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6  
7 **INTERVIEW WITH**  
8 **Q=Det. Josh Singleton**  
9 **Q1=Det. (Brendan Amory)**  
10 **Q2=Man**  
11 **A=**  
12  
13

14 Q: It is September 11, 2015 at 3:57 pm. This is Detective Josh Singleton with the  
15 Santa Clara County Sheriff's Office, badge number 1904. Also present is  
16 Detective (Brendan Amory) of the Santa Clara County Sheriff's Office, badge  
17 number 1991. This is an interview in reference to Sheriff's Office Event  
18 Number 15-239-0032J. What is your name, sir?  
19

20 A:

21  
22 Q: Uh, were you housed in  
23 6B on the date that Michael Tyree was killed?  
24

25 A: Yes.  
26

27 Q: What cell were you in?  
28

29 A: Cell 25.  
30

31 Q: Since then have you provided a statement to Sheriff's Office investigators  
32 about your knowledge of that incident?  
33

34 A: Yes, I have.  
35

36 Q: Did that interview occur around August 27th or 28th of this year?  
37

38 A: Approximately, yes.  
39

40 Q: Okay since then, have you been approached by anyone - specifically staff here  
41 and asked to change your answer or intimidated in any manner?  
42

43 A: Uh, the day - that day, yes. The day of the incident? Yes, I was. I just actually  
44 filled out a grievance form.

45  
46 Q: Tell me about that.

47  
48 A: Uh, the day of the incident, uh, Rodriguez, Lubrin and Farris - after the  
49 incident, I seen them in Cell 48, um, slap And then when they  
50 came downstairs, they went into Michael Tyree's cell and I heard Tyree  
51 screaming for help for his life. And...

52  
53 Q: I want - I want to hear what you're saying, but have you told that to  
54 investigators already?

55  
56 A: Yeah I've already told that to investigators. But after that incident, let me fast-  
57 forward, I mean, after that incident, these three officers came into my cell,  
58 asked me if I seen and heard anything - what would I say? And I said...

59  
60 Q: What three officers were that?

61  
62 A: Lubrin, Farris and Rodriguez.

63  
64 Q: So after the incident?

65  
66 A: After that incident...

67  
68 Q: They came into your cell?

69  
70 A: Yes.

71  
72 Q: What - when did they come in?

73  
74 A: Well, they were doing the shakedown and they were going from 39 - they  
75 were doing bottom tier.

76  
77 Q: Okay.

78  
79 Q1: When - when did this happen? What date though? Was it af- what - the same  
80 day as the incident or...

81  
82 A: Yes, yeah - yeah. The same day as the incident.

83

84 Q: Like, uh, do you remember what time it was?  
85  
86 A: It was approximately 11:30 pm.  
87  
88 Q: 11:30?  
89  
90 A: Yes.  
91  
92 Q: Lubrin, Rodriguez and who?  
93  
94 A: And Farris.  
95  
96 Q: They came in your cell?  
97  
98 A: Yes.  
99  
100 Q: That's cell number, um...  
101  
102 A: Twenty-five.  
103  
104 Q: Yes, Cell 25. And tell me specifically, what did - what did they say or  
105 summarize what did they tell you?  
106  
107 A: Well, they were there to get extras - clothing (unintelligible). They were doing  
108 a sweep. Well, we were up against the wall and they came in and they asked  
109 us what we - if we seen and heard anything, what would we say? And I said,  
110 "I seen what you guys did in 48. And I heard - I heard what happened in 49 -  
111 or 39." And - and, uh, Farris, I mean, Lubrin stepped up and said, "Nah, you  
112 didn't hear anything. The answer is no." And, like, he kind of stepped forward  
113 and, like, I'm up against the wall and I just heard what they did.  
114  
115 Q1: You're facing the wall?  
116  
117 A: I'm facing, oh, I kind of was turned, lookin' over my shoulder. I'm already  
118 like...  
119  
120 Q1: Like this?  
121  
122 A: Yeah I'm already (unintelligible) scared because I just heard what happened in  
123 39. You know what I mean?  
124

125 Q1: Mm-hm.  
126  
127 A: I didn't wanna fall victim. I didn't wanna be the next one. So I'm kinda lookin'  
128 over my shoulder and I told 'em, "I heard what - I heard what you guys did."  
129 And he kind of, like, and I'm looking at him and he kind of stepped forward  
130 and said, "Nah, you didn't hear nothing," like, kind of intimidated me and  
131 waited for me to say, "No, I didn't hear anything."  
132  
133 Q: What did you say in response to that?  
134  
135 A: I didn't say nothing. I didn't want to get beat up.  
136  
137 Q: So you just stayed quiet?  
138  
139 A: So I said, "No, I didn't see, hear or say anything." Like, he, like, I said,  
140 (unintelligible) what I heard - I said, "I heard thing and I seen what you guys  
141 did." And he kinda like stepped forward and I'm already - I'm in no position  
142 to, of course, I'm not gonna fight back. But he said - and like corrected me  
143 and, like, was, like, stepped forward. Like, I don't know - like it was  
144 intimidating. I got intimidated.  
145  
146 Q: Yeah and then you - and then so you didn't say anything else.  
147  
148 A: "No," I - I said, "No, I didn't hear anything."  
149  
150 Q: Okay.  
151  
152 Q1: Was your celly in there already?  
153  
154 A: Yeah.  
155  
156 Q: Who was your celly's name?  
157  
158 A:  
159  
160 Q: what?  
161  
162 A:  
163  
164 Q: Do you know his PFN?  
165  
166 A: Uh, yes, I do.

167

168 Q: What is it?

169

170 A:

171

172 Q: And he was present - he heard this?

173

174 A: Yeah (unintelligible) actually three down.

175

176 Q: Yeah fair enough. Someone else is probably talked to him.

177

178 A: Yeah.

179

180 Q: So, um...

181

182 A: And he heard it, yes.

183

184 Q: Okay and at the time that this happened, were you aware that Michael had  
185 already died?

186

187 A: No, I didn't know that he died. I didn't know that he died but, you know, these  
188 officers - they tend to pick on the mentally ill.

189

190 Q: Fair enough. Okay and how about - that's - I - I really - really want to get the  
191 specifics about - about how that occurred and any other details you have about  
192 that incident. So let me ask you one more, like, kind of clarifying question and  
193 then let me circle back to that.

194

195 A: Okay.

196

197 Q: Besides what happened that night, have you been approached by any other  
198 staff..

199

200 A: No.

201

202 Q: ...and intimidated or threatened?

203

204 A: No, sir.

205

206 Q: Are you aware of any other inmates that have been intimidated or threatened  
207 by staff to change or coerced to change their story about what they told

208 investigators about that incident?  
209  
210 A: No, sir.  
211  
212 Q: Okay so let's go back to that - that night. Have you - you said you filled out a  
213 grievance form?  
214  
215 A: Yes, I just filled one out yesterday once I heard that they got charged with  
216 murder.  
217  
218 Q: Okay.  
219  
220 A: 'Cause I knew they wouldn't be coming back, so I filled one out. And I - the  
221 reason why I did not fill one out is because I don't know what - I don't know if  
222 they're gonna come back or I didn't know what was gonna happen.  
223  
224 Q1: So we're not - we're not from the jails at all. We're detectives.  
225  
226 A: Yeah. I'm familiar with you guys, yeah.  
227  
228 Q1: So we're not familiar with what happens in here. What - what happens with  
229 the grievance? What - what do you - what is that process?  
230  
231 A: Actually, I'm not positive. You know, this is the first one I actually filled one  
232 out - first time I actually filled one out because of, you know, I'm not willing  
233 to - usually I don't have no problems with the - I don't have - I don't get in  
234 trouble in here, you know? But, um, I'm familiar with you guys'. I talked to  
235 (Justin Harper). He's the one that arrested me. Um, I talked to him a lot.  
236  
237 Q1: Okay.  
238  
239 A: And, um...  
240  
241 Q1: Did he come interview the - you regarding this?  
242  
243 A: No, I seen him and I told my attorney I want talk to him. But, um...  
244  
245 Q: I - I can facilitate that, yeah.  
246  
247 A: You know, I want to talk to (Harper) because, um, you know, these guys  
248 haven't gone to - these guys haven't gone to their prelim yet. And I'll testify  
249 against them if it'll help my case.

250

251 Q: Okay.

252

253 A: And I want to talk with (Harper) because he's the lead detective on my case  
254 and he works with the DA that - and I've already got a similar thing going on.

255

256 Q: You know, fair enough. I - I'll - I'll - I'll relay that message to him. Just - we're  
257 both very, um, very close with (Justin).

258

259 A: Yeah.

260

261 Q: So...

262

263 A: I'm - I'm sure you are.

264

265 Q: Um, what is the process of filling out grievance form? Who do you give it to?

266

267 A: Well, I turned it into an officer last night. Officer...

268

269 Q1: Desk officer?

270

271 A: Yeah Officer (Ortiz). And he gave it back to me and he - all's it said on the  
272 bottom was his response is -- forwarded up the chain of command.

273

274 Q: So he - he basically let - he lets, you know, "Hey, I'm sending this up the  
275 chain of command."

276

277 A: Right and I gave the - I got the receipt in my cell.

278

279 Q: Okay.

280

281 A: I got the copy of it and I'm sending it home to my mom.

282

283 Q1: Does your receipt show what you wrote on the grievance?

284

285 A: Yes, yeah.

286

287 Q1: Is there any way that we can get a copy of that?

288

289 A: I could give it to you guys if you want it. I have it in my cell right now.

290

291 Q: Do you have what you wrote on there or just the...  
292  
293 A: Yeah.  
294  
295 Q: ...receipt?  
296  
297 A: I have the receipt, but you can see it. You can see what I wrote clear - I -  
298 exactly what I just told you.  
299  
300 Q: Um, let - let's - let's go back to what happened, uh, in your cell when those  
301 officers came in. Uh, at some point - and I'm assuming or not assuming, but I  
302 know you told investigators what happened, right? You've already provided a  
303 statement.  
304  
305 A: Right. Correct.  
306  
307 Q: Why didn't you tell and -- and I'm not judging you -- I just need to know why.  
308 Why didn't you tell investigators about what happened with those three  
309 officers coming in your cell? Or did you tell?  
310  
311 A: I did not know if they were coming back or not. And I don't want to fall  
312 victim to, um, uh, getting beat up or something.  
313  
314 Q: Okay so you didn't investigators...  
315  
316 A: (Unintelligible) I did tell FBI.  
317  
318 Q: You have? Okay.  
319  
320 A: Yeah.  
321  
322 Q: Do you know what - what FBI agent have you spoken with?  
323  
324 A: Um, it was a male and female. I don't remember their names exactly but I did  
325 speak with them and I told them.  
326  
327 Q: When did that happen?  
328  
329 A: Um, this happened, um, a few days - it was on - I don't remember exactly  
330 what day, but my mom called 'em. My mom called 'em and I - I told my mom  
331 to call an outside agency.  
332



333 Q: Okay.  
334  
335 A: Because it was kind of weird how they're having Santa Clara County detective  
336 in- investigate a Santa Clara County case.  
337  
338 Q: Sure.  
339  
340 A: So I asked my mom if she can get outside agency 'cause what they did to that  
341 poor guy was wrong. He was harmless. You know, yeah, he has mental  
342 illness. He digs in a trash can but he had no reason to lose his life.  
343  
344 Q: Yeah and - and - and just so you know, like, that's what we're here to  
345 investigate and...  
346  
347 A: Yeah.  
348  
349 Q: ...and - and - and - and we don't work for the jail. We're a neutral, independent  
350 party. Yeah I work for the Sheriff's Office, but I can assure you that there's - I  
351 want to - we, not just me, but we collectively really want to invest at this and  
352 get every single fact...  
353  
354 A: Mm-hm.  
355  
356 Q: ...to seek justice. That's the truth.  
357  
358 A: Yeah and I mean, that guy - what happened - that guy was really harmless.  
359 And like I said, I - if I could talk to (Harper), that's what I want to do. If it's  
360 gonna - if he could help and get in to benefit my case, I will testify against  
361 those guys what they said.  
362  
363 Q: Okay.  
364  
365 A: And that's what they said to me.  
366  
367 Q: And what do you - what is gonna say to investigators? 'Cause they're  
368 talking to him...  
369  
370 A: He's gonna tell you the same thing.  
371  
372 Q: He's gonna - do, you know if he told, uh, investigators originally from the  
373 onset about them coming in?  
374

375 A: No, he did not, yeah.

376

377 Q: Why didn't he?

378

379 A: Because of this reason why I didn't - we were scared of retaliation.

380

381 Q: Scared of retaliation?

382

383 A: Yeah.

384

385 Q: And - and tell me - tell me about that because I don't - I've never worked in a  
386 jail. I've heard stories of that but I don't know. Tell me, like, what - what type  
387 of retaliation occurs?

388

389 A: Well, I mean, say for instance, like I - I work out. Like, my clothes - all my  
390 clothes are wet right now 'cause I work out. I just wash my clothes. And, like,  
391 if you have extra clothes - it doesn't - like, they'll come hit your cell, tear or  
392 take your extra clothes or whatever and just -- they'll constantly mess with  
393 you. You know what I mean? And I just wanna do my time and go home, you  
394 know I mean? I made a mistake on the streets, you know, and - and um...

395

396 Q: Yeah and you're just here to - you want to mind your business and just get  
397 through your time and pay back your debt to society. I get that. So - so does -  
398 is retaliation physical or is it other ways or both?

399

400 A: Well, it could be physical. They're - the cops put people on elevator rides right  
401 here and they block it camera and beat people up. And...

402

403 Q: Has that happened to you?

404

405 A: It never has happened to me but I, you know, I don't want it to.

406

407 Q: Okay you've heard stories - other inmates...

408

409 A: Yeah.

410

411 Q: ...have talked about it.

412

413 A: Yeah.

414

415 Q: Okay, uh, and what other forms of retaliation? You were saying something  
416 about wet clothes. I'm assuming...  
417

418 A: Well, I'm just saying my clothes are wet right now. They, I mean, they come  
419 and take extra clothing and stuff, you know? It's nice to have a extra pair of  
420 underwear after you get done working out to wash, you know what I mean,  
421 and...  
422

423 Q: Sure.  
424

425 A: ...and put on.  
426

427 Q: So, uh, non-physical, like, forms of harassment and retaliation?  
428

429 A: Right. Physical and non-physical, you know? I don't know - I don't want to  
430 experience it.  
431

432 Q: Sure. Tell me about the layout because I don't know what it looks like in-  
433 inside there. You're in Cell 28, I think, you said.  
434

435 A: I'm Cell 30, now.  
436

437 Q: You're in...  
438

439 A: I was in Cell 25 the day of the incident and a few days after that.  
440

441 Q: Okay tell me what it looks like. How clo- is there a cell close by to you?  
442

443 A: Yeah.  
444

445 Q: On both sides?  
446

447 A: Yeah - yeah.  
448

449 Q: Were, uh, were there other inmates in those cells?  
450

451 A: Yes.  
452

453 Q: Would they have been able to hear what - what these officers said?  
454

455 A: Well, my celly would've. I don't think, no, because they're real - in the cells -  
456 well, I'm in the corner and the doors aren't really close in the corner  
457 (unintelligible) where I was at.  
458

459 Q: Okay, uh, do you know who was in the cell, uh, 24?  
460

461 A: Well, 24 would be on the top tier. The odd - odd numbers are on the bottom.  
462

463 Q: So 23 then.  
464

465 A: Twenty-three, I'm not positive. I couldn't give you his name. I don't  
466 communicate with everybody in here. So I try to stick to myself.  
467

468 Q: So you don't know who was in there?  
469

470 A: No, and I do not know who was in 27.  
471

472 Q: Okay.  
473

474 A: But, like, we had our extra clothing right by the door and, like, everything,  
475 like, thinking, okay, they're gonna come take it. Just go - and they didn't even  
476 take our extra clothing.  
477

478 Q: So what was the purpose of going in there?  
479

480 A: You know, just to see what, I guess, what we were gonna say - I mean, I  
481 guess.  
482

483 Q: Have you talked to other inmates that you've been incarcerated with? I know  
484 you with your mom about this, it sounds like.  
485

486 A: Yeah.  
487

488 Q: Okay have you told other inmates in here about what happened that night with  
489 - specifically with Officers Lubrin, Rodriguez and Farris...  
490

491 A: Yeah.  
492

493 Q: ...going in and intimidating you?  
494

495 A: Well, I told - I told the, um, I told the FBI and I don't really talk. I'm not one  
496 to, um, you know, mingle with other inmates or like spread stories or  
497 whatever.  
498  
499 Q: Okay.  
500  
501 A: You know, but me and my celly - I told my celly and my celly heard it, of  
502 course. He wasn't - he - he was intimidated, too.  
503  
504 Q: Okay, uh, but you haven't talked to other inmates about it then?  
505  
506 A: No.  
507  
508 Q: Okay, um...  
509  
510 Q1: Did you talk to your - when you talked to your mother...  
511  
512 A: Yeah.  
513  
514 Q1: ...did you tell her about...  
515  
516 A: Yes.  
517  
518 Q1: ...the intimidation part, too?  
519  
520 A: Yes.  
521  
522 Q: You - when did you - when did that phone call happen?  
523  
524 A: She's the one that just told me to, um, fill out a grievance and so that, you  
525 know, stay safe in here. And I told the FBI that and I told - my mom actually  
526 might know the FBI's number or the (unintelligible)...  
527  
528 Q: That's fine - I can look that up.  
529  
530 A: ...or the FBI that actually came and talked to me.  
531  
532 Q: Yeah fair enough. When - when did you tell your mom?  
533  
534 A: I don't remember the day, exactly but, like, um, I don't remember the exact  
535 day.  
536

537 Q: The incident happened on the 27th...  
538  
539 A: Yeah.  
540  
541 Q: ...or August. Do you know, like, was it a few days after or was it longer?  
542  
543 A: I'm not sure exactly. Uh, I talked to my mom a lot in visits. We write on  
544 paper. So, you know, it's not - not everything's on the phone.  
545  
546 Q: Well, tell - so tell me about that. How did you tell her? Did you - do you  
547 remember telling her on a phone call or was it in a letter or was it in  
548 (unintelligible)?  
549  
550 A: Well, I was usually writing a letter or I take a piece of paper and a pencil to  
551 visit and I write and put it up to the glass so she could read it.  
552  
553 Q: Okay so, I guess. let me just - I just wanna get specific on this. Do you - did  
554 you - do you remember telling her on a phone call at any point about the three  
555 officers coming into your room and intimidating you?  
556  
557 A: Uh, yes, actually I did - in the last couple days I told her.  
558  
559 Q: Okay so that was on a phone call?  
560  
561 A: Yes.  
562  
563 Q: Was that the first time you told her?  
564  
565 A: Uh, I believe so.  
566  
567 Q: So you - have you told her in any in-person interviews?  
568  
569 A: Well, yeah, and on paper.  
570  
571 Q: When did that happen?  
572  
573 A: Well, I'm not sure exactly what day it was.  
574  
575 Q: After the phone call though?  
576  
577 A: Before the phone call and after the phone call, I told her what happened. I  
578 wrote to her and tell her.

579

580 Q: And again, I'm not trying to confuse you. I just want to understand the  
581 sequence of events, that's all.

582

583 A: That's fine.

584

585 Q: Okay, uh, and then what about - did you - you said you sometimes  
586 communicate with her in letters. Do you remember writing her that in a letter  
587 to her?

588

589 A: Yes, I believe I have.

590

591 Q: When did that happen? Do you remember when you wrote it?

592

593 A: I don't exactly what day, no, sir.

594

595 Q: Uh, what's your mom's name?

596

597 A:

598

599 Q: what?

600

601 A:

602

603 Q: What's her phone number?

604

605 A:

606

607 Q: Where does she live?

608

609 A:

610

611 Q: Is that where you're from?

612

613 A: Um, I'm from San Jose.

614

615 Q: Give me one second, okay? Um, actually, do you mind if I step outside and  
616 just talk to my partner?

617

618 A: Go ahead.

619

620 Q: Okay (unintelligible). We'll just leave that there, okay? Just don't touch that.  
621  
622 A: That's fine.  
623  
624 Q: Okay.  
625  
626 Q2: All done?  
627  
628 Q: Uh, not just yet. Okay so here's what we're gonna do. Um, there's a whole  
629 group of detectives that are investigating this case.  
630  
631 A: Okay.  
632  
633 Q: The Sheriff's Office is dedicating a lot of resources to it because we do want  
634 to - we do want to seek justice.  
635  
636 A: Okay.  
637  
638 Q: Okay? There are some detectives that are, um, more involved in this case than  
639 others - more involved than me.  
640  
641 A: Okay.  
642  
643 Q: And I think they may want to talk to you in, uh, more specifics about that.  
644  
645 A: Okay.  
646  
647 Q: What - are you willing to do that? Obviously, it sounds like it.  
648  
649 A: Yeah.  
650  
651 Q: Yeah.  
652  
653 A: I don't mind.  
654  
655 Q: Yeah fair enough. So - so I wanna leave you with that - letting you know that -  
656 that I'm gonna summarize all this and that this is gonna be given to a detective  
657 we work with. We're probably gonna come back and talk to you in more  
658 specific detail...  
659  
660 A: All right.  
661



662 Q: ...at a later time, okay? Um, do you have any other questions of me?  
663

664 A: Um, no. Did you guys want that, uh, receipt (unintelligible)...  
665

666 Q1: Yeah when we go back up to your, uh, to take you up to 6, we'll have you, uh,  
667 go in there and grab that and give it to the, uh, the, uh...  
668

669 A: I can give it to one of the detectives. I don't wanna give it to an officer, you  
670 know what I mean, obviously.  
671

672 Q1: Yeah we'll - we'll - we'll make - we'll arrange that once we get up there, okay?  
673

674 A: All right. Or if I can get it from my cell and walk it back out to you guys, I  
675 mean.  
676

677 Q1: Yeah do you mind, uh, grabbin' that for us?  
678

679 A: Nah, I don't mind.  
680

681 Q1: Okay, we'll arrange it once we get up there - how it's gonna work but...  
682

683 A: 'Cause I've already copied it and I was gonna send that to my mom in a letter,  
684 too.  
685

686 Q1: Okay.  
687

688 A: I was gonna send it to my mom, but I'll just give it to you guys 'cause I already  
689 copied it.  
690

691 Q1: Perfect.  
692

693 Q: Yeah and - and obviously, like, I - I mean, you see the amount of resources  
694 that are being dedicated to this, right? So...  
695

696 A: Right.  
697

698 Q: ...uh, and it sounds like you're doing the right thing by submitting, uh, the  
699 grievance form and contacting, uh, you know, speaking to the FBI. And so if  
700 there's any other intimidation that occurs or anything like that - that comes up,  
701 it's really important that you report that.  
702

703 A: Okay.

704

705 Q: Okay? Because that's what we're here to investigate.

706

707 A: All right.

708

709 Q: Okay? All right. That concludes our interview at 4:16 pm.

710

711

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

714 Signed \_\_\_\_\_