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INTERVIEW WITH
Q=Sgt. Quinonez
A=

A: I am (Pablo Tempera)'s attorney. And I understand you reached out to him again today trying to talk to him about the pending criminal investigation.

Q: Hi. Yeah. I, um - my name is Lieutenant Quinonez. I'm a part of the Homicide team. I'm, uh, one of the, uh...

A: Okay.

Q: I'm one of the investigators, uh, in the (unintelligible).

A: Are you with the DA's Office?

Q: No, no, no, no. I'm a - I'm a Sheriff's office employee.

A: Okay.

Q: I am - I am part of the, uh - the Investigative Team in the Michael Tyree homicide. And...

A: Right.

Q: ...uh, did you say you're, uh, (Tempera) was your client?

A: Yes, he is.

Q: Okay. He is listed as a witness in our...

A: Mm-hmm.

Q: ...in our or- original report. Um...

43

44 A: Right.

45

46 Q: I - so just so you have a li- little understanding. I was part of the original team.
47 And then I was out of work for a few months. And then I got promoted, and I
48 left for 9 months, and I recently...

49

50 A: Mm-hm.

51

52 Q: ...re- I just recently returned, back to the def- Detective Division. Um...

53

54 A: Okay.

55

56 Q: ...in November, of 2015, um, we assigned detectives to go back out to talk to
57 (Tempera). They wanted to f- do some follow up with him regarding...

58

59 A: Mm-hm.

60

61 Q: ...um, his statement. And they couldn't make contact with him, he didn't
62 answer. Uh, since then, two more attempts were made and messages were left.
63 He never returned the calls. So...

64

65 A: Okay.

66

67 Q: After I...

68

69 A: So...

70

71 Q: After I...

72

73 A: ...here...

74

75 Q: ...got - okay.

76

77 A: Here's - here's the problem. Let me - me kind of back up a little bit.

78

79 Q: Sure.

80

81 A: So, Mr. (Tempera), you know he was terminated from his employment...

82

83 Q: I j-...

84

85 A: ...correct?
86
87 Q: I - I just found this out, uh, because...
88
89 A: Okay.
90
91 Q: ...like I said, I don't - I don't work for Internal Affairs. So I don't know what
92 their business is.
93
94 A: So what we're looking at right now is, he actually - we're pending a hearing
95 before an arbitrator in November. November, I think it's the 16th and 17th.
96
97 Q: Okay.
98
99 A: So on my advice, he's not going to speak with you at this point.
100
101 Q: Okay. Um...
102
103 A: So November 16 and 17, um, we have a hearing before - before an arbitrator
104 regarding his employment status.
105
106 Q: Oh, okay. And how about...
107
108 A: So...
109
110 Q: ...after that?
111
112 A: Possibly. Um, depending on how long it takes to get an arbitration decision. I
113 understand - I mean, he's not gonna be able to tell you much, I can tell you
114 that right now.
115
116 Q: Okay.
117
118 A: Um, he - you know, he - he just - he - he has no knowledge of what the heck
119 happened. I can tell you that.
120
121 Q: Okay.
122
123 A: Um, he's not gonna be of any - any help, I can tell you that. B- but, you know,
124 I understand you may want to talk to him, and the trial's set for January, is
125 what I understand?
126

127 Q: Yeah. That's why I'm trying to r- get - get to him before we get to the trial.
128
129 A: Right. Um, I mean if we get to that point, um, uh, you know, I can talk with
130 him about it after we...
131
132 Q: Sure.
133
134 A:get through the arbitration hearing. And once we have a decision from the
135 arbitrator, um, he may be willing to speak with you. But I can tell you right
136 now he's - he's got nothin'. I mean he's - he's fired because he didn't witness
137 anything, and they're saying he should have.
138
139 Q: Okay. 'Cause see, I - I don't - I don't...
140
141 A: He...
142
143 Q: That's my whole thing is, I don't know - I don't know why he was terminated,
144 so - and I can't - I can't go to Internal Affairs and ask them because, the way it
145 works is Internal Affairs doesn't share information with criminal investigators.
146
147 A: Separation of church and state.
148
149 Q: Yes. So I can't - so - so - I can't - I can't go up there and go, hey, so why was
150 (Tempera) f- terminated, because he's a witness in our homicide. And so...
151
152 A: Yeah, so...
153
154 Q: So, I found out...
155
156 A: So. We're - we're takin' it to arbitration. So there's basically two grounds,
157 'cause they don't believe that he didn't hear what was going on.
158
159 Q: Okay.
160
161 A: And then they're alleging that he had lied - lied in an initial interview about,
162 um, some knowledge, um, i- i- you know, he - he made, um, a statement later
163 on that, uh, one of the individuals, (Lubrin)...
164
165 Q: Uh-huh.
166
167 A: ...had, um, told him - not - nothing about, you know, beatin' the crap out of
168 this guy.

169
170 Q: Uh-huh.
171
172 A: Nothing about that, but just that he had taken him to the wall. Um, and it was -
173 so he was fired for, uh, dishonesty, and, um...
174
175 Q: Okay.
176
177 A: ...and for, disho- basically, dishonesty, on two - on what they believe to be
178 two levels.
179
180 Q: Um...
181
182 A: I mean, I - i- it is the most ridiculous termination I've ever heard of.
183
184 Q: Okay.
185
186 A: Um, he's a s- you know, he's a straight-shooter. If this weren't, um, pending,
187 he'd cooperate with you. But I mean, he's lost his job, he's out of work.
188
189 Q: Uh-huh.
190
191 A: He's working long hours in construction during, you know, the day just to
192 make ends meet right...
193
194 Q: Mm-hm.
195
196 A: ...right now. Um, so, you know, when I meet with him, I had to meet with him
197 on a weekend.
198
199 Q: Okay.
200
201 A: And that (unintelligible).
202
203 Q: And - and, you know what, thank - thank you so much for calling, uh, because
204 I - I d-...
205
206 A: (Unintelligible).
207
208 Q: ...I didn't know any of this. You know?
209
210 A: Right.

211 Q: Here I am, I'm a...
212
213 A: Right.
214
215 Q: ...I'm - I'm a criminal investigator going in blind trying to find out why one of
216 my witnesses doesn't want to talk to me. And then when I go...
217
218 A: Right.
219
220 Q: ...to set up an appointment with him at the jail because my s- what it was, my
221 sergeant wasn't having any luck. So, I said, you know what...
222
223 A: Right.
224
225 Q: ...let me reach out to this guy. And when I called the jail to set up an
226 appointment, hey, what's going on? They were like, "He doesn't work here."
227 Okay.
228
229 A: Right.
230
231 Q: So...
232
233 A: Yeah, right. So, I figured you didn't know what was going on. But - so, you
234 know, he's - he's gonna continue to invoke on my ad- advice right now
235 because we, frankly, don't need another statement out there. Not that he'd
236 give anything inconsistent, but I don't want more evidence coming in to his
237 arbitration that I'm trying to prepare for here in a few weeks. You get it.
238
239 Q: Yes.
240
241 A: Um, and...
242
243 Q: No, no, no. I...
244
245 A: ... (unintelligible) his job on the line.
246
247 Q: I completely understand. And I completely respect his decision. I mean, I - I
248 didn't even know he had an attorney. Now I know.
249
250 A: Okay.
251

252 Q: Um, his wife - if his - his wife would've told me, I would've been,
253 okay. What's the - I would've asked, then, what's...
254

255 A: Yeah.

256

257 Q: ...the attorney's name?

258

259 A: And - and - and, actually, um...

260

261 Q: I would have called you.

262

263 A: ...and somebody had called him - somebody had called him before. And I said,
264 "Just let them know you have an attorney." But I think - I think you really
265 frightened his wife. She was in tears when you left.
266

267 Q: She was, and I - and I - and I apologized to her. She was crying when I was
268 speaking with her. Um, I didn't frighten her. Um, but I think she was just very
269 emotionally, uh...
270

271 A: Right.

272

273 Q: ...involved with everything that happened. And I told her - I go...

274

275 A: I'm sure.

276

277 Q: ..."Look, I - I apologize for coming to your house. That's not my intentions to
278 come in and upset you. I just wanted to talk to your husband because he is a
279 witness in a case. I don't know what happened," I go, "But I - I just recently
280 heard that he's no longer workin' at the jail." And then she started telling me a
281 little bit that, "Yeah, he was - he was terminated for being honest." I go, "Do
282 you know why? What - what - what was said? 'Cause I don't know anything."
283 And she says, "No, I don't."
284

285 A: Right.

286

287 Q: And I said, "You know what? You don't have to - you don't have to answer any
288 of my questions if you don't want to. It's just if you want to let me know. I
289 mean, please let your husband know to call me, either way, let me know if he
290 wants to talk to me or if he doesn't want to talk to me. But if I don't know,
291 then, unfortunately, I'm gonna just keep comin' out here. And I don't want to
292 come out here and...
293

294 A: Right.
295
296 Q: ...interrupt your day." You know? So...
297
298 A: Right. And I imagine, he'll get a subpoena dropped on him, one way or
299 another, for the trial.
300
301 Q: Uh, for the trial, yeah. I would - I w- uh, I'm sorry, I didn't get your name. Y-
302 you said it so fast.
303
304 A: Yeah. No, no problem. It's, um - do you have a pen?
305
306 Q: Yes. Go ahead.
307
308 A: And it's actually - I'm going through a name change. So by
309 the time you reach out to me again it'll be So just go
310 ahead and write that down.
311
312 Q:
313
314 A: But...
315
316 Q:
317
318 A: ...right now, in the state - yeah.
319
320 Q: Okay. Okay.
321
322 A: On the state bar website right now im still so...
323
324 Q: Okay. And, uh...
325
326 A: Um...
327
328 Q: ...what - what's - what firm are you with again?
329
330 A:
331
332 Q: Okay.
333
334 A: And we're out of Sacramento.
335

336 Q: Out of Sac? Okay.

337

338 A:

339

340 Q:

341

342 A:

343

344 Q: Mm-kay. And what I'll do, uh, is I'll reach out to you after the arb-
345 and the arbitration, you said, is November 17?

346

347 A:

348

349 Q:

350

351 A: And, uh, we probably won't have a decision from the arbitrator. I think it'll -
352 reach out to me in the beginning of December, but I kind of doubt we'll have it
353 then.

354

355 Q:

356

357 A:

358

359 Q:

360

361 A:

362

363 Q:

364

365 A:

366

367 Q:

368

369 A:

370

371 Q: And the - you have my number. This is my contact information. If you need to
372 get a hold of me for any reason, please call me, and, uh...

373

374 A:

375

376 Q:

377

...if you can please pass on the message. My apologies to, uh, Mr...

378 A: Absolutely.
379
380 Q: ...and Mrs. (Tempera) - (Tempera). I did not mean to, um, you know, uh,
381 upset them or...
382
383 A: Yeah. And I - I told 'em it was probably, uh, you know, the - the criminal side
384 of things, and they don't realize what's going on...
385
386 Q: And I - and I tried...
387
388 A: ...with the...
389
390 Q: ...so hard to explain so hard to explain...
391
392 A: ...termination.
393
394 Q: ...to her y- there's a - there's an Internal Affairs side and there's a criminal side,
395 and we - and the two don't...
396
397 A: Right.
398
399 Q: ...talk to each other.
400
401 A: Right.
402 Q: So - but thank you so...
403
404 A: Right. So, I mean...
405
406 Q: ...much for calling me back.
407
408 A: ...he's - he's a straight-shooter.
409
410 Q: And I - I appreciate that.
411
412 A: He's a straight-shooter. And he has no allegiances to these gentlemen
413 whatsoever.
414
415 Q: Uh-huh.
416 A: I can tell you that.
417
418 Q: Okay.
419

420 A: Like, they just completely fucked him out of his job...
421
422 Q: Yeah. And I - I would...
423
424 A: ...by doing what they did.
425
426 Q: ...I would love to talk to him about, you know, what was said, because what
427 you're mentioning to me, those - those are things that wasn't - that were not
428 said to me in the original interview.
429
430 A: Mm-hm.
431
432 Q: And I'm just, like, you know, did he slip his mind, or did he not want to tell
433 me at the time? I don't - I don't know what happened, but that - those are
434 questions...
435
436 A: Right.
437
438 Q: ...that - that we can discuss, uh, when we meet. And, uh, by all means...
439
440 A: Right.
441
442 Q: ...y- you're - please come with him when we do talk.
443
444 A: Right.
445
446 Q: That'd...
447
448 A: Right.
449
450 Q: ...be great.
451
452 A: Absolutely.
453
454 Q: Okay.
455
456 A: Yeah. We can - we can figure it out from there. But, um, you know, he just,
457 uh, he really doesn't know anything.
458
459 Q: Yeah.
460

461 A: And, you know, on further recollection, he was, like, oh, God, he said one
462 thing to me. And it was a Level 2 type, um - what do they call 'em, like, Level
463 B - Level 2? I can't remember.
464
465 Q: Force?
466
467 A: Like, as, uh, used of force, yeah.
468
469 Q: Okay.
470
471 A: That's what - that's - i- i- that's what he categorized it as, as though he wasn't
472 concerned about reporting it. And then, later on, he finds out there's a death,
473 and he forgot all about that, you know?
474
475 Q: Okay.
476
477 A: So, that's the only thing he's gonna be able to offer you, and...
478
479 Q: Okay.
480
481 A: ...it's gonna be very minimal, and it's - it's with Mr. (Lubrin), but, you know,
482 at this point, we're not gonna - we're not going to go through any kind of
483 interview 'til we get, again, until we get done with this.
484
485 Q: Sounds great. What I'll do is - is...
486
487 A: I mean he's - he's a - he's a straight-shooter. I mean, he's a neat guy. He's just -
488 I don't - I don't know why the - the County felt the need to include him in all
489 of this, so...
490
491 Q: Like, eh, like...
492
493 A: That's what you...
494
495 Q: ...and, like I said, I - I - I'm in the dark with that, 'cause I don't know what
496 happened. Um...
497
498 A: Yeah.
499
500 Q: Um, but...
501
502 A: So...

503

504 Q: ...if you don't - if you don't mind, would you - do you mind if I pass on your
505 information to the, uh, Deputy District Attorney assigned to the homicide?
506 Um...

507

508 A: Yeah.

509

510 Q: ...because he...

511

512 A: Absolutely.

513

514 Q: ...he - he - he needs to know that one of our witnesses has been terminated.
515 Um...

516

517 A: Yeah.

518

519 Q: ...I'm not sure if that's gonna cause a conflict for him when it comes to...

520

521 A: Well, and - and he's been terminated for dishonesty, so...

522

523 Q: Exactly. So...

524

525 A: That's a big deal.

526

527 Q: Yeah.

528

529 A: So...

530 Q: Okay. Uh, I - I'll give - his name is Matt Braker.

531

532 A: Okay.

533

534 Q: And, um, I will give him your information. I hope maybe he might reach out
535 to you.

536

537 A: Okay. Thanks a lot.

538

539 Q: Take care. Bye-bye.

540

541 A: Bye-bye.

542

543

544 This transcript has been reviewed with the audio recording submitted and it is an accurate
545 transcription.
546 Signed _____