious,
168 like what kind of training like if it was in narcotic or...
169

170 A: Oh yeah. I've done a - a few, uh, narcotics classes. Um, I did some
171 standardized, the NHTSA standardized field sobriety testing classes. I did the,
172 um, interview and interrogation 24-hour class. I did the, um, for as far as
173 narcotics classes, I did the, uh, the marijuana update. I've done the metal and
174 meth, uh, copper theft training. I've done, um, the CNOA, drug abuse
175 recognition one. Um, I've done a - a tactical pistol course and a tactical
176 carving course at the, uh, Metcalf range there. And I think that's, uh, I've done
177 one motorcycle class for - that was kind of law enforcement related I suppose.
178

179 Q: Okay, cool. All right, so you've done - done some - done a handful of classes
180 already.
181

182 A: Yeah. Yeah, I have.
183

184 Q: I imagine having, uh, imagine having Sergeant Ulrich as your sergeant. He
185 probably causes you to do CNOA stuff because of his involvement.
186

187 A: Yes, actually yeah.
188

189 Q: Yeah.
190

191 A: That's - that's quite true.
192

193 Q: Okay. Um, all right, uh, when do - when is the last time that you slept?
194

195 A: That would have been, um, yesterday from 7:00 to 3:00?
196

197 Q: Okay.
198

199 A: 7:00 am to 3:00 pm.
200

201 Q: Okay, so Monday from about 7:00 am when you got off your shift the night
202 before...
203

204 A: Yeah.
205

206 Q: ...to about 3:00 pm...
207

208 A: Mm-hm.

209

210 Q: ...um, Monday afternoon before the start of your shift?

211

212 A: That's right.

213

214 Q: Okay, um, under the influence of any alcoholic beverages now?

215

216 A: No.

217

218 Q: Or at the time of this incident?

219

220 A: No.

221

222 Q: No? Okay.

223

224 A: No.

225

226 Q: Under the influence of any kind of medication that would impair your judgment...

227

228

229 A: No.

230

231 Q: ...at the time of the incident?

232

233 A: No.

234

235 Q: Okay, cool. Um, all right. So we're gonna talk about an incident that
236 happened, um, in Saratoga, there was a critical incident that - that happened
237 there and just what your involvement, uh, in it was So I'm gonna ask a few
238 pointing questions then I'm gonna kind of ask a more general area you just te-
239 just kind of go on a rant and tell me what you know. And then I'll - we'll come
240 back in with some more like direct questions, just close it up.

241

242 A: Sure. Yeah.

243

244 Q: Um, on that - on Monday, what were you - what were you wearing that day?

245

246 A: Uh, short sleeve, uh, just, you know, standard sheriff's office uniform, short
247 sleeve shirt.

248

249 Q: Okay, so the - the tan and green uniform?

250

251 A: Yes, sir.
252
253 Q: Um, tell me about your - your duty belt. What do - what do you carry on your
254 duty belt?
255
256 A: Um, handgun, our department issued handgun, magazines, handcuffs. The, uh,
257 what was pepper spray, radio, baton.
258
259 Q: Okay. Um, how many - you carry obviously a magazine inside the gun.
260
261 A: Yes.
262
263 Q: Um, you carry that with 17 rounds plus one in the chamber?
264
265 A: Yes.
266
267 Q: Okay and then how many extra magazines you carry?
268
269 A: Two.
270
271 Q: Two? Okay how about handcuffs? How many handcuffs do you carry?
272
273 A: Two.
274
275 Q: Are they in the same pouch or two different pouches?
276
277 A: Same pouch.
278
279 Q: Okay. Why are you smiling?
280
281 A: It just seems like a strange question.
282
283 Q: I know, I know.
284
285 A: (Unintelligible).
286
287 Q: Some of these questions are super odd, I know.
288
289 A: Okay, all right.
290
291 Q: Okay. Um, and then the pepper spray, baton, the radio, I get all that stuff. Um,
292 all right, nothing - nothing different about what you were - your uniform of

293 the day. It's just a standard patrol deputy uniform?

294

295 A: That's correct.

296

297 Q: Okay. Um, walk me through - walk me through this event. So from the time
298 that - that call got dispatched, or you were aware of that call, maybe in your
299 own words, just tell me what you remember from start to finish. Um, you can
300 be as detailed as you think you need to be.

301

302 A: Mm-hm.

303

304 Q: Um, and then just kind of give us an overall, a general perspective about what
305 you remember happening.

306

307 A: All right, sure. Um, so I was, uh, parked on, um, right off Prospect - Prospect
308 Center right there, and, uh, that call came out of a welfare check. Um, when
309 that call came out, Reyes and Laguardia were both on a, um, on a - a
310 vandalism call or something, so I thought I'd swing over there and see if I
311 could resolve it before they, you know had to come over. So I was right
312 around the corner, um, went down Titus and found the address. I parked right
313 in front of the house. You know the call - details of the call when we first got
314 it were, from what I remember, um, elderly gentleman, family member
315 couldn't get a hold of him, was worried about him, couldn't - couldn't get a
316 hold of him. So, um, obviously not - not thinking very tactically, right? It's -
317 it's our standard welfare check. Okay, the guy's not answering his phone. You
318 know, older man, maybe something's wrong. So parked there, walk up, knock
319 on the - knock on the front door, um, ring the doorbell. And as soon as I did
320 that, I heard a, uh, elderly male's voice from inside the house, like I definitely
321 heard a voice. And it sounded like he said either, "Hello," or, um, something
322 along those lines, like, "Hello, I'll be right there," kind of something along
323 those lines. So, um, I waited a little bit, uh, "Sheriff's office," you know,
324 announced myself, "Sheriff's office." Um, and then no one came to the door.
325 So I'm like, man, did I hear that, you know, am I hearing things? Start to
326 second guess yourself. So I knocked again. And on that second knock, I heard,
327 um, like a small crashing sound from inside. Not a big crash, maybe like, um,
328 just a real like something fall on the floor, right? So I said, "Man, there's - it
329 sounds like there's really somebody in there." And, um, so I knocked a few
330 more times, "Sheriff's office, Sheriff's office." You know, maybe I start kind
331 of looking through the kitchen window thinking, I heard somebody say,
332 "Hello." Could it have been help and then crash because he fell to the floor,
333 right? He's an old guy maybe he's, you know help - fallin' and can't get up. At
334 that point, uh, Reyes gets there and I - I tell him kind of what - what I heard

335 and saw. And then, uh, uh, Laguardia gets there, and I tell her. So Reyes goes
336 up, and he knocks on the door again. While, uh, I believe it was Laguardia
337 went over and talked to the neighbor, started talking to the neighbor. Me and
338 Reyes went over and talked to the neighbor trying to see, you know, what's
339 the deal with this guy there. The neighbor basically tells us, um, he's supposed
340 to be there with his wife. Um, we noticed that the garbage can had been taken
341 out that day for - because the - the trash was coming the previous day. And the
342 neighbor said, "Yeah, it looked like he took it out that afternoon." So
343 everything seemed to suggest that the guy was home. And we kept talking to
344 him, and he said, "Yeah, you know, sometimes he goes out to dinner or
345 whatever." And we're like, okay, but why did it, you know, I was curious why
346 it sounded like he was still in there. Um, so then that's - that's kind of
347 developing. And, um, while Laguardia is over there talking with the neighbor,
348 I - I figure I'll go. You know, there's no need for three of us to be there talking
349 to the guy. I'll go around the back, see if I can maybe see him in the back
350 window or something. You know, maybe he's fallin' on the floor. Uh, I have
351 to jump over the gate, 'cause the gate's locked. So walk around the backside. I
352 look in the garage. I can see in the garage and see that the guy's car is there.
353 So like, yeah, he drives a silver Altima or Nissan - silver Nissan. Okay, so the
354 car is there. I thought I heard a guy in there. I'm - we're thinking he's home. So
355 go around the back, look in the, uh, get down on my hands and knees because
356 there's real - there's long shutters over all the sliding glass doors, these big
357 sliding glass doors. So there's shutters, I'm getting on my hands and knees. I'm
358 trying to look under the shutters, see if I see, you know, old guy sprawled out.
359 That's what I'm expecting to find, an old guy fallin' down. Don't say anything.
360 Don't hear anything nothing at all. I walk around the whole house announcing
361 myself over and over again, right, because I don't want to get, you know, you
362 don't want to be in someone's backyard. So I'm shouting, "Sheriff's office," uh,
363 you know, at this point we know his name. "Eugene, hey Eugene, you're
364 home? Sheriff's office." Um, go around the - the other side of the house can't
365 see or hear anything. So I walk back out, jump over the fence. Uh, and then I
366 meet back up with Laguardia and Reyes, you know, kind of go over
367 everything. Said, "Hey, I checked - checked the back, can't see anything." And
368 then at this point they had learned something about, um, I don't know if they
369 called the reporting party, or if they got it from the neighbor, but they had
370 learned that the older gentleman was acting a little strange lately. That he had
371 received some sort of bad news from his family. Um, we didn't know what the
372 news was, we didn't know really, um, the details behind it, but it just his
373 behavior had been odd. And then Laguardia mentioned that he had made some
374 sort of ve- uh, threat towards his wife that maybe his neighbor had overheard.
375 That's kind of what - what I, uh, understood from it. Threatening to, um, uh,
376 smash his wife's head with or something like smash her head in the trunk or

377 smash the trunk in your head, something along those lines. So we - we figured
378 there was some sort of family tension going on. And then I figured - so we
379 figured with the family tension and I - I - I was like sure that I'd heard
380 somebody inside. And then with the threat made towards his wife, we didn't
381 really know what was going on at all at this point. So I asked for a, um, asked
382 him to run him out for firearms and found out he had, you know a bunch of
383 registered firearms to him. So at that point, you know, kind of get your little -
384 your Spidey senses start tingling, I guess for lack of a better word. So I put on
385 my helmet and have some additional, uh, uh, body armor, the rifle plates I put
386 on. Just to, you know, you never know, right? You just don't know what's
387 going to happen. So we call Sergeant Ulrich over, he comes. And we explain
388 kind of what happens to him or what - what we've heard and seen and - and
389 the details that we've gathered and, um, make the determination that we're
390 going to force entry into the house to figure out what the heck's going on.
391 Whether the guy's fallin' down on the floor, whether the wife's maybe need
392 help of some kind. We don't really know, you know what's going on. So, um, I
393 pull up the - the SUV into the driveway, just, uh, because the driveway's big
394 and wide, you know for some cover, right? In case the guy does have a gun.
395 And then, uh, Sergeant Ulrich and Reyes go to the front door. I think, uh,
396 Sergeant Ulrich tries to kick the front door a couple times, um, but it's a real
397 strong door. So we're not able to get in that way. We go around the back.
398 There's a - a flimsier garage door. So we kick the door into the garage, and
399 we're yelling the whole time, "Hey, Sheriff's office, Eugene, come out,
400 Sheriff's office." We go into the garage, and there's a garage - a door from the
401 garage into the house. And then, uh, Sergeant Ulrich is able to kick that one.
402 So as he kicks that door open, the force of the kick kind of swings it back.
403 And so if this is - this is the door frame, and this isn't going into the house, I
404 guess I'm on this side, Sergeant Ulrich is on this side. And, uh, so we push the
405 door back open, and I have my rifle. I'm here off the corner a little ways, and I
406 have my rifle just pointed into the house. We're yelling, "Hey, Eugene, come
407 out, Eugene. Are you in there? Sheriff's office, Sheriff's office." And then I
408 see, um, an older gentleman who I later learned is Eugene, you know, an 80
409 something year old man, walk around the corner. And he has a pistol, a
410 revolver, like a black revolver, held down at his side. Um, as he walks around
411 the corner, I see the gun right away, and I start shouting at him, "Hey,
412 Eugene," you know, "Drop the gun, drop the gun, right away." And then
413 Sergeant Ulrich picks up on the gun. He starts yelling at him. "Sheriff's office,
414 drop the gun," or drop the weapon, I don't know if he says drop the gun or
415 drop the weapon, but he's yelling at him, too. And at that point, he's - I see
416 him for maybe three or four seconds right here as he has the pistol down. And
417 sort of the layout of the house is that from this door corner, once he came out
418 towards, uh, more towards the kitchen, I guess, I don't have an angle on him

419 anymore. So from where I'm at, he walks out of my sight picture with the gun
420 down at his side. Maybe three or four seconds, he has the gun just down. He's
421 kind of just shuffling towards us, a slow man's walk. And Sergeant Ulrich is
422 still yelling at him to, "Drop the weapon, drop the weapon." And then I hear
423 three or four shots into the house, and Sergeant's yelling, on the radio, "Shot's
424 fired." You know start everybody Code 3. Um, at that point, I kind of lean
425 over into the house a little bit more, and I see, um, I guess, his wife comes
426 walking down behind him. So she walks out towards us. Um, we're yelling at
427 her, you know, "Hey, get - get back, get away from him." Um, she just keeps
428 walking towards us. And at the same time, uh, Eugene's laying there on the
429 ground, and the pistol's sort of out here by his right-hand as he's laying on his
430 back. And he's like, he - he has his head up, and he's looking at us, and he's
431 looking at the gun. He's like, slowly, it looks like he's trying to reach, grab for
432 the gun. So we're yelling at him, you know, yelling at him, "Eugene, don't
433 touch the gun, don't - don't touch the gun." And as we're yelling at him, she's
434 walking towards us. Eventually, she gets close enough where we just grabbed
435 her. Um, I don't know if I grabbed her. I think me and Ulrich grabbed her,
436 pulled her out, handed her off to Reyes and Laguardia. And then we went in,
437 and Sergeant kicked the gun away from him. I, uh, I went past Eugene and
438 kind of just peeked down the hallway. Make sure - I don't know, I mean I
439 didn't expect anyone else to be there, but you just check anyway, and there's
440 nobody else down there. So we just, uh, held that position right there until,
441 um, basically while, uh, fire and med got there. I think I clicked open the
442 garage. We were trying to figure out how to open the garage at first. I went
443 out and clicked open the garage so that, uh, they could get in easier. And then
444 medics got there and pretty much took over. Once, um, Reyes came in and
445 Harper got there, Deputy Harper, we, uh, we walked - Harper came to me and
446 me and Harper, and I think it was (Vincent), um, finished clearing the rest of
447 the house just to make sure there weren't, you know, any other people in there.
448 But, um, at that point medics are working on him and everything. So just kind
449 of stood by, um, and then we - we, uh, we all went out front. I guess, uh, I
450 made the mistake of - we had the riot shield out, the CERT - CERT, uh,
451 ballistic shield, and it was leaned up against the - the mailbox in front of the
452 house. And I - I moved it from there back into the back of my SUV, just
453 thinking, you know, it doesn't need to be there anymore, right? We're not
454 going to use it. So I was putting it away. And, um, Sergeant Owens yelled at
455 me, "Hey, don't touch that." That's about - that was about it for my
456 involvement in the - in the whole thing so...

457

458 Q: Okay. And then at some point you were - you - you left the scene there. You
459 went to, um, the West Valley Patrol Substation?

460

461 A: Yeah.
462
463 Q: And you were there for a period of time. And then from there you came here
464 to headquarters, and you've been here until now?
465
466 A: Yeah.
467
468 Q: Okay. All right, that is really super helpful. Like gives me a great, like great
469 global, like, like perspective about...
470
471 A: Sure.
472
473 Q: ...what happened. Um, and I - I appreciate like, man, you, you gave us a lot of
474 like a lot of details and - and really like painted the picture about what
475 happened.
476
477 A: Okay.
478
479 Q: Um, so I just want to go back in now to like more - like more - more detailed
480 questions and have you go step by step just...
481
482 A: Yeah.
483
484 Q: ...to kind of get more of those - flush out some of those details.
485
486 A: Okay.
487
488 Q: Okay. Um, so when that call first came out, you - it went initially to Reyes, I
489 think you said?
490
491 A: I - I - I think it was initially dispatched to Reyes. Yeah.
492
493 Q: Okay. And, um, but you were nearby, so being a good beat partner. Um, and
494 again, if I say something that's not true, just say, Josh, that's not true.
495
496 A: Okay.
497
498 Q: Sometimes I'll just go throwing things out.
499
500 A: Okay.
501

502 Q: You being a good beat partner, you - you basically say, hey, this is - I'm going
503 to go assist on this call or help out my beat partner or whatever. Like...
504

505 A: Yeah, I mean - go ahead. Sorry.
506

507 Q: That's the right thing to do.
508

509 A: Yeah.
510

511 Q: All right. So - so you - you, uh, you go to the call. Um, did you get there?
512 Were you the first deputy there?
513

514 A: Yes.
515

516 Q: Okay. And where did you - where do you remember parking at?
517

518 A: Um, I parked, uh, basically I parked right in front of the house's mailbox. So I
519 was parked on, I guess that'd be the east side of the street right in front of the -
520 the house's mailbox.
521

522 Q: Okay, same side street as the house?
523

524 A: Yeah.
525

526 Q: Okay, you get there, um, and once you got there, what did you do?
527

528 A: Um, I walked up to the door and rang the doorbell, you know, welfare check,
529 and you know rang the doorbell.
530

531 Q: And you've been to those kind of calls in the past?
532

533 A: Oh yeah, I mean we get those frequently. Yeah.
534

535 Q: Okay. Um, and I'm going to just divert just a quick second. Have you been to
536 other where calls it was a welfare check where there was someone in the
537 house that had a medical issue?
538

539 A: Yes.
540

541 Q: Okay. Um, all right, so you get there, you ring the doorbell, um, and what
542 happened?
543

- 544 A: I heard - I heard a, uh, elderly male voice. I mean, it's a - it was a, you know,
545 it's a distinctive kind of, you know voice I heard from inside. And at first it
546 sounded like, "Hello." Um, it was - it was something along those lines. It was
547 like a single syll- single or double syllable word. It was real brief. And so I
548 thought, okay, the guy's going to come to the door. I announced myself again,
549 "Sheriff's office. You know, can we talk to you real quick." And, uh, then
550 nobody came to the door.
551
- 552 Q: Okay, and I think you - when you - when you heard that, um, the - the person
553 say hello, could you tell where they were inside the house? Like, were they
554 like...
555
- 556 A: Ye-
- 557
- 558 Q: ...on the - like right on the other side of the door...
559
- 560 A: Yeah.
561
- 562 Q: ...or somewhere else?
563
- 564 A: So I guess when you're facing the door, um, there's a there's like a kitchen off
565 to your left, and it sounded like, uh, as I was facing the door it was coming
566 from inside the house to my left, so it would have been the kitchen area of the
567 home.
568
- 569 Q: Okay.
570
- 571 A: Which is also where there's a small window which is b- blocked I couldn't see
572 through the window, but it was - I was like trying to look through there see if I
573 could see the person coming to the door. No one ever came.
574
- 575 Q: Okay, and I - and I thought, uh, you said that you, uh, you then heard
576 something like a crashing noise after that.
577
- 578 A: Yeah, because I rang the doorbell again thinking, okay, maybe he didn't hear
579 me or something, right? So I rang the doorbell again and at that point is when
580 I heard like a small crashing sound from inside the house. I couldn't tell what
581 it was. I was like, what the heck is going on? That's - that's what really made
582 me - at that point I thought, okay, this guy didn't say, "Hello." He said,
583 "Help."
584

585 Q: Hm.
586
587 A: And the crashing sound is him trying to, uh, uh, signal me somehow or get to
588 the door, pull himself or something, right, because that's what I was expecting
589 he just man down and needed help.
590
591 Q: Sure and - and how long was it between the time when - when you heard
592 someone say hello versus that crashing was that...
593
594 A: I mean, uh, 45 seconds to a minute, right in that range.
595
596 Q: Okay, and, um, at some point, uh, Deputy Reyes arrived at the call.
597
598 A: Yeah.
599
600 Q: How long had you been there before Reyes arrived?
601
602 A: Um, three or four minutes, probably.
603
604 Q: Okay. And during that three or four minutes, is that when you heard the
605 person say hello, and is that when you heard the crashing noise?
606
607 A: Yeah.
608
609 Q: Okay. And during that three or four minutes, um, did you - did you - I know
610 you rang on the doorbell. Did you knock on the door at all?
611
612 A: Yeah, knocked on the door, knocked on the window. Um, yeah, I mean it's -
613 it's what you do, you know?
614
615 Q: Oh, no, I - I hear you. Um, and we've all been there, patrol, and handled these
616 kinds of calls. So I - I hear where you're coming from. But when I'm at -
617 sometimes when I'm gonna say like, tell me more about that, I just - I just
618 wanna hear from you, that's all.
619
620 A: Okay.
621
622 Q: Like in other words, I'm like, I'm - I'm anticipating what you're gonna say or
623 whatever, but I don't wanna get it wrong.
624
625 A: Sure.
626

627 Q: Um, all right, so - so Reyes arrives there three or four minutes later, and then
628 Laguardia shows up at some point?
629

630 A: Yeah.
631

632 Q: When did she get there?
633

634 A: Um, I'd - I'd say another, uh, three to five minutes after Reyes was there.
635

636 Q: Okay, um, so - so wh- you made contact at the door, you said you made
637 contact at a - at a window. What window did you make contact at or attempt
638 to contact?
639

640 A: Um, that's just there's a small window that face, um, right next to the - if
641 you're facing the door. There's a window on your left-hand side about, uh, I
642 don't know chest high, 5 - 5 or 6 feet off the ground right there that faces like
643 kind of into the kitchen area.
644

645 Q: Okay.
646

647 A: But it was blocked by a - a curtain or something. So...
648

649 Q: Okay.
650

651 A: ...I couldn't see in there.
652

653 Q: Did you guys make contact, uh, or attempt to make contact at any of the other
654 windows along the front part of the house accessible by - by the driveway or
655 the front yard?
656

657 A: I didn't.
658

659 Q: No. Did, uh, do you remember Reyes or Laguardia going to any of those
660 windows and attempting to make contact or look inside to see what they could
661 see?
662

663 A: Um, Reyes, uh, he was knocking on the windows up there. I didn't pay
664 attention to which ones he was knocking on.
665

666 Q: Okay. All right. Um, and then at some point, um, we've learned that there was
667 a - someone attempted to call back into the house. Do you - can you elaborate

668 on that at all if you know?

669

670 A: Yes, um, I think Re- Reyes asked, um, our dispatch to call into the house with
671 whatever number they had. And actually when he was doing that, I was in the
672 backyard when he asked for them to call, and I could hear the phone ringing in
673 there, but, uh, no one answered. I think it went to voicemail or something.

674

675 Q: Okay, but around that time you hear a phone ring, and it sounds like it's
676 coming from in the house?

677

678 A: Yeah, I can hear it coming from in the house.

679

680 Q: Okay. Um, all right. Well, let's back up so - so you and Reyes are still in the
681 front...

682

683 A: Mm-hm.

684

685 Q: ...um, and did la- la- uh, Laguardia arrive while you guys were still up front?

686

687 A: Yes.

688

689 Q: Okay. So, um, what - what happened next while the three of you were there,
690 no one's responding from the house except for the no- the - the hello noise and
691 then the crash noise, what - what happened after that?

692

693 A: Um, that's when I think, uh, Laguardia and Reyes went next door to start
694 talking to the - the neighbor. And I was over there kind of just listening real
695 briefly to what they were saying. And everything seemed to indicate that the
696 guy should be home right now. So I was like, okay, well, you know, maybe I
697 can get a better angle from the backyard, so I jumped over the fence there.

698

699 Q: Okay, tell - tell me what you - you know and again, I'm - I'm - what I'm
700 hearing is that you were like not made like the two people making contact
701 with the neighbors, but you might have been within earshot or whatever. What
702 do you remember them saying?

703

704 A: Yeah, um, so when we first went up to the - the neighbor's guy, um, we asked
705 him for like a - I think a phone number of a family or - or a friend who might
706 have a, you know a key to the house. Or do they know if the guy is supposed
707 to be home right now? Have you seen him? Uh, it was along those lines, but I
708 can't remember specifics.

709

710 Q: Okay, and is this the neighbor, if you're facing the house, the neighbor to the
711 left or the right?
712

713 A: It's the neighbor to the left.
714

715 Q: The immediate next door neighbor...
716

717 A: Yes.
718

719 Q: ...on the left?
720

721 A: Yeah.
722

723 Q: Okay, so, uh, Reyes and Laguardia, are having a conversation with them, uh,
724 and then you say, "I'm gonna go check the backyard?"
725

726 A: Mm-hm.
727

728 Q: So - so walk me through that, tell me about that.
729

730 A: So then I, uh, walked back over to the house. Um, I jumped over the gate on
731 the left-hand side. It was a cyclone fence. It was locked with padlocks, so
732 whatever we do it all the time, jump over the fence. Look in the garage. I can
733 see the car in there. And so as I come up to the corner of the house, I'm
734 yelling, "Sheriff's office, Sheriff's office." I don't want a scared homeowner
735 coming out and confronting me. So I'm trying to announce myself really loud,
736 "Sheriff's office." I - I come around the corner, um, into the - into the
737 backyard, keep, you know keep - yelling a few more times. Uh, there's two
738 sliding glass doors, it looks like. I try both of those. Both the doors are locked.
739 Can't see in them. The curtains are all closed. Can't see underneath them,
740 between the curtains, anything. There's a gap maybe, uh, 2 inches or an inch
741 on the bottom of the curtain. I tried to look under that. Can't see anything. So
742 I'm back there. I - I think I, uh, knock on the, uh, sliding glass door. That
743 faces, uh, it faces south. There's one that faces east, and one that faces south. I
744 knock on that one, "Sheriff's office." Nothing. So I go around the, um, on the
745 south side of the house, yell a few more times, "Sheriff's office, Eugene."
746 Nothing. So climb back over, go back to the fence, and climb back over the
747 fence.
748

749 Q: Okay. Um, when you were in the backyard looking in- into the house, like I
750 get you can't see because there was curtains. It sounds like there's curtains

751 blocking it.

752

753 A: Yeah.

754

755 Q: Were you able to see if there were lights on or off or what about lighting
756 conditions?

757

758 A: Yeah, the, um, so there - when I first got there, there was a light on in the
759 kitchen. Um, as I - when I went around the back, all the same lights were on.
760 Um, probably 20 minutes into this event - I - I don't know if the other deputies
761 mentioned this, I'm sure they did, but I just forgot to. Um, one other thing that
762 made us think that there would - would probably be someone home is that one
763 of the lights in the kitchen was now turned off. And, uh, it was - it was real
764 noticeable because at the front door, that window by the front door that I was
765 looking in, um, obviously it's easier to see into a house when it's light, and it's
766 dark outside. So when I first got there, it was really easy to see into the house,
767 just kind of the edge of the curtain there. And then when we went back up,
768 like 20 minutes later, when Sergeant got there, the lights were off. So that
769 made me think, God, there's gotta be somebody in there, like what the heck's
770 going on?

771

772 Q: Okay. All right.

773

774 A: Sorry. That's kind of out of order but...

775

776 Q: Totally fine. And that's...

777

778 A: ...just that...

779

780 Q: ...one of the reasons why we asked you these more...

781

782 A: It's - yeah.

783

784 Q: ...direct questions, because things come up that you didn't think to tell us.

785

786 A: Yeah. That's (unintelligible).

787

788 Q: And sometimes you think things are insignificant, and sometimes they are,
789 sometimes they're not.

790

791 A: Okay.

792

793 Q: Um, all right, you mentioned that there was a car - you were able to see a car
794 parked in the garage. What - tell me what was significant about that car being
795 in the garage?
796

797 A: Um...

798

799 Q: If anything.
800

801 A: Well, we had - we had learned from, uh, dispatch that he had - Eugene owned
802 a, um, it was a silver colored Nissan Maxima or Altima, some four-door
803 sedan. So when I looked in the garage through the window, I could see that,
804 that car was in the driveway - or in the - parked in the garage.
805

806 Q: So another indicator, uh, uh, indicating that they're home...
807

808 A: Yeah.
809

810 Q: ...in - in your mind? Okay. All right. So then, uh, you're in the backyard,
811 you're - you're not able to make contact, it sounds like you move back up to
812 the front.
813

814 A: Mm-hm.
815

816 Q: Okay, tell me what happened then.
817

818 A: Um, then I met with Deputy, uh, Reyes and Laguardia and - and learned some
819 of the other facts that there was this inter-family tension. We had the neighbor
820 come over with us and try knocking on the door, ringing the doorbell and -
821 and calling out to Eugene and his wife, seeing if maybe they'd come to the
822 door if his neighbor was knocking. They just didn't want to talk to the police
823 for some reason or whatever. Okay, it happens. So, um, we had - he was
824 knocking and ringing the doorbell and - and the guy still didn't come to the
825 door. The neighbor came back, and we were talking to him a little bit more,
826 and I asked the - the neighbor, "Hey, what time do they normally have
827 dinner?" 'Cause he said, "Sometimes they go out to dinner." I said, "Well
828 maybe they're out at dinner." 'Cause, um, and the neighbor said, "Oh, very
829 early, usually 5:00 or 6:00." So I said, "Okay, well it's so late now. They're
830 probably not out to dinner, right? They're older." And, um, so we just kept
831 discussing it and learned more that, you know there was interfe- there was
832 some kind of family tension going on here and that he had made a - a threat
833 towards the wife about smashing her head in some way and, uh, that kind of
834 raised my hackles a little bit, made me a little nervous.

835

836 Q: Cool. Your officer safety senses are going up now?

837

838 A: Yeah. Big time.

839

840 Q: This - this calls a getting a little more detailed than we had thought?

841

842 A: Yeah. Big time.

843

844 Q: All right. Um, okay and, uh, and you - you mentioned something about a
845 garbage can being out, what - is that significant?

846

847 A: Yeah, I thought - we asked the neighbor when, uh, when garbage night was,
848 and it was, um, I guess it would be Tuesday morning was garbage night. And,
849 uh, so everybody normally takes their cans out the day before, right? The
850 evening before, and I noticed the can was out. And so we asked him about that
851 and said, "Oh yeah, I think they - he brought that out sometime this after-
852 afternoon." And, uh, another indicator that, you know, the guy's probably
853 home. That's kind of what I thought anyway.

854

855 Q: Okay, all right. Um, okay, and then so now you guys are, uh, all congregating,
856 you - you got some more updates about the family tensions.

857

858 A: Mm-hm.

859

860 Q: Uh, what happened then?

861

862 A: Um, I asked, uh, county communications to, um, run the guy out looking for
863 specifically, uh, registered firearms, figuring if this is the kind of situation
864 we're going into, we should be aware of firearms, right? So, um, they come
865 back a couple minutes later, the guy has - she lists off five or six different
866 firearms that are registered to him, so again, that's, you know, making -
867 making me more nervous, obviously.

868

869 Q: Okay. And I think at some point you said that you donned a - a ballistic
870 helmet and...

871

872 A: Mm-hm.

873

874 Q: ...a - a - a vest of some sort or plate carrier or something?

875

876 A: Yeah. Yeah, the - the department issued ballistic, uh, helmets, you know, I
877 threw that on, um, and put on the, um, the plate carrier. It just holds a - a
878 ballistic plate that stops rifle bullets. We - we had also learned during this kind
879 of conversation that the guy was ex- uh, he was ex-military of some kind, so I
880 figured ex-military, probably have a rifle of some kind, I might want to put on
881 some more protection, um, that's why I put those.
882
883 Q: Okay, and do - do you put that plate carrier over your uniform?
884
885 A: Yes.
886
887 Q: So you still have your standard po- uh, sheriff's uniform on underneath?
888
889 A: Yes.
890
891 Q: Okay, and, uh, tell me a little bit about that plate carrier because I know they
892 can be configured differently.
893
894 A: Yeah.
895
896 Q: Tell me about yours.
897
898 A: Um, it's just, uh, uh, it's black, I think it's made by Condor, the brand is
899 Condor. Um, has a sheriff patch on the front, it has a sheriff patch on the back.
900 Holds - main re- main purpose is just to hold the ballistic plates in front of
901 your vitals, right, so you don't get blasted. And, uh, it has, uh, you know a
902 couple extra magazines on it, and, um, a tourniquet, and things like that.
903
904 Q: Okay, and where the marking that says sheriff, does it say the word sheriff?
905
906 A: It says she- uh, sheriff right - yeah, right across the chest in - in white letters.
907 And it says, uh, sheriff on the back in yellow - yellow letters.
908
909 Q: Yellow letters on the back, white in front? Okay.
910
911 A: Yeah.
912
913 Q: All right, so you put that on, um, and then - and then what happens next after
914 that?
915
916 A: Um, well, Sergeant Ulrich is arriving and, uh, we're telling him all the - the -
917 the details basically, and I'm explaining - we're explaining to him why we

918 believe that this person is - is actually in the house for all these reasons that
919 we've listed out. And, uh, we make the decision that, okay, we're going to
920 force entry into the home to figure out what the heck's going on.
921

922 Q: Okay, and how long do you think you - you guys, and I say - well I'll just say
923 you specifically because you were the first one there, how long had you been
924 at the scene before Sergeant Ulrich was - was like dispatched or requested to
925 come?
926

927 A: I mean, we were - we were probably there, um, I'd say 45 minutes to an hour
928 before we asked him to come over.
929

930 Q: Okay, and how was he requested? Did someone call him or text him or get on
931 the radio and ask him to come over? If you recall.
932

933 A: I, uh, I don't recall. Yeah. I - I don't remember.
934

935 Q: Okay, so Ul- Ul- Uh, but Ulrich shows up at some point?
936

937 A: Yeah.
938

939 Q: Okay, and so then you have a - a conversation with him, I'm assuming
940 sounds...
941

942 A: Yes.
943

944 Q: ...like the group had a, uh, the deputies on scene and...
945

946 A: Yes.
947

948 Q: ...and Sergeant Ulrich had a conversation and the decision was made to make,
949 uh, entry into the house?
950

951 A: Yes.
952

953 Q: Okay. Tell me - tell me about that conversation. What - what was discussed
954 during that conversation?
955

956 A: Um, we laid out the reasons why we thought he was home and then we, uh,
957 filled him in on kind of this, uh, this angle of this inner family turmoil that's
958 going on and, uh, we mentioned the part about well the crashing sound and
959 someone saying either, "Hello," or, "Help," which is what I thought I heard

960 hello or help. You hear the crashing sound, the threat towards the wife to like
961 violently hurt her in some way. S- and, uh, so those people in the house, and
962 they're not coming to the door basically we came to the decision that either A,
963 his wife needs help or B, there's some sort of like, uh, um, serious injury
964 inside, and they can't come to the door for some reason because there's - I
965 mean we - we - we're relatively - I mean 99% sure there's somebody in the
966 house at that point.

967
968 Q: Okay, so you're briefing your supervisor, hey, this is what's going on. Um,
969 were - were you, lagu- la- Laguardia, Reyes, and Ulrich all present for this
970 conversation?

971
972 A: Yeah.

973
974 Q: All four of you were present?

975
976 A: Yeah.

977
978 Q: Okay, and, um, was the decision to go in, like I mean, was it like a group
979 decision, like hey, this is what we think, or is it like the sergeant, tell me - tell
980 me about that. Like is - is he just concurring with what you guys want to do...

981
982 A: Yeah.

983
984 Q: ...or giving you input? Tell me about that.

985
986 A: Uh, I think kind of the dynamic of that is - or was that, we as, um, Reyes,
987 Laguardia and I believe that, uh, the decision to make entry should be made,
988 right? But we got to run that past our supervisor before we just start kicking
989 down doors. Um, he pretty much concurred with that and once he concurred
990 with that, he decided, now let's - let's boot the door, I'm going to kick the door
991 in, once we've given him all the information.

992
993 Q: Okay, so collectively say, hey, we're going to make entry.

994
995 A: We believe we should.

996
997 Q: Believe we should. And we're going to have to do it. So did you - you guys
998 must- I'm assuming or presuming you guys strategized about how to do that in
999 a tactically safe way?

1000
1001 A: Yes.

1002

1003 Q: Okay. Uh, tell me what that - what that decision was or how - what were the
1004 tactics and how you were going to make entry?

1005

1006 A: Um, Sergeant, uh, Ulrich wanted to kick the door so, um, and I figured we'd
1007 drive the car up there to have a little bit of cover. The 2016 SUVs have the
1008 ballistic panels, so I figured that that would help as well. So I backed up my
1009 SUV to the driveway and, um, I said, "I would drive." Reyes walked on, uh,
1010 the left side of the car and then, uh, Laguardia walked - walked up on the right
1011 side of the car, clicked on the camera, uh, drove up in the driveway, kind of
1012 parked, lit up the front of the house, um, tried to turn the spotlights on some of
1013 the windows to maybe blind anyone that'd be looking out at us. And then, uh,
1014 Ulrich and (Reyes) walked up to the door. And Laguardia and I stayed back in
1015 the car. She watched the house, and then I watched the, um, like the door, the
1016 gate in the backyard basically.

1017

1018 Q: Okay. So you - you drove the SUV up, was that your assigned vehicle or
1019 someone else's?

1020

1021 A: That's my assigned one.

1022

1023 Q: That's your assigned one?

1024

1025 A: Yeah.

1026

1027 Q: And you said you clicked on the camera, how did you do that? Is it...

1028

1029 A: I mean, I think I did. I hit the record button on there, um, the screen lit, you
1030 know the little indi- um, screen lit up showing the view in front of me. So I
1031 figure we better have some kind of camera on because you know, you just
1032 never know.

1033

1034 Q: Okay, so you manually activate that?

1035

1036 A: Yeah.

1037

1038 Q: Um, does y- does the - the camera in the car - it's been a while since I've been
1039 in one.

1040

1041 A: Mm-hm.

1042

1043 Q: But do they - do they swivel? Like can, you turn it...
1044
1045 A: Yeah.
1046
1047 Q: ...'cause I know before you could turn around and face the...
1048
1049 A: Yeah, the swivel, I, um, when we got up to the door the angle wasn't right, so
1050 I had to turn - manually turn the - the camera lens to face the front door
1051 because...
1052
1053 Q: The...
1054
1055 A: ...I just wanted to make sure it showed what - kind of we were doing, you
1056 know?
1057
1058 Q: Okay, so you did that?
1059
1060 A: Yeah.
1061
1062 Q: You turned the camera towards the front door?
1063
1064 A: Yeah
1065
1066 Q: And you said you turn on some spotlights.
1067
1068 A: Mm-hm.
1069
1070 Q: And where did - those are the spotlights on like the - the A-frame pillar?
1071
1072 A: Yes.
1073
1074 Q: Okay. And where did you point those lights?
1075
1076 A: I pointed one at, um, at like a window facing the driveway on the north side of
1077 the house. And then I pointed one at the gate into the backyard.
1078
1079 Q: Okay, and tell me why did you turn those lights on?
1080
1081 A: Uh, uh, the point is - I mean, if - if someone's looking through the window
1082 planning to do us harm in some way, that hopefully the direct light right in the
1083 eye will, you know, make it harder for them at least, and then it would

1084 illuminate those areas. We could see if anything's happening there because it
1085 was pretty dark.
1086
1087 Q: Okay. Would it be safe to say that was a tactical decision for officer safety
1088 purposes to...
1089
1090 A: Yeah.
1091
1092 Q: ...to put lights in the areas that someone could look at you or come out from?
1093
1094 A: Yeah.
1095
1096 Q: Okay. Um, was there any announcements made by you or anyone else on a
1097 PA system? I know that the pol- the cars have the PA.
1098
1099 A: No. We didn't use PA.
1100
1101 Q: Okay, so, um, walk me through again. You're in the driver's seat, the doors, I
1102 think the - the doors were open, did you say that?
1103
1104 A: Yeah, the doors were open.
1105
1106 Q: Okay, and where - where was everyone?
1107
1108 A: Um, so I believe when I drove up it was, uh, Reyes and Sergeant Ulrich on the
1109 left of the car and then Laguardia on the right, or it could have been Ulrich on
1110 the right. I wasn't really paying attention to where the people were at. I was
1111 just kind of trying to keep the spotlights where they're supposed to be, move
1112 the car where it's supposed to be. But we all moved up with the vehicle and
1113 then Ulrich and Reyes went to the door and Laguardia stayed back here on the
1114 passenger side, and I was - I was staying on the driver's side.
1115
1116 Q: Okay, and at that time are you still wearing the ballistic helmet and plate
1117 carrier?
1118
1119 A: Yes.
1120
1121 Q: Um, what - do you have your handgun out or any weapons out?
1122
1123 A: I, uh, I have - I should it earlier. I have, uh, my rifle out, the, uh, department
1124 issued AR-15 rifle.
1125

1126 Q: Okay. That's - and that's fine, these little details, that's why we ask so...
1127
1128 A: Yeah, sorry I should have said that.
1129
1130 Q: Don't, no need, honestly, you don't need to apologize. Um, all right, so you
1131 have your rifle. Do you remember what Sergeant Ulrich was wearing?
1132
1133 A: Uh, he had on, uh, his standard uniform, uh, his ballistic helmet and, um, just
1134 his handgun.
1135
1136 Q: Handgun out?
1137
1138 A: Mm-hm.
1139
1140 Q: Um, okay, how about Deputy Laguardia, what she was wearing?
1141
1142 A: She had her helmet and, uh, her handgun. Yeah.
1143
1144 Q: Okay.
1145
1146 A: And her uniform, obviously.
1147
1148 Q: Any ballistic vests or, uh, like load carrying equipment vest?
1149
1150 A: No.
1151
1152 Q: No. Okay, and then, uh, how about Deputy Reyes, what he was wearing?
1153
1154 A: Reyes just had a - he didn't have his helmet or any load carrying vest, he just
1155 had his handgun.
1156
1157 Q: Okay.
1158
1159 A: And his uniform.
1160
1161 Q: Okay. So then Ulrich and Reyes go to the front door?
1162
1163 A: Mm-hm.
1164
1165 Q: And what - what happened? What did you see or hear them do at the front
1166 door?
1167

- 1168 A: So at - at that point again, um, Sergeant Ulrich is now yelling in a very loud
1169 voice, um, something along the lines of, you know, "Eugene come to the door,
1170 come to the door, or we're going to kick the door down. Come to the door, or
1171 we're going to kick the door down." So then he tries to kick the door, uh, three
1172 or four times, um, door doesn't give. So he says something over the radio, you
1173 know, uh, "Steel frame door," or something like that, "Can't kick it in." So and
1174 at this point we, um, we had got the keys from the neighbor, I guess the
1175 neighbor had a set of, uh, spare keys. They wouldn't let us into the house, but
1176 they did unlock the padlocks on the gates. So that cyclone fence that I had
1177 climbed over earlier because it was padlocked, we had now unlocked and, um,
1178 opened it. So then we went into the backyard that way.
1179
- 1180 Q: Okay, and when you say they wouldn't let you into the house, I just want to
1181 make sure we're clear. I'm assuming you - I'm assuming you meant they - the
1182 keys wouldn't work on the door?
1183
- 1184 A: The - yeah, the keys that we had didn't work to get into the front door.
1185
- 1186 Q: Ah, okay. So, um, when - when Sergeant Ulrich was making the
1187 announcements, "Eugene, come to the door, come to the door," did he say
1188 anything else?
1189
- 1190 A: I mean, I - I can't remember exactly what he said, just something along - he
1191 definitely said. Um, we're using his name at that point. We're saying, "Come
1192 to the door. Sheriff's office, you know, come to the door. We're going to kick
1193 your door down. We're going to boot your door," and - and still nothing.
1194
- 1195 Q: Okay, all right, and when Sergeant Ulrich kicked the door, uh, those three to
1196 four times, was he kicking it like - like facing the door, like forward, like, you
1197 know, like that kind of kick?
1198
- 1199 A: Mm-hm.
1200
- 1201 Q: Or doing like a donkey kick backwards?
1202
- 1203 A: Yeah, it was just a - a forward front kick. He was facing the door, he just
1204 kicked it squarely.
1205
- 1206 Q: Okay, I've - I've seen Ulrich kick many a door, so if he couldn't get that door
1207 down, I'm assuming...
1208
- 1209 A: It was a - I mean it was a solid - it was a solid door.

1210

1211 Q: Okay.

1212

1213 A: Definitely.

1214

1215 Q: Okay. So, uh, decisions made we're gonna go somewhere else so - so what
1216 happened then?

1217

1218 A: Um, Ulrich walks, he says, "Okay, I can't get this one." We go - he walks -
1219 he's in front, he walks around the, uh, uh, side of the house that we had
1220 unlocked earlier, walks through the gate, and we go to the garage door, and
1221 I'm - I'm right behind him with, uh, I follow him into the backyard with my -
1222 the rifle and all that stuff on.

1223

1224 Q: Okay, and - and so it's Ulrich and then you behind him?

1225

1226 A: Then - yeah then me behind him and then, uh, Reyes and Laguardia were
1227 behind us.

1228

1229 Q: Do you remember who was behind you?

1230

1231 A: I don't, no.

1232

1233 Q: Reyes and the Laguardia were behind you. You don't know the order?

1234

1235 A: Yeah, I don't know which order they were in.

1236

1237 Q: Okay, so then what happened? You go around to the back of the house.

1238

1239 A: Go around to the back of the house, there's a - a garage that leads into the
1240 backyard from - I mean a door that leads from the garage into the backyard.
1241 Um, Sergeant Ulrich is able to kick that door in, it's the same way, he faces
1242 the door, it kicks it squarely. Door flies in. Uh, we again make some
1243 announcements, "Sheriff's office." Go into the garage, um, and then we align
1244 on either side of the door.

1245

1246 Q: Okay. Tell...

1247

1248 A: Uh, the door into the house from the garage.

1249

1250 Q: Okay, tell - tell me more about that.

1251

1252 A: Uh, which - which part?
1253
1254 Q: You said you aligned on the door leading from the garage into the house?
1255
1256 A: Yeah, so if you're facing that door I'm on, there's like some, uh, cabinets and
1257 things in the garage, so I can't get right up on the door frame. I'm - I'm back - I
1258 don't know, 2 or - 2 or 3 feet from the door frame. Um, if you're facing the
1259 door I'd be on the left-hand side, back 2 or 3 feet, kinda off at an angle from
1260 the way these shelves are set up. Then I remember Sergeant Ulrich over here
1261 on the, uh, if you're facing the door, on the right side of the door frame. And
1262 then, um, so he kicks the door at that point, and we yell again, "Sheriff's
1263 office, Sheriff's office. Eugene, come out." And the door flies open, and then
1264 it swings closed from the momentum of his kick.
1265
1266 Q: Does the door open as you're facing it to the, like this way?
1267
1268 A: Yeah, so what - from I - what I remember it - it swings - the hinges are on the
1269 right-hand side, and it swung inward. And uh, I guess it - I don't know how to
1270 describe that. It swings inward, hinges on the right side.
1271
1272 Q: (Unintelligible).
1273
1274 A: I mean that's just...
1275
1276 Q: Yeah.
1277
1278 A: ...the way it...
1279
1280 Q: No. That - that makes perfect sense.
1281
1282 A: Okay.
1283
1284 Q: Uh, that makes sense. And it hits the wall and then comes back a little bit?
1285
1286 A: Yeah.
1287
1288 Q: Okay. And - and what happened then?
1289
1290 A: Um, then it closed on us, you know, so he pushes the door back open. Um,
1291 we're yelling, "Eugene come to the door." I'm kind of - from my angle. I'm
1292 just kind of peeking into the house with my rifle just using the, um, using the
1293 light on the rifle to kind of light up the inside of the house. It's a little dark in

1294 there. And, um, and then we see Eugene, or who we later learn is Eugene, he
1295 comes around the corner from the only - I guess the only hallway in the house
1296 he comes out of the hallway and walks into the - the kitchen facing this door.
1297
1298 Q: Okay. And, um, how long had it been once that the - the - the door had been
1299 kicked open? How long had it been before you saw - you saw Eugene for the
1300 first time?
1301
1302 A: I - from the first kick to when he walked around that corner, I'd say ten, 15
1303 seconds.
1304
1305 Q: Okay, period of time. So you guys didn't enter in the house, you just stay
1306 there...
1307
1308 A: No.
1309
1310 Q: ...continuing to yell in.
1311
1312 A: Yeah, trying to get him to come to us, right.
1313
1314 Q: Okay. And I - I get an idea where you're at. You're like, if you're facing the
1315 door, you're like to the left side.
1316
1317 A: Yes.
1318
1319 Q: Ulrich, I think is ov- closer to the right side. Where is, uh, Deputy La-
1320 Laguardia?
1321
1322 A: At that - I don't know where Laguardia and Reyes are. Uh, they're just behind
1323 me somewhere I don't know where.
1324
1325 Q: So they're still behind you. So they're somewhere between the - the door - the
1326 exterior door, and where you're at?
1327
1328 A: Yes.
1329
1330 Q: Okay. And you have your flashlight on...
1331
1332 A: Mm-hm.
1333
1334 Q: ...to illuminate the house, um, and you're holding your rifle?
1335

1336 A: Yes.
1337
1338 Q: Uh, and is Sergeant Ul- Ulrich holding any weapons?
1339
1340 A: Um, I wasn't looking at him, so I don't know at that point if he had a gun in his
1341 hand or not.
1342
1343 Q: Okay, how about a flashlight?
1344
1345 A: I don't know.
1346
1347 Q: Okay. Um, Eugene comes around the corner and then what happened?
1348
1349 A: So as he comes around the corner, um, from - from the garage up to the house
1350 is probably 3 or 4 feet. You're going to walk up a couple steps to get into the
1351 house. So as I'm sitting there, as he comes around the corner, my eye level is
1352 right at like about his waist level. So the first thing I see is a gun in his hand
1353 because that's just where my eyes are looking, right? So I see a gun in his - I
1354 think it was his right-hand, a little black revolver. And I mean, he's around the
1355 corner for half a second, I'm yelling, "Eugene, drop the gun. Drop the gun.
1356 Drop the gun." And that's like three or four seconds and, um, after that he's out
1357 of my sight picture because he walks at, I'd say, a bit of an angle out of that
1358 hallway and out into the kitchen just slightly. So at that point I don't have an
1359 angle at him, and I'm just hearing Sergeant Ulrich yelling at him.
1360
1361 Q: Okay, what do you hear Sergeant Ulrich yelling?
1362
1363 A: He's saying, "Drop the weapon." Repeatedly or drop the - drop the weapon or
1364 drop the gun, one of those two.
1365
1366 Q: Okay, and if at any point you want to diagram this, if that'll help explain it. I
1367 get - I get the mental picture of what you're saying, so it's not necessary.
1368
1369 A: Okay.
1370
1371 Q: But if you think that'll help you, you're welcome to. Um, okay, so then - so
1372 Ulri- uh, Sergeant Ulrich is continuing to give, uh, Eugene verbal
1373 commands...
1374
1375 A: Mm-hm.
1376

1377 Q: ..."drop the weapon, drop the weapon." Uh, what happened next?
1378

1379 A: Um, so, maybe three or four seconds after he crosses out of my sight picture
1380 and I can't see him anymore, I - I mean, he's walking towards us and at a bit of
1381 an angle. Three or four seconds after he's gone from my vision, I hear
1382 Sergeant Ulrich shoot, or I hear shots from the right side of me, probably three
1383 or four shots in - I don't know obviously which direction they're going, but it
1384 sounds like he fired into the house, kind of what I was thinking.
1385

1386 Q: Okay. Um, did you hear Eugene say anything up to that point?
1387

1388 A: I never - I didn't hear him ever say a word.
1389

1390 Q: Didn't say anything?
1391

1392 A: No.
1393

1394 Q: Um, did he respond or react to - to your verbal - you - and I'm saying you and
1395 Sergeant Ulrich's, verbal commands? Did he do anything different after you
1396 were giving him, uh, commands?
1397

1398 A: When he came around the corner, he - he walked at us at a steady pace. He
1399 didn't like do any kind of weird tactical maneuver around the corner. He didn't
1400 peek around the corner. He walked just straight up around the corner with the
1401 gun in his hand. And I mean, I was looking right at - right at him and yelling
1402 at him, "Eugene, drop the gun." Um, and he just kept walking straight at us,
1403 just staring - staring right at me, just walking right at me. I mean...
1404

1405 Q: Hm.
1406

1407 A: No, he didn't pause. He didn't say anything he just kept walking at us.
1408

1409 Q: Okay. Um, what was his - what was his - his gate like? And, uh, and if that
1410 word doesn't make sense, just tell me. I'm - I'm like...
1411

1412 A: No. I understand.
1413

1414 Q: Like, what was his like...
1415

1416 A: I understand.
1417

1418 Q: ...how was he walking, his pace, his arms?
1419
1420 A: So he was walking about how you'd expect you know an 80 something year
1421 old, um, man to walk. I - I - I would describe it as like a slow, um, almost like
1422 a shuffling sort of walk.
1423
1424 Q: Okay, um, you - I think you said the gun was in his right-hand.
1425
1426 A: Yes.
1427
1428 Q: Was that down by his side?
1429
1430 A: Yes. It was - his arm was totally relaxed, and it was just down here right at his
1431 side.
1432
1433 Q: Okay, how about his left-hand and arm? What was that doing?
1434
1435 A: I didn't notice. Yeah, I didn't notice.
1436
1437 Q: Okay. Um, did you see, um, was he hunched over at all or was he just walking
1438 upright?
1439
1440 A: Uh, it looked like he was just yeah walking upright.
1441
1442 Q: Okay. And never said anything?
1443
1444 A: Didn't say a word.
1445
1446 Q: Okay. Um, so how far away - when you lost sight of him? Well, uh, let me get
1447 this straight. When you first saw him, he was rounding the hallway...
1448
1449 A: Corner into the kitchen.
1450
1451 Q: ...corner.
1452
1453 A: Yeah.
1454
1455 Q: Okay. And you were about - at that point where you still about two to three
1456 feet into the garage?
1457
1458 A: Yes.
1459

1460 Q: And you're down - you're slightly lower 'cause you said there's some steps that
1461 lead up into the house.
1462

1463 A: Yes.
1464

1465 Q: Okay. When, uh, he continued walking, and I understand the path, that he's
1466 taken that angle, and you lose sight of him because you're on the left-hand
1467 side looking in.
1468

1469 A: Yeah.
1470

1471 Q: How far away do you think he was when you lost sight of him?
1472

1473 A: I mean he came around that corner out of the hallway, he was probably at 25
1474 feet, 30 feet. And then when I lost sight of him he was maybe, um, around 20
1475 feet, probably.
1476

1477 Q: Okay.
1478

1479 A: He covered a little bit of ground, but I mean not much.
1480

1481 Q: Okay, and did - and when is the next time you saw him?
1482

1483 A: The next time I saw him is, um, after I heard the shots, I, uh, leaned back into
1484 the - into the, um, house and I saw that he was, um, laying on his back
1485 probably with his feet about, uh, 6 feet or so from the entrance of the garage,
1486 and he was collapsed backwards like this. So laying on his back, should we
1487 call that supine? And he had his hands out like this, um, just straight out, um,
1488 by his sides.
1489

1490 Q: Okay. Immediately before the shot were fired when you first saw him walking
1491 with the gun.
1492

1493 A: Mm-hm.
1494

1495 Q: How did you feel?
1496

1497 A: Um, so, I initially kind of got the - the feel when I first saw him that, uh,
1498 maybe he's just an old guy confused confronting an intruder breaking into his
1499 home. It's kind of my initial thought. So I'm trying - I'm yelling at him, "Hey
1500 Sheriff's office, dr- you know drop the weapon Eugene, drop the gun." And,
1501 um, then as - as he's staring at me, and he's walking towards me with this gun,

1502 I realize that he knows who we are and this guy, I don't know what his
1503 intentions are, but he's not complying for some reason. So it went from, um,
1504 old man, woken up out of bed confronting an intruder to I see this guy, I
1505 recognize you, I'm not going to comply with what you're telling me.
1506

1507 Q: Okay, um, you had your flash- there's a flashlight mounted on your rifle?
1508

1509 A: Yeah.
1510

1511 Q: Was that flashlight continuously illuminated or was it turned off and on?
1512

1513 A: Uh, it's a pressure switch, so it's illuminated by pressure.
1514

1515 Q: Do you remember if you had it continuously illuminated or did you turn it off
1516 and on?
1517

1518 A: Uh, I did. Yeah, I remember, uh, I distinctly remember lighting it and holding
1519 it as we were, um, in the garage there, looking down into the kitchen.
1520

1521 Q: Okay, so continuously lit once you saw him?
1522

1523 A: Yeah.
1524

1525 Q: Okay. Um, I'm gonna ask the question again. If you feel like you already
1526 answered it, just say, Josh, I already answered your question. I don't wanna
1527 answer it.
1528

1529 A: Okay.
1530

1531 Q: How - how did - how did you feel when you first saw him coming around the
1532 corner? And I - I think you told me he - your mindset went from, hey, this was
1533 like a guy that was maybe, uh, uh, contacting an intruder coming into his
1534 home to all of a sudden, hey, this guy knows where the cops, and he's still
1535 coming. When you lost sight of him around the thing, how did you feel at that
1536 point?
1537

1538 A: Um, well, I mean I've surprised homeowners before and, you know,
1539 confronted homeowners before that are armed, you know, at a - at an alarm or
1540 something, and they come out because we're in their backyard, "Hey, what are
1541 you doing?" As soon as we announce sheriff's office, the tone is always, "Oh,
1542 what are you guys doing?" You know, um, "I'm so glad it's you," you know
1543 things like that. Like immediately it goes from they're amped up scared to, oh,

1544 they're relieved, and they're happy that we're there. Um, this guy was totally
1545 different from that. It was I mean, I - I believe that he knew within, you know,
1546 half a second who we were, why we were there. Um, so as he came - the -
1547 probably the two or three seconds, uh, I'd say three - three to five seconds that
1548 I had vision of him as he's coming around that corner. Um, it goes from, um,
1549 scared old man to now, uh, this guy's probably going to be - he's - he's a
1550 danger to us now because he's - he sees me, he recognizes me, he's not
1551 complying with my commands, he has a gun in his hand. So he's ei- his intent
1552 at that point I believed was to do us, you know, obviously seriously - serious
1553 bodily harm or to kill one of us. That's the intent that I read from the - the look
1554 in his eyes as he was staring at me and just walking towards me with the gun.
1555

1556 Q: Okay. And - and as we sit here I - and I should have told you this is one of our
1557 ground rules. I'm not judge - I won't judge you at all. I'm not here to judge
1558 you. I'm just here to ask questions and find out what happened. That's it.
1559

1560 A: Mm-hm.
1561

1562 Q: Were you - were you afraid at any point during that?
1563

1564 A: Oh yeah, when I lost - when I lost sight of him, um, around that corner, I was
1565 hoping that, uh, all of us at - at that point could get the heck - get the heck out
1566 of there, and then we could treat it as like a barricaded type sus- subject but,
1567 um, I mean that flashed through my mind in like two seconds and then at that
1568 - by that point Sergeant Ulrich was yelling at him and screaming and - and the
1569 shots were fired so...
1570

1571 Q: Okay, you heard three to four shots coming from your right side?
1572

1573 A: Yeah.
1574

1575 Q: Tell me about what those - what those shots sounded like.
1576

1577 A: Um, they were actually, uh, surprisingly muted for, um, that enclosed garage.
1578 Really, uh, I mean, it was distinctive gunshots, but, uh, I could still hear
1579 everything real clear. There wasn't any ringing. I could still hear the radio.
1580 Everything real clear. Yeah, so...
1581

1582 Q: Okay, a little bit muted though?
1583

1584 A: Yeah, definitely muted.
1585

1586 Q: Um, were - if - and this sounds like silly to do, but if you could just reenact
1587 what the succession of them sounded like, like pop, pop, pop, pop, or pop,
1588 pop, pop, pop, pop...
1589
1590 A: No, yeah, I - I understand...
1591
1592 Q: How were...
1593
1594 A: ... your - it was four rapid shots. It was bang, bang, bang, bang.
1595
1596 Q: Okay, bang, bang, bang, that works.
1597
1598 A: Yeah.
1599
1600 Q: I should have said that, sorry.
1601
1602 A: No it's fine.
1603
1604 Q: Pop's kinda weak bang, bang, bang, bang. Okay. Uh, and pretty rapid
1605 succession?
1606
1607 A: Yeah.
1608
1609 Q: Um, what was going through your mind at that point when you heard those
1610 shots get fired?
1611
1612 A: Um, at - I mean at that point I, uh, I - I figured that someone had shot him. I
1613 didn't know who had shot because I didn't know where Reyes and Laguardia
1614 were. I just figured someone behind me had shot. Um, behind and like off
1615 towards the door of the garage, so off to my right, had shot. So I - I mean I - I
1616 stick my head back around the corner, um, to kind of get a better angle into
1617 the house and I - that's when I see Eugene sprawled out there.
1618
1619 Q: Okay, and what - what happened next?
1620
1621 A: We, uh, I stood in the - in the middle of the doorway, um, pointing my rifle at
1622 him and I think I - I think I yelled to them, uh, "Hey, he's reaching for the
1623 gun," or something along those - he's still reaching for the gun because you
1624 can kind of see him just like feebly reaching for this gun still. So we yelled at
1625 him, you - you know, "Don't touch the gun, don't touch the gun." While you
1626 know there's three of us pointing our guns at him. Then Reyes is shouting at

1627 us to watch the crossfire because we're all - we're all in the doorway at that
1628 point, pointing guns kind of you know towards the guy.
1629

1630 Q: Um, um, I want to clarify who that third person is.
1631

1632 A: That was, um, it was Laguardia, yeah, that was Laguardia with me and
1633 Sergeant.
1634

1635 Q: Okay, so you're - you're telling your partners and Sergeant, hey he's reaching
1636 for the gun, uh, you're giving him - are you guys giving him more commands?
1637

1638 A: Yeah, we're all - I mean we're all yelling at him. "Don't - don't touch the gun.
1639 Don't reach for the gun."
1640

1641 Q: Okay, and then what happened?
1642

1643 A: Um, his wife was walking out towards us at that point. Um, she - we tell - I'm
1644 yelling at her to get back, you know get out of the way get back while we're
1645 trying to also yell at him to not touch the gun and, uh, she just keeps walking
1646 towards us with like a real bewildered look on her face. She's not really
1647 looking at, um, Eugene there sprawled out on the ground. She's just kind of
1648 staring at us with this, uh, kind of like a little bit shock in her face. Doesn't
1649 really seem to know what's going on. So she just keeps walking towards us
1650 walking towards us and I can tell she doesn't look armed she's a 90, you know,
1651 almost 90-year-old woman and we - so we just kind of reach into the house
1652 and pull her out of the way, and then I handed her off to, uh, Reyes and
1653 Laguardia. I didn't see where she went from there.
1654

1655 Q: Okay. Did she remain in the garage or did she go somewhere else?
1656

1657 A: Um, so I think at that point we had, uh, I had hit the garage door button and I
1658 don't know where she went from there.
1659

1660 Q: Okay. So she's gone.
1661

1662 A: She's, um, she's - as far as I - next time I see her, she's in the back of a patrol
1663 car asking for a blanket.
1664

1665 Q: Okay, um, so what happened - what happened next in the sequence of events
1666 after he - he shot, she, uh, the wife is now gone. What happened?
1667

1668 A: The wife we pull her out and then once she's out of the way, me and Sergeant
1669 Ulrich go in the house and kick - he kicks the gun out of the way. I walk past
1670 Eugene and just take a look down the hallway and make sure there's - I don't
1671 know, another guy down there with a - a gun I don't know at that point.
1672

1673 Q: Okay. Um, where did Sergeant Ulrich kick the gun to?
1674

1675 A: Um, I only saw the resting place when I came back. I didn't see where he
1676 kicked it too initially. It looked like he just kicked it away from his hand
1677 towards the garage.
1678

1679 Q: Okay. Uh, you go into the house a little bit deeper to check...
1680

1681 A: Mm-hm.
1682

1683 Q: ...to make sure there's no other threats?
1684

1685 A: Sure.
1686

1687 Q: And, um, and then what happened?
1688

1689 A: Um, so I'm looking down there, uh, I look back at Sergeant Ulrich, we kind of
1690 exchange a glance, you know, um, kind of like, man, did that really happen?
1691 Feeling starts, you know, going through me. Um, uh, I start putting on, uh, I
1692 take off my - I had just regular gloves on, like, uh, I don't know, um,
1693 mechanics gloves on, and I took those off, I started putting on plastic gloves,
1694 figured we could doing some basic, uh, first aid on the guy. Uh, Sergeant
1695 Ulrich's just standing in the - the doorway doing radio traffic. Um, and then
1696 Reyes runs back in with a, uh, with a med kit and starts putting pressure on the
1697 guys - he had a - a wound, it looked like, in his upper chest somewhere.
1698

1699 Q: Okay. Did, um, uh, tell me about that how did - how - what was Reyes doing
1700 to administer aid?
1701

1702 A: You know, I - I don't recall. I - I don't know.
1703

1704 Q: Perfectly fine answer.
1705

1706 A: Yeah.
1707

1708 Q: Uh, what - what were you doing at that point?
1709

1710 A: Um, I was watching what Reyes was doing and then still kind of trying to
1711 keep an eye on the house. Uh, I guess I wasn't being very effective at that
1712 point. I was just kind of standing there. Um, and then once a few more
1713 deputies arrived, I figured okay, we should - we need to clear the rest of the
1714 house. So at that point, uh, we, you know just walked through the rest of the
1715 rooms making sure there was no one else hurt or armed.
1716
1717 Q: And you didn't see anyone else in there?
1718
1719 A: No.
1720
1721 Q: Okay. And, um, at any point did - did you or anyone else search, uh, search
1722 him?
1723
1724 A: Uh, no.
1725
1726 Q: Eugene?
1727
1728 A: No, we didn't search Eugene.
1729
1730 Q: Okay, did anyone handcuff Eugene?
1731
1732 A: We did not handcuff him.
1733
1734 Q: Okay, can - can you elaborate on that for me a little bit?
1735
1736 A: Um, he - I mean he's a - he's a very old man. He was obviously, um, very
1737 wounded because he was hardly able to hold his head up. And he can't even
1738 lift really now or move his arms very well as he's laying there. And you know
1739 it crossed my mind to flip him over and handcuff him. And when I first
1740 walked in, that's kind of what we do, you know we, uh, flip them over and put
1741 them in handcuffs. But, uh, I just - I just didn't feel it was necessary and I - I
1742 guess no one else did either. He was just laying there sprawled out. So yeah he
1743 had a shirt on of some kind, and we ended up, uh, we un- unbuttoned his shirt
1744 to see kind of what the wound was like. I don't know who unbuttoned his
1745 shirt. But his shirt got unbuttoned, and we saw the wound and, uh, Reyes had
1746 started doing some first aid.
1747
1748 Q: Okay. Was he conscious and breathing?
1749
1750 A: It looked like he was - he was holding his head up, so I figured he's - he's
1751 breathing...

1752

1753 Q: Okay.

1754

1755 A: ...conscious.

1756

1757 Q: Did - did he say anything?

1758

1759 A: He still didn't say anything.

1760

1761 Q: No words?

1762

1763 A: No words.

1764

1765 Q: Um, did anyone say anything to him at that point?

1766

1767 A: Um, I think a few of us were making comments along, uh, along the lines of,
1768 uh, you know, "Hang in there Eugene, we're going to get you help Eugene,
1769 help is on the way." Um, but other than that, I mean, we weren't really talking
1770 to him much or asking him any questions.

1771

1772 Q: Okay, would it be safe to say it went from like a tactical mode like now an
1773 officer involved shooting to - to then switch - putting on that other hat of like
1774 hey rendering aid to someone who's just been injured?

1775

1776 A: Oh yeah, absolutely. Yeah.

1777

1778 Q: Okay. Um, at some point EMS personnel arrived. I think you said that
1779 happened fairly quickly.

1780

1781 A: Yeah, that was - we had previously, um, asked them to - that's called stage,
1782 you know, just set up around the corner in case they're needed. So they don't
1783 have to drive so far, and we had them nearby, so they just came right in.

1784

1785 Q: Okay. Um, tell me about - did you - did you manipulate anything else in the
1786 house at that point? And there's no right or wrong answer here. We're just
1787 trying to - we're trying to, uh, just - we're trying to get the - the statements to
1788 fit the - the evidence of what we saw.

1789

1790 A: Yeah.

1791

1792 Q: Did you manipulate anything in the house?

1793

1794 A: Um, I, um, I opened the shutters or the - the blinds and one of the sliding glass
1795 doors in the house while, um, either as they were trying to get him out or
1796 immediately after they'd got him out. I think my - my thought was the garage
1797 was like packed full of deputies now, and they needed to get this guy out. So I
1798 was thinking they could take him out the back door, maybe. The back, the
1799 sliding glass door that's in the kitchen that leads right outside, so I mean I
1800 opened that door.
1801
1802 Q: Okay. And what - what - do you remember what slider that was because I
1803 believe there's multiple sliders.
1804
1805 A: Yeah. There were multiple sliders that - that one faces - I believe that one
1806 faces south. It was a small - it was a small one. It faces - faces south. I'm sure.
1807
1808 Q: Is that the one that's closer to the living room where the television and stuff
1809 was?
1810
1811 A: No, it's one that's closer to the kitchen.
1812
1813 Q: Closer to the kitchen. Okay.
1814
1815 A: Pretty sure. I'm - I mean, pretty sure. It's the only one that had the drapes open
1816 because the rest of them were all closed.
1817
1818 Q: Okay.
1819
1820 A: So the glass door that had the drapes open is the one I opened.
1821
1822 Q: Okay. Okay. Um, all right, and did anyone at the scene have le- a less lethal of
1823 any - a less lethal weapon of any kind?
1824
1825 A: No.
1826
1827 Q: To your knowledge, anyone at the scene trained in less lethal?
1828
1829 A: Yes.
1830
1831 Q: Okay, who - who was that?
1832
1833 A: Um, myself, um, I believe Reyes and Sergeant Ulrich as well.
1834

1835 Q: Oh okay, you guys are trained in it, but did you - you didn't have those wea-
1836 the less lethal device with you?
1837

1838 A: No.
1839

1840 Q: No one had one?
1841

1842 A: No.
1843

1844 Q: To your knowledge?
1845

1846 A: No.
1847

1848 Q: Okay. All right, um, those are the only like questions that I have. I might think
1849 of something else, um, but, uh, Jim might have some.
1850

1851 Q1: Uh, just go back, you mentioned a few times the, uh, inner family turmoil.
1852 Um, I know it's probably not first in your mind, but can you - can you think of
1853 what that ref- referencing?
1854

1855 A: Yeah, um, Laguardia had learned, I don't know how she learned, um, either
1856 from calling the RP or from talking with the neighbor, that this - the - this
1857 family turmoil that was going on involved Eugene receiving some sort of bad
1858 news from another family member. And he didn't take that news well for - for
1859 some reason. Um, and had been acting, uh, strange since receiving that news,
1860 including threatening to smash his - his wife's head.
1861

1862 Q1: Okay.
1863

1864 A: That's - that's my understanding, that's about my understanding of whatever it
1865 was.
1866

1867 Q1: Okay. Okay. And, uh, what caused - I mean I - I could think of reasons why I
1868 would have, uh, Rural Metro stage, but what caused you guys to have them
1869 stage?
1870

1871 A: Um, uh, Reyes has asked them to stage, or he asked Sergeant to have them
1872 stage, uh, with the belief that either A, someone inside the house could be
1873 injured, and they just can't get to the door. So if we boot in that door and
1874 there's a man there with a broken hip or something, we want paramedics there
1875 right away.
1876

1877 Q1: Mm-hm.
1878
1879 A: Um, second train of thought being if for some reason there's some sort of
1880 crime happening in that residence right now and that crime is violent in
1881 nature, and we have to respond to it, either that person can end up injured or
1882 we could end up injured, and it's better to have them closer than further.
1883
1884 Q1: Okay. Now when in the, uh, when in the conversation while you're at this call,
1885 was that decided to have them stage?
1886
1887 A: That was after Sergeant Ulrich had arrived, and we were discussing that we
1888 were going to, um, we had - I think we'd made the decision at that point to,
1889 um, enter the house.
1890
1891 Q1: Okay, okay. And was it a conscious choice? Did you guys wait until, uh,
1892 county comm advised that they were staged at whatever designated point?
1893
1894 A: You know, I've never had them advise that they're - that they're set up and
1895 staged.
1896
1897 Q1: Okay.
1898
1899 A: As far as I can remember. So, that's not, um, when we ask them to stage, I
1900 guess we normally wait a few minutes, and then we make our move.
1901
1902 Q1: Okay, that's it.
1903
1904 Q: Um, a couple of things I forgot to ask. Prior to - prior to yesterday's event at
1905 that house, had you ever been there for any other calls for service?
1906
1907 A: No.
1908
1909 Q: Prior to that, uh, event yesterday, had you ever had contact with any of the
1910 involved parties? Eugene, his wife, the neighbors, or anyone else...
1911
1912 A: Mm-mm. No.
1913
1914 Q: ...that you're aware of?
1915
1916 A: No.
1917

1918 Q: No. Okay. Um, did - did you fire your weapon at all?
1919
1920 A: No.
1921
1922 Q: Okay. Um, besides the - the sheriff's office personnel that were in that garage
1923 when the incident happened, is there any other potential witnesses that could
1924 have seen what happened?
1925
1926 A: Could have seen what happened?
1927
1928 Q: Yeah.
1929
1930 A: No.
1931
1932 Q: No?
1933
1934 A: No.
1935
1936 Q: Okay. All right, I - I think that's us. If we could just go...
1937
1938 Q1: Actually one more, uh, we talked in the very beginning about, uh, your load-
1939 out for your handgun but, uh, we didn't talk - touch bases on your AR. Uh, tell
1940 us how you load up your AR.
1941
1942 A: Uh, uh, ARs so I normally carry it in the patrol car. Um, there's just a 30-
1943 round magazine in it. That's how I carry it. Um, so I - when I took it out, I just
1944 slung it over my shoulder like we're trained, um, racked one round into the
1945 chamber. So there would have been one in the chamber and 29 in that
1946 magazine, I believe.
1947
1948 Q1: Okay. So you load a full mag?
1949
1950 A: Yeah.
1951
1952 Q1: Okay. Any spare mags, uh, on the gun?
1953
1954 A: On the gun, no.
1955
1956 Q1: Okay. And your tac vest?
1957
1958 A: Yeah, I think I have two or three on my tac vest there.
1959

1960 Q1: Also 30 rounds?
1961
1962 A: I believe so.
1963
1964 Q1: Okay.
1965
1966 A: You know I - I go back and forth between loading it with 28 and loading it
1967 with 30. So...
1968
1969 Q1: Okay.
1970
1971 A: ...I mean...
1972
1973 Q1: But they're 30 round mags?
1974
1975 A: Yeah. They are 30 round mags.
1976
1977 Q1: Okay.
1978
1979 A: Yeah.
1980
1981 Q: If - if we have like five minutes just to go talk to people that get paid a lot
1982 more than us and then, um, and then, uh, and we'll come back if there's any
1983 last minute questions, we can just clear those up and be all done?
1984
1985 A: Sure. Yeah.
1986
1987 Q: Cool with that?
1988
1989 A: Sounds good.
1990
1991 Q: Um, I'll leave this going, uh, in here so if you guys want to talk, uh...
1992
1993 A1: We can - yeah.
1994
1995 Q: You guys can do that outside.
1996
1997 A1: Break room, you know where the break rooms at?
1998
1999 Q: Yeah.
2000
2001 A: Do you need to talk because, um...

2002
2003 A1: We can go out for a second.
2004
2005 Q: It is, uh, it's 9:56 am we'll be taking a pause. That'll continue to roll. And
2006 then...
2007
2008 Q1: Sure.
2009
2010 Q: Yeah.
2011
2012 Q1: I'll just (unintelligible) here.
2013
2014 Q: The, um, the audio on that's pretty sensitive.
2015
2016 A1: Oh.
2017
2018 Q: If you guys want to talk, maybe you can...
2019
2020 A1: Okay, gotcha.
2021
2022 Man: (Unintelligible).
2023
2024 Woman: Oh yeah (unintelligible).
2025
2026 Man: (Unintelligible).
2027
2028 Woman: Oh yeah.
2029
2030 Man: Hello...
2031
2032 ((Crosstalk))
2033
2034 Man: When?
2035
2036 Woman: Yeah. Where's the trash can. (Unintelligible).
2037
2038 Man: Yeah. (Unintelligible).
2039
2040 Q: Okay, it's, uh, 10:06 am, it's the, uh, the same previous - previous crew that
2041 was here earlier. Uh, there's only a few questions we want to - to clarify. Um,
2042 did - did you ever see or hear or believe that Eugene fired his weapon?
2043

2044 A: Um, uh, the shots I heard never sounded like they came from inside the house.
2045 It sounded like it was in the garage behind me to my right.
2046

2047 Q: Okay, so nothing you saw or heard to - to lead you to believe that Eugene
2048 fired?
2049

2050 A: No.
2051

2052 Q: Okay, um, this issue with the shield, explain to me how that came into play.
2053 No one's told us really much about that.
2054

2055 A: Oh, sorry. Okay. I, uh, so, we - we carry a, um, I don't know if it's considered
2056 a ballistic shield, but it's basically a small like riot type shield. It's a hardened
2057 plastic with a little mirror or window in it. You slip your arm behind it, and
2058 you basically use that to protect the front of your body while you're dealing
2059 with some threat. And you look through the little window here, and you're -
2060 you're addressing this threat, and it adds a - a - an additional level of
2061 protection, right? I had initially taken that out of the car thinking, uh, we were
2062 - we could use that as we, uh, approach the front door. Um, now that the
2063 situation in our mind had really escalated to this dangerous or potentially
2064 dangerous situation. Thinking we could take that up to us, uh, with the front
2065 door, maybe provide some cover for the person who's kicking the door in.
2066 And, uh, it was just leaning down, it was laying out there in the street. And,
2067 um, when we went up I just got in the driver's seat and put it in drive and
2068 nobody grabbed it to take it up with us. So then after this whole thing I - when
2069 I left the house I saw it sitting there still. So I - I grabbed it not realizing I was
2070 disturbing a crime scene and put it back in my patrol vehicle.
2071

2072 Q: Okay.
2073

2074 A: And I guess I should've just left it there. I got a scolding now so...
2075

2076 Q: No honestly, I'm not going to scold you on that.
2077

2078 A: Okay.
2079

2080 Q: It's - it's really actually not a big deal at all. So don't...
2081

2082 A: Well it sure felt like it was...
2083

2084 Q: I know.
2085

2086 A: ...so thank you.
2087
2088 Q: Don't - don't - I promise you don't lose any sleep over that. Um...
2089
2090 A: Okay.
2091
2092 Q: So, okay, so you - so you had it with you as - in your patrol car?
2093
2094 A: Yeah.
2095
2096 Q: You brought it out thinking that you may use it when you go up to make
2097 contact at the door, but once the plan got in motion, it stayed out in the street
2098 and just no one brought it up?
2099
2100 A: Yeah, just nobody grabbed it when we went up there.
2101
2102 Q: Okay. Um, did Okay, you ever at any point see Eugene raise the gun up at all?
2103
2104 A: No, for the - for the short couple seconds I saw him, the gun was just down at
2105 his side, and then he crossed out of my line of sight so...
2106
2107 Q: Okay, I think those are the only questions we have. If - is there any questions
2108 you have of us or is there anything that you think is significant or important
2109 that we didn't ask you that you - you think we should know?
2110
2111 A: Um, I'm sure you know, uh, about it already, but, um, while we were there,
2112 there were, uh, some family, I guess there were family friends that showed up.
2113 And, uh, they pulled up right across the street. It was an older gentleman and a
2114 - a lady with him. And - and I - when I first pulled up, I thought, hey, there's
2115 our guy, another old, you know, white gentleman. I thought, you know, okay,
2116 they're just out to dinner, great this whole thing's resolved. And then it turns
2117 out we went and talked to them, and they're like, "Oh, no, we thought we
2118 could come help so - we're friends." You know, so we asked them to wait over
2119 here. I'm sure they could probably shed some light on the whole issue that was
2120 going on within the family. I don't know what it was.
2121
2122 Q: Okay. They got there after you'd already arrived?
2123
2124 A: Yeah, they got there after Sergeant Ulrich was there. We were kind of
2125 formulating our plan. They pulled right up so...
2126

2127 Q: Okay, and did they - did they provide you any insight about what was going
2128 on?
2129

2130 A: They didn't - we had made the decision at that point to, um, that we were
2131 pretty much going to make entry, and they had arrived, but they couldn't
2132 provide anything further than, "Oh we're just family friends, we thought we
2133 could help." We didn't - at that point we didn't want anybody else going up to
2134 the house and trying to contact that guy because we don't know what the
2135 hecks going on now.
2136

2137 Q: The decision had already been made to make the entry, so you - did - were
2138 they just kind of like...
2139

2140 A: Yeah...

2141

2142 Q: ...asked to...
2143

2144 A: ...we - we asked him to just wait at the neighbor's house.
2145

2146 Q: Okay, so - and they - they listened to that and left?
2147

2148 A: Yeah.
2149

2150 Q: Okay, now that's actually really - that's really helpful. We - we did know
2151 about that...
2152

2153 A: Okay.
2154

2155 Q: ...so yeah, that's not...
2156

2157 A: Okay.
2158

2159 Q: ...a surprise. Um, anything else?
2160

2161 A: No, no, that's all I can think of.
2162

2163 Q: Okay, um, oftentimes after - you went through a critical incident, that's what -
2164 what you witnessed was a critical incident.
2165

2166 A: Mm-hm.
2167

2168 Q: And - and oftentimes your memory, um, of the event can change over time.
2169
2170 A: Mm-hm.
2171
2172 Q: You may remember details that you don't remember now, or you may
2173 remember something that you - that you thought today and you think about it
2174 and you be like man, I don't know. Maybe I didn't - I wasn't right about the
2175 way I described that, or you wanna shed more light. If that happens, we're
2176 open to listening, we wanna hear that information.
2177
2178 A: Mm-hm.
2179
2180 Q: Um, so, you know, coordinate that with us and - and through your - through
2181 the attorney and - and I'm sure the investigators, I'm not the lead on this case,
2182 but they'll probably be reaching out to you.
2183
2184 A: Okay.
2185
2186 Q: Uh, but if you think of something else you thinks really important for us to
2187 know, um, that's completely natural and normal, those things happen. And,
2188 um, again, no judging, we just - honestly, we're here just to hear the story, get-
2189 find out what happened and...
2190
2191 A: Sure.
2192
2193 Q: ...try and piece together what we see at the scene versus what you guys
2194 witnessed and what you went through.
2195
2196 A: Okay.
2197
2198 Q: And I - I appreciate your candidness today and - and just being forthright. And
2199 it was really, uh, it was actually very enjoyable to - to interview and have this
2200 interaction today.
2201
2202 A: Cool. Well, thanks.
2203
2204 Q: All right, no other questions. We will end this interview. It is 10:12 am.
2205
2206
2207 This transcript has been reviewed with the audio recording submitted, and it is an accurate
2208 transcription.
2209 Signed _____